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ORAL TESTIMONY—IN SUPPORT OF SENATE BILL 22

Delivered by Amanda Stephens on behalf of Joyful Heart Foundation

March 26, 2019

Good morning members of the **Public Safety** committee. First, thank you for having me, **Senator Skinner and Senator Moorlach** to talk about testing rape kits in California.

I am Amanda Stephens, a board member of the Joyful Heart Foundation and resident of this great state. I'd like to express our gratitude to the chair, **Senator Skinner** for all your work on this important issue to date. And of course, thank you to **Senator Leyva** and her staff for their fierce support of survivors.

Joyful Heart was founded by Law and Order actress and advocate Mariska Hargitay, and we are a proud sponsor of **Senate Bill 22, which would require testing of all rape kits connected to a reported crime**. It will also **expand access to justice for** sexual assault survivors and make California safer.

DNA evidence contained in rape kits is a powerful tool to solve and prevent crime. When tested, it can identify unknown offenders and link crimes together. Testing in Detroit of 10,000 rape kits has uncovered more than 800 serial rapists who have committed all kind of crimes in 40 other states and D.C.

Here in California, Keith Asberry Jr. of Antioch sexually assaulted at least five women over nine years, eventually murdering one of his victims. According to prosecutors, Asberry kidnapped and raped two young women in 2008, a 15-year-old and a 19-year-old. The rape kits collected from these victims sat untested for years.

In 2015, he attempted rape of a 46-year-old woman, and a few weeks later, burglarized a home, raping and murdering at 37-year-old student. Several of these crimes could have been prevented with the timely testing of a single rape kit in 2008. Thanks to Alameda County District Attorney Nancy O'Malley for testing the kits in these cases!

I could read headlines like Detroit and the Asberry case from across the country for hours.

Right now in California, current law says law enforcement "should" send kits for testing, which in practice means that whether or not a rape kit gets tested depends on the survivor's zip code. This is not acceptable. It was a well-intentioned law but just isn't working; Joyful Heart's Accountability Project has issued open records requests to eight jurisdictions and found that six out of eight (75%) jurisdictions in our project either cannot determine if they are following the encouragement of the law or are simply not following it.

By passing S.B. 22 and changing the “should” to a “shall,” California will take dangerous violent offenders off the street. It will demonstrate a commitment to survivors to help them find a path to healing and justice.

We look forward to working closely with you to pass this much-needed legislation.