



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

February 9, 2017

Board of Directors:

Mariska Hargitay
Founder & President

Christina Norman
Chair

Sukey Novogratz
Vice Chair

Tom Nunan
Secretary

Karen Polivka
Treasurer

Mark Alexander

Jessica Ambrose

Beth Armstrong

Durk Barnhill

Jenny Belushi

Shanna Brooks

Andrea Buchanan

Jill Eisenstadt-Chayet

Michele Dominick

Linda Fairstein

Peter Hermann

Danielle Herzlich

Mark Herzlich

Rachel Howald

Valli Kalei Kanuha, Ph.D.

Michael King

Lynn Lally

Andrea McTamanev

Rev. Al Miles

Debbie Millman

Heather Mnuchin

Chauncey Parker

Stanley Schneider

Andrew Schwartzberg

Carrie Shumway

Amanda Stephens

Noelle Wolf

Maile M. Zambuto
Chief Executive Officer

Representative Maria Syms
Arizona State Capitol Complex
1700 W Washington St.
Phoenix, AZ 85007

Dear Representative Syms,

The Joyful Heart Foundation supports H.B. 2268, a bill that sets uniform standards for the processing of sexual assault kits across Arizona. This bill will bring justice to survivors, hold violent perpetrators accountable for their crimes, and promote public safety for all residents.

Every year, thousands of sexual assault survivors submit to lengthy and invasive forensic exams to collect DNA evidence left behind by their attackers. 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 left on shelves in law enforcement storage.

DNA evidence can be an extremely powerful tool for law enforcement. When tested, rape kit evidence can identify unknown assailants, reveal serial offenders, and exonerate the wrongfully convicted. However, all too often rape kits are not sent to analysis.

We commend the efforts of the Governor and the Arizona Sexual Assault Evidence Collection Kit Task Force to address the 6,424 untested rape kits in storage at law enforcement agencies in Arizona. As this work continues, the state must take steps to prevent such a backlog from happening again. H.B. 2268 takes meaningful steps in this direction. It requires hospitals to notify police when new rape kits are collected and a survivor wants to report the crime; police to collect these kits within five days of receiving notice; police to submit these kits to the lab within 15 business days in all reported cases in which law enforcement determines that a crime occurred; and the lab to test these kits "as soon as practicable," if resources and personnel are available. This is a major step forward for the standardization of how rape kits are handled across the state, and Joyful Heart supports this effort.

We commend the reporting requirements of the bill, which will bring accountability to the system. H.B. 2268 requires law enforcement agencies and labs to report annually regarding the number of rape kits received, number of kits tested, number of kits not tested, and the reasons for which these kits were not tested. This data will be annually compiled and reported publicly and to state officials by the Arizona Criminal Justice Commission. This provision promotes transparency in how rape kits are handled across Arizona, allowing the public, and importantly survivors, to hold these agencies accountable for their performance.

While this bill has Joyful Heart's full support, we remain concerned that the language of the bill allows for varied interpretation by law enforcement agencies statewide, particularly regarding the determination of "whether a crime occurred." This discretion currently exists and has been a key factor, supported by research, in the massive number of untested rape kits sitting in shelves. National best practices require the submission of all kits except in cases in which law enforcement has expressly, through a rigorous investigation that resulted in clear and convincing evidence, determined that a crime did not occur. We look forward to continuing to work with the state's elected leadership to continue to improve the process and ensure your full intent of the legislation is realized.

We thank you for your leadership on this bill. The Joyful Heart Foundation stands ready to assist you in your efforts to end the backlog in Arizona, and bring a path to justice and healing to sexual assault survivors.

Sincerely,

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

Ilse Knecht
Director, Policy and Advocacy