How New York City Tackled Its Backlog

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Chief, Sex Crimes Unit
New York County District Attorney’s Office
Thanks to
New York City’s Backlog Project

17,000 kits citywide: 1989 - 1998

<table>
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<tr>
<th>Year</th>
<th>Kits</th>
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<td>1989</td>
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<td>500</td>
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<tr>
<td>1997</td>
<td>350</td>
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<tr>
<td>1998</td>
<td>260</td>
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Outsourcing necessary

- 3 contract labs
- Swabs only
- $500 per kit
- 1st shipment: October 2000
- Last shipment: April 2003
NYC: Forklift Approach

Test Everything!
Why?

For a very practical reason:

It would take too long to triage all the kits.

How come?
NY’s Statute of Limitations

- Then, 5 years
- BUT, extended to 10 if “whereabouts unknown”
- Caselaw: ID unknown = whereabouts unknown
- Since 2006, no SOL for 1st degree sexual assaults
- STILL have SOL for crimes that go along with rape: burglary, robbery, assault. Consecutive sentences mean rapists get longer prison terms than murderers!
Benefits of Forklift Approach

Corroboration
People v. Carlton Evans

Victim #1: 56 year old woman, with slurred speech. Police thought she was a drunk when she reported rape; in fact, she was a stroke victim. Case went nowhere.
• Victim #2: Elderly “pigeon lady” who was attacked in elevator after feeding birds. Reported rape, then moved all the way to Staten Island. Case went nowhere.
Cases matched each other, then CODIS hit to Carleton Evans.

Convicted after trial = 20 years.

Moral of the story: 2 is better than 1
Benefits of Forklift Approach

Cases with Compromised Victims
People v. Rovell Washington

Victim #1: Sex worker reports john with butcher knife rapes her. Case unsolved.

Victim #2: Sex worker reports john with butcher knife rapes her. Case unsolved.

Victim #3: Addict reports man with butcher knife rapes her during drug transaction. Case unsolved.
All cases match to Rovell Washington. Convicted after trial = 25 to 100 years.

Moral of the story: the rape of one sex worker is a crime stat; three victims makes a serial rapist.
Benefits of Forklift Approach
Impact on current cases
People v. Terrance Reid

• Pledged guilty to Manhattan rape. Begging judge for mercy
• “One time event—don’t know what came over me!”
• Days before sentencing, hit to 5 other Manhattan cases and 2 Queens cases – all barred by SOL
• Judge used this info to give maximum sentence
Benefits of Forklift Approach: New Pattern

- Pattern rapists often go undetected
- Recent NDIS hit from offender in Puerto Rico to 13 unsolved NYC home invasion/rapes: all barred by the Statute of Limitations

Manhattan: 11 rapes
Queens: 1 rape
Bronx: 1 rape
Moral of the Story:

Even cases barred by the statute of limitations can be VERY important!
Benefits of Forklift Approach: Acquaintance Rapists

Often undetected pattern rapists. Alcohol often involved. Multiple cases improve chances for conviction.
Benefits of Forklift Approach:
Acquaintance Rape Solves
Stranger Rape
Victim #1 reports rape by husband, then drops charges.
Victim #2 reports stranger rape; case unsolved.
Case to case CODIS match; we know ID of perp in domestic rape case; stranger case solved.

Moral of the story:
Testing kits with known perpetrators solves other cases!
Benefits of Forklift Approach:
Victims in time-barred cases write parole letters. Their voices are heard.
Benefits of Forklift Approach

• SOL outrage led to change in law in 2006
• Populated forensic database
• Success stories led legislature to expand convicted offender database
A-BOMB!
Rodriguez batters Angels with 3 homers, 10 RBIs

Serial rape suspect caught by science after 30 years

DNA NAILS DEMON

CLARENCE WILLIAMS IN 1973
Benefits of Forklift Approach: EXONERATION

Michael Mercer was freed after 12 years when backlog testing using new technology identified Arthur Brown as the true rapist.
Moral of the story:

Testing kits in finished cases can serve justice
Disadvantages of Forklift Approach
So what happened?

- 100% conviction rate!
- Defendants received almost 900 additional years in prison
- 18 John Does still not identified.
What didn’t work?

• No tracking mechanism in place.
• Each DA’s office invented their own.
• We started with 4 x 6 file cards.
What didn’t work?

• Contract was for swabs only.
• Led to Backlog II (underwear in kit) and Backlog III (associated evidence)
What didn’t work?

• 1995 and 1996 SAKs were the 1\textsuperscript{st} to go out (on 5 year SOL theory).
• We had 10 years – so the 1990 and 1991 SAKs should have gone 1\textsuperscript{st}.
• We lost all those cases to SOL – kits didn’t go out till 2003.
What didn’t work?

• Very hard to match profiles to cases.
• Vouchers often listed “KTD” as victim.
• Vouchers often didn’t have case numbers.
• Solution (at our request): have contract lab xerox front of SAK, which would give us victim name and date at hospital.
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<th>Item</th>
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</tr>
<tr>
<td>2</td>
<td>Piece of issue</td>
<td>1</td>
</tr>
<tr>
<td>3</td>
<td>Consequence</td>
<td>2</td>
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The above is a complete list of prop. Worned.
What worked?

• Enormous undertaking.
• Established NYC as leader in field.
• Developed city-wide tracking and notification system – NYPD and DA notified of hit at same time.
• Only good press!
What worked?

• OCME got new lab.
• With new lab and NO backlog, NYC processes 10k DNA cases a year.
• Property crimes, Y-STR testing, mtDNA, low copy (high sensitivity) DNA testing.
DNA HITS
ADAs receive email notifications on their Blackberries
Offender Hit followed by confirmatory sample

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<tr>
<th>Hit#</th>
<th>Type</th>
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<th>Complainant</th>
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DA Vance just announced 38M in backlog grants!
Thank You!