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Joshua Stein, LMSW, Director

01/29/2024

The Honorable Mike Prax
Chair
Senate Health and Social Services
State Capitol Room 108
Juneau AK, 99801

The Honorable Justin Ruffridge
Vice-Chair
Senate Health and Social Services
State Capitol Room 104
Juneau AK, 99801

RE: SEXUAL ASSAULT EXAMINATION KITS/TRACKING HB 275

Dear Mr. Chairman and Mr. Vice-Chairman:

My name is Virginia Walsh, and I am a victim service provider who resides in Utqiagvik. I strongly support HB 275/SB193 legislation that requires all law enforcement agencies and healthcare providers to participate in a comprehensive statewide Sexual Assault Examination Kit Tracking Program (SAKI). SAKI is essential to enhance the criminal justice response to sexual assault ensuring that victims/survivors receive justice.

For far too long, survivors have been kept in the dark about the status of their rape kits. Too many survivors left the medical facility and never heard again about their kit; research from *End the Backlog* a national repository for information on the rape kit backlog shows that not having access to such information can severely impede recovery. This bill will assist in meeting the requirement of AS 44.41.065(a)(3) to notify the victim within 14 days a kit has been tested.

As an advocate in rural Alaska, I work with sexual assault survivors who often feel isolated and hopeless. I hope that SAKI an online tool that enables victims/survivors to follow the forensic paths of their own sexual assault kit in some small way helps empower survivors and restore their dignity. Most important is the hope that more survivors will come forward

if they feel that there is a trauma-informed process in place that allows them to achieve what they need for their healing journey and closure.

I appreciate your help, and hope you will support this important legislation.

Sincerely,



Virginia C. Walsh

AWIC Program Coordinator



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February 22, 2024

TO: House Committee on Health and Social Services
Room 106, State Capitol, 120 4th Street
Juneau, AK 99801-1182

FROM: Burcu Sagiroglu
Policy & Advocacy Associate
Joyful Heart Foundation

RE: Testimony in Support of House Bill 275

The Joyful Heart Foundation strongly supports House Bill 275, which would codify the statewide rape kit tracking system into law and require a 7-day timeline for medical facilities to notify law enforcement. To date, 36 states and Washington, D.C. passed laws to require implementation of a statewide rape kit tracking system. This year, Maine, New Jersey, and Pennsylvania have tracking system bills introduced as well. With HB275, Alaska is poised to join these states in addressing rape kit handling issues in a transparent way.

The [Joyful Heart Foundation](#)'s mission is to transform society's response to sexual assault, domestic violence, and child abuse, support survivors' healing, and end this violence forever. Since 2010, Joyful Heart has made the elimination of the rape kit backlog—hundreds of thousands of untested rape kits across the nation—our top priority. We work directly with survivors, stakeholders, and jurisdictions to achieve this goal. Our staff, consultants, and partners have decades of expertise at the forefront of rape kit reform efforts. We have been instrumental in passing state-level rape kit reform legislation in 49 states including Arizona, California, Florida, Georgia, Hawaii, Idaho, Massachusetts, Montana, Nevada, Oregon, New York, Texas, and Washington, and we have collaborated with local and state agencies to provide support during the implementation process. With this expertise and legislative track record, we respectfully submit testimony supporting HB275.

The Problem

Every 68 seconds, someone is sexually assaulted in the United States. There are around 1000 reported sexual assaults in Alaska every year. In the immediate aftermath of a sexual assault, a victim may choose to undergo a medical forensic examination to collect evidence left behind during the assault. A doctor or nurse will conduct the four-to-six-hour examination and will preserve this evidence in what is commonly called a "rape kit." Survivors who take the step of undergoing this exhaustive and invasive forensic exam do so because they have been told this evidence could help law enforcement hold their offender accountable.

When tested, the DNA evidence from rape kits can be a powerful tool to solve and prevent crimes. DNA evidence can identify unknown

assailants, link crimes together, and exonerate the wrongfully convicted. Too often, however, these rape kits languish untested for years—even decades—in storage facilities.

Why Testing Rape Kits Matters

In 2017, the U.S. Department of Justice National Institute of Justice released [*National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach*](#), which includes 35 recommendations for victim-centered approaches for responding to sexual assault cases. Joyful Heart joins experts in endorsing the federal government's best practice recommendation to submit every rape kit connected to a reported sexual assault to a crime lab for DNA analysis. Rape kits can yield DNA evidence which can be entered into DNA databases containing DNA from offenders. By testing every kit connected to a reported crime, more DNA profiles will be in these databases, potentially linking crimes and revealing [serial rapists](#), who assault both acquaintances and strangers as recent research has shown. As more sexual assault cases are pursued, more offenders are apprehended, and future crimes are averted.

It's important to understand that every single rape kit represents a survivor whose body has become a crime scene and has reported the crime to police, everything society asks them to do. Many do this because they want to prevent the perpetrator from hurting anyone else and they want the criminal justice system to hold the offender accountable. By requiring every sexual assault kit to be swiftly submitted and tested, Alaska can send a powerful message to survivors that they—and their cases—matter. It demonstrates a commitment to survivors to bring a path to healing and justice.

Rape Kit Reform in Alaska

The Alaskan legislature has taken tremendous steps in the past few years to improve rape kit handling: submitting and analyzing previously untested rape kits; appropriating \$2.75m in funding; an annual inventory of untested rape kits and law enforcement training in sexual assault. Passed in 2019, HB49 requires law enforcement agencies to submit kits to a laboratory for DNA analysis within 30 days of receipt, and the laboratory to test the kit within one year. HB5 enacted in 2022 shortened the lab testing timeline to 6-months.

In 2021, Governor Mike Dunleavy announced that the state would establish a rape kit tracking system. In July 2023, the Alaska Department of Public Safety's Sexual Assault Kit Tracking System went live, enabling survivors of sexual assault to track the status of their kit securely online. The system has a victim portal where survivors can track the status and location of their kits anonymously. However, currently the system is not mandated by law. Survivors in Alaska also have not been granted the right to know the status and location of their kits in the law.

Codifying the Tracking System into Law

Tracking systems follow rape kits from collection to testing and final disposition, bringing accountability and transparency to the rape kit handling process. In addition to all newly collected kits, backlogged kits should be entered into the tracking system to ensure that all survivors, regardless of how long it's been since their assault, can know what happened to their kit and those kits are fully accounted for.

HB275 would codify the existing tracking system into law and mandate participation by all agencies that handle rape kits. This bill would ensure that all the relevant agencies comply with the law, helping the state achieve a fully-functioning tracking system. In addition, establishing the system in statute ensures stability when leadership or priorities shift from year to year. In Arizona, Governor Doug Ducey issued [Executive Order 2016-02](#), requiring a one-time statewide audit and establishing the Arizona Sexual Assault Evidence Collection Kit Task Force in 2016. That same year, the state adopted a rape kit tracking system as per the recommendations of the task force. However, participation is not mandatory by law for all law enforcement agencies or jurisdictions. The Phoenix Police Department, the biggest jurisdiction

in the state where the majority of sexual assaults happen, does not participate in the tracking system, leaving those survivors with less rights to know the status of their kit than the rest of the state. Mandating all agencies to participate in the system by law prevents such compliance discrepancies in the state.

Uniform Kit Handling Timelines

The bill requires hospitals to notify law enforcement within 7 days of collecting a reported kit. Hospitals' timely notification means all reported rape kits are collected by law enforcement expeditiously, preventing kits from potentially sitting too long at the hospital. Illinois and Mississippi require a 4-hour notification timeline for hospitals, ten states require 24-hours (Hawaii, Kentucky, Massachusetts, Michigan, Montana, North Carolina, Rhode Island, South Dakota, Tennessee, Wisconsin), while Arizona requires 48-hours and Oregon 7-days. With this bill, Alaska's 7-day mandate would be part of this national standard.

Ensuring that hospitals notify law enforcement within a certain time frame about a new kit will remove biased individual decision-making. This provision ensures that newly collected rape kits are quickly turned over to law enforcement and handled uniformly across the state, preventing future backlogs. Joyful Heart is fully in support of the 7-day notification timeline for hospitals.

Granting Survivors the Right to Know the Status and Location of Their Kits

Most survivors, after leaving the hospital, are never contacted about the status of their rape kit. In 2016, Joyful Heart released [Navigating Notification](#), the result of a 3-year research project studying best practices for victim notification and re-engagement. In partnership with researcher Dr. Courtney Ahrens of California State University at Long Beach, we brought together the voices of more than 90 survivors, criminal justice, medical, academic, and advocacy professionals to establish survivor-centered, trauma-informed policies and protocols for victim notification. One of the key findings of our research was, for survivors who want to know about their case and their kit, not having access to such information can severely hamper recovery. Access to information about the status and location of their rape kits can help survivors counter the loss of self-determination and control that is often at the core of a sexual assault experience.

Comprehensive rape kit reform will require granting victims the right to know the status and location of their kit whether by calling or walking into their local precinct. The notification language in AS 44.41.065 does not fully cover this right, as it requires law enforcement agencies to make reasonable effort to notify victims that their kit has been tested. The "reasonable effort" language is very vague and is open to misinterpretation. It also requires victims to be notified after their kit is tested, meaning until then, survivors are left in the dark about the status and location of their kits for months.

Although we understand concerns around Alaska's rural nature, we know that regardless of where they live, survivors deserve to know where their kit is. Unfortunately, the tracking system is not accessible to all survivors. Some survivors may not have a secure internet connection to check the status of their kits safely, some may not have access to a device, while some others might prefer to call their precincts or go in person. Our laws should respond to survivors' different needs, and should not discriminate against them based on their access to secure technology. 32 states and Washington, D.C. grant survivors the right to know the status of their kits. Survivors' healing should not depend on their zip code. Granting survivors "**the right to know the testing date, testing results, and location of their sexual assault examination kit**" in statute ensures that.

The Road Ahead

To achieve comprehensive rape kit reform and to align with national best practices, Alaska should codify the statewide tracking system for kits; grant victims the right to know the status

and location of their kit and case; and mandate statewide uniform kit handling procedures, including timeline for medical facilities to notify law enforcement. We encourage the legislature, in consultation with advocates, practitioners, agency leaders, and most importantly, survivors of sexual assault, to push forward with survivor-centered legislative action.

HB275 includes critical tracking and oversight provisions. With adding victim's right to know language to the bill, Alaska will complete all [six-pillars of rape kit reform](#). We urge the committee to vote in favor of this important legislation. The Joyful Heart Foundation thanks you for your efforts on this issue. We stand ready to assist you in creating safer communities and offering a path to healing and justice to all sexual assault survivors in Alaska.

With Gratitude,

Burcu Sagiroglu, MPP

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February 23, 2024

Dear Representative Prax, House Health and Social Services Committee Chair:

Thank you for the opportunity to submit STAR's support of HB 275, a bill relating to sexual assault examination kits.

HB 275 will bring Alaska closer to meeting national best standards of practice for processing sexual assault examination kits. Since 2016, the State of Alaska worked diligently to eliminate a backlog of evidence kits throughout the state. With a goal of never having another backlog of that kind, transparency and accountability have come to the forefront.

HB 275 will require forensic healthcare providers to complete their portion of the sexual assault kit and notify law enforcement within 7 days of collection that the kit ready is for submission to the laboratory for analysis. Both law enforcement and the laboratory have timelines imposed by statute (AS 41.44.065). The bill does not seek to penalize healthcare providers, rather it codifies a standard of practice, assures accountability, and encourages systemic problem-solving when the expectation cannot be met.

A time limit of 7 days is reasonable, based on the 2017 U.S. Department of Justice's recommendation of 24 hours to notify law enforcement with a collection deadline of 3 days or less. (*National Best Practices: A Multidisciplinary Approach*, 35). STAR was notified that 14 states already mandate a limit of 24 hours for forensic healthcare providers to prepare evidence collection kits, while another 2 states set a deadline of 7 days. The proposed 7 day standard will be on par with other concerned states and beyond the federal recommendation.

STAR participated in 324 sexual assault examination responses in 2023. This was a 27% increase from 2022. Keeping the evidence collection kits simple yet thorough ensures forensic medical providers are able to meet a 7 day deadline. Alaska's evidence collection kits are designed to be completed at the time of collection with some additional notes made soon after. The kit paperwork is routinely reviewed by statewide stakeholders, including two forensic medical professionals, to keep the forms well suited for the task of evidence collection.

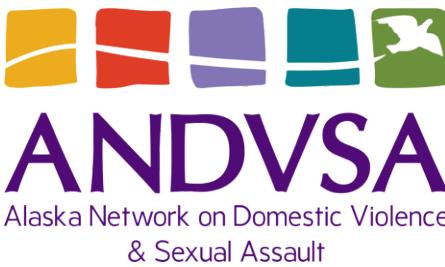
The statewide sexual assault examination kit tracking system, called Trak-Kit, provides survivors an online portal to track the location and status of their kit from initial submission to final testing. Track-Kit gives survivors a sense of control and participation in the investigative process, which can be crucial in their healing journey. Trak-Kit is also used by State and municipal agencies to monitor delays and progress of kits. Knowing that the kit will be sent to the laboratory without delay supports survivors' reclamation of control and supports the State's effort towards transparency.

Thank you for your time and attention to this proposed legislation. We believe it moves Alaska forward in the right direction for survivors of sexual assault.

Sincerely,

A handwritten signature in blue ink that reads "Keeley Olson".

Keeley Olson
Executive Director



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HB 275 Sexual Assault Examination Kits/Tracking February 2024

Please accept this statement as support for HB 275. The Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) is Alaska's state coalition of victim services providers. Twenty-four programs across the state focus on services to victims/survivors of sexual assault, stalking and domestic violence.

We appreciate the efforts made by the Governor and the Legislature over the past few years to bring current testing of sexual assault examination kits by the State Crime Lab (crime lab). HB 275 is a further step in securing kits and getting them submitted to the crime lab. As important, if not more, are the sections of the bill providing the ability for victims/survivors to track their kit through the process.

Track Kit has been in use for approximately six months; providing a way for victims/survivors to be notified as the kit moves through the system-from the healthcare provider to law enforcement, to the crime lab; and in the crime lab following from the time the lab receives the kit, to when it is tested, to when the results are in. Track Kit provides a critical resource for victims/survivors. We appreciate the work the crime lab has done to make it a reality.

In addition to Track Kit being available to victims/survivors, it also affords the justice system the opportunity to monitor the flow of the kits from one part of the system to the next. We will be able to see if there are bottlenecks prior to the kits getting to the crime lab and then the length of time it takes at the crime lab to get kits tested and receive results.

We note that currently in statute, law enforcement officers are required to get the kits to the crime lab within 30 days of being notified by health care providers that the kit is available for pickup. It will be interesting to see if kits are transferred quicker than the 30 days. We think they probably are.

The bill will codify a time frame (7 days) for healthcare providers to notify law enforcement that the kit is available to be sent to the crime lab. Healthcare providers are being trained to aim for notifying law enforcement that the kits are ready to be transferred within 7 days of the initial forensic exam so this timeframe makes sense. Through Track Kit we will be able to see if this turns out to be a realistic timeframe or if it needs to be tightened or loosened.

Track Kit is primed to be of great benefit to victims/survivors who want to know how the kit is moving forward through the system and we support putting it into statute.

Member Programs

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Petersburg WAVE | Seward Seward's Safe Harbor | Sitka SAFV | Unalaska USAFV | Utqiagvik AWIC | Valdez AVV



Written Testimony in Support of HB 275

Amanda Nguyen

My name is Amanda Nguyen. On the day that I was raped, I never could have imagined that a greater injustice awaited me than the one I had already been forced to endure. As a child, I had learned to believe in the well-worn credos of our legal system—that we all had access to justice, that our civil rights were sacrosanct, and that everyone was equal under law. But in the wake of my assault, I came to understand just how hollow those words can feel to a survivor seeking justice and compassion.

In the course of pursuing my own case, I ran into roadblock after roadblock—and discovered that my path was all too familiar to millions of Americans. Rape kits destroyed before they could be brought forth as evidence. Copies of vital medical records and police reports denied. Shortfalls and irregularities in every state; symptoms of a broken promise that has left far too many survivors—already reeling from one betrayal—feeling powerless, invisible, betrayed for a second time.

I refused to be invisible—so I charted a new path. I rewrote the law, working with members of Congress, to draft a Sexual Assault Survivors' Bill of Rights. The Bill would earn the distinction of being one of the few pieces of legislation passed unanimously by Congress in recent memory. More importantly, it codified a set of basic, comprehensive civil rights for more than 25 million rape survivors across the country.

Though I never imagined the challenges I would face after my assault, nor did I imagine the power, the progress, and the hope that would arise from my ordeal. I created a non-profit called Rise to teach other survivors how to pen their own rights into existence—and to carry our success in Congress out into the fifty states, where most rape cases are adjudicated. To date, our team has worked with local survivors to secure the passage of 41 laws, with more on the way. Because most rape cases are adjudicated in state courts it is necessary for these rights to be passed on to state level in the United States. I ask each of you sitting here today to help bring these civil rights to Mississippi where survivors need it still. I ask that you understand the incredible movement we have created together and that through our shared common humanity we can make a difference across not only America.

Access to justice is a necessary prerequisite to true peace. Their lives are the invisible war zones that corrode human potential and hold back the promise of a just world. Their powerlessness is our shame.,

This is a peace that we all - legislator, citizen, advocate from any corner of the globe - can help deliver. We can hold a light up to this darkest corner of human experience, and allow survivors at last to be seen, to be heard, to be believed, to be empowered.

What higher cause could we all serve than to call the world to action to put power back into the hands of rape survivors—people who have been disempowered by horrific acts of violence? The movement I represent here today is one that draws from our core national values: democracy, equality, and, most of all, hope.

Thank you - please vote for HB 275.

Hannah Trottier-Braun

Thank you, for taking the time to read my words. My name is Hannah Trottier-Braun and I am a survivor who is sincerely invested in seeing the success of this bill. I address you today as an ally of the 263,000 known survivors of sexual assault in the State of Alaska.

Stories like the one I will share with you today, often make people uncomfortable, but imagine having to sit in that discomfort every day of your life, knowing that someone else has forcibly taken something from you that you will never get back. For a while after I was assaulted, I was ashamed, embarrassed, and left with no one to turn to. I constantly wondered what I could have done differently to stop what had happened to me. And the truth is, I probably couldn't have. At 23 years old, I have been sexually assaulted not once, not twice, but three times. And of those three times, I have never once felt comfortable enough in my rights as a survivor to come forward. The justice system as it stands today, presents more issues than solutions for those going through what 263,000 sexual assault survivors in the state of Alaska have gone through. We have to change the system from the top, passing legislation that reverberates throughout the country and inspires others to be better, to do better. We must do right by those who have been wronged.

Over the past six months I have had the opportunity to contribute to the Rise organization, battling for the rights of sexual assault survivors all over our great country. We have shared our stories with one another, as many survivors do, and found that in today's society it is more common than not that the individual you are conversing with has a sexual assault story of their own. Additionally, it is more often than not that these survivors have never shared their story with an individual that has the ability to do something about it. Instead of accepting these commonalities we should be passing legislation that combats the broken system which is causing those to feel unable to come forward. You are given the opportunity to do just that today, and I urge you, for the greater good of the state, to grant an additional right, a human right, to the survivors known and unknown, of the beautiful state of Alaska. Thank you for your time. Your consideration of these matters and solutions is very much appreciated.

Samantha McCoy

At the age of 22, I was raped by an acquaintance, a police officer in the city in which I was attending college. The betrayal that I felt was overwhelming and is something that, to this day, is hard to describe. I

was left with physical injuries, but most devastating was the mental anguish after such a violation. I stopped eating, could not get out of bed, was scared to go out of my house, and constantly mourned for the life I knew I had lost forever.

Although I was terrified to report, I knew that if I did not report then the perpetrator was free to hurt someone else. I couldn't live with myself if that happened, so I reported. I thought I would be met with care and support. However, it was nothing of the sort. I was taken to the emergency room by law enforcement for a rape examination. Unbeknownst to me, there were no trained sexual assault nurse examiners at the hospital. Imperative evidence was not properly collected as a result. I was never informed of what was going on with my case and was left in the dark, while feeling scared and vulnerable. And, after eleven months of hoping for a positive conclusion, I was told justice was not possible for me. The system failed me.

It doesn't have to be this way. When survivors are brave enough to report a sexual assault and face the grueling hours-long rape examination with the hopes that it will result in catching the perpetrator, they deserve the utmost care. That is what HB 275 ensures with the creation of a statewide sexual assault forensic examination kit tracking system where survivors receive imperative updates and have a higher likelihood of justice. A justice that I so desperately wish I had gotten.

I am truly disheartened to this day that most survivors I meet are still not receiving the proper care and justice that is long overdue. Ensuring a victim's basic human rights after such a personal and violent attack, both physically and mentally, must finally be a priority. This perpetuation of ensuring the perpetrator has more basic rights than the victim is no longer acceptable. My lawyer at the time told me, "there is no justice in the justice system." I will never forget those words and I cannot accept that as the standard any longer. We as a society cannot accept that as the standard any longer. Victims deserve so much more than the ways in which they have been treated and we owe it to the next generation to provide a society and system that protects the vulnerable and criminalizes those who abuse their power or status to take advantage of others.

Healing for me comes from stopping the traumatic cycle of victims not being protected or believed and changing our broken justice system into something we can all be proud of. We cannot settle for the "status quo" while those who are left without a voice continue to suffer in silence. We at least owe it to these courageous men, women, and children the basic dignity every human deserves.

Cadence

As a survivor of sexual assault, I know all too well the powerlessness and pain that survivors experience in a system that fails to provide the support they deserve. As an advocate, I

have seen first-hand how survivors are left to fend for themselves as they navigate a complex landscape of bureaucracy and injustice. Too often survivors are held back by the system, the complexity of the process, and financial costs. Rather than the justice they deserve, they are met with destroyed rape kits, missing medical records, and denied police reports as they are forced to continually relive their experiences.

From the ages of fifteen to eighteen, I was serially assaulted, and once I entered university, I was raped. Some moments stay with you from these experiences and when looking back, you are reminded of what it is like to feel completely powerless, small, and alone. I lived my life within these moments when I had to quit everything I worked on at the military base, was followed home, and moved back with my parents after being raped. They are the times that shape your understanding of the world and when you need support the most. More often than not though, the failures within the system perpetuate continual pain instead of being a source of justice and hope.

It doesn't have to be this way. I have seen the power, resilience, and hope of survivors and allies alike who are determined to advocate for change and challenge the status quo. They are the changemakers who inspire survivors like myself to believe in something better. It is that same challenge of injustice that is maintained within HB 275. The implementation of a sexual assault evidence collection kit tracking system would be a critical step in ensuring survivors can receive the justice they deserve. It would be a beacon of hope for those who have endured unimaginable hardship and a reminder that their voices, stories, and experiences are being heard.

HB 275 is an opportunity to empower the 263,000 survivors of sexual assault in Alaska. So I ask that you stand with survivors and the movement for hope and justice as you bring about lasting change. Thank you – from my fifteen-year-old self who needed someone to stand up for her and my twenty-one-year-old self who now has hope that we can pave a better path for survivors.

Tyrell Walker

Most of us have been impacted by sexual assault, whether we know it or not. When someone we care about is hurt and traumatized, it affects everyone. The deepest pain is obviously felt by the victim of sexual assault, but the aftermath reverberates outwards much farther than the event itself. Sexual assault is not just a women's issue; it is a human issue.

When a citizen is victim of a crime, the criminal justice system is supposed to help them and protect them. I have not witnessed this when it comes to sexual assault survivors. Instead, I have seen a criminal justice system that traumatizes survivors of sexual assault as much, if not more, than the assault itself. Survivors are penalized for their trauma, told conflicting information, forced to relive their attack every time they have to fight for their evidence to be kept, or are left alone to navigate a complicated system with no guidance whatsoever. This is not the country I want America to be. I do not want us to be a country that leaves survivors of assault, victims of a crime, lost, alone, unsupported by the justice system. America can, and must, do better. We need a system that provides basic support and guidance to victims of crimes, and ensure that the criminal justice system is prepared and empowered to execute the law fairly.

A civilization is judged not by the strength of those most powerful, but by how we care for and support those in need. Survivors need these rights. These rights are vital to creating a justice system for all, and

will create provisions necessary for a criminal justice system that knows how to properly treat sexual assault survivors.

Julia Fischer

I have not been sexually assaulted. But it does not mean I may not. It does not mean that my best friends or my sister may not. It does not mean that millions of women, along with men, may not. Though there is the hope that we may someday live in a world without a rape culture, it is not yet a reality. However, we can do something to help those who fall victim to the rape culture, and to validate that sexual assault is an abhorrent crime. Give them the ability to preserve their rape kits. Give them the ability to have a medical examination without having to worry about the cost. Give them the ability to have statutory rights. And through these rights, let it be known that this crime is unacceptable. Let it be known that now begins the fight against sexual assault.

Mr. Chair and Members of the House Health and Social Services, for the record my name is Katie Botz representing myself from Juneau. I am for HB 275. My sincere apologies for not including the following in my public testimony.

As a survivor of sexual assault, this is another step in the correct direction to helping our victims of sexual assault. Alaska is still the highest in sexual assault, and 7 days is more than adequate for victims to get the proper services. Prior legislation has touch based of sexual assault rape kit forms, and it's nice to see that we are continuing to work together on these issues. (Please see HB 325, 2022) It is important to be mindful of our victims of sexual assault and to be victim oriented in our bills.

Victims are already traumatized by being assaulted as it is. It is very important to help speed up the process of sexual assault rape kits and be back to the proper courts to be mindful of the victim. I'm very pleased as a survivor to see that this bill will make medical examiner have only 7 days to process rape kits. Faster the kits can be properly processed is the best way to ensure safety for Alaskans. There shouldn't be any problems as long as we are victim oriented.

Please pass this bill with the 7 days and keeping victims oriented. Anything outside of 7 days are medical excuses for not doing their job in timely manner.

-Katie Botz
Juneau

HB 275 Written Public Testimony

My name is Tara Henry. I have been a forensic nurse providing health care for victims of physical and sexual assault for the past 27 years in Anchorage. Please accept this written public testimony for review as you consider HB 275 in the House Health and Social Services Committee.

HB 275 as currently proposed (Section 1 amendment: AS 44.41.065(a)(1)) that will legislate a healthcare provider notify law enforcement within seven days of collecting the sexual assault evidence collection kit (SAEK), will have unintended negative consequences for Forensic Nursing Programs, Child Advocacy Centers and Hospitals statewide. Please know this 7-day deadline was chosen without consulting the actual Hospitals, Forensic Nursing Programs, and Child Advocacy Centers in Alaska that it will effect. Instead, it was chosen by non-healthcare individuals/agencies based on reviewing similar legislated time frames in some other states. The problem with this decision method is the lack of understanding of the differences between the medical forensic examination processes and forensic nursing practices in Alaska compared to these other states. Legislation for Hospitals, Forensic Nursing Programs and Child Advocacy Centers in Alaska should be based on the healthcare processes and practices in Alaska, not those from other states that are not applicable to Alaska.

The forensic nurses and other healthcare providers in our state always strive to have the SAEKs ready for law enforcement to pick up as quickly as possible. However, given the diverse types of Forensic Nursing Programs and Child Advocacy Centers around the state, their various staffing models, the broad range of yearly case volumes seen at a program (eg: >200 patients vs <10 patients) and the extensive charting/documentation that is required for medical forensic examinations, it is very difficult to always meet a 7-day deadline for releasing these SAEKs to law enforcement. Especially Forensic Nursing Programs and Child Advocacy Centers who have high volume, high acuity patients. Depending on the level of care required to address a sexual assault patient's acute medical and mental health needs – the average patient length of stay for an acute medical forensic exam is 4-6 hours. After the patient is discharged, the forensic nurse then has 1-2 hours of lab processing and forensic sample packaging. After that, it can take 4-6 hours to complete the 60 plus pages of documentation, plus additional time for all the quality assurance reviews on the chart, labs, and SAEK that are completed to ensure a comprehensive, quality medical forensic record of that patient's episode of care.

To always meet this 7-day deadline, hospitals and Forensic Nursing Programs would have to force forensic nursing staff to work beyond their hourly scheduled shift and/or to come in to work on their days off between their scheduled shifts. Financially, this burdens the hospitals with overtime costs. From a forensic nurse personnel perspective, this additional stress and burden on an already strained forensic nursing staff will increase burnout and lead to even more forensic nurse staffing shortages than hospitals, Forensic Nursing Programs and Child Advocacy Centers are already dealing with statewide. Not to mention, for hospitals with union represented nurses, there would likely be union grievances if there was an attempt to force forensic nurses to work over 12-hour shifts or work on their days off in order to ensure compliance with a legislated 7-day deadline when they are over-burdened with high case volume.

Fiscally, it is important to note there is no funding associated with this legislation that would be allocated to hospitals and Forensic Nursing Programs statewide to fund their incurred overtime costs or to fund the cost for additional forensic nurse staff needed.

Alaska just began using the Track-Kit system in June/July of 2023. The hospitals, Forensic Nursing Programs, and Child Advocacy Centers have not yet been provided with any preliminary statistical analysis of our data for review. It is unreasonable to legislate a time frame for healthcare providers in Alaska without the hospitals, Forensic Nursing Programs, and Child Advocacy Centers knowing our own Track-Kit submission data or without meeting and collaborating with the leadership representatives from the hospitals, Forensic Nursing Programs, and Child Advocacy Centers in Alaska to discuss and determine best practice for healthcare providers in our state.

Legislating this 7-day deadline for Alaskan healthcare providers without adequate Alaska based data and without consulting with the leadership from the hospitals, Forensic Nursing Programs, and Child Advocacy Centers who provide the medical forensic examinations for victims of sexual assault will set healthcare providers and these programs up for failure. To prevent a negative impact on these critical healthcare services for victims of sexual assault in Alaska, the time frame for healthcare providers to release the SAEK to law enforcement should be based on the processes and practices of Forensic Nursing Programs and Child Advocacy Centers in Alaska, not on data and practices from other states that are not applicable to Alaska.

The concept of establishing a submission deadline for healthcare providers to release the SAEK to law enforcement is important, however legislating a specific time frame should be deferred until next legislative session in 2025. This will allow us the opportunity to identify an appropriate time frame for Alaska's healthcare providers that will ensure a successful implementation for our Forensic Nursing Programs and Child Advocacy Centers serving victims of sexual assault. Alternatively, instead of legislating a time frame for healthcare providers to release SAEKs to law enforcement, a regulation created by the appropriate state hospital, nursing, and physician healthcare regulating agencies in Alaska should be considered in place of legislation.

Regardless of how a submission deadline for healthcare providers is established (legislation vs regulation), the first step should be to analyze a year's worth of Track-Kit data from the hospitals, Forensic Nursing Programs, and Child Advocacy Centers in Alaska to determine the length of time low volume vs high volume Forensic Nursing Programs and Child Advocacy Centers take to release the SAEKs to law enforcement. In addition, the Department of Public Safety and the Scientific Crime Detection Laboratory should be required to collaborate with the leadership from the Forensic Nursing Programs and Child Advocacy Centers in Alaska to determine a best practice and reasonably attainable deadline for Alaska's healthcare providers that will not be detrimental to the Forensic Nursing Programs and Child Advocacy Centers providing these critical services for victims of sexual assault in Alaska.

Respectfully submitted,



Tara Henry, MSN, FNP-C, SANE-A, SANE-P
Forensic Nurse Examiner



February 5, 2024

RE: Oppose HB 275

To Alaska Legislature,

After listening to the initial hearing on HB 275, we're worried about insufficient attention to the privacy of sexual assault victims. Specifically, we're concerned about law enforcement or DNA databases accessing the victims' DNA.

There was a case in San Francisco, California where the police department [kept a rape victim's DNA and used it to cross match on a burglary case 5 years later](#). If sexual assault victims have no idea or are unwittingly giving permission to have their rape kit processed as a means to get justice after being sexually assaulted, but then find out that their DNA will be kept on file in a data base indefinitely for law enforcement agencies to access whenever they want, it will create an untenable situation for sexual assault victims to have to chose between getting justice or maintaining their privacy.

Hopefully there is some way to address these types of concerns in additional committee hearings. Thanks for your time and attention in this matter.

The Community United for Safety and Protection is a group of current and former sex workers, sex trafficking survivors, and our allies, advocating for safety and protection for everyone in Alaska's sex industries.

Sincerely,

Maxine Doogan
Amber Nickerson
Terra Burns
Kat McElroy