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April 3, 2018

To: Senate Finance Committee
Senator Pete Kelly, Co-Chair
Senator Anna MacKinnon, Co-Chair
Members of the Senate Finance Committee

From: Ilse Knecht
Director of Policy and Advocacy
Joyful Heart Foundation

Re: Testimony in Support of SCS CSHB 31(STA): An Act relating to law enforcement training in domestic violence and sexual assault; relating to sexual assault investigation protocols; requiring an inventory and reports on untested sexual assault examination kits; and providing for an effective date.

The Joyful Heart Foundation strongly supports H.B. 31, which would require law enforcement training on sexual assault responses, establish categories for sexual assault reports, and mandate an annual inventory of untested rape kits.

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 advocacy 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 several states including Arizona, California, Florida, Georgia, Hawai'i, Kentucky, Nevada, New Mexico, New York, Texas, and Utah, and we have collaborated with local and state agencies to provide support during the implementation process. We are working directly to support rape kit reform legislation in 11 states in 2018. With this expertise and legislative track record, we respectfully submit testimony supporting H.B. 31.

The Problem

Every 98 seconds, someone is sexually assaulted in the United States. 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 expect that their cases will be taken seriously and the kit will be tested. The public expects the same.

DNA evidence is a powerful law enforcement tool. When tested, rape kit evidence can identify unknown assailants, reveal serial offenders, and exonerate the wrongfully convicted. Testing rape kits for DNA evidence can both solve and prevent crimes. Too often, however, these rape kits languish untested for years—even decades—in storage facilities.

There are hundreds of thousands of untested rape kits in storage across the country. We don't know the true extent of the backlog nationwide because most state governments do not require police departments to count or track the kits in their possession. Most times, the number of untested kits in a particular jurisdiction is unknown until legislators, journalists, survivors, or advocates step in to investigate.

Why Testing Rape Kits Matters

Testing rape kits solves crimes and saves lives. Joyful Heart joins experts in calling for the mandatory submission and testing of every rape kit connected to a reported sexual assault.

In the last decade, communities across the country have discovered thousands of backlogged kits in storage and taken action. These jurisdictions started testing their kits, submitting eligible DNA profiles into the national database (CODIS), and investigating and prosecuting resulting cases. So far, testing backlogged rape kits in three large cities—Cleveland, Detroit, and Memphis—has resulted in the identification of over 1,300 suspected serial rapists. These serial offenders have been connected to crimes across at least 40 states and Washington, D.C. Many of these offenders have been linked to other violent crimes, including domestic violence and homicide, as well as to non-violent crimes, including burglary and larceny.

By mandating the swift testing of every sexual assault kit, Alaska can send a powerful message to survivors that they—and their cases—matter. Testing every kit sends a message to perpetrators that they will be held accountable for their crimes, and demonstrates a commitment to survivors to bring healing and justice. It is also the pathway to a more effective criminal justice system and safer communities across the country.

Testing Every Kit Saves Communities Money

In 2016, the Begun Center for Violence Prevention Research and Education at Case Western Reserve University analyzed the cost of testing backlogged rape kits in Cuyahoga County, Ohio. Factoring in the cost of testing kits, investigating cases, and other related expenses, the study calculated the overall cost effectiveness of testing 4,347 unsubmitted kits. The study found testing all 4,347 kits and following up on every case produced a net savings of \$38.7 million.

Research is now confirming what cities and states around the country have already discovered: testing every rape kit and thoroughly investigating every reported rape is financially beneficial for communities. As more sexual assault cases are pursued, more offenders are apprehended, future crimes are averted, and communities save money.

The Path to Rape Kit Reform in Alaska

In 2015, Alaska Governor Bill Walker tasked agencies throughout the state with an inventory of untested rape kits. The resulting report identified approximately 3,800 untested kits statewide. In 2015, The Accountability Project, an initiative of the Joyful Heart Foundation, issued an open records request to bring the number of untested kits in Anchorage to light. In September 2016, the Northern Light reported that the Anchorage Police Department (APD) had 1,691 untested kits in storage. Through our correspondence with APD, we confirmed that number, and discovered that these untested kits date as far back as 1993.

That same year, the U.S. Department of Justice Bureau of Justice Assistance (BJA) awarded the Alaska Department of Public Safety (DPS) \$1 million to process more than 1,000 untested rape kits, investigate and prosecute these cases, and re-engage survivors in the criminal justice system. In 2017, the BJA awarded DPS an additional \$443,727 to sustain this work.

Thanks to the leadership of Rep. Geran Tarr, in 2017, Alaska enacted a law requiring the DPS to conduct a one-time statewide inventory of untested rape kits. Forty-six of the 49 agencies in the state submitted results on time, an impressive number for state so vast. The inventory report, released in November 2017, identified 3,484 unsubmitted kits in the possession of law enforcement agencies statewide. It also uncovered the following:

- 92 percent of the unsubmitted kits, or 3,219 kits, are in the seven largest agencies in the state;
- 52 percent of the unsubmitted kits, or 1,823 kits, reside in only one agency, the APD; and
- The Scientific Crime Detection Laboratory (SCDL, the crime lab in the DPS) has 66 cases in queue for testing, with testing being completed on average within 144 days.

This invaluable information provides lawmakers and agency leaders with the data to make informed decision about further reforms. However, this inventory is a singular snapshot in time, and these figures will change over time as old evidence is tested and new evidence is collected.

Reform is on the Table

The legislation proposed today, H.B. 31, would require an annual, statewide inventory by all law enforcement agencies that handle rape kits. The agencies must report the number of untested kits and the date the kit was collected. Ongoing public accountability through annual inventory reports shows survivors and the public that the state is truly committed to improving access to justice and will allow all stakeholders to monitor progress on eliminating the backlog. These efforts to uncover the true number of untested rape kits are a significant step towards aligning Alaska with the recently released National Best Practices for Sexual Assault Kits, issued by the United States Department of Justice. To ensure an accurate and comprehensive report, we recommend that future legislation require medical facilities where rape kits are collected and SCDL to conduct an inventory as well.

H.B. 31 also mandates 12 hours of training and instruction related to sexual assault response protocol and law for police officers. It further requires DPS, the Department of Law, and the Department of Health and Social Services to develop a protocol manual for rape kits, including two reporting options for sexual assault survivors. One reporting option allows victims to undergo a medical forensic examination, report the crime to law enforcement, and participate in the criminal justice system. The other option provides victims with the opportunity to have evidence collected and held while they decide if they want to provide identifying information or participate in the criminal justice system. We commend Alaska victim advocates for their work on ensuring the reporting options defined in the bill are survivor-centered and trauma-informed.

The Road Ahead

To achieve comprehensive rape kit reform and to align with national best practices, Alaska should pass laws that mandate an annual inventory of rape kits; the testing of all backlogged and newly collected kits within certain timeframes; the development of a statewide tracking system for kits; and the funding necessary to implement these changes. Additionally, agencies should consider applying for federal funds such as the Sexual Assault Kit Initiative (SAKI) grant administered by the U.S. Department of Justice as a means to supplement state funding. These reforms will not come about overnight. We encourage the legislature, in consultation with advocates, practitioners, agency leaders, and most importantly, survivors of sexual assault, to push forward with legislative action.

Joyful Heart urges the Senate Finance Committee to pass this bill. We look forward to working with you to enact comprehensive rape kit reform and provide a path to healing and justice for survivors in Alaska.