

**Statements of Sarah Haacke Byrd
Managing Director, Joyful Heart Foundation**

**Before the California Senate Committee on Public Safety
April 3, 2018**

Good morning, members of the committee. I'd like to first express our gratitude to the chair, Senator Skinner, and vice chair Senator Anderson, for all your work on this important issue to date and for including the Joyful Heart Foundation in today's hearing. On behalf of our Founder and President, Mariska Hargitay, our Board, staff and volunteers, and most of all the survivors we have the deep privilege to serve, it is an honor to be here to talk about this important and long overdue legislation.

My name is Sarah Haacke Byrd, and I am the managing director of the Joyful Heart Foundation. We strongly support Senate Bill 1449, which would require the testing of all rape kits connected to a reported crime in California.

Joyful Heart was founded by actress and advocate Mariska Hargitay to transform society's response to sexual assault, domestic violence, and child abuse, support survivors' healing, and end this violence.

Since 2010, we have been working tirelessly to eliminate the backlog of hundreds of thousands of untested rape kits across the country. Through partnerships with federal, state and local government, non-profit organizations, law enforcement, advocates, and survivors, we are working to bring attention, critical funding, and reforms to improve the criminal justice response to sexual violence.

To that end, one year ago, we launched an ambitious national campaign to expand access to justice for survivors by passing comprehensive rape kit reform legislation in all 50 states. It is our sincere hope that California will take a leadership role on this issue nationally by passing Senate Bill 1449.

Every 98 seconds someone is sexual assaulted in America. In the immediate aftermath of a sexual assault, a victim may choose to undergo a 4-6 hour invasive medical forensic examination to collect evidence left behind during the assault. Survivors who take this step expect that their rape kits will be tested. The public expects the same.

Current law in California says law enforcement "should" send kits for testing. This was a well-intentioned law, but it isn't working. In 2017, through Joyful Heart's Accountability Project, conducted in partnership with our pro bono law firm Goodwin Proctor, we issued open record requests to eight jurisdictions and found that six out of eight (75%) are either not following the encouragement of the law or have no way of knowing how many kits are in their possession.

And yet, we know that the DNA evidence contained in rape kits is a powerful law enforcement tool to solve and prevent crime. When tested, it can identify unknown offenders and reveal serial rapists.

For example, testing of more than 10,000 kits in Detroit has uncovered 818 potential serial rapists who have committed crimes in 40 other states and D.C. In Cleveland, testing has revealed 436 serial rapists. These results underscore what we know about sex offenders: that they rape again and again, they commit all kinds of crimes, and they often move from state to state, community to community.

By passing SB 1449 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.

Right now in California, whether or not a rape kit gets tested depends on a survivor’s zip code. This is not acceptable. We can and must do better to bring dignity back into the process for victims across the state.

That’s why we are working with Senator Leyva to pass this bill mandating the testing of every newly collected rape kit and to appropriate \$2 million to help law enforcement agencies comply with the proposed amendments.

I thank you for your attention to this issue. We hope—and the courageous survivors we represent expect—that the legislature will take these important steps toward reform. We must come together to solve this problem and look forward to working closely with you to pass this much-needed legislation.