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Weekly Updates
Week of November 9 – 15, 2014
Two Pages

For Immediate Release

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NEWS UPDATES

Monday, November 10, 2014

Taylor Barricaded Gunman Expected to be Arraigned This Afternoon

Taylor barricaded gunman Brett Lambert, 22, of Taylor, is expected to be arraigned this afternoon in connection with a stand-off with the Taylor Police on November 5, 2014 at approximately 11:00 p.m. Lambert has been charged with one count of Manufacture/Possession Incendiary Device with Malicious Intent, twelve counts of Assault with Intent to Commit Murder, twelve counts Felonious Assault, one count Felony Firearm, two counts of Discharge In or At a Building, one count of Discharge at Emergency/Police Vehicle, one count of Malicious Destruction of Fire or Police Property, two counts of Malicious Destruction of Building, two counts of Malicious Destruction of Personal Property.

Please confirm the arraignment time with the 23rd District Court today. Please contact the Taylor Police Department for a photograph of the defendant.

Wednesday, November 12, 2014

DISTRICT ATTORNEY VANCE ANNOUNCES UP TO \$35 MILLION IN FUNDING TO HELP ELIMINATE RAPE KIT BACKLOG IN CITIES NATIONWIDE

Second In Series Of Transformative Initiatives Funded By Manhattan DA's Office With Asset Forfeiture Money Secured Through Sanctions Cases

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Testing Will Help Solve Cases Locally And Across The Country

Wayne County (Detroit) Prosecutor Kym L. Worthy said: "The impact that this is going to have on the estimated hundreds of thousands of untested rape kits across this country is massive. My fervent hope is that jurisdictions across this country that have untested rape kits will step out of the shadows, call Cy, and get them tested. Help is here. This is a glorious day for sexual assault victims that have been waiting for justice."

See press release attached.

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CYRUS R. VANCE, JR.
DISTRICT ATTORNEY

DISTRICT ATTORNEY – NEW YORK COUNTY

FOR IMMEDIATE RELEASE
November 12, 2014

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DISTRICT ATTORNEY VANCE ANNOUNCES UP TO \$35 MILLION IN FUNDING TO HELP ELIMINATE RAPE KIT BACKLOG IN CITIES NATIONWIDE

*Second In Series Of Transformative Initiatives Funded By Manhattan D.A.'s Office With Asset Forfeiture Money
Secured Through Sanctions Cases*

Testing Will Help Solve Cases Locally And Across The Country

Manhattan District Attorney Cyrus R. Vance, Jr., today announced that he will pledge up to \$35 million in funding to eliminate backlogs of untested sexual assault evidence kits, or “rape kits,” nationwide, generating DNA evidence that will help solve cases in New York City, New York State and across the country. The District Attorney’s Office will allocate funding to analyze untested rape kits, audit the scope of jurisdictions’ backlogs, create data- and information-sharing systems, and ensure jurisdictions adhere to best practices for the testing and use of rape kit evidence. Jurisdictions across the country are expected to apply for funding to test their kits for DNA evidence, a crucial element of prosecutions and investigations, as well as crime prevention, and even exoneration.

The commitment is one in a series of transformative criminal justice investments that the District Attorney’s Office is making with asset forfeiture funds secured through recent sanctions cases, including [BNP Paribas S.A.’s guilty plea](#). The initiative will be executed with the assistance of partners, including the Joyful Heart Foundation, which will provide technical assistance and strategic guidance to advise the District Attorney’s Office as it executes the national grant program. Emmy Award-winning star of *Law & Order: Special Victims Unit* Mariska Hargitay, the Founder and President of the Joyful Heart Foundation, joined the District Attorney to make the announcement, along with Wayne County (Detroit) Prosecutor Kym L. Worthy and Natasha Alexenko, Founder of Natasha’s Justice Project.

Manhattan District Attorney Cyrus R. Vance, Jr., said: “To have hundreds of thousands of rape kits untested is unacceptable. Rape victims nationwide deserve to know that the invasive examination they underwent had a purpose, and the resulting kit was not left to gather dust on a forgotten shelf. But more than that, DNA evidence, consistently prosecutors’ most reliable and cost-effective tool,

solves crimes across state lines. From California to New York, expanding the DNA databank helps every jurisdiction across the country seek justice and keep residents safe. The impact of this investment, which my Office is funding with asset forfeiture money secured through cases involving banks that violated U.S. sanctions, will be felt across the country.

“I would like to thank our partners in the Joyful Heart Foundation and all advocates who have helped draw national attention to this issue. I urge other elected officials across the country to help fund this cause in their own jurisdictions, and join our call to test each and every rape kit in the United States.”

Mariska Hargitay, Founder and President of the Joyful Heart Foundation, said: “To me, the rape kit backlog is one of the clearest and most shocking demonstrations of how we regard these crimes in our society. Testing rape kits sends a fundamental and crucial message to victims of sexual violence: You matter. What happened to you matters. Your cases matter. Not testing kits sends the opposite message. That’s why I am so filled with gratitude for the commitment that has been announced today. This is what progress looks like.”

U.S. Senator Kirsten Gillibrand said: “I have long been an advocate for survivors of sexual assault, and fought hard for federal funding to help eliminate New York State’s DNA backlog. Investments like today’s not only speak to these survivors – telling them that their ordeal has not gone unnoticed – but enable law enforcement to solve crimes across state lines. I applaud DA Vance’s commitment to hold more dangerous criminals accountable, keep predators off our streets and locked up, and keep our families safe.”

U.S. Senator Charles E. Schumer said: “To effectively deal with the scourge of rape we must identify and punish wrongdoers. Step one in that task is eliminating the rape kit backlog, which will put sexual predators behind bars and prevent future crimes. Thank you to Manhattan DA Vance for allocating \$35 million in funding for this important initiative that will not only help New Yorkers but also many women across the country.”

U.S. Representative Carolyn B. Maloney said: “I applaud District Attorney Cy Vance and the Joyful Heart Foundation for initiating this program to help eliminate the persistent DNA rape kit analysis backlog. I wrote the Debbie Smith Act to direct hundreds of millions of federal dollars for DNA analysis, and we’ve put countless rapists behind bars as a result. This new program will complement that effort and provide the additional resources needed to ensure that no kit goes untested. I will continue working in Congress to deliver full funding for DNA analysis so that we can not only entirely eliminate the current testing backlog, but also ensure that no such backlog is allowed to occur again.”

Wayne County (Detroit) Prosecutor Kym L. Worthy said: “The impact that this is going to have on the estimated hundreds of thousands of untested rape kits across this country is massive. My fervent hope is that jurisdictions across this country that have untested rape kits will step out of the shadows, call Cy, and get them tested. Help is here. This is a glorious day for sexual assault victims that have been waiting for justice.”

Natasha Alexenko, Founder of Natasha’s Justice Project, said: “The man that raped and robbed me at gunpoint is now behind bars where he is no longer a public threat thanks to the determination and dedication shown by District Attorney Cy Vance and his unrelenting team in New York County.

This unprecedented investment into the public safety of our country shows why New York leads the nation in a victim-centered approach to justice. I sleep peacefully at night knowing that justice was served in my case – and now other survivors have a chance to find the same closure as I did in New York.”

“Rape Kits” and DNA Evidence

Sexual assault evidence kits, commonly known as “rape kits,” collect evidence including photographs; vaginal, anal and oral swabs; and blood and urine specimens, during an invasive, lengthy examination conducted at a hospital or rape crisis center following a sexual assault. The DNA evidence contained in rape kits is a powerful tool for identifying suspects, convicting perpetrators, preventing future offenses, and even exonerating the innocent.

DNA from rape kits does not only help solve crimes in one jurisdiction, but across the country. In fact, according to the New York State Division of Criminal Justice Services, 2,912 DNA hits have been generated in New York from the national DNA databank. In cases where a suspect has not yet been identified, biological evidence from the crime scene can be analyzed and compared to offender profiles in DNA databases, such as the Combined DNA Index System (CODIS), to help identify the perpetrator. Crime scene evidence can also be linked to other crime scenes through the use of DNA databases to identify serial offenders, and arrests for lower-level crimes in one state might help solve a cold case in another state. DNA has also helped exonerate the wrongfully convicted, ensuring justice is done.

DNA Evidence from Rape Kits Helps...

...Solve crimes in New York State: In the mid-nineties, an unidentified man raped three schoolgirls in Rochester, New York. The rapist was not apprehended until an out-of-state DNA hit ten years later. Like many rapists, Keith Lamar Laster was a recidivist, and after being charged with raping a woman in Alabama, surrendered a DNA sample which was entered into the national database. After Laster’s DNA matched the DNA evidence from the Rochester rapes, he was convicted at trial, and is now serving 146 years in prison.

...Solve crimes in other states: In 2005, a man named Clarence Williams was arrested in Atlanta, Georgia, after attempting to purchase a shotgun. Prosecutors discovered two warrants for his arrest in New York City, issued after the defendant jumped bail in 1978 while awaiting retrials on two rape cases. Manhattan prosecutors preparing to extradite Williams reexamined his old file, and tested a pair of underwear using previously unavailable DNA technology. Williams was not only confirmed as the attacker in the 1978 cold cases, but connected to nine unsolved rapes and robberies in Silver Spring, Maryland.

...Exonerate the innocent: Michael Mercer spent twelve years behind bars for a 1991 rape on a Harlem rooftop that he did not commit, and might still be in prison today were it not for the City’s “forklift” approach to eliminating the rape kit backlog, testing each and every kit, even in closed cases. Mercer was freed from prison within days after a DNA hit confirmed that the rape was committed by another man with a long history of burglary and sexual assault.

Tackling the Backlog across the Country

The Joyful Heart Foundation estimates that hundreds of thousands of rape kits are currently sitting untested in police storage facilities and crime laboratories across the country. Exact numbers are impossible to glean because many jurisdictions have no system for tracking or counting the rape kits in their custody. However, a number of cities have begun to count their untested kits, indicating a vast number of backlogged kits nationwide. Memphis, Tennessee, for instance, had more than 12,000 untested kits, and Cleveland, Ohio, had nearly 4,000 before undertaking efforts to reduce their backlogs. Currently, Tulsa, Oklahoma, has more than 3,700, and Las Vegas, Nevada, has more than 4,000.

Today's commitment is a complement to a proposal pending before the U.S. Congress, which would allocate \$41 million to fund a new program that would provide grants to local communities to investigate and prosecute these cases, re-engage survivors, and create system-wide reforms to ensure that a backlog never occurs again.

The Manhattan District Attorney's Office believes that every completed rape kit should be tested and analyzed for DNA with the victim's consent. This "forklift" approach not only helps corroborate victim's accounts and identify known attackers, but might also lead to the exoneration of those who were wrongfully-convicted. The approach, first used more than two decades ago to systematically eliminate New York City's rape kit backlog, has been replicated by cities like Detroit, Michigan, with great success.

Case Study: Detroit, Michigan

In 2009, the Wayne County Prosecutor's Office discovered more than **11,000 untested rape kits** during a tour of an abandoned police warehouse in Detroit. Wayne County Prosecutor Kym Worthy sought and received funding to test a random sample of **400 of those kits**, which generated so many leads that the National Institute of Justice funded the testing of an additional **1,600 kits**.

From that initial **2,000-kit sample**, there were **473 hits** in the national DNA database, including hits linking to crimes committed in **23 other states**. The Wayne County Prosecutor's Office identified **127 potential serial rapists**, and obtained **14 convictions**. Encouraged by those results, private donors contributed **\$150,000** to the initiative, and, in 2013, the Michigan State legislature set aside **\$4 million** to test **all of Detroit's remaining kits**.

Though proposals from jurisdictions in New York State will be the initiative's first priority, jurisdictions across the country are eligible – and strongly encouraged – to apply for funding from the District Attorney's Office. Efforts in New York State will include the statewide expansion of New York City's "DNA Hits" database, which allows the City to share information among the Office of the Chief Medical Examiner, NYPD, and District Attorneys' Offices, connecting crime scene evidence to offender profiles and other crime scenes.

Over the coming weeks, the Office and its partners will publish a full set of “best practices” for collecting, testing, and effectively utilizing DNA found in rape kits, expanding on those developed in New York City and State over the past two decades, including:

- Performing a full audit of the jurisdiction’s untested rape kits,
- Testing each untested kit, or at the minimum, conducting a preliminary pilot program with the input of the District Attorney’s Office,
- Building and enhancing relations between police, prosecutors, and other key stakeholders,
- Adhering to a pre-established timeline and set of parameters and goals, and
- Creating mechanisms for information sharing, including DNA databases and tracking systems.

New York as a Model

New York City and State have long been leaders in DNA testing, and District Attorney Vance’s initiative will expand on that success by developing best practices for testing, tracking, and utilizing rape kit evidence for jurisdictions across the country. Between 2000 and 2003, New York City sent out approximately 17,000 rape kits for testing, creating a model for other large cities to tackle their own backlogs. From those kits, the Manhattan District Attorney’s Office was able to file 49 indictments based on DNA cold case hits. Combined, those offenders are now serving more than 900 years in jail. The Office also pioneered efforts to indict the unidentified DNA profiles developed from these previously-dormant rape kits as “John Does,” thereby stopping the clock on the statute of limitations. The Office indicted 24 of these “John Doe” DNA profiles – 18 of which are still waiting for a DNA match to enter the system.

Recognizing the importance of DNA evidence, in 2010, District Attorney Vance created the [Forensic Sciences/Cold Case Unit](#). The Unit, working with the NYPD, is re-examining physical evidence in cold homicide and rape cases using new forensic techniques, as well as re-interviewing witnesses. To enhance the amount and quality of available evidence, District Attorney Vance strongly advocated for the “All Crimes DNA” Bill, signed into law by Governor Andrew M. Cuomo in 2012. Before the passage of the law, DNA was collected from only 48 percent of convicted offenders. The law now requires DNA samples to be collected from anyone convicted of a felony or misdemeanor, drastically expanding the State’s DNA database.

Funding the Initiative

The funding being allocated by the Manhattan District Attorney’s Office is the result of sanctions cases, including its share of approximately \$440 million of the [\\$8.83 billion settlement reached in June 2014 with BNP Paribas S.A. \(BNPP\)](#) – the largest bank in France – for violating U.S. sanctions. In the guilty plea, BNPP admitted to moving hundreds of millions of dollars through Manhattan-based financial institutions on behalf of primarily Sudanese, Iranian, and Cuban clients.

Today’s announcement is the second major allocation of these funds, following last month’s announcement of the [\\$160 million NYPD Mobility Initiative](#), which will provide NYPD officers with more than 40,000 mobile devices, including tablet computers and handheld devices that will streamline law enforcement efforts, increase the safety of New Yorkers and police officers alike, and ensure fairness within the City’s criminal justice system. The District Attorney’s Office intends to

make additional funding announcements in the near future focusing on transformative projects in cybercrime, mental health, public housing, and domestic violence.

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