

HB

31

<TARGET><BILL>HB 31</BILL><SUBJECT>HB
31</SUBJECT><COMM></COMM></TARGET>

SENATE COMMITTEE REPORT

DATE: 4/10/17

FURTHER: Finance

DATE TURNED IN TO OFFICE: 3/23/18

State Affairs Committee considered CS FOR HOUSE BILL NO. 31(FIN)

HB 31-SEXUAL ASSAULT EXAMINATION KITS

"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."

and recommends:

- be replaced with SCS HB 31 (STA) Same Title Technical Title Change New Title/SCR No. _____
- adopt previous SCS _____ () Same Title Technical Title Change New Title/SCR No. _____
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
EED	MVA
DEC	DNR
DFG	DPS
GOV	REV
DHS	DOT
AJS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
DPS			✓	3

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Wilson	✓			
	Giessel	✓			
	Coghill	✓			
	EGAN	✓			
CHAIR:	Meyer	✓			

ALASKA STATE LEGISLATURE



REPRESENTATIVE GERAN TARR

Date: February 13, 2018

To: Senator Meyer, Senate State Affairs Chair
Senate.State.Affairs@akleg.gov

From: Representative Geran Tarr, Prime Sponsor
CS HB 31 (FIN) – Sexual Assault Examination Kits

Re: CS HB 31 (FIN) – Request for hearing in Senate State Affairs
“an act relating to training, collection and processing protocol for sexual assault examination kits; and requiring an inventory and reports on untested sexual assault examination kits”

As prime sponsor, I would like to request scheduling of CS HB 31 (FIN) for the Senate State Affairs Committee.

Attached is the sponsor statement and additional documentation related to the bill.

Our office has been working with local domestic violence advocacy organizations that are willing to testify in favor of this legislation.

- Carmen Lowry, Executive Director, Network on Domestic Violence and Sexual Assault
clowry@andvsa.org, (907) 957-2542
- Keeley Olson, Executive Director, Standing Together Against Rape,
kolson@staralaska.org, 907.276.7279

Staff assigned to this legislation is Diana Rhoades.

Thank you for your time and interest in improving public safety for women and families in Alaska.

Sincerely,

A handwritten signature in cursive script that reads "Geran Tarr".

Representative Geran Tarr

ALASKA STATE LEGISLATURE



REPRESENTATIVE GERAN TARR

HB 31

“an act relating to training, collection and processing protocol for sexual assault examination kits; and requiring an inventory and reports on untested sexual assault examination kits”

To: Senator Meyer, Senate State Affairs Chair

From: Representative Tarr, Prime Sponsor

Date: April 11, 2017

As prime sponsor, I would like to request scheduling of HB31 by the Senate State Affairs Committee at your earliest convenience. Attached is the sponsor statement, the most recent version of the bill, current fiscal note and additional documentation related to the bill.

Staff assigned to this legislation is Celeste Novak.

Thank you for your time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Geran Tarr".

Representative Geran Tarr

ALASKA STATE LEGISLATURE



REPRESENTATIVE GERAN TARR

CS HB 31 (FIN) –Sexual Assault Examination Kits, Training and Reporting Sponsor Statement

Alaska's sexual crime rates are three times higher than the national average, and child sexual assault rates are six times the national average. According to the FBI Uniform Crime Report, 59 percent of Alaska women report having experienced sexual violence.

To support victims of sexual assault, House Bill 31 does three things:

- Requires an annual audit of untested sexual assault kits, so that victims' evidence does not continue to be left on a shelf, and so that law enforcement can prioritize efforts to address the full scope of the backlog;
- Puts in statute a victim-centered approach to report sexual assault;
- Requires 12 hours of sexual assault training at Alaska police academies.

Background:

Last year legislation was passed to require local law enforcement agencies throughout the state to report their untested sexual assault kits to the Alaska Department of Public Safety. That report, which would become an annual report under CS HB 31 (FIN), showed that 49 Alaska law enforcement agencies have 3,484 untested sexual assault kits. Of these, 3219, or approximately 92%, were in the possession of the seven largest agencies in the state. Anchorage had more than 53% of the untested kits.

We know that when tested, DNA evidence obtained through testing sexual assault kits can be an **incredibly powerful tool to solve and prevent crime**. DNA evidence was used to charge a serial rapist for a series of attacks in 2014 that also led to linking the perpetrator to crimes as far back as 2001. It is time to put public safety for Alaska women and families to the forefront. I urge your support for CS HB 31 (FIN).

ALASKA STATE LEGISLATURE



REPRESENTATIVE GERAN TARR

HB 31 Version U (S STA) Summary of Changes

The House Finance Committee amended HB 31 Version A to remove section 1 – which mandated that law enforcement agencies must send sexual assault kits for testing within 18 months of collection.

The House Finance Committee added language to mandate that all Alaska police officers receive at least 12 hours of sexual assault training, in addition to their existing domestic violation training.

The House Finance Committee added language to require a unified, statewide, victim-centered approach to reporting sexual assault. They approved three reporting options – law enforcement, medical and anonymous.

The sponsor worked with Sen. Coghill to add language from HB 31 to Senate Bill 55, which passed the Legislature in 2017. It required a statewide inventory of sexual assault kits taken as evidence by law enforcement agencies, but not submitted to a laboratory for testing. Department of Public Safety Commissioner Walt Monegan delivered the report to the Legislature in November 2017.

At the request of the sponsor, the Department of Public Safety and victim advocates, on March 22, 2018, the Senate State Affairs Committee amended HB 31 Version J to eliminate one of the three reporting options – the medical option. The two that remain – the law enforcement option and the anonymous option, meet the standards of the US Dept. of Justice best practices.

Dept. of Justice White Paper language

“Testing sexual assault kits associated with victims who obtained medical forensic exams but who have not consented to having the kit tested by law enforcement, can result in a sense of revictimization and can undermine community trust.”

The Senate State Affairs Committee updated the effective dates and updated the language requiring the Department of Public Safety to deliver a report to the Legislature regarding the inventory of untested rape kits by November 1 of each year.

Changes to HB31 from A to CS

New Text Underlined

{Deleted text bracketed}

For an Act Entitled: {An Act requiring the Department of Public Safety to develop a tracking system and collection and processing protocol for sexual examination kits; requiring law enforcement agencies to send sexual examination kits for testing within 18 months after collection; requiring an inventory and reports on untested sexual assault examination kits; and providing for an effective date.}

To: 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.

Section #1 removed

Section #2-AS 18.65.510 is amended to read:

- a. 18.65.510- (1)-include "sexual assault" after ...involving domestic violence (2) include "sexual assault" after... domestic violence (3) include "sexual assault" after ...involving domestic violence (4) add "sexual assault" after ...victims of domestic violence (5) add "sexual assault" after ...involving domestic violence and (7) add "sexual assault" after...victims of sexual assault (8)b add "and sexual assault" after ...victims of domestic violence
- b. 18.65.240-(a) (1) add "and sexual assault" after ...regarding domestic violence.

Section 4 is amended to read:

The protocols must allow a victim who is 16 years of age or older to choose one of the three following types of reports:

1. A law enforcement report if the victim wants to obtain a medical forensic examination with evidence collection and, at the time of the medical forensic examination, chooses to participate in the criminal justice system;
2. A medical report if the victim wants to obtain a medical forensic examination with evidence collection but, at the time of the medical forensic examination, chooses not to participate in the criminal justice system; the person who collects the evidence shall provide to the appropriate law enforcement agency personal identifying information of the victim and release the evidence collected for testing and preservation in accordance with AS 12.36.200; or
3. an anonymous report if a victim wants to obtain a medical forensic examination with evidence collected but, at the time of the medical forensic examination, chooses not to have personal identifying information provided to law enforcement provided to law enforcement or to participate in the criminal justice system; person who collects the evidence shall release the evidence to the appropriate law enforcement agency for preservation in accordance with AS 12.36.200 but may not provide personal identifying information of the victim to law enforcement agency; the law enforcement agency shall assign a unique identifying number to the evidence, and the

person who collects the evidence shall record the number and provide the number to the victim.

ALASKA STATE LEGISLATURE



REPRESENTATIVE GERAN TARR

Frequently Asked Questions about Sexual Assault Kit Reform – 2.13.18

Questions submitted to Major Bryan Barlow, Deputy Director, Alaska State Troopers

All sexual assault kits are kept at the Alaska Department of Public Safety Crime Lab

1) What rules are in place surrounding the destruction/storage of rape kits?

- Kits that are submitted to the Crime Lab are kept forever
- While kits may be in the custody of the crime laboratory, they are still considered under the ownership of the submitting agency. As such, if an agency requests the return of a kit, it is returned.
- In addition, all chiefs of police were notified that the Crime Lab should be sent all sexual assault kits, whether for testing or storage starting November 1, 2017. That means any kit collected that date forward should be in the possession of the Lab.
- A new Request for Laboratory Services form was also implemented. It requires the departments to select a reason why the SAK is being asked to be stored and not tested before saving and submitting. The form can be found at <https://dps.alaska.gov/getmedia/83629da3-4c40-42c8-9fef-48c051f7be5a/RLS-2017-09-25;.aspx>

2) What is the current process with the backlog?

- In response to the passage of SB 55, 49 law enforcement agencies were required to inventory untested kits.
- The data showed that 3,484 sexual assault kits are in the possession of law enforcement agencies that had not been submitted to a lab.
- Of these, 3219, or approximately 92%, were in the possession of the seven largest agencies in the state.
- Anchorage had more than 53% of the untested kits.
- There were 114 anonymous victim reports.
- For 2017 we received 413 sexual assault kits for analysis
 - For 2017 we analyzed 349 kits
 - As of today, there 143 kits backlogged (received more than 30 days ago)
 - Of the 143 kits, 92 have not had any analysis started. 51 have been started.

3) How far back, in years, does the backlog go?

- Kits never submitted to the lab for testing and in possession of police departments across the state date back to 1984. The Crime Lab's backlog of kits still needing to be tested date back to August 2017.

4) What is the rate at which rape kits are currently being performed?

- 413 Kits were submitted calendar year 2017
- We have the capacity to meet current submission rates; An analyst can process about 5 to 7 requests (consisting of approximately 10 kits for the total of requests) per month.

5) What is the price breakdown of processing a rape kit?

- Estimated cost of testing all previously unsubmitted kits at a private lab would be between \$2.2 and \$3 million
- Applying a "test all" policy to newly collected kits will require an additional \$204,000 for personnel costs and \$250,000 in chemicals and testing supplies. Total of this option is estimated to be \$454,000 /yr.
- The laboratory has further evaluated the in-house expenses to process a single kit and is updating its estimate to \$2,300/per kit.

6) Who has ownership of the rape kit? Is it the lab, the prosecuting entity, or the victim?

- Once evidence is collected, it is under the control of the law enforcement agency that is investigating the incident. SA kits are treated as evidence.
- While kits may be in the custody of the crime laboratory, they are still considered under the ownership of the submitting agency. As such, if an agency requests the return of a kit, it is returned.

7) What happens if a victim changes their mind about moving forward with pressing charges?

- Department of Law are tasked with working on behalf of and for the public safety of all Alaska and not just an individual.
- Sexual assault victims do not press charges, the State does, and the crimes are seen as crimes against the state not an individual. That being said, law enforcement and prosecutors understand that a sexual assault is one of the most traumatic crimes there is. They aim to treat the victim with dignity and respect and try to take the victim's wishes into account to a degree. If a victim is uncooperative with the investigation, it may be difficult to take a case through to prosecution which may result in charges being dropped. Ultimately, the criminal justice system makes that decision however.

8). Have you analyzed the US Dept. of Justice January 2017 White paper? There seem to be areas of conflict for having three options for reporting

Yes. The conflict was discussed in our meeting on 01/22/2018 and can be resolved by putting forward two reporting options – a police report and an anonymous report

Note:

The bill's prime sponsor is requesting an amendment to CS HB 31 (FIN) in the Senate State Affairs Committee to eliminate a third reporting option that is not supported by the US Dept. of Justice.

Christine Marasigan

From: Diana Rhoades
Sent: Tuesday, March 20, 2018 5:22 PM
To: Christine Marasigan
Subject: amendment and summary
Attachments: Alaska Brief on Rape Kit Reform - Joyful Heart Foundation.pdf; HB 31 amendment 2.9.18.pdf

Hi Christine,
Attached please find the amendment and a nice summary by the Joyful Heart Foundation.

For Thursday's testimony, Rep. Tarr will do the introduction, then she would like to invite Randi Breager, Criminal Justice Planner and co-site coordinator for the SAKI grant project, to give an update on the SAKI and the fact that the new training will not require a fiscal note. Randi will be on the phone from Anchorage. Then she would like to have Keeley Olson from Standing Together Against Rape speak to her support for the bill and the need for the amendment so there are only 2 reporting options.

Orin Dym, the State Scientific Crime Lab manager, will also be on the phone to answer questions.

Thanks!
Diana

Diana Rhoades, Legislative Director
Alaska State House Representative Geran Tarr
Co-Chair, House Resources Committee
(907) 269-0144 Anchorage June to December
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Proposed by Rep. Tarr

30-LS0271\O.2
Martin
2/9/18

AMENDMENT

OFFERED IN THE SENATE
TO: CSHB 31(FIN)

1 Page 3, line 3:

2 Delete "three"

3

4 Page 3, line 8, following "system":

5 Insert "or"

6

7 Page 3, lines 9 - 15:

8 Delete all material.

9

10 Renumber the following paragraph accordingly.

11

12 Page 3, line 28, through page 4, line 25:

13 Delete all material and insert:

14 "*** Sec. 6.** AS 44.41 is amended by adding a new section to read:

15 **Sec. 44.41.070. Report on untested sexual assault examination kits.** (a) By
16 September 1 of each year, each law enforcement agency and state department charged
17 with the maintenance, storage, and preservation of sexual assault examination kits
18 shall conduct an inventory of untested sexual assault examination kits and report, in
19 writing, to the Department of Public Safety the number of untested sexual assault
20 examination kits in the possession of the agency or department and the date on which
21 each sexual assault examination kit was collected.

22 (b) By November 1 of each year, the Department of Public Safety shall
23 prepare and transmit a report to the president of the senate and the speaker of the

1 house of representatives that contains

2 (1) the number of untested sexual assault examination kits stored by
3 each law enforcement agency or department;

4 (2) the date each untested sexual assault examination kit was collected;
5 and

6 (3) a plan for addressing the backlog and prevention of a backlog of
7 untested sexual assault examination kits.

8 (c) The Department of Public Safety shall deliver a copy of the report
9 prepared under (b) of this section to the senate secretary and the chief clerk of the
10 house of representatives and notify the legislature that the report is available.

11 (d) In this section, "untested sexual assault examination kit" means a sexual
12 assault examination kit with evidence that

13 (1) has been collected but that has not been submitted to a laboratory
14 operated or approved by the Department of Public Safety for either a serological or
15 DNA test; or

16 (2) has been collected and submitted to a laboratory operated or
17 approved by the Department of Public Safety but that has not had a serological or
18 DNA test conducted on the evidence.

19 * Sec. 7. This Act takes effect July 1, 2018."

Christine Marasigan

From: Hanzawa, Allison F (DPS) <allison.hanzawa@alaska.gov>
Sent: Wednesday, March 21, 2018 1:35 PM
To: Christine Marasigan
Cc: Breager, Randi C (DPS); Dym, Orin W (DPS); Peterson, Darwin R (GOV); Gorle, Nicole A (GOV); Bolling, Elizabeth (GOV)
Subject: RE: HB 31
Attachments: DPS SB55 SAK Inventory Report and Plan-signed.pdf; whitepapersaktesting.508.pdf

Hi Christine,
Answers to your questions are below in red.

Hello,

I am working on HB 31 which will be heard in Senate State Affairs this Thursday. I would like to talk to someone who can provide the following information:

- 1) What is the status of untested rape kits in the state (are we backlogged to 4,000? 3,200?) &
- 2) 2) Have the state's rape test kits been inventoried?

I have attached the SAK Inventory and report that was prepared as required by SB 55—this will give you a good deal of information. We had nearly 100% participation by agencies - 3484 kits that were taken as potential evidence and had not been submitted to the Crime Lab for testing were inventoried.

A word on terminology— the Crime Lab differentiates between kits that are “backlogged” – meaning the kit has been submitted to the crime lab for testing and has been in queue for testing for more than 30 days. There are backlogged kits, but there are few (about 70 at last count, with the very oldest being about 4 or 5 months backlogged).

The 3484 kits unsubmitted kits that were inventoried are (for the most part) in the possession of the agency that collected the evidence, not in queue for testing. In the public dialogue, the status of SAK testing is often conflated with the status of the case. For example, when prosecution of the case rests on whether there was consent for the sex act, rather than on whether the act occurred, a SAK will very often not be submitted for testing, because DNA evidence isn't useful in determining whether consent was present. Many cases are successfully prosecuted or resolved without testing the SAK, and there are such cases among the untested kits. When a prosecutor determines that DNA testing is necessary, that kit is put in queue for testing—if it takes the Crime Lab more than 30 days to test such a kit it is considered “ backlogged” .

- 3) Is there better tracking on these kits (who has custody of them, where are they stored, etc.)
In January 2018, the Crime Lab implemented a new policy requesting agencies to send *all* SAKs taken after that date to the Crime Lab, either for testing or storage. Previously, agencies kept the SAKs in their own evidence storage unless and until DNA testing was requested by the prosecutor. Under the new policy, when a kit is submitted for *storage only* the agency is asked to provide the reason testing is not requested.

Having all SAKs stored at the lab will assist in tracking and future inventories. Asking agencies to provide the reasoning for the testing decisions will help build data on this area of public concern.

As of February 28th, 331 SAKs had been submitted to the lab for storage only.

- 4) **HB 31 has a number of provisions, are there sections that DPS would have difficulty implementing? Are there any improvements to the language that would make the bill more likely to be implemented?**

The sponsor has been very conscientious about working with DPS on this bill, and DPS gave feedback on the amendment that will be introduced. Here are the requirements in HB 31 that DPS will have to implement:

--Training: DPS currently meets the training requirement of providing 12 hours of sexual assault training in the academy. All municipal police agencies that send their officers to ALET also receive this training.

--Anonymous SAK: DPS is currently offering an anonymous reporting option to victims. These anonymous kits will not be tested. This is supported by the recommendations put forward by Office on Violence Against Women (white paper attached).

--Annual inventory and report: The statewide inventory required in SB 55 (attached) was very labor intensive for both DPS and the participating police agencies. However, although updating the statewide inventory and preparing a yearly report will still require time and effort from DPS and participating agencies, successive updates will not be as difficult. It is anticipated that this burden will continue to decrease over the next several years as compliance with the new Crime Lab SAK storage protocol increases and other tracking improvements currently underway, such as the use of barcodes, are implemented.

- 5) **Are victims granted notice and or information if their rape kit has been tested?**

For current cases: The Crime Lab does not provide this, but this information is available to the victim through the case agent. Regarding the previously unsubmitted SAK that are being tested under the SAKI grant— Victim notification protocols were developed and must move through the approval process of Bureau of Justice Assistance (BJA) who oversees the program. This ensures we are implementing trauma informed and victim centered protocols.

- 6) **Are there federal monies that Alaska qualifies for that would pay the cost of testing back logged rape kits? What is the status?**

DPS is taking full advantage of the federal grants currently available to improve the processing of sexual assault kits and improve capacity to act on evidence resulting from these efforts. The department applied for and was awarded grants for Federal Fiscal Years 2016 and 2017 under the Sexual Assault Kit Initiative (SAKI) grant program administered through the Bureau of Justice Assistance. The SAKI grant allows a portion of the grant money to be used to test kits; under these grants 571 AST SAKs were identified as eligible for testing and have been submitted for testing by an outside contractor.

We are frequently asked if there is other federal assistance available for testing kits. The FBI in partnership with the National Institute of Justice has a program to test a limited number of previously unsubmitted SAKs free of charge. We are waiting for an update on the status of this

program, but as of November 2017 there was a moratorium on accepting new kits as they had received the maximum number of kits they could test with available funds.

Please let me know if have any additional questions.

Sincerely,
Allison

Allison Hanzawa
Special Assistant to the Commissioner/Legislative Liaison
Department of Public Safety
(907) 465-5505

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From: Christine Marasigan [mailto:Christine.Marasigan@akleg.gov]
Sent: Tuesday, March 20, 2018 2:43 PM
To: Hanzawa, Allison F (DPS) <allison.hanzawa@alaska.gov>
Subject: HB 31

Hello,

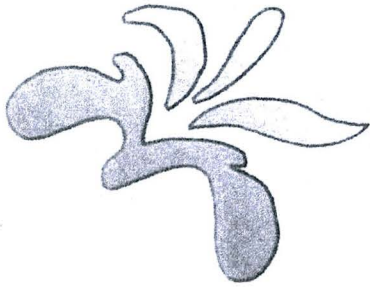
I am working on HB 31 which will be heard in Senate State Affairs this Thursday. I would like to talk to someone who can provide the following information:

- 1) What is the status of untested rape kits in the state (are we backlogged to 4,000? 3,200?)
- 2) Have the state's rape test kits been inventoried?
- 3) Is there better tracking on these kits (who has custody of them, where are they stored, etc.)
- 4) HB 31 has a number of provisions, are there sections that DPS would have difficulty implementing? Are there any improvements to the language that would make the bill more likely to be implemented?
- 5) Are victims granted notice and or information if their rape kit has been tested?
- 6) Are there federal monies that Alaska qualifies for that would pay the cost of testing back logged rape kits? What is the status?

I appreciate your assistance. This bill was filed last year and Thursday is its first committee hearing in the Senate. Sometimes things are addressed in the interim and intervening time, I just wanted an update before moving forward and working on language changes to the bill.

Thank you,
Christine

Christine R. Marasigan, Legislative Aide
Office of Senator Kevin Meyer
Senate Rules Committee Chair
Alaska State Capitol



**INTERIOR ALASKA CENTER
FOR NON-VIOLENT LIVING**

726 26th Avenue Suite 1 • Fairbanks, Alaska 99701
(907) 452-2293 • Fax: 452-2613 • 1-800-478-7273

April 14, 2017

Dear Senators,

I write today as the Executive Director of an agency that assists victims of sexual assault, as a mother, as a constituent, and as a 31 year Alaskan. I urge you to hold a hearing on HB31 prior to this session ending. This bill provides a system of tracking and accountability to ensure that all evidence collected from "the crime scene" (the victim's body) is tested.

Most often, the only time these kits are being tested is when the perpetrator is known or there is a suspect. Often times, these kits are kept in local evidence until one of these two things happen and only then is it sent for testing. This current system has led to a tremendous number of kits going untested and potentially has missed identifying when there is a DNA match already in the system.

Please do not make this bill wait until next session to become part of the expectation victims can have of their criminal justice system

Thank you for your attention to this matter.

Sincerely

Brenda Stanfill
Executive Director



32 West 22nd Street, 4th Floor
New York, New York 10010
(212) 475-2026
joyfulheartfoundation.org

Board of Directors:

April 12, 2017

Mariska Hargitay
Founder & President

Representative Geran Tarr
Room 409 Capitol Building
Juneau, AK 99801

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Maile M. Zambuto
Chief Executive Officer

Dear Representative Tarr,

The Joyful Heart Foundation strongly supports **House Bill 31**, which would mandate an audit of untested sexual assault kits, direct the creation of a manual on handling kits, and require sexual assault training for law enforcement officers.

Every year, thousands of sexual assault survivors submit to lengthy, invasive medical forensic exams. Survivors—and the public—expect that these rape kits will be used to apprehend offenders. Far too often, these kits are not submitted to crime labs for testing and are simply shelved in law enforcement storage.

In 2015, Alaska Governor Bill Walker requested that local law enforcement agencies and certain state departments count how many untested rape kits were stored in their evidence rooms. The audit revealed at least 3,800 untested rape kits across Alaska—and not all law enforcement agencies participated in the audit.

H.B. 31 requires each relevant agency or department to participate in a statewide audit of untested sexual assault kits, the results of which will be reported to the Governor and the legislature. This provision is a critical pillar of reform. Once the full extent of the backlog of untested kits is known, true reform can begin: the state can develop plans to test backlogged kits, investigate and prosecute cases, and offer a path to justice to survivors whose kits have languished for years.

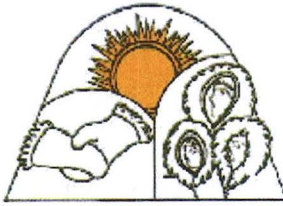
The bill further requires the Department of Public Safety and the Department of Law, in conjunction with the Department of Health and Social Services, to develop a manual on protocols regarding the distribution and use of sexual assault kits. The manual would establish reporting procedures for both victims who choose to participate in the criminal justice system and those who do not. It is essential to honor and respect each survivor's path to healing, and we commend the consideration of such language. The manual also offers an opportunity to outline reasonable timeframes for the submission and testing of newly collected sexual assault kits. With such timeframes, Alaska can prevent a backlog from occurring again.

The Joyful Heart Foundation thanks you for your leadership on rape kit reform in Alaska. With critical reforms such as an audit and improved training, lawmakers can take steps toward comprehensive reform to correct an injustice. We commit to assisting you in your efforts to bring justice and healing to all sexual assault survivors in the state.

Sincerely,

A handwritten signature in black ink that reads "Ilse Knecht". The signature is written in a cursive, flowing style.

Ilse Knecht
Director, Policy & Advocacy



Bering Sea Women's Group

A Safe Shelter for Women and Children

P.O. Box 1596 Nome, Alaska 99762 / Business Line: 907-443-5491 / Fax: 907-443-3748
24- Hour Crisis Line: 1-907-443-5444 or 1-800-570-5444 / www.bswg.org

April 11, 2017

Legislators:

The Bering Sea Women's Group serves the Bering Strait region and provides immediate response to domestic violence and sexual assault by providing 24-hour safe shelter and meals, safety planning, referrals, legal advocacy, personal advocacy, travel support, and medical advocacy. Crisis intervention is also provided through the operation of a toll-free 24-hour crisis line at the BSWG four-bedroom group living home.

The Bering Sea Women's Group Advocates support HB 31 for the following reasons:

- A full inventory of Sexual Assault Kits from around the state of Alaska needs to be conducted.
- This backlog must be addressed.
- Importantly, local and State programs must support victims of sexual assault to the maximum possible.
- An effective systemic approach needs to be implemented.

We hope that you also support this important bill.

Sincerely,

Barb (Qasuglana) Amarok, PhD
Executive Director

North Slope Borough

Department of Health and Social Services

Arctic Women In Crisis

P.O. Box 69

Utqiagvik, Alaska 99723

Phone: (907) 852-0261

Fax: (907) 852-2474



Rosemarie "Rosie" Habeich, RN, BSNS, Director

April 10, 2017

Dear Legislators:

Arctic Women in Crisis (AWIC) fully supports HB31 (Sexual Assault Examination Kits). To support victims of sexual assault, our agency offers first response sexual assault advocacy and participates in our Sexual Assault Response Team (SART).

AWIC fully supports Representative Tarr's proposal to streamline a system for more efficient testing of sexual assault examination kits. We also support her proposal to identify the exact number of untested kits this year, so the relevant officials can respond to this backlog. We need to know the extent of untested and unsubmitted kits by DPS's completing a full inventory and addressing the backlog.

We need an institutionalized coordination of law enforcement, medical providers, and the criminal justice system to ensure that victims' needs are respected through a clearly victim-centered protocol. We need to build relevant capacity in order for all relevant stakeholders to successfully develop and carry out the abovementioned standards and protocols.

Please pass the bill so that we can begin this important process.

Sincerely,

Ginny Walsh, LCSW-C
AWIC Program Coordinator



Planned Parenthood Votes Northwest and Hawaii

Re: HB 31 (Sexual Assault Examination Kits)

January, 31 2017

Dear Representatives:

On behalf of Planned Parenthood Votes Northwest & Hawaii (PPVNH), I am writing to express our strong support of HB 31, a bill that will directly impact survivors of sexual assault in our state who are waiting for closure and justice.

In a state with tragically high sexual assault rates, it is crucial that all sexual assault examination kits are collected, submitted, and tested in a timely manner, when requested by a survivor. Leaving thousands of sexual assault examination kits untested not only allows sexual predators to evade justice and re-offend, but also leaves thousands of sexual assault survivors without closure.

HB 31 would begin the process of addressing this backlog. Today, Alaska does not track or monitor how many sexual assault examination kits have been at testing facilities or in police storage. States and cities that have taken steps to address the backlog in their forensics facilities are seeing significant gains for their efforts. Of the tens of thousands of old kits finally being analyzed throughout the country, cities and states have been identifying perpetrators in the national DNA database and are steadily making gains in indicting and prosecuting those individuals. Alaska needs to follow their lead.

Every day that a kit goes untested is one more day that a sexual assault survivor goes without closure or justice. PPVNH supports Representative Tarr and her leadership on this issue. We urge you to consider the effects this legislation will have on sexual assault survivors and to support HB 31.

Thank you,

Alyson Currey, MSW
Legislative Liaison
Planned Parenthood Votes Northwest & Hawaii



January 30, 2017

Dear Legislators,

I am writing in regard to HB 31 which requires reporting of untested rape kits in Alaska and wanted to share with you Tennessee's experience in addressing our rape kit backlog.

In response to discovering that Memphis, Tennessee had more than 12,000 untested rape kits, some of which were more than 30 years old, the Tennessee General Assembly enacted legislation requiring all law enforcement agencies to inventory and report their rape kit backlogs to the Tennessee Bureau of Investigation (TBI) who was then required to report the data to the General Assembly. The bill had no fiscal note and was seen as the first step in developing policies to address the backlog. While Memphis had subsequently received additional state, federal, and private funds to help address their backlog, results of the audit found that of the 9,062 untested kits statewide, 7,121 of those kits were from Memphis.

Conducting the audit and subsequent testing of rape kits has led to the arrest of serial rapists, exposed the lack of funding for laboratories, and identified the need to develop consistent policies for the investigation of sexual assault crimes.

In 2015, the Tennessee General Assembly passed a law which is having a huge impact on improving law enforcement's response to victims of sexual assault. The new law sets up procedures for collection and storage of rape kits and requires law enforcement agencies to submit kits to TBI within 60 days of receipt. In cases where the victim has consented to the rape exam, but has not made a police report, the rape kit is coded with a number rather than a name and referred to as a "hold kit". Law enforcement are required to store the "hold kit" for a minimum of 3 years or until the victim has made a police report. Once the report is made, the kit is submitted to TBI for testing within 60 days. The law also required the Domestic Violence State Coordinating Council (DVSCC) to develop the Model Policy on Sexually Oriented Crimes which sets the procedures for law enforcement investigating reports of sexual assault. All law enforcement agencies were required to adopt the model policy or one comparable on January 1, 2016.

Please let me know if I can provide you with any additional information.

Best Regards,

A handwritten signature in black ink that reads "Kathy Walsh". The signature is written in a cursive, flowing style.

Kathy Walsh
Executive Director

2 International Plaza Drive | Suite 425 | Nashville, Tennessee 37217
615/386-9406 | Fax: 615/383-2967 | Toll Free: 800/289-9018
tncoalition.org | tnblue.org | preventTN.com
A Community Shares Agency



Community United For Safety And Protection

Advocating Safety and Protection for all people in Alaska's Sex Trade
www.sextraffickingalaska.com.

Support for HB 31

January 30, 2017

Dear Representative Tarr,

Thank you so much for taking the leadership in stemming the epidemic of sexual assaults in Alaska with HB 31. We would like to extend our full support for this important House Bill. Perpetrators must know that they are going to suffer consequences for their heinous crimes because rape kits are no longer going to be hidden away as the lowest priorities.

Alaska will never stop being the rape capital of the United States as long as we don't even have rape kits prioritized to process and then match results with state and national data bases to hold accountable those responsible in a timely manner. In 2014, Detroit identified 188 serial rapists by processing just 1,600 rape kits out of their much larger backlog.

In December of 2016, Community United for Safety and Protection had Hays Research firm in Anchorage conduct a survey of 904 Alaskan voters' priorities. Processing Alaska's backlog of rape kits was a close second priority to investigating cases of murdered and missing sex workers, with 36% listing it as their first priority and 37% listing it as their second priority (see the results of that question represented in graph form below).

Clearly, Alaskans take this issue seriously and are in agreement with the passing of HB 31.

Thank you,

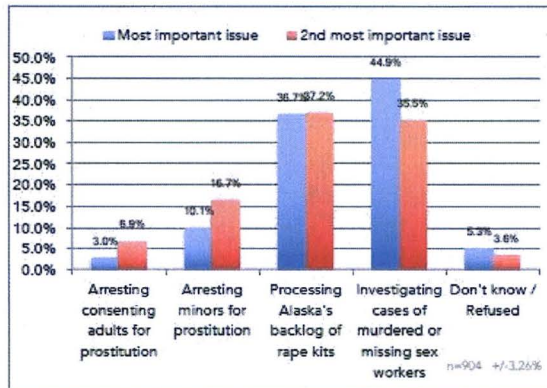
Maxine Doogan
 Kat Elroy
 Terra Burns
 Crystal Godby
 Community United for Safety and Protection
www.sextraffickingalaska.com

Question 2 - Most important issues being dealt with in Alaska (from list)

I am going to read you four issues. Please tell me which one is the most important issue to you. From the same list, please tell me which is the second most important issue to you.

Analysis

Additional cross tabulations for Question 2 can be found on pages 16-17 of this report.

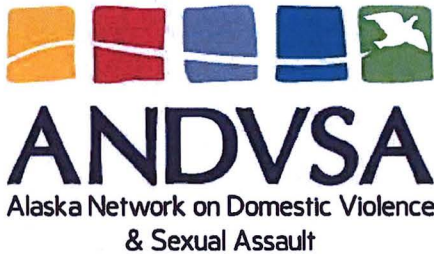


Most important issue

Arresting consenting adults for prostitution	3.0%
Arresting minors for prostitution	10.1%
Processing Alaska's backlog of rape kits	36.7%
Investigating cases of murdered or missing sex workers	44.9%
Don't know / Refused	5.3%

2nd most important issue

Arresting consenting adults for prostitution	6.9%
Arresting minors for prostitution	16.7%
Processing Alaska's backlog of rape kits	37.2%
Investigating cases of murdered or missing sex workers	35.5%
Don't know / Refused	3.6%



Main Office
130 Seward St. #214
Juneau, Alaska 99801
Phone: (907) 586-3650
Fax: (907) 463-4493

Sitka Office
PO Box 6631
Sitka, Alaska 99835
Phone: (907) 747-7545
Fax: (907) 747-7547

Anchorage Office
431 W. 7th Ave. #205
Anchorage, AK 99501
Phone: (907) 297-2860
Fax: (907) 279-2451

January 26, 2017

Letter in Support of HB 31 (Sexual Assault Examination Kits)

Dear Legislators:

Greetings to you on this fine day. The Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) offers its full support of HB 31 (Sexual Assault Examination Kits) – an act that directly impacts victims of sexual assault in several ways.

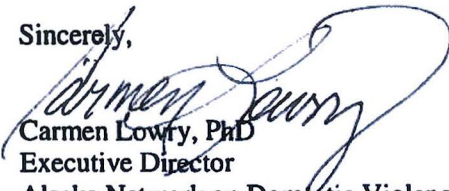
As service providers, our member agencies offer first-response sexual assault advocacy – many as a member of a Sexual Assault Response Team, to support victims of sexual assault. Sexual assault examination kit testing, as a part of this response process, creates opportunities for victims to immediately exert control over the response to her/his assault. When kits are collected but not tested efficiently, however, the process gives victims a false sense of evidence-gathering. This is grossly unfair to victims and their families.

Additionally, correctly administered sexual assault examination kits are critical in obtaining conviction. Legislative research has reported, though, that law enforcement – the first actor in the process of obtaining conviction – sometimes pursues testing only in cases with high likelihood of being solved, or when the perpetrator is unknown to the victim. Either way, we cannot continue with the prioritization of various sexual assault cases on any grounds. For victims and advocates, every sexual assault case is a priority.

The ANDVSA - the member programs, victims, and survivors who constitute our Network - fully supports Representative Tarr's proposal to streamline a system for more efficient testing of kits. We also support her proposal to identify the exact quantity of untested kits this year, so that victims' evidence does not continue to be buried, and so that relevant officials can understand and respond to the full scope of the backlog. We wholeheartedly agree with the governor's recent comments around sexual assault examination kit testing: "Justice delayed is justice denied."

We urge you to consider the effects that this legislation has on victims of domestic violence and sexual assault and support HB 31. If you have any questions or need additional information, please contact me at (907) 586-6560 or clowry@andvsa.org. Thank you very much for your time and consideration.

Sincerely,


Carmen Lowry, PhD
Executive Director

Alaska Network on Domestic Violence and Sexual Assault

Cc: ANDVSA member programs

Member Programs

Anchorage AWAIC, STAR Bethel TWC Cordova CFRC Dillingham SAFE Fairbanks IAC Homer SPHH Juneau AWARE
Kenai LeeShore Center Ketchikan WISH Kodiak KWRCC Kotzebue MFCC Nome BSWG
Seward SeaView Community Services Sitka SAFV Unalaska USAFV Utqiagvik AWIC Valdez AVV



The League of Women Voters

A Voice For Citizens, A Force For Change

P.O. Box 90079, Anchorage, AK 99509-0079

January 26, 2017

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Dear Representative Tarr:

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Vice-President

Judy Andree

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Carol Dickinson

Secretary

Gail Knobf

DIRECTORS

Hetty Barthel

Diane Mathisen

Lois Pillifant

Phyllis Tugman-Alexander

The League of Women Voters Alaska (LWVAK) supports the passage into law of HB 31, Sexual Assault Examination Kits. LWVAK recognizes the importance of a coordinated effort by law enforcement, prosecutors, judges, and the medical community when it comes to dealing with sexual assault. In addition, the League of Women Voters United States (LWVUS) endorsed the Violence Against Women Act and asks that an emphasis be put on violence prevention. Sexual assault is a violent act that leaves its victims traumatized, sometimes for decades or longer. Any steps taken to enhance the collection of data regarding sexual assault and the coordination between police, prosecutors, and judges will be a step toward the prevention of sexual violence.

HB 31 requires the State to establish a tracking system as well as collection and processing protocols so that timely testing of sexual assault kits can occur. In addition, HB 31 requires that police departments in the State of Alaska submit sexual assault kits within 18 months of collection. Adding the data from the testing of a sexual assault kit to a larger database can help apprehend serial rapists and result in justice for the victim as well as the removal of a dangerous person from the opportunity to create another victim.

The large backlog of kits that have never been submitted for testing and, therefore, never tested demands a standardized method of handling this evidence. An inventory must be made of untested kits and an ongoing effort established to see that the results of these kits are entered into a statewide database. The measures required in HB 31 can assist in preventing violence against women and men. Passing these measures into law is a responsible step in the right direction.

Thank you for your serious consideration.


Pat Redmond, President

League of Woman Voters Alaska

Alaska Women's Lobby

Defending and advancing the rights and needs of women, children and families in Alaska since 1981

HB 31: Sexual Assault Examination Kits

January 2017

The Alaska Women's Lobby, with steering committees in Fairbanks and Juneau as well as members across the state, supports the sexual assault response team (SART) process for handling sexual assault cases reported to law enforcement. SARTs integrate the investigative, medical and advocacy processes in a sexual assault response into a seamless system so that victims of these heinous crimes are not further traumatized when reporting what has happened to them.

An integral part of SART is that of gathering physical evidence through the use of a sexual assault examination kit. Kits are toolboxes of evidence gathering procedures and materials the use of which allow for consistent collection of evidence regardless of where the crime took place.

Whether a victim reports to law enforcement, goes to an emergency department of a hospital or goes to a clinic, or whether he or she calls an advocacy crisis line, in communities with trained SARTs, the team is called together. Options are explained to the person reporting so an informed decision can be made about next steps, if any, in the reporting process. If the person would like evidence of the assault to be gathered and preserved, then a sexual assault exam kit will be used.

One of the devastating effects of a sexual assault is the loss of control one feels and it takes time to work through that feeling. Respecting the rights of the person who has been assaulted, including decision-making about what happens from the point of the assault forward, is critical to healing. Some people want evidence gathered; some people want a medical exam to ensure injuries are treated; some people want both; and, some people don't want either.

If a kit is used, some people are comfortable with it being tested immediately so the evidence may help in furthering the investigation and some people want the evidence gathered but are not ready to take the next steps with the criminal justice system so only want the kit used but not processed. Some people want to remain anonymous but are willing to have the evidence processed.

As can be surmised, the variables to be considered in ensuring all kits are treated in the appropriate manner make for a complex solution. A cohesive tracking system managed by the Department of Public Safety for these kits, some used and held for future processing; some used and processed for current investigations; some used with a known victim and some used with anonymous victims; is a good measure to take in assuring justice for each person who chooses to have an exam whatever the choices surrounding the use of the kits are.

PO Box 20891, Juneau, AK 99802 * akwomenslobby@gmail.com



END THE BACKLOG

A Joyful Heart Foundation Initiative

State of Reform: Alaska

Overview of Reform

Known Backlog: 3,800 untested kits statewide.

Inventory: One-time inventory, not annual.

Testing Previously Unsubmitted Kits: Not mandated.

Testing Newly Collected Kits: Not mandated.

Victims' Rights to Notice: Not mandated.

Rape Kit Tracking System: None.

Funding for testing: None appropriated at the state level. Alaska State Troopers received a \$1,090,450 Sexual Assault Kit Initiative (SAKI) grant in 2016.

Background

In 2015, Governor Bill Walker initiated an inventory tasking all state of Alaska departments and law enforcement agencies handling sexual assault kits to determine the number of untested kits. The Alaska State Troopers complied, yet fewer than 20 of the state's 53 police departments complied. The audit revealed 3,800 backlogged kits statewide, with about one-third of Alaska's backlog in the possession of the Alaska State Troopers.

In September 2016, a newspaper from the University of Alaska at Anchorage published an article indicating that Anchorage Police Department had conducted an audit and found 1,691 untested kits in storage. Through communications with APD, Joyful Heart confirmed this number, and learned that these kits date as far back as 1993.

Legislative Reform

In January 2017, State Representative Geran Tarr (D-19) introduced legislation on rape kit reform, H.B. 31. This bill passed the House of Representatives in April 2017 and is in the Senate State Affairs Committee. A one-time inventory in S.B. 55 was signed into law in May 2017.

Sexual Assault Kit Initiative Grant

In 2016, the U.S. Bureau of Justice Assistance awarded the Alaska Department of Public Safety (DPS) a \$1,090,450 Sexual Assault Kit Initiative (SAKI) grant to process over 1,000 untested kits in the possession of the Alaska State Troopers. As of September 2017, DPS is creating a plan to triage kits for testing as well as a victim notification protocol.

Going Forward

To eliminate the backlog of untested rape kits, Alaska should enact an annual audit, require the submission and testing of backlogged and newly collected kits, establish victims' rights to notice, appropriate funding to enhance law enforcement and crime lab capacity, and establish a rape kit tracking system. Joyful Heart is ready to assist local stakeholders and legislators to customize legislation addressing Alaska's unique challenges and existing statute.

Christine Marasigan

From: Aliza Kazmi <akazmi@andvsa.org>
Sent: Wednesday, April 12, 2017 12:24 PM
To: Christine Marasigan
Subject: HB 31 - awaiting a hearing in State Affairs
Attachments: AWIC letter of support_HB 31 4.11.17.pdf; BSWG letter of support_HB 31 4.11.17.pdf; ANDVSA Letter of Support HB 31.pdf
Importance: High

Hi Christine,

Thanks in advance for reviewing this bill as part of the different bills that are up for consideration in the State Affairs Comm. I know there's lots going on, so please email or call if there's any way I can help.

Reasons the Network is eager to see HB 31 get its hearing in State Affairs, then Finance, to hopefully pass this year:

- 1. We need to know the extent of untested and unsubmitted kits by DPS's completing a full inventory and addressing the backlog**
- 2. Victims of SA need support through a standardization of the protocol around victims' reporting options, as well as processing of SAKs**
- 3. We need an institutionalized coordination of law enforcement, medical providers, and the criminal justice system to ensure that victims' needs are respected through a clearly victim-centered protocol. We need to build relevant capacity in order for all relevant stakeholders to successfully develop and carry out the abovementioned standards and protocols**
- 4. To improve the process for victims, victim advocates are eager to share our perspective, and build on existing practices, in the development of the abovementioned standards and protocols**

Thanks again!

Aliza Kazmi, MPP

Policy Specialist

Alaska Network on Domestic Violence & Sexual Assault

130 Seward Street #214

Juneau, Alaska 99801

Email: akazmi@andvsa.org

Phone: (907) 586 6561

Fax: (907) 463 4493

www.andvsa.org



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Celeste Novak

From: Bill & Debby <[redacted]@gcd.net>
Sent: Saturday, April 08, 2017 3:41 PM
To: Rep. Geran Tarr
Cc: Celeste Novak
Subject: Re: HB31

Will do.

Deborah Tennyson

[redacted]

Sent from my iPad

> On Apr 8, 2017, at 3:15 PM, Rep. Geran Tarr <Rep.Geran.Tarr@akleg.gov> wrote:

>

> Hello! Thanks for your message. We are going to push to get this bill through this session. It would really help if you reach out to Senators and ask for their support.

>

> Thank you!

> Geran

>

> -----Original Message-----

> From: akhouse@belfastserverhost.net [mailto:akhouse@belfastserverhost.net]

> Sent: Saturday, April 08, 2017 8:22 AM

> To: Rep. Geran Tarr <Rep.Geran.Tarr@akleg.gov>

> Subject: HB31

>

> From: Deborah Tennyson <[redacted]@gcd.net>

> Subject: HB31

>

> Message Body:

> Thank you Geran!!

>

> --

> This e-mail was sent from a contact form on Representative GERAN TARR (http://akhouse.org/rep_tarr)

>

Celeste Novak

From: Carol Ende <[REDACTED]>
Sent: Monday, March 13, 2017 6:25 PM
To: Celeste Novak
Subject: support of House Bill 31.

Representative Tarr,

I am writing in support of House Bill 31. I cannot express enough how important it is that we as a society yearning for the safety of every individual, make it very clear to all Alaskans that any rape or sexual violence will be, without question, thoroughly investigated.

I feel that this bill makes a pathway for sexual assault kits and a proper procedure that will allow anyone who has been raped the opportunity to seek justice.

Anything we can do to better our system of investigating criminals in this area needs to be supported because of our particularly high rate of crime in sexual assault.

Thank you for the work on this bill and I hope that your colleagues will find value in this all important measure of safety for every Alaskan.

Carol Ende

Juneau, AK

Celeste Novak

From: Rep. Geran Tarr
Subject: FW: In Support of HB 31 - address backlog of sexual assault kits

From: [Redacted]
Sent: Monday, April 03, 2017 9:08 AM
To: Rep. Andy Josephson <Rep.Andy.Josephson@akleg.gov>
Cc: Rep. Geran Tarr <Rep.Geran.Tarr@akleg.gov>; Rep. Chris Tuck <Rep.Chris.Tuck@akleg.gov>; Rep. Les Gara <Rep.Les.Gara@akleg.gov>; Rep. Gabrielle LeDoux <Rep.Gabrielle.LeDoux@akleg.gov>; 'Berta Gardner' <berta.gardner@gmail.com>
Subject: In Support of HB 31 - address backlog of sexual assault kits

Dear Rep. Josephson,

I'm one of your constituents. I voted for you.

I'm writing to state my unequivocal support for addressing the sickening backlog of sexual assault kits languishing in law enforcement storage across the state. I started to write that it's an affront to me as a woman that this situation exists, but I have to believe it's an affront to ANYONE with decency that we not only haven't processed the kits but are just starting to get a grip on how many of them exist. I know budgeting is in "triage" stage in Alaska; I consider allotment of resources a priority to make HB 31 a reality, and I hope you do, too.

Thank you for your time and your work,

Constance Quinley

[Redacted]

[Redacted]

[Redacted]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Celeste Novak

Subject: FW: HB 31 support

-----Original Message-----

From: Alyse Galvin [REDACTED]
Sent: Monday, March 13, 2017 11:54 AM
To: Rep. Geran Tarr <Rep.Geran.Tarr@akleg.gov>
Subject: HB 31 support

Representative Tarr,

I am writing in support of House Bill 31. I cannot express enough how important it is that we as a society yearning for the safety of every individual, make it very clear to all Alaskans that any rape or sexual violence will be, without question, thoroughly investigated.

I feel that this bill makes a pathway for sexual assault kits and a proper procedure that will allow anyone who has been raped the opportunity to seek justice.

Anything we can do to better our system of investigating criminals in this area needs to be supported because of our particularly high rate of crime in sexual assault.

Thank you for the work on this bill and I hope that your colleagues will find value in this all important measure of safety for every Alaskan.

Alyse Galvin
[REDACTED]
[REDACTED]

Sent from my iPhone

Celeste Novak

Subject: FW: Sexual Assault Examination Kit Bill, HB 31

From: ChErie [REDACTED]
Sent: Tuesday, March 14, 2017 1:45 PM
To: Rep. Geran Tarr <Rep.Geran.Tarr@akleg.gov>
Subject: Sexual Assault Examination Kit Bill, HB 31

I absolutely support HB 31, Sexual Assault Examination Kit Bill! Please do everything you can to ensure this bill passes.

Cherie Jordan

[REDACTED]
[REDACTED]
[REDACTED]

Celeste Novak

Subject: FW: Sexual Assault Examination Kit Bill, HB 31

From: Stephanie J Warnock [REDACTED]
Sent: Thursday, March 16, 2017 12:44 PM
To: Rep. Geran Tarr <Rep.Geran.Tarr@akleg.gov>
Subject: Sexual Assault Examination Kit Bill, HB 31

Good tidings, Representative Tarr!

I'm writing you today - on my 52nd birthday! - in support of Sexual Assault Examination Kit Bill, HB 31. It is most puzzling and unfortunate that such legislation is necessary, given the essential evidence provided by DNA in cases of rape and incest, the technology available, and the policies and procedures in place to require those who report these crimes go through such an arduous and emotionally difficult process to collect said DNA. However, for some reason all of that information has been painstakingly and courageously gathered only to sit untested, across the state and nation because of the discretion of law enforcement not to prioritize these crimes.

Rape and incest are examples of crimes where offenders, if not caught, tend to repeatedly offend with new victims. Meanwhile, there are many examples of people being wrongfully convicted and proven innocent by DNA. Testing these kits and acting on that vital evidence to convict offenders is not only essential for victims, but for public safety and accurate justice. One test can literally solve dozens of cases - and make the community safer for all women - and men.

In Alaska, with our breathtakingly high rates of sexual crimes, it is even more important to use the technology that victims are required to endure for right reasons. I should NOT be optional to process these tests and act on the vital and uncontestable evidence they provide. This is why I support HB 31.

Thank you for your work on this important issue for all Alaskans,

Stephanie Warnock

[REDACTED]

[REDACTED]
Anchorage, AK 99501

[REDACTED]

[REDACTED]
[REDACTED]

Celeste Novak

From: [REDACTED]
[REDACTED]
Sent: Monday, March 13, 2017 1:41 PM
To: Rep. Geran Tarr
Subject: HB 31

From: Shawn [REDACTED]
Subject: HB 31

Message Body:

HB 31 would mandate all sexual assault examination kits collected in Alaska be tested and tracked through a process developed by the Alaska Department of Public Safety. The bill also provides for a protocol on any sexual assault examination kit as well as an inventory of the kits and reports from law enforcement agencies on the kits storage and retention of the kits.

Alaska rates consistently at the top of sexual assault and domestic violence cases in the country and many of the perpetrators remain untried by the criminal justice system. This bill endeavors to eliminate that injustice. When tested, DNA evidence contained by rape kits can be an incredibly powerful tool to solve and prevent crime. It can identify an unknown assailant and confirm the presence of a known suspect. It can affirm the survivor's account of the attack and discredit the suspect. It can connect the suspect to other crime scenes and identify serial offenders. It can exonerate the wrongly convicted or accused.

--

This e-mail was sent from a contact form on Representative GERAN TARR (http://akhouse.org/rep_tarr)

[REDACTED]

[REDACTED]

[REDACTED]

Celeste Novak

From: Rep. Geran Tarr
Sent: Monday, March 13, 2017 1:34 PM
To: ~~Akkromes@gci.net~~, Celeste Novak
Subject: RE: HB 31

Hi Elizabeth - Thanks so much for writing this letter of support. This is such an important issue and we have to address this now. You'll see some changes to the bill that reflects where Department of Public Safety is in addressing the backlog. We are working with them to get the necessary information through the bill this year and then create a plan of how to fund the testing of the backlog.

Thanks again! We will keep you updated on the progress.

Best - Geran

-----Original Message-----

From: ~~akhouse@belfast.servershost.net~~ [mailto:~~akhouse@belfast.servershost.net~~]
Sent: Sunday, March 12, 2017 9:11 PM
To: Rep. Geran Tarr <Rep.Geran.Tarr@akleg.gov>
Subject: HB 31

From: Elizabeth Krome <~~akkromes@gci.net~~>
Subject: HB 31

Message Body:

I support HB 31. It seems an absolute shame that sexual assault victims must suffer a second time while waiting for funds to process kits. Thank you for introducing this bill.

Elizabeth Krome

~~Akkromes@gci.net~~

--

This e-mail was sent from a contact form on Representative GERAN TARR (http://akhouse.org/rep_tarr)

Rep. Geran Tarr

From: Maio Nishkian <[REDACTED]>
ent: Monday, January 30, 2017 11:23 PM
To: Rep. Geran Tarr
Subject: House Bill 31

I support House Bill 31, I support justice for rape victims by requiring that all rape kits be tested within 18 months.

Please support this bill for Alaskans and for justice.

><(((??>

Maio Nishkian
Palmer, AK 99645

Rep. Geran Tarr

From: Chelsea Lindquist <[REDACTED]>
Sent: Monday, January 30, 2017 10:52 PM
To: Rep. Geran Tarr
Subject: HB 31

I am writing in support of House Bill 31, that will require justice for rape victims by requiring that all rape kits be tested within 18 months.

Thank you,
Chelsea Vukovich

Rep. Geran Tarr

From: Taralyn <[REDACTED]>
ent: Monday, January 30, 2017 11:24 PM
To: Rep. Geran Tarr
Subject: Support House Bill 31

Dear Representative Tarr,

I'm writing to you as a concerned and compassionate Alaskan citizen and survivor of sexual assault and rape, asking that you please support HB 31.

Rape changes your entire life. The recovery process is difficult and varies from person to person. Some are never able to recover at all. Please help victims of rape get through this process as quickly as possible, by requiring that all rape kits be tested within 18 months. Don't force these victims to relive their trauma for any longer than is necessary. Let them have a chance to heal, and move on.

Thank you for taking the time to read what I had to say. It was difficult to have to revisit my own trauma in order to write this email, but I felt it was important to speak up for others like me, because things have to change. There are too many of us. And there wouldn't be as many if rape kits were tested in a timely manner.

Sincerely,
Taralyn Dicus
Palmer, Alaska

Rep. Geran Tarr

From: Contessa Gossett <~~contessa.gossett@gmail.com~~>
ent: Monday, January 30, 2017 11:19 PM
To: Rep. Geran Tarr
Subject: HB31

Hello Representative Tarr, please support the passing of HB31 so rape kits will have to be tested within 18months.

This is vital for criminal investigations and prosecutions. Victims need to be represented through proper criminal investigations. Thank You, Contessa Shade Gossett, Palmer Alaska.

Sent from Hollywood Kid

Rep. Geran Tarr

From: K Griffin <[REDACTED]>
Sent: Monday, January 30, 2017 11:51 PM
To: Rep. Geran Tarr; Rep. Les Gara; Rep. Chris Tuck
Subject: HB 31
Attachments: WebPage.pdf; ATT00001.htm

Hello,

Thank you for working to get this important legislation written and moving forward. This is such an important issue for so many women in our state. There are too many rape kids that have been left on shelves. One is too many. Too many women were abandoned and their attackers went on with their lives. One is too many. Testing kits within 18 months will greatly help expedite the needed arrests (especially of those repeat offenders) and convictions to help many women find a bit of closure of that episode in their life.

Thank you kindly,
Karyn Griffin
Soldotna

<http://www.legis.state.ak.us/PDF/30/Bills/HB0031A.PDF>

Rep. Geran Tarr

From: R H <[redacted]@gmail.com>
Sent: Tuesday, January 31, 2017 1:09 AM
To: Rep. Geran Tarr
Subject: in support of HB 31

Dear Representative Tarr,

I just heard through the grapevine that there's a bill to do something about the state's backlog of rape kits, and I just wanted to say I'm all for that. That's the sort of thing I read about and wonder that we let those just sit around when processing and testing could substantially bring about justice for victims, help catch offenders before they rape again, and generally show that our society does actually consider sexual assault to be a serious crime. This bill sounds like a step in the right direction.

Thank you,
Ruth Hulbert
Palmer, AK

Rep. Geran Tarr

From: Dana Dardis <[REDACTED]>
Sent: Monday, January 30, 2017 8:57 PM
To: Rep. Geran Tarr
Subject: House Bill 31

I support house bill 31.

Dana Dardis
[REDACTED]
Anchorage, AK 99517
[REDACTED]

Celeste Novak

From: Rep. Geran Tarr
Subject: FW: HB 31 - Support for rape kit reform

Rep. Tarr:

Natasha Alexenko and I are contacting you in support of your bill (HB 31) to establish a rape kit tracking system for Alaska, along with other rape kit reform. We'd love to speak with you some time to discuss your legislation and what additional support we can provide to you. Is there a time we might set up a call?

In the meantime, you may be interested in learning about the federal grant called SAFE-ITR (Sexual Assault Forensic Exam – Inventory, Tracking, Reporting) which can be used to establish rape kit tracking systems. Of course, state-based funding is always best, but...the federal grant could help with fiscal note considerations. The FY 2016 solicitation can be found at <https://nij.gov/funding/Documents/solicitations/NIJ-2016-9088.pdf> -- the FY 2017 solicitation has not yet been released.

Thank you for introducing this very important legislation, and we look forward to speaking with you soon.

Lisa H. Hurst

Sr. Government Affairs Consultant



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April 21, 2018 · 7:36 AM ET

Heard on Weekend Edition Saturday

Alaska has a sexual assault rate 3 times the national average and a child sex assault rate 6 times. NPR's Scott Simon discusses that with Alexander Hirsch of the University of Alaska at Fairbanks.

SCOTT SIMON, HOST:

Rick Martin of Haines, Alaska, revealed a horrifying secret just before he took his life last month. Mr. Martin, who was 60 years old and suffering from liver disease, recorded a cellphone video in which he recounted how he had been sexually abused decades earlier when he was a student by a school superintendent. Subsequently, several other men came forward who had similar stories. Mr. Martin's revelation shines a light on some startling statistics. According to the FBI, Alaska's sex crime rate is three times that of the national average, and child sexual assault in the state is six times the national number. Alexander Keller Hirsch has written about this. He is director of Women, Gender and Sexuality Studies at the University of Alaska Fairbanks. He joins us from member station KUAC in Fairbanks.

Professor, thanks so much for being with us.

ALEXANDER KELLER HIRSCH: Thanks very much for having me.

SIMON: What should we make of these shocking statistics?

HIRSCH: I think to most Alaskans, these statistics aren't surprising. Anyone who lives here knows someone or is themselves a victim of sexual violence. And so this is a reality that Alaskan residents are constantly made aware of.

SIMON: You say in an opinion piece you wrote for the Anchorage Daily News that 59 percent of women in Alaska say they've been sexually assaulted.

HIRSCH: That's right. And it should be noted that, though that number is remarkable, it is likely that that number is also conservative. And we should also note that amongst the 59 percent of Alaska women, 61 percent are Alaska Native, which makes Alaska Native women almost 10 times more likely than other Alaskans to be victims.

SIMON: Professor Hirsch, I'm horrified and stumped. I mean, that's well over half. How does this happen?

HIRSCH: In western Alaska, one of the causes has to do with the remoteness of local communities, rural communities and villages where criminalization of sexual assault is difficult by virtue of the fact that we don't have police presence. There's also significant intergenerational trauma and a pattern of previous victims tragically becoming perpetrators themselves later on. There's also widespread substance abuse. That's undeniably part of the problem. And finally, I would highlight the legacy of settler colonialism, which has upended traditional subsistence lifestyles and disrupted norms in ways that have made this kind of sexual violence more likely to take place.

SIMON: You've suggested that Alaska declare a sexual assault state of emergency. What would that do?

HIRSCH: The governor could direct the Alaska Division of Homeland Security and Emergency Management to establish funding for more emergency protective measures. The declaration would also allow the governor potentially to establish an emergency management team that could create a sexual violence commission that could work closely with the Council on Domestic Violence and Sexual Assault. But I think above all else, I think the state needs to do something that is proportionate to the urgency of the problem and send a signal to Alaska's residents that the state is taking the issue very seriously. And I think the state should set a precedent for other states to

follow suit. I also think that there's a danger in not declaring a sexual assault state of disaster in that by doing not enough, the state might send the signal that there's something inevitable about this kind of violence. And I don't think that that's true.

SIMON: Alexander Keller Hirsch of the University of Alaska Fairbanks, thanks so much for being with us.

HIRSCH: Thank you so much for having me.

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involved. First, the court determines the importance of the interest impaired by the challenged statute. Then the court looks at the purposes served by the statute. Finally, the court looks at how well the statutory means fits the purpose. "The common question in addressing equal protection cases is whether two groups of people who are treated differently are similarly situated and thus entitled to equal treatment."¹⁶ Because campaign contributions and expenditures are a form of political speech subject to protection under the First Amendment, a court will apply "strict scrutiny." Under a strict scrutiny standard, a law must be narrowly tailored to serve a compelling governmental interest.

Like the initiative, the bill's prohibition on certain campaign contributions and expenditures is applicable to a corporation with as little as a five percent foreign ownership interest or, even if there is no foreign ownership interest, to a corporation which employs a foreign national who participates in making decisions relating to campaign contributions and expenditures.¹⁷ Given the multinational and diverse nature of many corporations, it is possible that this prohibition would apply to a large number of corporations (including domestic corporations), doing business in the state. If the prohibition is litigated, a court may find that qualifying a corporation as "foreign-influenced" because a foreign national controls as little as five percent of it, or participates even minimally in the corporation's decision-making relating to contributions and expenditures in some manner, implicates at least some corporations whose campaign contributions and expenditures are not significantly influenced by a foreign national. Although the prohibition against certain contributions and expenditures from foreign-influenced corporations may serve a compelling state interest, a court may find it is an unconstitutional violation of certain corporations' right to equal protection because it is not narrowly tailored to protect that state interest.

If you have questions, please do not hesitate to contact me.

DCW:mlp
18-176.mlp

Attachment

¹⁶ *Anderson v. State*, 78 P.3d 710, 718 (Alaska 2003).

¹⁷ See the initiative's sec. 9(b)(9)(C), reflected in the addition of subparagraph 15.13.068(c)(5)(C) in section 1 of this draft bill.

Alaska Dispatch News

Crime & Courts

DNA leads to Anchorage man's conviction in 2014 sexual assault

✍ Author: Chris Klint ⌚ Updated: July 20 📅 Published March 1

An Anchorage man has been convicted of sexually assaulting a female passenger more than two years ago, based on DNA evidence that exonerated another man.

Anchorage District Attorney Clint Campion's office said Asad Nur, 31, was found guilty Monday of first-degree sexual assault and second-degree assault. The jury verdict followed five days of testimony.

According to an Anchorage detective's affidavit, the victim said she met Nur at a bar on Sept. 5, 2014, and he suggested they both take a taxi to another bar. Instead, the taxi took them to his apartment.

"Once inside the apartment, Nur dragged the woman to his room, strangled her with one hand and sexually assaulted her," prosecutors wrote in a press release. "Nur then let go of her neck, told her he would call her another taxi, and told her not to tell anyone what happened. The woman called 911 shortly after the incident but was not initially able to identify the defendant."

Assistant district attorney Gustaf Olson, who prosecuted the case, said Wednesday the victim, who immediately reported the attack, was assessed by a sexual assault specialist. DNA samples taken during the investigation were submitted to the state Scientific Crime Detection Laboratory in Anchorage.

Nur had called the second cab for the victim under an alias, Olson said. Police recorded a phone conversation on the day of the assault between the victim and Nur, who hadn't yet been identified by name, when she called the phone number he had used to request the cab.

"She said she wanted to talk about last night and he said, 'Oh yeah, from the bar,'" Olson said. "She said, 'You hurt me, you forced me;' he said, 'Oh, no' — she said, 'You're saying we didn't have sex?' and he hung up on her."

Olson said the case was complicated when the victim initially identified the assailant from a photo lineup as Nur's neighbor — a man with the same build and physical description as Nur, down to a similar facial scar. The neighbor was considered a possible suspect until May 2015, when DNA test results from the state crime lab ruled him out as the assailant.

In September 2015, court records show, Nur pleaded no contest to and was convicted on an unrelated assault charge in Anchorage. Under state law, Olson said, the offense allowed authorities to take a DNA sample from Nur

and enter it into the Combined DNA Index System, or CODIS, a statewide database of DNA samples collected in part from people arrested or convicted of certain crimes.

Staff at the crime lab told police in February 2016 that they had found a CODIS hit linking Nur's DNA to the sample from the sexual assault. Olson said APD detectives tracked down Nur, whose first language is Somali, and asked him about the case during two October interviews in Anchorage. Officers requested a Somali interpreter for the second interview. Nur had worked as a taxi driver in Anchorage at some point, Olson said.

"When they caught up with him, he made adamant denials and he said, 'You should take my DNA,' " Olson said. "I think he didn't understand that fundamentally, DNA doesn't change over time; it's not like your temperature."

Following the interviews, Olson said, an arrest warrant for Nur was issued on Nov. 3. In December, DNA testing on the sample volunteered by Nur confirmed the CODIS match against the sexual-assault sample.

Olson said Nur's credibility at trial was undermined by a recorded outburst at a bail hearing in the case, in which Nur responded to a statement from the victim by saying he didn't know her — contradicting his previous conversation with the victim regarding the night of the assault.

At trial, Olson said, Nur's defense argued that the sex was consensual. The defendant did not testify.

Nur remains in Alaska Department of Corrections custody, pending a June 23 sentencing date. He faces from 20 to 99 years in prison on the sexual assault charges.

Correction: *An earlier version of this story incorrectly described the circumstances of the assault. While Asad Nur had worked as a taxi driver, he was not driving the victim in a taxi that night. He and the victim were both passengers, according to prosecutors. In addition, the man whom the victim initially identified as her assailant was Nur's neighbor, not the victim neighbor.*

About this Author

Chris Klint

Chris Klint, a lifelong Alaskan and UAA graduate, covers breaking news in the mornings. He spent more than five years at Anchorage TV station KTUU before joining Alaska Dispatch News.

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Alaska Dispatch News

Opinions

Alaska should declare a sexual assault state of disaster

 Author: Alexander Keller Hirsch | Opinion  Updated: August 7, 2017  Published August 7, 2017

By now, most Alaskans are woefully aware of the alarming reality. Alaska's sexual crime rates are three times higher than the national average, and child sexual assault rates are six times the national average. A 2016 state report confirms that, disproportionately, victims of sexual violence are between 11 and 17 years old, from Western Alaska or the Anchorage Bowl, and were attacked by someone they knew. According to the FBI Uniform Crime Report, 59 percent of Alaska women report having experienced sexual violence. Native Alaskans make up 61 percent of rape victims in the state, making Alaska Native women 9.7 times more likely than other Alaskans to be victims. Remarkable though they are, these numbers are by all accounts conservative, as the reported assault rate comprises only a portion of the overall rate of incidents.

[New report offers an in-depth look at Alaska's many sexual assault cases]

Alaska's recent governors, starkly cognizant of this disaster, have responded, albeit to limited effect. Gov. Sean Parnell was right to term sexual abuse in Alaska "an epidemic." He launched Alaska Men Choose Respect, a statewide prevention program that combined widespread public service announcements and annual rallies with increased sentencing for sex offenders and mini-grants for community-based prevention programs. Parnell also made efforts to expand law enforcement in remote areas through the Village Public Safety Officers program.

As part of his "Safer Alaska" initiative, Gov. Bill Walker has followed suit, though, laudably, he has ramped up efforts to treat the issue with accelerated urgency. On June 19, the governor signed Senate Bill 55 into law, bringing the state into compliance with the federal Violence Against Women Act, enforcing out-of-state protective orders registered in Alaska courts, and ordering local law enforcement agencies throughout the state to report their untested rape kits to the Alaska Department of Public Safety. The state received a \$1.1 million, three-year grant to process 1,000 untested sexual assault kits held in storage by Alaska State Troopers. Walker also declared April the perennial Sexual Assault Awareness Month.

"For too many years," Walker wrote, "Alaska has been plagued with high rates of domestic violence and sexual assault. Solving these problems will require a multi-pronged approach across many departments addressing victims, perpetrators, families, and bystanders."

Walker is right. The causes of sexual violence in Alaska are complex and ingrained, and redressing the multidimensional social problems that underlie such violence will require maximum coordination

among networks of government agencies, nonprofit organizations, community groups and individuals. This is why the governor should immediately declare a sexual assault state of disaster in the state of Alaska.

Some apparent progress has been made in recent years. The 2015 Alaska Victimization Survey reflected a significantly decreased rate (roughly one-third) of reported sexual violence since 2010. It is unclear how much of this change is accurately reflected by vital advancements made in preventing violence, or if it is the reporting of sexual assault that has flagged. Either way, as long as Alaska continues to rank the highest in the nation for sexual crime, more must be done to ensure the safety of our residents.

Declaring a state of disaster could catalyze public assistance measures at the state, local and tribal government levels, and direct the Alaska Division of Homeland Security and Emergency Management to establish funding for emergency protective measures. The declaration would also allow the governor and his emergency management team to swiftly establish a sexual violence commission that could work closely with the Council on Domestic Violence and Sexual Assault to expand the exceptional services it currently offers in the form of emergency shelters, safety planning, community advocacy and batterers' intervention programs. A state of disaster could also provide greater financial assistance for victims seeking legal redress.

Were the governor to take this needed step, the declaration would allow the state to petition federal government agencies for funding and logistical help. Though the federal grant the state received will no doubt help, in fact thousands more untested rape kits will remain in need of subsidy.

Declaring a state of disaster will elevate the issue's notoriety and call further attention to sexual violence as a matter of significant state priority. Serious change, proportionate to what is required to fully eliminate the conditions of possibility for sexual assault, may remain a cultural concern so long as widespread misogyny persists. But cultural change is invigorated by shifts in policy, which signal new directions and quicken variations in cultural consciousness.

Like torture, rape is a paradigm of what the philosopher Jay Bernstein terms "moral injury"; both are "paradigms of acts that no one should ever do." The devastation reaped by rape is revealed in the experience of suffering and pain related to the "destruction of individuals' standing as persons – as having dignity," writes Bernstein. The profound result of thinking this way about sexual violence as a form of torture is, "When people do terrible things it is not moral rules that are broken but other persons that are broken, their bodies and dignity."

On Feb. 15, the governor issued an order officially declaring the state's opioid abuse crisis a public health disaster. This created a legal foundation for the state to issue a medical "standing order" that allows community groups, law enforcement and members of the public to dispense and administer naloxone, an anti-overdose medication. It was the 11th disaster declared by the governor, but the first addressing a dire need in Alaska that was not strictly related to the damage caused by storms or wildfire.

A similar declaration for sexual violence would dignify Alaskans who have suffered in the past, but also demonstrate respect for equally considerable future generations of victims. The declaration could open pathways to renewal in a state where, as Gov. Walker rightly admits, "more must be done."

Alexander Keller Hirsch is associate professor of political science at the University of Alaska Fairbanks and director of Women, Gender and Sexuality Studies at UAF.

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Crime & Courts

Anchorage 'serial rapist' sentenced to 70 years in prison

✍ Author: Chris Kilint 🕒 Updated: January 9 📅 Published January 9



Clifford Lee looks at judge Paul Olson during sentencing proceedings Friday, Jan. 6, 2017, at the Nesbett Courthouse in Anchorage. As part of a plea agreement, Lee pleaded guilty to two counts of sexual assault, although he admitted to six other sexual assaults.

A man Anchorage police called a 'serial rapist' after his arrest in a five-week string of 2014 attacks was ordered to serve 70 years in prison Monday under a plea agreement in which he admitted raping eight women dating back to 2001.

Prosecutors said Clifford K.L. Lee, 37, was sentenced to a total of 90 years with 20 suspended by Anchorage Superior Court Judge Paul Olson, on two counts of first-degree sexual assault. Lee originally was charged with nine sexual-assault counts, but prosecutors dismissed seven in an August deal they said ensured that victims 'do not have to relive the trauma Lee inflicted on them' at trial.

As the two-day hearing began Friday, Lee sat with public defender Evan Chyun, remaining silent with his eyes downcast. After Olson heard recorded statements from victims and sentencing concerns from both sides Friday, the hearing concluded Monday with Olson handing down his sentence.

The first of four rapes and one attempted rape that led to Lee's 2014 arrest occurred in late June of that year, according to police. Investigators later said Lee targeted intoxicated women walking alone in downtown and Midtown Anchorage.

After picking up women in his black 2001 Chevrolet Tahoe and driving to South Anchorage, police said, Lee used death threats and a stun gun to coerce them into compliance — although one woman escaped him.

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Lee was pulled over and arrested in Spenard on July 31, 2014, hours after he was identified in a photo lineup by the last of the four rape victims. Police subsequently called for any other women victimized by Lee to come forward, and DNA testing at the Scientific Crime Detection Laboratory in Anchorage linked Lee to unsolved rapes in 2001 and 2005 involving the same methods as the 2014 cases.

Assistant district attorney Jenna Gruenstein sought a total sentence of 99 years for Lee, arguing Friday that he systematically raped disadvantaged women.

Anchorage police Detective Mikell Von Dolteren, an investigator on the case, testified for the prosecution that Lee was intelligent and charismatic in interviews. Getting him to confirm specific details of the rapes was like "pulling teeth," however, until he was directly confronted with physical evidence.

"It became fairly obvious, you know, that he was targeting women that were more vulnerable," Von Dolteren said. "They had a smaller stature, were older, had a problem with alcohol or drugs or both — some kind of diminished capacity that would make them more pliant or more controllable."

Chyun sought a 47-year sentence on the two counts with some time to be served concurrently, saying Lee still wouldn't be released until 2049 at the age of 70. He also pointed out that Lee voluntarily offered in the agreement to accept greater monitoring of his activities after his release.

"The state's proposal, which is basically to keep Mr. Lee in jail for the rest of his life, completely ignores rehabilitation," Chyun said. "Mr. Lee has made a series of mistakes — he's trying to atone for them, he's made them over the course of 35 years."

Olson's sentence calls for Lee to consecutively serve 50-year and 40-year terms, with 10 years of each term suspended. Lee had faced a maximum sentence of 188 years in the case.

Loren Holmes contributed information to this story.

About this author

Chris Klint

Chris Klint, a lifelong Alaskan and UAA graduate, covers breaking news in the mornings. He spent more than five years at Anchorage TV station KTUU before joining Alaska Dispatch News.

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Alaska study suggests prevention strategies can curb domestic and sexual violence rates

By Katie Basile / KYUK (<http://www.ktva.com/authors/katie-basile-kyuk/>) 2:40 PM March 15, 2017

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BETHEL – Over a hundred people gathered in Anchorage recently to talk about ways to prevent domestic violence and sexual assault, according to a story published by KYUK Public Media (<http://kyuk.drupal.publicbroadcasting.net/post/study-suggests-prevention-strategies-can-curb-domestic-and-sexual-violence-rates>).

It was the fourth biennial Alaska Primary Prevention Summit, and everyone there was determined to knock Alaska out of its position as the state with the highest rates of domestic violence and sexual assault.

“Prevention is the answer to community transformation, but we also have to recognize that this is decades of work that we need to do,” said Julia Smith, prevention director at Sitkans Against Family Violence and a member of the prevention summit planning team.

“We need to be committed, and we need to maintain our focus on the work.”

Seven years ago, then-governor Sean Parnell called Alaska’s high rates of domestic violence and sexual assault an epidemic and pledged to stop it. Instead of emphasizing

punishment for perpetrators, the governor talked about prevention. Though those in the field have long advocated for it, Parnell's pledge marked an official shift in statewide strategies towards preventing violence before it happens.



Alaska Primary Prevention Summit organizers Claudia Plesa and Liz Sunnyboy participate in a warm-up activity at the start of the 2017 summit on Feb. 27 in Anchorage. Photo: Katie Basile / KYUK

Now, years later, those meeting at the prevention summit in Anchorage finally have something to celebrate: the numbers seem to show that prevention works. The University of Alaska Anchorage Justice Center's survey, which was released in January (<https://www.uaa.alaska.edu/academics/college-of-health/departments/justice-center/research/alaska-victimization-survey/stalking.cshtml>), shows that there were 8,055 fewer victims of domestic violence and sexual assault in Alaska during 2015 than in 2010. It also documents a 31-percent drop in the number of women who experienced intimate partner violence or sexual violence. In the area of alcohol- or drug-involved sexual violence, the news was even better: a 44-percent drop during that same period.

Those attending the conference shared strategies specific to each community, including advertising campaigns, in-school curricula promoting healthy relationships, leadership programs for youth and activities focusing on Alaska Native culture and values.

"There's that exchange of information, there's communication, there is nurturing and there is storytelling in those activities, and that's the beauty — that the hopeful journey that people in different communities are starting to take," said Liz Sunnyboy, a prevention consultant and elder who is originally from Pilot Station.

Though the survey indicates a trend downwards through 2015, Alaska's rates of sexual assault and domestic violence remain the highest in the nation. In the Yukon Kuskokwim Delta, where the first legal liquor sales in 40 years began last year (<http://www.ktva.com/alaska-towns-first-liquor-store-in-more-than-40-years-opens-219/>), caregivers are seeing an increase in demand for emergency and shelter services (<http://www.ktva.com/kuskokwim-communities-feeling-effects-of-bethels-new-liquor-store-799/>), along with a large number of sexual assaults.

On the same day the prevention summit began in Anchorage, Tundra Women's Coalition executive director Eileen Arnold was at a Bethel City Council meeting, reporting on an increase in shelter service needs for women and children this year.

"If the numbers that we are seeing continue, we are probably going to be providing more shelter services and more shelter nights this year, and we are going to see a higher number of adults and children utilizing our shelter by the time this fiscal year ends," Arnold said. "And especially troubling is the number of reported sexual assaults that are happening in this region."

Arnold made her comments while the council was considering two additional liquor license applications.

The New York Times <http://nyti.ms/1ojM6FJ>



U.S.

No Longer Ignored, Evidence Solves Rape Cases Years Later

By ERIK ECKHOLM AUG. 2, 2014

MEMPHIS — Meaghan Ybos was 16 and had just arrived home from school when a man in a ski mask held a knife to her throat and raped her.

The man said he would kill her if she called the police, but she did so anyway. That led to barrages of skeptical questions, Ms. Ybos said, and the excruciating collection of evidence from her body, gathered into what is commonly known as a rape kit.

“I felt so vulnerable being laid out on a table, with all my clothes off and in a bag and all the swabs and brushes and combs,” she recalled. But at least, she figured, the police would use the swabs and hair samples to help catch the rapist.

They did not. Like hundreds of thousands of other rape kits across the country containing evidence gathered from victims, that of Ms. Ybos lay untested for years on a storeroom shelf.

The reasons for the backlog, experts say, include constraints on finances and testing facilities, along with a slow recognition among investigators that even when the offender is known, DNA testing might reveal a pattern of serial rapes. And too often, women’s advocates say, the kits went untested because of an uncaring and haphazard response to sexual assault charges.

In recent years, the issue has exploded as one city after another has discovered stockpiles of untested kits.

Today, after years of pressure, a shift is beginning. Several cities — including, most recently, Memphis — have won praise for aggressive new efforts not only to submit all new rape kits for testing but also to test those in storage. In just the last year, initial testing of old kits in Detroit and Cleveland has yielded hundreds of indictments and revealed scores of repeat offenders.

It was in 2012, nine years after her rape, that Ms. Ybos learned that her kit had gone untested. She had called the police to say an attacker described in news accounts resembled the man in her nightmares. At that point, the evidence gathered in 2003 was sent for analysis. Ms. Ybos, it showed, had been an early victim of a man who went on to assault at least six more women over the years and who is now serving a 178-year sentence.

“I felt like I finally got my life back,” Ms. Ybos said of the moment she knew her attacker was behind bars.

It will be a while before many others can say the same, even in Memphis. More than 12,000 kits here have been tested incompletely or not at all. Mayor A C Wharton Jr. has vowed to proceed with a \$6.5 million plan to test the entire lot, appealing for state and private donations to help meet the cost and hoping that long-promised federal aid will soon appear.

The stacked-up kits are “more than pieces of evidence,” Mr. Wharton told reporters; each one represents a victim hoping for justice. He formed a task force of police officials, prosecutors and community advocates that meets twice a month to oversee the process and make monthly public reports.

Over the last decade, reports of large rape-kit backlogs have surfaced, often after investigations by news reporters or advocacy groups. But because many cities have resisted looking too hard or have even destroyed untested kits over time, the extent of the problem is unknown, said Sarah Tofte, director of policy at the Joyful Heart Foundation, a New York group that aids victims of sexual assault and is now advising Detroit and Memphis.

“What we know about the extent of backlogs around the country is still less than what we don’t know,” said Ms. Tofte, saying it appears likely that hundreds of thousands of kits still lie on shelves untested. Some of the rape kits were collected in the 1980s, before DNA analysis was fully developed, to establish blood types, something of limited use in court. But in the 1990s and after — as the technology improved and the F.B.I. set up the Combined DNA Index System, or Codis, to allow matching — a large share of kits were still not processed.

The newly concerted testing programs, when combined with the investigative heft to turn cold cases into prosecutions, are producing results.

In Detroit in 2009, officials discovered more than 11,000 unprocessed rape kits, dating back to the 1980s, in a police warehouse. Kym L. Worthy, the Wayne County

prosecutor, has won praise for pursuing full testing. Analysis of the first 1,600 kits identified 455 suspects in 23 states, including 87 involved in multiple assaults, her office reported in March.

Cuyahoga County, which includes Cleveland, has sent its backlog of nearly 4,000 kits to the state laboratory for the free testing Ohio now offers. The county prosecutor, Timothy J. McGinty, formed a DNA cold-case task force to follow new leads.

Initial priority has been given to kits from crimes committed in 1993 and 1994, so indictments can be issued before the 20-year statute of limitations is exceeded. So far, 173 people have been indicted, including 38 accused of multiple rapes, according to Joseph Frolik, a spokesman for the Cuyahoga County prosecutor.

Officials expect to bring as many as 1,000 cases over the next few years, Mr. Frolik said.

Some officials question the value of analyzing all the neglected kits from the past, saying indiscriminate testing diverts funds and laboratory resources from the cases most likely to yield prosecutions. Salt Lake City has decided to take a more selective approach, but many advocates argue that it is worth the cost to possibly detect serial offenders.

DNA testing is only the start. Memphis has created a cold-case team of 10 officers and expects to add more as results from the new testing efforts arrive, said Jim Harvey, the deputy police chief in charge of detectives.

Another challenge being confronted in Memphis, Detroit and elsewhere is how best to contact victims of long-ago crimes when belated testing provides a lead and investigators may want to conduct new interviews or seek their testimony in court. Some women may have buried their memories of the crime, or never told a later spouse about it. Do you start with a letter or a home visit? From whom? Cities are experimenting and comparing protocols for this delicate task.

If the testing gaps are a sign of broader problems in the investigation of sexual assaults, as many critics say, then more wide-ranging changes in the culture of police departments must be nurtured as well.

In an interview at City Hall, Mayor Wharton of Memphis said he had asked for changes in police promotion and assignment guidelines "to make sure those moving into this field have a special passion."

“We’ll do whatever it takes to have a top-notch sex-crimes unit,” he said. “The police are taking reports more seriously, and there is no more saying, ‘Victim is a known prostitute,’ ” he added, referring to one notorious rationale for not pursuing rape cases.

Where the money will come from to wipe out the backlog remains murky, he admitted, but said, “We’ll get it done.”

Here and elsewhere, the new efforts, however welcome, cannot erase the sense of betrayal expressed by victims who assumed that evidence so painstakingly collected from their bodies would be fully analyzed.

In the case of Ms. Ybos, whether prompt testing would have made a difference is in dispute. City officials note that the DNA of the offender, Anthony Alliano, was not collected and recorded until his arrest in 2012.

But Ms. Ybos and two other women have sued the city and county, charging that lax investigations and reckless handling of rape kits left predators on the loose and inflicted wrenching uncertainty on victims. Officials said they could not comment on a pending lawsuit.

“We were left in the dark for a decade,” said a second woman in the suit, Madison Graves, who was just 12 when an intruder now known to be Mr. Alliano, again in a ski mask and wielding a knife, raped her in her home. It was in the same suburban area, Cordova, and only two days after the assault on Ms. Ybos. In the case of Ms. Graves, the police say they did test her rape kit at the time. But they did not inform her and, she said, at some early point told her to stop calling for updates.

Officials have not explained the inconsistent handling of the two similar attacks or why they failed to connect them, which might have led to a more focused search for a serial offender and a different response to a later case that, in retrospect, was a disastrous missed opportunity.

In 2004, according to police records described by The Memphis Commercial Appeal, officers were called to a Motel 6 where Mr. Alliano, then 33, had plied a 16-year-old girl with “date-rape” drugs and had sex with her.

The prosecutors considered a charge of forcible rape, records show, then charged him with felony statutory rape and then, for undisclosed reasons, dropped the charge. No sample was taken of his DNA, and he resumed his secret life as a predator.

A version of this article appears in print on August 3, 2014, on page A1 of the New York edition with the headline: No Longer Ignored, Evidence Solves Rape Cases Years Later.



THE STATE
of **ALASKA**
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November 1, 2017

The Honorable Pete Kelly
President of the Senate
Alaska State Legislature
State Capitol Room 111
Juneau, AK 99801

The Honorable Bryce Edgmon
Speaker of the House
Alaska State Legislature
State Capitol Room 208
Juneau, AK 99801

Dear President Kelly and Speaker Edgmon,

In the pages that follow, you will find the results of a statewide inventory of sexual assault kits (SAKs) taken as evidence by law enforcement agencies, but not submitted to a laboratory for testing. This inventory was performed as required by SB 55 Omnibus Crime/Corrections passed in 2017. In addition, SB 55 asked the Department of Public Safety (DPS) to submit a plan to address the untested kits, and a plan to prevent a backlog of untested kits going forward. As you know, at the direction of Governor Walker and with his full support, DPS has been taking steps since 2015 towards gaining an understanding of the issues surrounding untested sexual assault kits, including researching and developing practices that will better serve victims and the public, and implementing and planning for meaningful reforms. Governor Walker remains in full support of efforts by the legislature to assist DPS in this important work, and in furthering the progress of the State of Alaska towards a more victim-centered and efficient criminal justice system.

Growing awareness of issues surrounding sexual assault evidence and enhanced technologies have contributed to a robust national discussion on this complex topic. In addition to the information required by SB 55, I have aimed to provide a general overview of developing national standards, a summary of work that has been done as a result of Governor Walker's

initiative, and a foundation for DPS' recommendations in an abbreviated format. Where applicable, I have included links to primary sources.

When discussing approaches for addressing unsubmitted SAKs, it will be useful to use consistent terminology. In this letter, the following terms are used:

Sexual Assault Kit (SAK): A set of items used by medical personnel or trained professionals for the preservation of physical evidence collected from a person, living or deceased, following an allegation or suspicion of sexual assault; they may come in a packaged box in more recent years or in bags, or as individual swabs in the past.

Unsubmitted SAK: SAKs that have not been submitted to a forensic laboratory for testing and analysis.

Backlog: Comprised of SAKs that have been sent to a crime lab for analysis but have not yet been tested.

For ease of reading, this letter will be broken into five sections:

I. Executive summary

II. Results of the statewide SAK inventory

III. Immediate and long term reform efforts by DPS

IV. Plan to address untested kits and other options

V. Conclusion

DPS is always available to answer any questions or recommend resources to further your understanding.

I. Executive Summary

Results of the statewide SAK inventory:

- **46 of 49** agencies submitted results in time to be included in this report; the inventories still pending would not likely alter statistical findings.
- **3484** SAKs were inventoried; of these, **3219** were in the possession of the **7** largest agencies.
- Dates each SAK was taken were reported; this information is available for review if requested.
- Some of the most common reasons reported for not testing kits include:
 - District Attorney's Office declined the case

- Awaiting a decision from the District Attorney's Office on whether the kit results were needed for evidence
- Case still under investigation
- Issue was consent, not assailant identity
- Evidence collected beyond the testing timeframe

Immediate and long term reform efforts by DPS:

- Starting January 2018, all newly collected SAKs statewide will be sent to the State Scientific Crime Detection Laboratory (SCDL) for testing or storage.
- If the submitting agency does not request testing of the SAK, an explanation of this decision will be required.
- The SCDL will identify strategies to track all kits through every phase of the criminal justice system; implementation of these strategies may be contingent on future funding options.
- The SCDL is constantly reevaluating its operation to ensure it remains current in technology and best practices; the SCDL is working towards implementing new best practice guidelines for SAKs issued by the National Institute of Justice (NIJ).

The DPS plan to address untested kits and other testing options:

- DPS plans to develop SAK testing policy based on recommendations made by the Sexual Assault Kit Initiative (SAKI) working group:
 - In 2016, at the direction of Governor Walker, DPS applied for and received a grant under the federal sexual assault kit initiative program (SAKI).
 - The SAKI working group is tasked with developing victim-centered best practices based on national standards and informed by local experts.
 - The working group is in year 1 of a 3 year grant; working group recommendations are ongoing throughout the life of the project, with a final report of recommendations expected by **June 30, 2019**.
 - Recommendations from the working group regarding other investigative practices will be considered for implementation throughout the grant project.
 - A second grant to conduct in depth research was also awarded; DPS, in conjunction with the selected researcher, will examine the correlation between characteristics of unsubmitted cases and case processing decisions. This is an important step to develop data-driven public policies.
 - The sexual assault examination is an important part of the criminal justice process, and an important opportunity to provide medical care and victim support, regardless of whether DNA collected is of evidentiary value for prosecution.

- Applying a “test all” policy to newly collected kits will require an additional \$204,000 for personnel costs and \$250,000 in chemicals and testing supplies. Total cost of this option is estimated to be \$454,000/year.
- The estimated cost of testing all previously unsubmitted kits at a private lab would be between \$2.2 and \$3 million.

II. Results of the Statewide SAK Inventory

In response to the passing of SB 55, I directed my staff to send a letter via US Postal Service notifying 49 law enforcement agencies of the statutory requirement to inventory untested kits and report the results of this inventory to DPS by September 1, 2017.

This letter notification was followed up by an email from the Alaska Police Standards Council, and then by phone calls and emails to individual law enforcement agencies as needed. Every agency made a good faith effort to comply with the inventory by the statutory deadline however; results from three small agencies are pending as of this writing. An inventory such as this can be labor intensive and a significant draw on personnel resources, particularly for our smallest departments composed of only one or two people. When the inventory is concluded by the final few agencies, the report will be updated. The results of the pending inventories are not expected to alter statistical findings.

The data showed that there were approximately 3,484 sexual assault kits in the possession of law enforcement agencies that had not been submitted to a laboratory for serological testing. Of these kits, 3,219, or approximately 92%, were in the possession of the seven largest agencies in the state (see *Figures 1 and 2* below).

As noted, although not required by SB 55, agencies were requested to provide additional information, including whether kits were taken from the victim or the suspect, whether the victim requested to remain anonymous, and the reason a kit was not submitted for testing. While agencies were supportive and cooperative, due to staffing and time constraints some departments could only provide the information required by the law. Accordingly, the information gathered in this regard should not be considered comprehensive. However, the data received was valuable and will be useful for the SAKI working group.

Participating agencies reported the primary reason for not testing a kit was that it was not needed or expected to be useful for prosecution. This could be because the case had been declined for prosecution, or because the disputed issue was whether the sexual contact was consensual, not whether it occurred. Other reasons included the case still being under investigation or awaiting a decision by the district attorney, or that the SAK was collected outside the timeframe when DNA

would be expected to be reliably identified by testing. Current SCDL policy, based on recent technological advancements, allows for analysis on some kits collected up to seven days after an assault.

The graphs below (Figures 1, 2 & 3) provide a more detailed summary of inventory results:

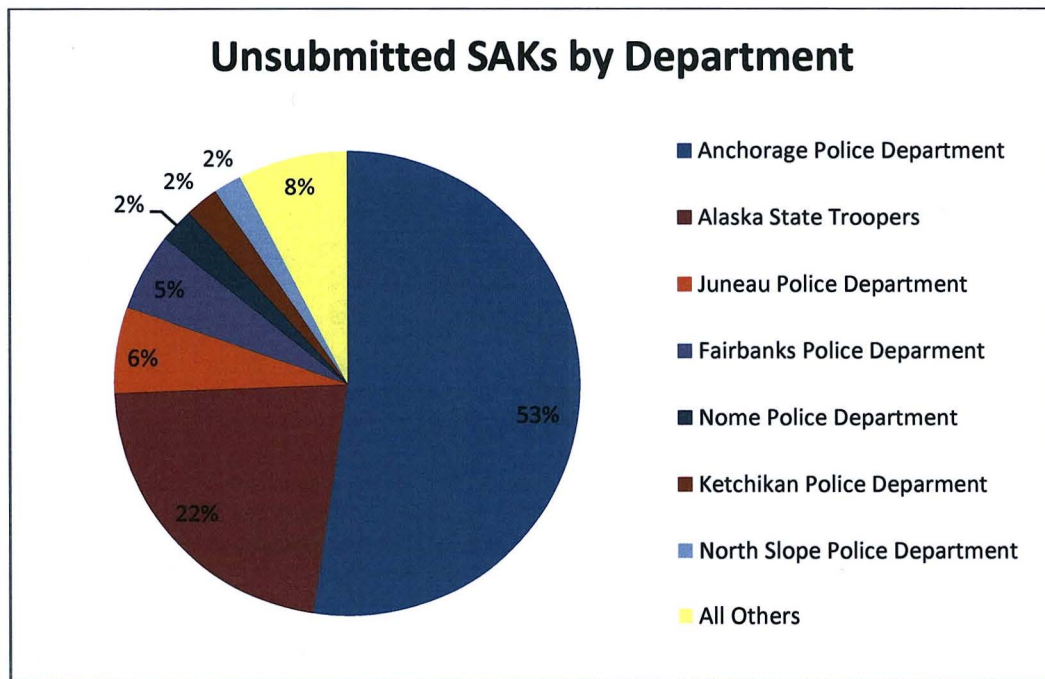


Figure 1: About 94% of SAKs belonged to 7 agencies.¹

¹ All other departments category is comprised of data from the following municipal or tribal police departments: Adak Police Department, Alaska Railroad Police, Alaska State Parks, Anchorage Airport and Fire, Bethel Police Department, Bristol Bay Police Department, Chickaloon Police Department, Cordova Police Department, Craig Police Department, Dillingham Department of Public Safety, Fairbanks Police and Fire, Fort Yukon Police Department, Galena Police Department, Homer Police Department, Hooper Bay Police Department, Kenai Police Department, Ketchikan International Airport Police, King Cove Police Department, Klawock Police Department, Kodiak Police Department, Kotzebue Police Department, Metlakatla Police Department, North Pole Police Department, Palmer Police Department, Petersburg Police Department, Sand Point Department of Public Safety, Seldovia Police Department, Seward Police Department, Sitka Police Department, Skagway Police Department, Soldotna Police Department, Unalaska Department of Public Safety, University Police Department, Anchorage, University Police Department, Fairbanks, Valdez Police Department, Wasilla Police Department, Whittier Police Department, Wrangell Police Department, Yakutat Police Department

Unsubmitted SAKs by Department

<u>Department</u>	<u>Police Custody</u>	<u>Lab Storage</u>	<u>Victim</u>	<u>Anon Victim</u>	<u>Suspect</u>	<u>Total</u>
Anchorage	1708	115	1623	66	200	1823
Alaska State Troopers	0	764	700	8	64	764
Juneau	206	0	176	8	30	206
Fairbanks	191	0	183	9	8	191
Nome	83	0	70	0	13	83
Ketchikan	80	0	61	5	19	80
North Slope	68	4	55	0	17	72

Figure 2: Breakdown of SAKs by 7 departments.

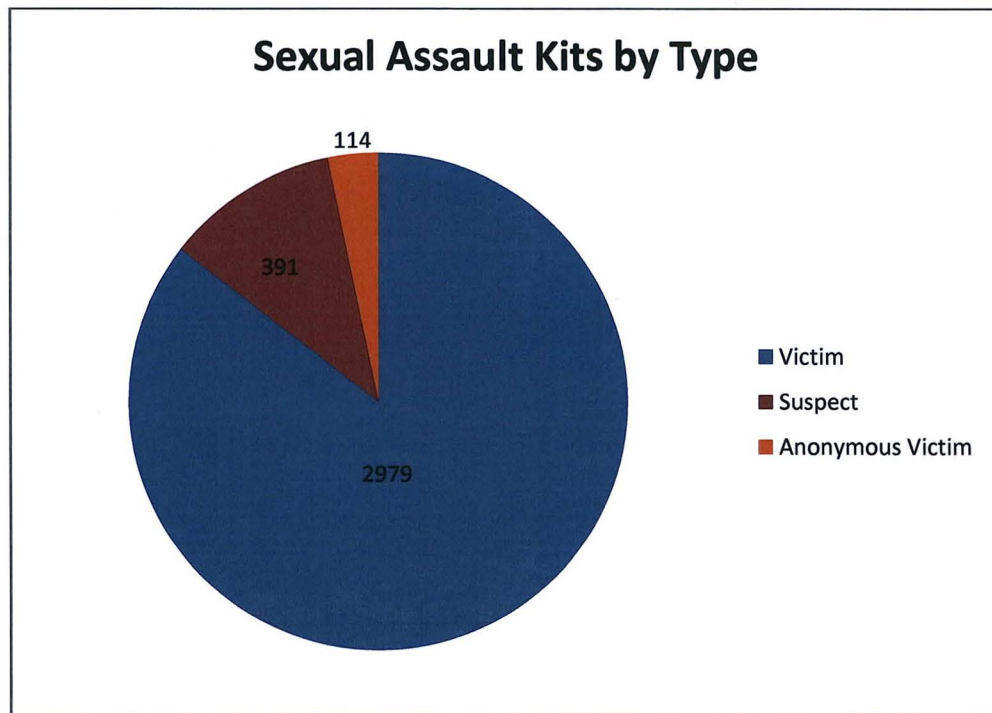


Figure 3: 3,484 previously unsubmitted SAKs were inventoried by 46 law enforcement agencies.

III. Immediate and long term reform efforts

The SCDL consistently evaluates their evidence processing protocols to ensure they remain current in technological methods, scientific research, and best practices. The SCDL continues to improve performance to meet the needs of agencies across the state. For example, the SCDL currently has 66 cases in queue for testing, with testing being completed, on average, within 144 days. Even only a year prior, that average was 334 days, or nearly a year, before testing was completed.

By January 2, 2018, the SCDL will request all agencies to submit newly collected sexual assault kits to the lab, and use the request for laboratory service form to indicate if the kits are submitted for analysis or storage only. The request form has been updated so that the submitting agency must indicate the reason, if analysis is not requested. Feedback on agency decision making in regard to testing is valuable for both local and national research into the issues around untested sexual assault kits. Additionally, capturing an explanation for the agency testing decision will preserve the initial reasoning if circumstances change, and will document a victim's wishes, when applicable, so these are known and respected.

Implementing this strategy will ensure all SAKs are in the possession of the SCDL for long term storage in a facility designed to best maintain the physical integrity of the evidence, including being controlled for temperature, moisture, and possible contaminants.

By January 2, 2018, the SCDL will start tracking the life cycle of all SAKs from distribution to agencies through return to the laboratory. The SCDL is researching mechanisms to track when kits are moved to other locations and costs associated with implementing this technology.

Implementing this strategy will ensure that a statewide inventory can be conducted and reported on with ease in the future. It will also assist in proper product inventory for supply orders, assist with case workflow, and ensure all SAKs are properly routed to the SCDL in a timely manner.

Additionally, the SCDL continues to strive to meet new national best practices for SAKs outlined by the NIJ in a report released August 8, 2017.² The report outlines 35 recommendations to provide guidance in developing victim-centered approaches to responding to sexual assault cases, and to support victims throughout the criminal justice process. The full

²National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach; U.S. Department of Justice, National Institute of Justice. Full report may be found here: <https://www.ncjrs.gov/pdffiles1/nij/250384.pdf>

report is available online for your review (link included in the footnotes). However, highlights of recommendations and the SCDL's efforts in this regard, include:

NIJ Recommendation: Establish minimum standards for a national sexual assault kit (SAK); until that time, states and territories should create a standardized SAK for sexual assault cases that addresses the minimum criteria in the National Adults/Adolescents Protocol.

SCDL Progress:

- Pediatric kit was developed with input from Cathy Baldwin-Johnson MD FAAFP Medical Director, Alaska CARES, Children's Place, and implemented in early 2015.
- Development of current sexual assault evidence collection kits was performed utilizing a survey of forensic labs across the country as well as the current scientific literature at the time in late 2013.

NIJ Recommendation: Guided by the victim history, sexual assault samples should be collected from any victim seeking care as soon as possible and up to five (5) days or longer post-assault. Regardless of the time frame, reimbursement should be provided for the medical-forensic exam.

SCDL Progress:

- The laboratory reviews current research related to sexual assault kit analysis and modifies collection information as needed. Most recently (September 2017) the laboratory has recommended new guidelines calling for collection up to 7 days post-assault, in certain circumstances. An invited group of partners and experts will be meeting to discuss considerations of this recommendation.
- DPS agrees that reimbursement should be provided for all medical-forensic exams conducted. The CDVSA Sexual Assault Response System (SARS) Leadership Team is reviewing this issue in terms of how reimbursements are currently being made in Alaska, are there regional areas or agencies that are not being reimbursed currently, and how other states are covering these costs. CDVSA has discussed this issue with community-based Sexual Assault Response Teams (SART) and with the Violent Crimes Compensation Board (VCCB) for solutions to ensure statewide reimbursement. More review and discussion is needed to developed a clear recommendation for future consideration.

NIJ Recommendation: Examiners should concentrate the collection of evidentiary samples by using no more than two swabs per collection area so as not to dilute the biological sample.

SCDL Progress:

- These changes were implemented with the 2013 kit redesign. The SCDL trained nearly 400 professionals on this new technique in 16 regionally held courses. The SCDL additionally trains between 80-100 professionals each year during biannual Sexual Assault Response Team courses on proper collection of biological samples.

NIJ Recommendation: Law enforcement agencies and laboratories should partner to use one evidence tracking system.

SCDL Progress:

- The SCDL coordinates evidence submission and testing with nearly 50 police agencies across the state. Each police agency utilizes an evidence tracking system of their choice with little overlap in choice software. Without significant legislative changes and the required funds to execute such a mandate, implementing a system to specifically track sexual assault kits is a means to more immediately address tracking issues related to that evidence. The SCDL has researched and heard proposals from multiple tracking software companies and will continue to evaluate the potential to implement a comprehensive tracking system within realistic budgetary parameters.

NIJ Recommendation: Law enforcement agencies should submit the SAK to the laboratory for analysis as soon as possible, ideally, no later than seven (7) business days from the collection of the SAK, or as specified by statute.

SCDL Progress:

- The SCDL recommends law enforcement agencies submit SAKs as soon as possible, and no later than 30 days. Officers completing investigative steps prior to submitting evidence for testing will help ensure a more efficient testing process. This is especially important regarding obtaining necessary standards for analysis. Obtaining samples from consensual partners and suspects is more time consuming in Alaska due to the large, rural geographical areas law enforcement cover. In addition, given that most evidence is sent to the SCDL via the U.S. Postal Service, it is most efficient for all the evidence related to an investigation to arrive together.

NIJ Recommendation: Law enforcement or laboratories should be responsible for the long-term storage of all SAKs, unless applicable law provides otherwise.

SCDL Progress:

- The laboratory recognizes that in the State of Alaska, the optimal solution is for the SCDL to store all sexual assault kits, and has been methodically migrating to this practice. In June 2012, the SCDL started retaining all sexual assault kits submitted to the laboratory. In February 2015, the laboratory started retaining all collected kits submitted from DPS, whether for storage or testing, and plans are currently in process to expand this to all agencies.

NIJ Recommendation: A comprehensive inventory should be conducted to determine the number, status, location, and individual descriptive information e.g. unique kit identifier, date collected) for all SAKs.

SCDL Progress:

- A comprehensive inventory has been conducted for untested kits, but not for kits tested and returned to law enforcement agencies for storage in compliance with evidence retention standards.

NIJ Recommendation: Law enforcement agencies should perform an annual audit verifying that all SAKs in the property room are present and in their specified location.

SCDL Progress:

- While the SCDL complies with this recommendation, policies for each law enforcement agency may vary. By implementing SAK evidence tracking program, the SCDL will be able to obtain regular inventory lists. This will also reduce the strain on small municipal police departments, as complying with various state requests for data and information has personnel resource impacts.

NIJ Recommendation: All SAKs that the victim has consented to reporting to law enforcement should be submitted to the laboratory for DNA analysis.

SCDL Progress:

- This option is currently being investigated. Data obtained from a current research effort into DPS' untested sexual assault kits conducted by the SAKI workgroup will be vital to understanding the issues and making sound policy decisions that are victim-centered, Alaska specific, and make the most efficient use of state resources. Victim consent is an important aspect also

stressed by the Office on Violence Against Women (OVW).³ In order to ensure victim autonomy, anonymous reporting procedures must be established.

NIJ Recommendation: Law enforcement agencies should establish a system of accountability to ensure the timely follow-up on CODIS⁴ hits.

SCDL Progress:

- The current practice is for the laboratory to notify the investigating officer and Alaska Department of Law. The Department of Law does periodically follow up on hits reported by the laboratory to ensure accountability. It is recommended that this can be improved by incorporating this data into a SAK tracking system.

NIJ Recommendation: With the goal of generating a CODIS-eligible DNA profile, if a laboratory is unable to obtain an autosomal CODIS-eligible DNA profile, the laboratory should evaluate the case to determine if any other DNA-typing results could be used for investigative purposes.

SCDL Progress:

- This is the current practice of the SCDL.

NIJ Recommendation: Forensic laboratories should have an evidence submission policy/protocol that includes prioritization of evidentiary items.

SCDL Progress:

- Cases submitted for biological screening and/or DNA testing are prioritized for analysis. Crimes against a person are given priority over property crimes, with the most severe offenses being placed ahead of other cases. Within a case, items are prioritized based on probative value and likelihood of yielding a DNA profile. The laboratory collaborates with the Department of Law to

³Sexual Assault Kit Testing Initiatives and Non-Investigative Kits White Paper (January 2017). U.S. Department of Justice, Office on Violence Against Women. Full document can be found here: <https://www.justice.gov/ovw/page/file/931391/download>

⁴ CODIS is the acronym for the Combined DNA Index System and is the generic term used to describe the FBI's program of support for criminal justice DNA databases as well as the software used to run these databases. An overview of CODIS can be found at: <https://www.fbi.gov/services/laboratory/biometric-analysis/codis>

ensure that analysis is completed in a timely manner for cases with pending court dates/deadlines or where there is an immediate threat to public safety.⁵

NIJ Recommendation: Laboratories should consider the volume of sexual assault cases and use business process improvement tools to review their input/output, identify where bottlenecks occur, and determine if a high-throughput approach to processing will achieve efficiencies.

SCDL Progress:

- The SCDL continually engages in process improvement. In September 2013, two experts from other state laboratory systems were consulted to assess current processes and recommend improvements. Those recommendations were implemented. Participation in the SAKI program has also provided opportunities to assess improvements in processes, such as *Direct to DNA*.

NIJ Recommendation: Laboratories should consider changing the order of processing the evidence by going to *Direct to DNA* and then, only if needed, proceed to serology.

SCDL Progress:

- The SCDL agrees with this recommendation and will be implementing the *Direct to DNA* process within the next 6 months. As DNA testing has become more sensitive than biological screening tests, some samples can be taken directly to DNA analysis (bypassing screening), allowing for faster processing and potentially more CODIS eligible profiles.

NIJ Recommendation: Laboratories should consider incorporating robotics and/or automation at each step of the DNA process for the most efficient high-throughput approach.

SCDL Progress:

- The laboratory has already implemented a number of robotics and automation at various stages of the analysis.

NIJ Recommendation: Laboratories should consider the use of standardized reporting templates, a paperless system, and specialized software to assist in the interpretation of DNA mixtures, to streamline interpretation and reporting of DNA results.

⁵Laboratory User's Guide (July 2017). State of Alaska Scientific Crime Detection Laboratory. Full document can be found here: <http://dps.alaska.gov/getmedia/c2be0205-f0ec-4ab0-be9e-a0ecfbec98fb/LUG-2017-R1.aspx>

SCDL Progress:

- Specialized software to assist in the interpretation of DNA mixtures has been purchased and is waiting for validation before implementation. It is anticipated that validation and implementation will take up to one year.
- A New Laboratory Information Management System (LIMS) is expected to be implemented January 2018. The new LIMS will allow reporting to be even more standardized than it already is and require less time on the part of the reporting analyst. The new LIMS system will also save analyst time in that some of the bench notes that are captured outside of the current LIMS system, are being incorporated into the LIMS. Standardizing these notes in LIMS will also facilitate faster technical and administrative reviews once a new process flow is established.

NIJ Recommendation: Jurisdictions that do not have evidence retention laws should adopt biological evidence retention policies/protocols that are victim-centered and preserve evidence from uncharged or unsolved reported cases for 50 years or the length of the statute of limitations, whichever is greater.

SCDL Progress:

- Alaska Statute 12.36.200 requires the preservation and retention of biological evidence collected in connection with the investigation of sexual assault in the first degree and sexual abuse of a minor in the first degree offenses for the period of time the case “remains unsolved” or 50 years. Current biological evidence retention laws have created a challenge for agencies to accommodate the secure storage of such evidence. With the proposal to store all sexual assault kits at the SCDL for a time frame that amounts to indefinite, storage space will become a pressing financial issue.

IV. Plan to address untested kits and other options

DPS recommends the following actions:

Option 1: Continue with the SAKI project. The SAKI working group is tasked with developing recommendations that are victim-centered, and are based on research data results and the expertise of a statewide group of representatives. This approach recognizes the complexity of the untested SAK issue, and is designed to produce informed and responsible policy that best meets the needs of Alaskans.

The inventory of SAK conducted as required by SB 55 is not the first effort in this regard. In late 2015, in response to concerns about untested sexual assault kits in Alaska, Governor Walker directed DPS to conduct an inventory of sexual assault kits in possession of the department, and to request other law enforcement agencies to inventory their own kits and report the results to DPS. Of course, participation in the 2015 inventory was voluntary — 28 of 49, or 57% of police departments, including the Alaska State Troopers, were willing and able to comply with this request.

In 2016, at the direction of Governor Walker, DPS applied for and received the SAKI grant funded by the Bureau of Justice Assistance (BJA). SAKI is a three year project funded by a \$1,090,450 grant. The BJA proposal states that while testing is *part* of the goal of the funding, the objective is a systematic evaluation of policies and practices. Therefore, the BJA caps use of funds for testing SAKs at 50% of the grant.⁶ This portion of the budget will be used to send SAKs to an outside private lab to test as many eligible DPS SAKs identified taken in the grant approved time period (1984-2015), until budget funds are expended; it is estimated that 375 SAKs in the Alaska State Trooper inventory of unsubmitted kits will be tested with these funds.

Another objective of the SAKI project is to support the DPS in accomplishing the following grant goals:

- Analyze some of DPS' SAKs as well as the tracking of the identified SAKs' progress from testing through final adjudication;
- Development of a regularly convened multidisciplinary team of experts to identify and address the individual, organizational, and systemic factors that lead to unsubmitted SAKs;
- Systematically review policies and practices related to sexual assault kit collection, storage, and testing;
- Recommend additional effective and sustainable practices for forensic evidence, investigating and prosecuting sexual assault cases, and supporting survivors of sexual assault;
- Hire a cold case sexual assault investigator to follow-up on SAKI cases that receive CODIS hits;
- Assign an assistant district attorney to partner with the investigator to maximize possible prosecutions; and
- Develop a victim notification protocol when testing of old kits will occur.

SAKI isolates the SAKs in DPS jurisdictional control for this project. DPS is the statewide law enforcement entity and often serves as support to other police entities in the state. DPS hopes to

⁶National Sexual Assault Kit Initiative (SAKI) FY 2016 Competitive Grant Announcement. The full document can be found here: <https://www.bja.gov/funding/saki16.pdf>

serve as a pilot project for other local jurisdictions once recommendations and policy changes are implemented. This allows smaller municipal police agencies to benefit from the DPS' learning curve and implement chosen changes in a way that is appropriate for their jurisdiction.

Funds were released for use in January 2017 and include the following progress so far:

- DPS has addressed a number of infrastructure issues in tracking, reporting, and reviewing cases for the project;
- DPS has assembled a multidisciplinary SAKI working group to study the issue of untested kits in Alaska, and develop victim-centered best practices based on national standards and informed by local experts;
- The working group has assembled seven times, developing protocols for case triage and victim notification to ensure all steps of the project are trauma informed. DPS will develop a SAK testing policy based on recommendations made by the SAKI working group;
- A contract has been established for analysis of SAKs beginning in 2018; and
- Working group recommendations are ongoing throughout the life of the project with a final report of recommendations expected by June 30, 2019.

Additionally, DPS applied for and was just awarded the FFY 17 SAKI grant in the amount of \$443,227. The primary goal of this second award is to test some additional SAKs as well as work with a research partner to examine characteristics of cases with unsubmitted SAKs versus submitted SAKs. Examining the correlating characteristics of these cases as well as determining the relationships that exist in decision making and case triage is important to develop data driven public policies.

It should also be understood that due to the time sensitive nature of collecting forensic evidence, exams are authorized with very little case information being collected beforehand; a "just in case" approach is utilized to minimize the inadvertent loss of evidence. As the investigation continues, a more informed decision can be made regarding the evidentiary value of testing for DNA.

The purpose of a forensic examination is not limited to the potential production of DNA evidence. For many victims, there is benefit in the process of actually receiving the examination. During that exam, a victim is connected with a specially trained medical professional who provides a thorough head-to-toe medical evaluation. It includes an in-depth medical interview, photographing of genital and non-genital injuries, testing for sexually transmitted infections, provision of prophylactics, and when appropriate, references to support resources.

For example, if a victim is sexually assault by her boyfriend, the exam is important both from a health aspect for the victim, as well as for evidence collection (e.g. injuries). However, analyzing

the swabs collected from the victim for DNA or the presence of semen does not answer any additional investigative questions in her case. Establishing non-consent will be required to hold the offender accountable, not establishing that semen was present from a previously consensual sexual partner.

With those considerations in mind, an area of significant needed improvement may be in the communication between medical providers or law enforcement officers and the victim. This includes ensuring the victim understands the purpose of the exam as well as why the SAK might be tested or not tested. If later determined that DNA testing is not needed as evidence for the case, there should be effort made to communicate this decision making process to a victim.

From the information gathered, an investigative or prosecutorial decision was made about the value of doing DNA analysis for the majority of previously unsubmitted SAKs. To answer questions about the validity of those decisions, those reasons must be captured. To help accomplish this, as noted above, the SCDL has changed their Request for Lab Services form to include a requirement to indicate those reasons.

It is the recommendation of DPS that the SAKI process be allowed to inform any policy or statutory changes. However, the following information is provided for the legislature to consider, should it chose to act prior to the completion of the SAKI process:

Option 2: Legislate a "test all" requirement for all SAKs.

A) Test all newly collected SAKs

Total cost of this option is estimated to be: \$454,000/year

Several states have implemented various versions of legislation resulting in a "test all" policy. Many of these laws are too new to evaluate for impact and efficacy. However, there is some inherent merit to this approach, as it simplifies the decision making matrix for investigators, prosecutors, and forensic scientists, by removing discretionary power.

Although simplified, a test all policy does not effectively utilize the available expertise to determine the most efficient use of the personnel and monetary resources of the state. This is an important consideration, particularly in a time of significant budget and personnel reductions.

The SCDL would require two additional forensic scientists to keep up with the increased number of SAKs on an ongoing basis under a test all policy. This will require an additional \$204,000 for personnel costs and \$250,000 in chemicals and testing supplies.

B) Test all 3,484 previously unsubmitted SAKs

Using the current contract amounts under the SAKI project, testing the remaining previously unsubmitted SAKs at private labs will cost between \$2.2 and \$3 million.

As previously noted, DPS received SAKI grant funds to test as many of their SAKs as they could after accounting for certain testing criteria. After taking grant funded tests into account, there will be approximately another 2,900 previously unsubmitted SAKs to be tested. The estimated cost of between \$2.2 and \$3 million to test these kits is based on the current contract cost charged to test SAKI eligible kits. The base price of testing is \$745.00 per kit, with a portion of the kits requiring more testing at additional expense. The most expensive add on is Y-STR testing, at a cost of \$ 1040.00.⁷

On average, it takes a forensic scientist one year to test approximately 100 kits. To work through the 2,900 previously unsubmitted kits in approximately 5 years, the SCDL would have to add 6 qualified forensic scientists on a long term non-permanent project basis. This is a specialized field; taking into consideration the national effort to test previously unsubmitted SAKs, forensic scientist with the required skill set are in very high demand. The SCDL has had difficulty hiring and retaining qualified scientists in this field in the recent past and has been instead hiring forensic scientists and providing the specialized training required, which is a costly and long term investment. Accordingly, it would be unlikely that the SCDL would be able to hire the sizeable, qualified staff required for this project. Contracting with a private lab to address just the unsubmitted kits would be more efficient and cost effective overall.

However, it should be noted that contracting with a private lab also brings potential additional unknown costs not accounted for in this estimate. Should a previously untested kit result in legal actions, compensation must be paid for the private lab's involvement in our criminal justice system. This includes consultation fees with the Department of Law to review case work, testimony fees for court either in person or via Skype, and travel fees, as examples.

We are frequently asked about "no cost" testing options. The Federal Bureau of Investigations (FBI), in partnership with the NIJ, has a program to test a limited number of previously unsubmitted SAKs without charge. However, we have been notified that the program is issuing a temporary moratorium on kit submissions, as the current testing queue has reached the project end date. The partnership, and any subsequent continuation of the program, is contingent on federal appropriations for FY 2018; funding decisions and program decisions are unknown at this time.

⁷ Price range and estimate for the cost of testing 2,900 kits is based on the current DPS contract with Bode Cellmark Forensics; additional contract detail is available by contacting DPS.

The Honorable Pete Kelly
The Honorable Bryce Edgmon
November 1, 2017
Page 18

Even assuming the program continues and resumes accepting submissions, a participating agency could send no more than 30 unsubmitted SAKs per request⁸. Participation in the program could be helpful in testing a portion of Alaska's previously unsubmitted SAKs, particularly for agencies that have small inventories. However, for the agencies with the largest numbers of kits, assuming a modest 3-4 month turnaround between batches, exclusive submission to the FBI would be a very lengthy process. For APD, the agency with the most unsubmitted kits, it would take an estimated 15-20 years to test all kits in that fashion.

V. Conclusion

In summary, DPS, with the support of Governor Walker, will continue to develop a data informed best practices plan for the testing and retention of sexual assault kits, based on the work of the SAKI multidisciplinary work group. A plan, once developed, will be victim-centered, but will also utilize available expertise to maximize efficient use of personnel and financial resources. Support from the legislature in this process is of the utmost importance, and the diligent interest shown by our legislative partners is greatly appreciated.

I hope this summary report proves to be a helpful guide to this complex subject; as always, we are available to answer any further questions you may have, or discuss any concerns.

Sincerely,



Walt Monegan
Commissioner

⁸An overview of the initiative can be found here: <https://www.nij.gov/topics/law-enforcement/investigations/sexual-assault/Pages/nij-fbi-sak-initiative.aspx>



Sexual Assault Kit Testing Initiatives and Non-investigative Kits

White Paper

January 2017

Purpose

This document presents reasons why the Office on Violence Against Women (OVW) cautions against submitting sexual assault kits (SAKs) to forensic laboratories if the person from whom the kit was collected has not chosen to report a sexual assault to law enforcement and has not otherwise consented to its submission.¹ While terms used to describe these kits vary across jurisdictions, they are referred to as *non-investigative kits* in this document.² We summarize how testing non-investigative kits without victim consent can undermine victims' rights, weaken community trust of law enforcement, and constitute an imprudent use of finite resources.

OVW is the U.S. Department of Justice's (DOJ) lead component in developing the nation's capacity to reduce domestic and sexual violence, strengthen services for victims, and administer justice in these cases. OVW's position—which is shared by a large and diverse community of professionals working inside and outside the justice system on behalf of victims—is that any approach to addressing sexual assault must prioritize the rights and needs of those most affected by these crimes: the victims themselves.

OVW encourages law enforcement jurisdictions to make decisions about testing SAKs in a way that honors victims' rights, needs, and preferences, to include respecting a victim's decision to delay or forego reporting a sexual assault to law enforcement.

It is true that non-investigative SAKs might contain probative evidence that could potentially be used to identify serial offenders and strengthen cases. But in trying to balance public safety and victim autonomy, there are strategies that criminal justice professionals can use to encourage victims to report crimes, obtain more information about the extent of sexual assault in a jurisdiction, and identify serial offenders—none of which involve testing SAKs without victims' consent. For example, alternative reporting options can give victims ways of sharing valuable information with law enforcement, but

¹ See pages 3-4 of this document for a discussion of the Violence Against Women Act (VAWA) provision ensuring that victims have access to medical forensic examinations free of charge and regardless of whether they wish to assist with an investigation. While this provision does not set forth specific protocols, many states and local jurisdictions subsequently implemented alternative reporting, "anonymous" reporting, and non-reporting options that allow victims to obtain a medical forensic exam before deciding whether to report a sexual assault to law enforcement. For more information about the VAWA provision and related reporting options, see End Violence Against Women International (EVAWI)'s resources on forensic compliance: <http://www.evawintl.org/Forensic-Compliance>.

² Alternative reporting options can include anonymous reporting, third party reporting, and non-investigative reporting and at times these terms are used interchangeably. It is important to note that currently there is no consensus on terminology for referring to kits associated with victims who have not chosen to report a sexual assault to law enforcement and participate in an investigation. "Non-investigative kit" is used in this document in reference to those kits. However, in using the term "non-investigative kits" we are **not** referring to kits associated with reports of sexual assault made to law enforcement that were subsequently considered unfounded prior to a full investigation or that were closed prematurely due to a victim reportedly being "uncooperative."

without coercing the victim to participate in the justice process.³ As mentioned later in this document, End Violence Against Women International (EVAWI) offers [information on alternative reporting options](#), including the [You Have Options Program](#) which was first established by the Ashland, Oregon, Police Department and offers sexual assault victims multiple ways of reporting that generate investigative leads while not demanding any more involvement from the victim than s/he wishes to have. An important aspect of alternative reporting options, for victims who have not decided yet whether to engage with the criminal justice system, is that a victim can later choose to convert to a standard report. Furthermore, Sexual Assault Response Teams (SARTs)—which involve a coordinated response from law enforcement, victim services providers, medical forensic personnel, prosecutors, and others—can improve legal outcomes and victims' experiences when they seek help after a sexual assault.⁴ This can help build the victim's confidence in the system and may prompt the victim to make a standard report to law enforcement and assist with an investigation.

Background

Over \$100 million has been awarded over the past two years to jurisdictions across the country to support their work to reduce volumes of untested SAKs. The DOJ Bureau of Justice Assistance (BJA)'s Sexual Assault Kit Initiative (SAKI) and the Manhattan District Attorney's Office's Sexual Assault Kit Backlog Elimination Program are the two largest, national grant programs specifically for sexual assault, but communities are also implementing SAK initiatives with support from other local, state, federal, and private funding sources.

For example, since 2005, the National Institute of Justice (NIJ) has distributed over \$700 million in funding to state and local forensic laboratories under the DNA Capacity Enhancement and Backlog Reduction (DNA CEBR) program. Through this program, forensic laboratories have uploaded over 310,000 DNA profiles to the National DNA Index System (NDIS)⁵ resulting in over 117,000 hits. Uploading more DNA profiles from convicted offenders, arrestees, crime scenes, and sexual assault evidence translates to a higher rate of CODIS hits. In 2016, NIJ awarded approximately \$3.3 million for its newly implemented Sexual Assault Forensic Evidence – Inventory, Tracking, and Reporting (SAFE-ITR) Program, which complements the DNA CEBR and SAKI programs by providing resources for state, local, and tribal governments to inventory, track, and report the status of all untested SAKs.

³ See, for example: Archambault, J., & Lonsway, K. (2014). *Reporting methods for sexual assault cases*. <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=35>.

⁴ See, for example: Greeson, M. R., & Campbell, R. (2015). Coordinated community efforts to respond to sexual assault: A national study of sexual assault response team implementation. *Journal of Interpersonal Violence*, 30(14), 2470–2487; and Greeson, M. R., Campbell, R., Bybee, D., & Kennedy, A. C. (2015). Improving the community response to sexual assault: An empirical examination of the effectiveness of sexual assault response teams (SARTs). *Psychology of Violence*. Advance online publication.

⁵ The Combined DNA Indexing System (CODIS) is a software platform managed by the Federal Bureau of Investigation (FBI). It has local, state and national levels where DNA profiles are stored and searched. Profiles stored at the national level are maintained in NDIS. Forensic DNA profiles are searched against other known (arrestees and convicted offenders) and unknown (forensic) DNA profiles from other cases to generate hits that are confirmed by a DNA analyst.

Law enforcement agencies, forensic laboratories, prosecution offices, and others who support this work have a shared responsibility to uphold victims' rights in deciding which SAKs to test and when. Some communities benefiting from new SAK testing initiatives are considering or actively applying an interpretation of the "test all kits" approach to mean testing literally every kit, including non-investigative kits. This would result in testing even those kits that were collected from victims who had a medical forensic examination but who have not chosen to report a crime to law enforcement and who did not otherwise consent to the submission of the kit for testing. ***It is OVW's position that submitting non-investigative SAKs to a forensic laboratory for testing, absent consent from the victim, should not be standard operating procedure for a law enforcement agency.*** Submitting a SAK for testing when a victim has neither chosen to report a crime nor expressly consented to the submission of a kit, or failing to give victims a choice about whether and when to report to law enforcement could cause victims further trauma, compromise their willingness to assist law enforcement with an investigation at some future point, and dissuade victims from seeking urgently needed medical care after they have been sexual assaulted.

It should be noted that leading advocacy organizations, including the National Center for Victims of Crime (NCVC),⁶ discourage testing non-investigative kits. Some state laws, such as those in Michigan⁷ and Florida,⁸ preclude testing non-investigative kits. Notably, the United States military provides members of the Armed Forces with unrestricted and restricted reporting options, the latter being available to victims who want to confidentially disclose an assault and obtain services without automatically prompting an investigation. Kits collected from victims who choose a restricted report are not tested unless and until the victim converts her/his case to unrestricted.⁹

OVW applauds efforts to reexamine immense volumes of sexual assaults that were reported to law enforcement for which an associated SAK was not previously submitted to a forensic laboratory for testing. New funding enables law enforcement to test SAKs, but more important than that, it is an opportunity for communities to model approaches that engage victims in the justice process, honor victims' rights, employ a trauma-informed approach, and correct the problems that led to large numbers of untested SAKs in the first place.

⁶ See: <https://victimsofcrime.org/our-programs/dna-resource-center/untested-sexual-assault-kits/unreported-sexual-assault-kits>.

⁷ Michigan Compiled Laws (MCL) 752.931 - 935, Sexual Assault Kit Evidence Submission Act of 2014, see: [http://www.legislature.mi.gov/\(S\(k5avgzow0jxfb4pollwprx2g\)\)/mileg.aspx?page=getObject&objectName=mcl-752-933](http://www.legislature.mi.gov/(S(k5avgzow0jxfb4pollwprx2g))/mileg.aspx?page=getObject&objectName=mcl-752-933).

⁸ Florida Statutes 943.326, Evidence Collected in Sexual Offense Investigations, see: http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0900-0999/0943/Sections/0943.326.html.

⁹ See DD Form 2911, available at: http://www.sapr.mil/public/docs/miscellaneous/toolkit/dd2911_Sept_2015.pdf

Discussion

OVW offers three key reasons why policies favoring testing non-investigative SAKs without the consent of victims are ill-advised:

1. **Testing a kit before the victim has made a report to law enforcement undermines the victim's prerogative to decide if and when to engage with the criminal justice system.**

Federal law provides that a crime victim's rights include "the right to be treated with fairness and with respect for the victim's dignity and privacy."¹⁰ In keeping with that principle, the sexual assault investigation model policy of the International Association of Chiefs of Police (IACP) states that that departments "shall respect a victim's inability, or decision not, to be involved in criminal justice proceedings and always be willing to offer continued assistance and referrals."¹¹

Sexual assault is a uniquely personal and traumatic crime. According to the Bureau of Justice Statistics (BJS), only 33.6 percent of rapes and sexual assaults were reported to law enforcement in 2014, making these the most underreported violent crimes by a significant margin.¹² Victims cite many reasons for not reporting their victimizations, from feelings of shame and self-blame to fear of not being believed or of being accused of complicity in the crime.¹³

¹⁰ 18 U.S.C. § 3771(a)(8)

¹¹ <http://www.evawintl.org/images/uploads/Documents/IACP%20MODEL%20POLICY.pdf>

¹² Truman, J., & Langton, L. (September 2015). *Criminal victimization, 2014*. Washington, DC: Bureau of Justice Statistics. Available at: <http://www.bjs.gov/content/pub/pdf/cv14.pdf>.

¹³ See, for example: Ullman, S. E. (2010). *Talking about sexual assault: Society's response to survivors*. Washington, DC: American Psychological Association.; and Du Mont, J., K. L. Miller, and T. L. Myhr. (April 2003). The role of 'real rape' and 'real victim' stereotypes in the police reporting practices of sexually assaulted women. *Violence Against Women* 9(4), 466–486.

Combined DNA Indexing System (CODIS) Eligibility

One purpose of testing SAKs is to generate a DNA profile that is eligible for upload into CODIS and the National DNA Index System (NDIS), maintained by the Federal Bureau of Investigation (FBI). The Federal DNA Identification Act [42 U.S.C. §14132(a)(2)] governs NDIS, including the types of DNA records that can be maintained at the national level. It also authorizes the inclusion in NDIS of DNA records from "analyses of DNA samples recovered from crime scenes." [NDIS Operational Procedures](#) explain that a forensic DNA record "submitted to NDIS shall originate from and/or be associated with a crime scene; the source of which is attributable to a putative perpetrator" (Section 4.2.1.3). Putative perpetrator DNA recovered from a victim's body in a sexual assault case is considered crime scene evidence.

The evidence contained in a SAK is generally eligible for CODIS and NDIS **if there is documentation that a crime was committed and if, under circumstances in which there were any consensual partners whose DNA might also be recovered during a medical forensic exam, elimination samples have been provided by, or requested from, those individuals.**

For answers to frequently asked questions about CODIS and NDIS, see: <https://www.fbi.gov/services/laboratory/biometric-analysis/codis/codis-and-ndis-fact-sheet>.

The relatively few sexual assaults that are reported are characterized by attrition, as the majority of those cases are dropped at various points in the investigation or prosecution stages. Most sexual assaults reported to law enforcement will not result in an arrest.¹⁴ A 2014 study found that 80 to 89 percent of sexual assaults reported to law enforcement were not referred by police to prosecutors or were not charged by a prosecutor.¹⁵ Fortunately, research funded by NIJ has found that Sexual Assault Nurse Examiner (SANE) programs and multidisciplinary Sexual Assault Response Teams (SARTs) can improve the quality of healthcare that victims receive after an assault, improve the quality of forensic evidence, and increase prosecution rates over time.¹⁶

It is important to understand that some victims may be reluctant to engage the criminal justice system. Some victims fear that doing so may come at a high cost to themselves and their loved ones, while offender accountability is not guaranteed. Reporting a sexual assault can take a considerable toll on some victims in the form of further emotional trauma, humiliation, fear or actuality of retaliation, loss of privacy, having one's personal life scrutinized, lost wages when work is missed to deal with matters related to the case, transportation and childcare costs related to participating in the legal process, and more. For some victims, seeking resolution through the criminal justice system is not a priority, when faced with other barriers and challenges. Therefore, a victim's choice whether or not to report to law enforcement is one that should be honored.

Furthermore, a victim should not have to decide whether to make a police report prior to obtaining a medical forensic exam. Someone who has suffered head trauma or strangulation during a sexual assault should be able to seek treatment for potentially life-threatening injuries—and have evidence of the sexual assault collected in the course of receiving that treatment—without having to make an immediate decision about reporting the assault to law enforcement. To that end, the Violence Against Women Act (VAWA) includes a provision¹⁷ to ensure that victims have access to medical forensic examinations regardless of whether they wish at that time to assist in an investigation. Specifically, as a condition for receiving certain funding, states must certify that they do not require victims of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a medical forensic exam free of charge.

In keeping with the spirit of this statute, many jurisdictions have implemented [alternative reporting and non-reporting options](#) that allow victims to obtain a medical forensic exam while delaying or foregoing a report to law enforcement, and offer them the opportunity to consent or decline to having their SAK

¹⁴ See, for example: Spohn, C., & Tellis, K. M. (2014). *Policing and prosecuting sexual assault: Inside the criminal justice system*. Boulder, CO: Lynne Rienner.

¹⁵ Campbell, R., Bybee, D., Townsend, S. M., Shaw, J., Karim, N., & Markowitz, J. (May 2014). The impact of Sexual Assault Nurse Examiner programs on criminal justice case outcomes: A multisite replication study. *Violence Against Women*. 20(5), p. 607-625.

¹⁶ Crandall, C., & Helitzer, D. (2003). *Impact evaluation of a Sexual Assault Nurse Examiner (SANE) program* (NCJ 203276). Washington, DC: National Institute of Justice; and, Campbell, R., Bybee, D., Ford, J. K., & Patterson, D. (2009). *Systems change analysis of SANE programs: Identifying the mediating mechanisms of criminal justice system impact*. (NCJ 226498). Washington, DC, National Institute of Justice.

¹⁷ 42 U.S.C. § 3796gg-4(d)(1) (2005)

submitted for testing. Additionally, jurisdictions hold kits for a designated period of time in case the victims later want to make a report to law enforcement. By encouraging sexual assault victims to reach out for help and receive medical forensic and other services, as well as gather information about the criminal justice system, this could result in more victims later deciding to report the crime to law enforcement and assist in an investigation. In 2015, the Technical Working Group on Biological Evidence Preservation issued recommendations on evidence retention, and forthcoming guidance from NIJ will include recommended evidence retention periods for non-investigative kits.¹⁸

2. Testing a kit without the victim's express consent either to submit the kit or to report the assault to law enforcement is not an advisable way to cultivate community trust.

The discovery in numerous jurisdictions that many sexual assault victims had come forward to report crimes to police and had undergone medical forensic exams but their SAKs were never submitted for laboratory testing (unsubmitted kits), resulted in significantly undermining community trust. In considering whether to test non-investigative kits, stakeholders need to account for the factors that led to the accumulation of so many unsubmitted kits from victims who had reported their assaults to law enforcement. Research funded by NIJ in Detroit found that victim-blaming beliefs and behaviors by law enforcement were one of five reasons kits were not submitted for testing.¹⁹ Resource shortages and limited technological and scientific capabilities at the time when many of these assaults happened also contributed to the problem of untested kits, but it must be acknowledged that large quantities of unsubmitted SAKs may be indicative of other systemic problems, including potential bias (implicit or explicit) against women and victims of sex crimes that can impact all levels of law enforcement command and extend to prosecutors, judges, and juries.²⁰

The consequences of consistently shelving SAKs and failing to thoroughly investigate sexual assaults that were reported to the police are devastating to victims and communities and can make other victims more reluctant to engage in the criminal justice process. Indeed, some sexual assaults and murders could have been prevented if an offender had been held to account for an earlier rape when the victim initially came forward and reported it to law enforcement. It is by properly investigating and prosecuting those sexual assault cases for which the victim has reported the crime that those jurisdictions will begin to rebuild community trust and encourage more victims to engage in the criminal justice process.

Therefore, in revisiting old cases, communities engaged in SAK testing efforts should avoid approaches that could further damage community trust and create additional barriers to reporting sexual assault. Testing SAKs associated with victims who obtained medical forensic exams but who have not consented

¹⁸ See: *Biological Evidence Preservation: Consideration for Policy Makers*, Technical Working Group on Biological Evidence Preservation, U.S. Department of Commerce, April 2015; available at: <http://dx.doi.org/10.6028/NIST.IR.8048>

¹⁹ Campbell, R., Fehler-Cabral, G., Pierce, S. J., Sharma, D. B., Bybee, D., Shaw, J., Horsford, S., & Feeney, H. (2015). *The Detroit Sexual Assault Kit (SAK) Action Research Project (ARP), Final Report*. Washington, DC: U.S. Department of Justice.

²⁰ In 2016, the Department of Justice issued guidance on *Identifying and Preventing Gender Bias in Enforcement Response to Sexual Assault Domestic Violence*, available at: <https://www.justice.gov/opa/file/799366/download>. For a discussion of how extra-legal factors influence decisions in the criminal justice system, see: O'Neal, E. N., Tellis, K., & Spohn, C. (2015). Prosecuting intimate partner sexual assault: Legal and extra-legal factors that influence charging decisions. *Violence Against Women*, 21(10), pp. 1237-1258.

to having the kit tested by law enforcement, can result in a sense of revictimization and can undermine community trust.

In facing the enormity of so many untested SAKs, it is incumbent on law enforcement agencies to make their best effort to rectify past wrongs and build community trust. Doing so necessitates handling evidence and conducting investigations in a way that honors victims' rights, privacy, needs, and self-determination.

3. Funding for testing SAKs is not unlimited, and grant funds should be directed to activities that promote accountability for offenders and justice and healing for victims.

An effective approach to dealing with unsubmitted SAKs requires investments in victim services, investigation, and prosecution. It warrants scrutiny when a jurisdiction opts to test SAKs against some victims' express will, while work that is fundamental to administering justice and serving victims remains under-resourced.

When kits associated with victims who reported their assaults to law enforcement have not yet been tested, investigative leads in those cases have not been followed thoroughly, and victim service providers in the community have not been fully resourced to provide victims with an array of services, these issues undermine an effective coordinated community response to sexual assault. Recommended practice is to allocate resources to strengthen the coordinated community response in those cases in which victims *have* chosen to report a crime to law enforcement and have the SAK submitted for testing.

Descriptions of the approaches taken in Houston and Detroit to notifying and reengaging victims in cases associated with unsubmitted SAKs can be found in the resources listed at the end of this document. A series of brief reports available on [Houston's SAK Research website](#), including [Sexual Assault Victims' Experiences of Notification after a CODIS Hit](#), can be useful to communities that are determining when and how to contact victims as they implement SAK testing initiatives.

Resources

The items listed below offer additional guidance, information, and perspectives on sexual assault kits and sexual assault investigation.

Department of Justice Resources

- The [National Protocol for Sexual Assault Medical Forensic Examinations – Adult/Adolescent](#) (SAFE Protocol) describes a victim-centered approach to medical forensic care.
 - Technical assistance on the Protocol is available through the International Association of Forensic Nurses (IAFN)'s SAFETA website: <http://www.safeta.org/>.
- [Sexual Assault Kits: Using Science to Find Solutions](#) is a resource from NIJ that consolidates the best knowledge and resources to date on untested kits.
- The DOJ issued guidance in 2015 for [Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence](#), providing a set of principles to prevent explicit and implicit gender bias in policing.

End Violence Against Women International (EVAWI) Resources

- [End Violence Against Women International \(EVAWI\)](#)'s free [Online Training Institute \(OLTI\)](#) offers knowledge and skills for investigating and prosecuting sexual assault. See in particular: [Laboratory Analysis of Biological Evidence and the Role of DNA in Sexual Assault Investigations](#).
 - EVAWI also provides [technical assistance and resources](#) on forensic compliance, meaning the VAWA provision ensuring that victims have access to medical forensic exams regardless of whether they wish to assist in an investigation.
- [Should we "test anonymous kits?" What's wrong with this question, what should the correct question be, and what is the answer for communities seeking to implement best practices?](#)
- [Understanding the Role of DNA Evidence in Sexual Assault Investigation: Part 6, Policy Responses, Assessment, and Recommendations, for Practice](#)

Research documenting SAK testing initiatives in Detroit and Houston

- The [final report of the Detroit Sexual Assault Kit Action Research Project](#) describes what was accomplished and what was learned through Detroit's multidisciplinary approach to handling unsubmitted kits and improving the response in current cases.
- Documents produced through [Houston's Sexual Assault Kit Research](#) project describe Houston's approach to testing unsubmitted kits and related research findings.
- [Notifying Sexual Assault Victims after Testing Sexual Assault Evidence](#), published in 2016 by NIJ, summarizes how Detroit and Houston approached victim notification. –

Additional materials

- The Minnesota Coalition Against Sexual Assault (MNCASA) provides [a three-part issue brief series](#) to support administrators of VAWA formula funds as they address untested kits in their states.
- A [three-part interview](#) with Dr. Rebecca Campbell explains the neurobiological effects of trauma and implications for the criminal justice response to sexual assault.
- Webinars on victim notification and related issues are available through the [Institute on Domestic Violence and Sexual Assault](#) at the University of Texas – Austin.
- A Pulitzer Prize winning 2015 report by the Marshall Project and ProPublica, [An Unbelievable Story of Rape](#), describes how good police work by detectives in Colorado played a much larger role than DNA evidence in an investigation that led to the arrest and conviction of a serial offender.

Statement of Zero Fiscal Impact

State of Alaska
2018 Legislative Session

Bill Version: HB 31
Fiscal Note Number: _____
() Publish Date: _____

Bill: HB 31
Title: SEX ASSAULT TRAINING & EXAM KITS;DOM
VIOL
Sponsor: TARR

The following agencies request no funding for this legislation for FY2019 through FY2024; they anticipate absorbing any increases in workload (using existing staff and resources) without fiscal impact. This includes capital and supplemental appropriations. Additionally, no impact to state revenue is projected and the bill will not result in regulation changes.

Department of Public Safety

Statewide Support

Commissioner's Office (OMB Comp Num 523)

Approved by: Walt Monegan - 03/31/17
Public Safety

Prepared By: Elizabeth Bolling Phone: (907)465-4021
Division: Assistant Legislative Director Date: 03/19/2018
Approved By: Caroline Schultz Date: 03/19/2018
Agency: Policy Analyst, Office of Management and Budget

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version: HB 31
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB031CS(FIN)-DPS-COMM-03-31-17
Title: SEXUAL ASSAULT EXAMINATION KITS
Sponsor: TARR
Requester: H FIN

Department: Department of Public Safety
Appropriation: Statewide Support
Allocation: Commissioner's Office
OMB Component Number: 523

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2018 Appropriation Requested	Included in Governor's FY2018 Request	Out-Year Cost Estimates					
			FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2017) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2018) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: Kelly Howell
Division: Administrative Services
Approved By: Walt Monegan
Agency: Public Safety

Phone: (907)465-4336
Date: 03/31/2017 07:00 PM
Date: 03/31/17

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2017 LEGISLATIVE SESSION

BILL NO. HB 31

Analysis

Section 5 of this legislation requires law enforcement agencies in the state to conduct an inventory of untested sexual assault examination kits and provide a report of findings in writing to the Department of Public Safety (DPS) by September 1, 2017. DPS is then required to compile the information and prepare and transmit a report to the legislature by November 1, 2017.

DPS has already started collecting information on untested sexual assault kits and does not anticipate additional costs to comply with Section 5 of this legislation. Therefore, a zero fiscal note is being submitted.

Fiscal Note

State of Alaska
2018 Legislative Session

Bill Version: HB 31
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB031CS(FIN)-DPS-ACADEMY-03-17-18
Title: SEX ASSAULT TRAINING & EXAM KITS;DOM
VIOL
Sponsor: TARR
Requester: (S) STA

Department: Department of Public Safety
Appropriation: Statewide Support
Allocation: Training Academy
OMB Component Number: 524

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2019 Appropriation Requested	Included in Governor's FY2019 Request	Out-Year Cost Estimates					
			FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2018) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2019) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

Not applicable; initial version.

Prepared By:	Kelly Howell, Administrative Services Director	Phone:	(907)465-4336
Division:	Administrative Services	Date:	03/17/2018
Approved By:	Walt Monegan, Commissioner	Date:	03/17/18
Agency:	Department of Public Safety		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2018 LEGISLATIVE SESSION

BILL NO. HB 31

Analysis

Section 1 of this legislation amends AS 18.65.240(a) relating to training requirements for police officers by adding 12 hours of instruction on sexual assault to the training officers must receive in order to be certified as a police officer, and amends AS 18.65.510 relating to domestic violence training by requiring that police training programs include training that acquaints officers with sexual assault in addition to domestic violence.

The Department of Public Safety (DPS) Training Academy provides police training programs for state and local agencies. The Alaska Law Enforcement Training (ALET) is a sixteen week course providing instruction in criminal investigation, police procedure, laws, and physical skills. Instruction comes primarily from commissioned Alaska State Troopers stationed in Sitka. The ALET program fulfills the requirements to be certified as a municipal police officer or an Alaska State Trooper.

The ALET program currently exceeds the number of hours of instruction and training in sexual assault laws, response, and investigation as proposed by this legislation so there would be no fiscal impact to the DPS Training Academy should it pass. Therefore, a zero fiscal note is being submitted.