Fact Sheet
Michigan Sexual Assault Kit Legislation

Principles

- Timely DNA analysis of rape kit evidence is a core public safety issue affecting men, women and children in the state of Michigan.

- Victims of sexual assault have a strong interest in the investigation and prosecution of their cases, and law enforcement agencies have an obligation to victims of sexual assaults as to the proper handling, retention and timely DNA testing of sexual assault kit evidence as part of their investigation of these types of cases. This legislation encourages DNA analysis of sexual assault kit evidence.

- The Sexual Assault Kit Evidence Submission Act will be a collaborative process between prosecution, law enforcement, health care, and victims' organizations.

- As part of the collaborative process, the legislation to be introduced in March addresses the process for rape kits prospectively. The bill will be available for co-sponsorship in the next week or so. Specifically, it:
    - Provides greater victim input into kit testing
    - Prescribes process and timelines for kit pick up by law enforcement and testing by the lab.
    - Establishes boundaries under which a DNA profile can be removed from CODIS.

- Legislation that will be developed later in 2014 will include:
    - Addressing the rape kit backlog
    - Establishing a tracking mechanism
    - Establishing a funding mechanism
    - Establishing victim notification

- The ultimate goal is to identify and apprehend these offenders as soon as possible to stop serial rapists.

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For Immediate Release

Wayne County Prosecutor Worthy Announces Michigan Sexual Assault Kit Legislation

Worthy is joined by Actress, Advocate and Joyful Heart Foundation Founder & President Mariska Hargitay to Discuss Progress on the Detroit Rape Kit Initiative

Wayne County Prosecutor Kym L. Worthy is announcing new Sexual Assault Kit legislation today. It provides for the timely analysis of rape kits by prescribing processes and timelines for kit pick-up by law enforcement and testing by crime laboratories. It also establishes boundaries under which a DNA profile can be removed from CODIS and provides greater victim input into kit testing. The ultimate goal of the new legislation is to identify and apprehend sexual assault offenders in a timely manner to stop serial rapists.

Prosecutor Worthy will discuss the necessity of testing all rape kits and will announce updated results from the testing of 1600 of Detroit's backlogged kits. She is joined by actress, advocate and Joyful Heart Foundation founder and president, Mariska Hargitay, whose organization has made ending the rape kit backlog a national priority.

"Through advances in science, DNA has given us a powerful investigative tool to identify and prosecute sexual assault offenders," said Prosecutor Worthy. "The problem of back-logged and abandoned sexual assault kits illustrates the need for the proposed Sexual Assault Kit Evidence Submission Act. This legislation gives transparency and accountability surrounding this issue.

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Law enforcement has a duty to make sure that the important evidence contained in sexual assault kits is handled, tested and analyzed in a timely manner, not only for the sake of the victim, but for the protection of the public."

Detroit has set a precident for the rest of the country in attaining standards for rape kit reform, including the city's commitment to investigate every lead generated from the rape kits and institute comprehensive victim notification for survivors whose cases were impacted by the abandoned kits.

"When I travel across the country to speak out about the rape kit backlog, I tell people to look to Detroit for inspiration for what is possible when a city makes a commitment to end their backlog. By prioritizing rape kit reform, Detroit sends a fundamental and crucial message to victims of sexual violence: You matter. What happened to you matters. Your case matters," says Mariska Hargitay, Founder and President of the Joyful Heart Foundation. "And to public officials in cities and states across the country, I say to you – if Detroit, against all odds, can solve its rape kit backlog – you can, too."

Detroit uncovered the abandoned rape kits on August 17, 2009 when representatives from the Wayne County Prosecutor's Office (WCPO) and the Michigan State Police (MSP) toured a Detroit Police Department (DPD) property storage facility located at 5140 Riopelle Street in Detroit. During that tour, 11,304 sexual assault kits (SAKs), dating back to the 1980's, were discovered. A preliminary review of these SAKs revealed that the vast majority had never been submitted to either the Detroit Police Crime Lab or Michigan State Police Forensics Lab for DNA analysis.

In 2010, Project 400 tested 400 randomly selected rape kits to give a statistical snapshot of the rape kit problem in Detroit. Based in part upon the results, Prosecutor Worthy initiated a collaborative community partnership to process each of the 11,304 SAKs. The partnership includes: Michigan State University; the Michigan Domestic Violence and Sexual Assault Prevention and Treatment Board; the Wayne County Sexual Assault Forensic Examiners; YWCA Interim House; Michigan State Police Forensic Science Division; the Detroit Police Department; the Prosecuting Attorneys Association of Michigan/ Prosecuting Attorneys Coordination Council and the Joyful Heart Foundation.

Currently, Detroit has tested 1600 kits, 59% of which have had matches in CODIS – the DNA databank – across 24 different jurisdictions, identified 87 serial rapists and convicted 10 rapists.

Rape kits, performed in the aftermath of a sexual assault, contain and preserve evidence from a four-to-six hour examination of the survivor. If a survivor chooses to report her rape to the police, the evidence in the rape kit can be a very powerful tool to pring a perpetrator to justice.

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The timely analysis of rape kit evidence is a core public safety issue. The Sexual Assault Kit Evidence Submission Act will be a collaborative process between prosecution, law enforcement, health care and victims' organizations.

Over the next several months, additional legislation will be introduced on tracking evidence, victims' rights and addressing any potential abandoned kits.

About the NIJ Grant

In April 2011, the WCPO was one of the only two jurisdictions in the country to receive a prestigious 30-month award in the amount of $1.5 million from the National Institute of Justice to determine the scope of the problem of unsubmitted SAKs and the resources required to begin to correct the problem. There has been little research in this area and few evidence-based 'best practices" to help jurisdictions handle the crisis of untested rape kits and to establish policy to avoid any rape kit backlogs in the future. One of the primary goals of the project is to lay foundations and produce strategies to help other jurisdictions timely process untested SAKs in their communities. Titled "National Institute of Justice Sexual Assault Kit Action Research Project" (NIJ SAK ARP), the project commenced in April 2011 and ran through October 2013.

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Detroit Rape Kit Case Summaries

There have been 14 prosecutions that have resulted from the Detroit Rape Kit Project. Some of the most compelling cases illustrate the need for testing the rape kits, investigating the evidence and prosecuting offenders.

People v. DeShawn Starks

The defendant was charged with multiple counts of First Degree Criminal Sexual Conduct and Kidnapping in three separate cases. He entered a plea of no contest in all three cases and will be sentenced on March 10, 2014.

Case Number One:

On February 19, 2003, the victim, a 25-year-old woman, returned home from an evening with friends and, as she was retrieving her house keys, a man approached her clutching his midsection, as though he'd been hurt. He then pulled a handgun and ordered her to empty her pockets. After taking her money, he held the gun to her side and ordered her to walk with him to his car.

The defendant drove to a wooded area near the Detroit River and forced the victim to perform fellatio until she vomited. He then raped her. He drove her back to her house and warned her he would be checking on her. Two days later, the victim reported seeing the defendant in his car watching her house.

A sexual assault kit was collected and a report filed, however the victim's kit was never submitted for testing and her report was not investigated. Her kit remained shelved for 10 years until the Wayne County Prosecutor's Office launched its investigation into the thousands of rape kits found in Detroit Police property storage. DNA linked the defendant to this sexual assault.

Case Number Two:

On July 11, 2003, the victim, a 23-year-old woman from Cleveland, OH was visiting Detroit. While walking outside to her car, the victim was approached by a man who asked her for a light for his cigarette. He pulled out a gun and forced the victim into his car.

The defendant drove again to a wooded area in a local park, ordered the victim to disrobe and threatened to kill her if she did not comply. He raped her and forced her to perform fellatio while holding a gun to her head. The victim begged the defendant not to hurt her and although he said he was going to kill her, the defendant drove off with her cell phone and money. The victim ran through the park until she found assistance.

A sexual assault kit was collected but never tested. Her kit remained shelved for 10 years as well, until the rape kit investigation was initiated by the Wayne County Prosecutor's Office.

Case Number Three:

On November 19, 2013, two women, ages 23 years and 24 years old, left a family party and were walking home when the defendant approached them and produced a hangun. The defendant forced both victims into a vacant house at gunpoint. The defendant then forced both victims, one at a time, to perform fellatio, warning them not to move. He then raped both women, forcibly walked them to a nearby corner and fled the location on foot. The victims flagged down a citizen, who called the police.

A sexual assault kit was collected from both women and when the DNA was entered into CODIS, an offender hit linked one victim to a 2004 rape kit collection.

People v. Eric Eugene Wilkes

Through a grant from the National Institute of Justice, along with the efforts of the Wayne County Prosecutor's Office Sexual Assault Team, this defendant is currently serving 32-75 years at the Michigan Department of Corrections for multiple counts of Criminal Sexual Conduct – First Degree and Criminal Sexual Conduct – Third Degree.

Case Number One:

On June 21, 2006, a 27-year-old woman was waiting at a bus stop when what she thought was an unmarked police car pulled up. The victim is deaf, but was able to read lips and the defendant told her he was an undercover police officer. He showed her a blue light and siren in his car. He offered to give her a ride home, and she accepted.

The defendant drove the car near St. Aubin and Mack. He attacked the victim, tearing her hear, hitting her face and raping her. In an unsuccessful effort to destroy evidence, the defendant wiped down the victim. When he let her out of the car, the victim ran to Harper Hospital where a rape kit was collected. She then went directly to the Detroit Police Department and filed a report.

The victim's rape kit was not tested for six years. Once the kit was finally sent to the crime lab, the testing linked the defendant's DNA to four other reported rapes.

Case Number Two:

On August 14, 2011, a 35-year-old woman was walking down a street when a man grabbed her neck and arm and ordered her to just walk with him. He told her he "didn't mind popping a bitch" and he had just shot two other women. He led her to a vacant lot, pulled out an automatic handgun and raped her. He then ordered her to sit facing away

from him while he went through her purse. When he ran away, the victim ran home and called 911.

The victim was taken to a hospital where a rape kit was collected. The testing linked her rapist to a man whose DNA matched four other reported rapes.

Case Number Three:

On August 25, 2011, a 30-year-old woman was walking down a street in broad daylight, when a man pulled up alongside her, pointed a gun at her and ordered her into his car. The defendant drove to a deserted area and forced the victim to undress in the back seat of the car. The defendant raped the victim, ordered her out of the car and then snatched her purse as she fled.

A rape kit was collected at a hospital. The testing results linked the defendant to four other reported rapes, dating back to 2006. Two of the reported rapes occurred within two weeks of each other.

Case Number Four:

On December 13, 2011, a 20-year-old woman was listening to music on her headphones while walking to her sister's house. The defendant pulled up alongside her and inquired about someone named Dorian. The victim did know someone by that name, and became distressed when the defendant told her Dorian died. He offered to take her to find out what happened.

The defendant drove off with the victim and pulled into the driveway of a vacant house. The defendant warned the victim not to scream, and although the victim fought back, the defendant still raped her. The victim managed to open the car door and fell out as the defendant drove off with her belongings. Another car stopped to assist and called the police. A rape kit was collected at a hospital and the DNA identified a man linked to crime reports filed by four other victims.

People v. Billy Bingham

This defendant was charged with three counts of First Degree Criminal Sexual Conduct. He was convicted as charged and is currently serving 40-80 years at the Michigan Department of Corrections.

Facts:

On July 22, 2005, the victim, a 12-year-old boy, encountered the defendant at a gas station near his home. The defendant offered the boy an employment opportunity at his home and, the following day, picked the victim up at the same gas station. Upon arrival at the home, the defendant held a knife at the victim's throat, forced him to

undress, sodomized him and forced him to perform fellatio. When the victim resisted, the defendant hit him in the face. The victim was then tied up. The defendant left the house, returned about 20 minutes later, untied the victim, drove him to an area near his home and pushed him out of the car.

The victim told his mother of these events and she immediately took him to a hospital. A sexual assault kit was collected but was not submitted for testing and the case was never investigated by the police.

Five months later, the victim told a teacher at school, who notified Child Protective Services. CPS sent a report to police, but the case was again closed without investigation.

In 2013, the victim's sexual assault kit was submitted for testing as part of the NIJ study. DNA in the kit matched the defendant, who previously molested a five-year-old child.

People v. Shelly Andre Brooks

From August 2001 through July 2006, this defendant sexually assaulted nine women and brutally murdered eight of them. This defendant was finally convicted of murder in 2007 and is currently serving a life sentence without possibility of parole with the Michigan Department of Corrections.

In August 2002, a 19-year-old victim was raped. A sexual assualt kit was obtained and reported to the Detroit Police. It was not until 2012 that her kit was finally tested through the NIJ grant and the efforts of the Wayne County Prosecutor's Office. DNA matched the defendant to all of other rapes and murders in this time period.

Timeline:

August 2001: The body of a 53-year old woman is found. She was beaten repeatedly in the head, sexually assaulted and dragged into a closet where she was left to die.

January 2002: The body of a 33-year old woman was found in the same building. She had been beaten repeatedly in the head and sexually assaulted.

April 2002: The body of a 36-year old woman was found. She had been sexually assaulted and bludgeoned with a brick.

August 2002: A 19-year old victim is raped, obtains a sexual assault kit and reports to the police. Her sexual assault kit is shelved for over ten years. In 2012, her kit is tested as part of the Wayne County Prosecutor's Office investigation into the untested rape kits. DNA matches the defendant to all of the other rapes and murders of this time period.

November 2002: the body of a 30-year old woman was found beaten to death. She had been sexually assaulted.

November 2002: The police hold a press conference and issue a warning of a serial killer.

October 2005: the body of a 37-year old woman is found in a vacant garage. She had been beaten with a cement object and sexually assaulted.

June 2006: The body of an unidentified woman was found. The cause of death was determined to be strangulation and blunt force trauma to the head. In 2007, Shelly Andre Brooks was convicted of murder and is serving a life sentence without possibility of parole.

July 2006: A victim was raped and beaten into a coma, but survived and was able to identify the defendant.