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March 20, 2017

TO: Representative Joe Moody, Chair
Representative Todd Hunter, Vice Chair
Esteemed Members of the House Committee on Criminal Jurisprudence

FROM: Torie Camp, Policy Consultant
Ilse Knecht, Director, of Policy and Advocacy
Joyful Heart Foundation

RE: Testimony in Support, House Bill 281, An Act Relating to Establishing a Statewide Electronic Tracking System for Evidence Collection Kits Used to Collect and Preserve Evidence of a Sex Offense

The Joyful Heart Foundation respectfully submits this testimony in strong support of H.B. 281, a bill which would require the Department of Public Safety to establish a comprehensive statewide tracking system to monitor rape kits from collection to analysis. The bill would also require survivors to have access to the tracking system and receive crucial updates.

The Joyful Heart Foundation's mission is to transform society's response to sexual assault, domestic violence, and child abuse, support survivors' healing, and end this violence forever. Since 2010, Joyful Heart has made the elimination of the national rape kit backlog our top advocacy priority. We work directly with survivors, stakeholders, and jurisdictions to achieve this goal. Our staff, consultants, and partners have decades of expertise that allow us to be at the forefront of rape kit reform efforts. This has afforded us the unique opportunity to support the development and implementation of best policies and practices to address the rape kit backlog in jurisdictions nationwide, including: Charlotte, NC; Cleveland, OH; Detroit, MI; Fayetteville, NC; Las Vegas, NV; Memphis, TN; Portland, OR; and Virginia Beach, VA; among others. We have been instrumental in passing state-level rape kit reform legislation in Utah, Florida, Georgia, Hawai'i, Iowa, Kentucky, Minnesota, and New York, and are currently working directly to support rape kit reform legislation in 15 states in the 2017 legislative session. With this expertise and legislative track record, we are grateful for the opportunity to submit testimony supporting H.B. 281.

Since 2011, Texas has taken steps to end the backlog of untested rape kits. State legislators enacted S.B. 1636, a law requiring law enforcement agencies to send all newly collected kits to a crime lab for testing within 30 days of collection. The law directed the lab to test the kits as soon as is feasible. The law also mandated a count of the untested rape kits in law enforcement storage facilities and forensic analysis of these kits by September 2014. As of January 2017, local law enforcement agencies have submitted **19,051 untested kits** to the state lab for testing. Texas law does not currently require law enforcement agencies to track rape kits, a critical component of rape kit reform.

Last month, the Police Foundation released a report, funded by the Community Foundation of Texas, evaluating the impact of the 2011 legislation. Joyful Heart's Director of Policy and Advocacy, Ilse Knecht, worked with Robert Davis (Chief Social Scientist, Police Foundation), Torie Camp (consultant and former Deputy Director, Texas Association Against Sexual Assault), Susan Howley (Policy Director, National Center for Victims of Crime), and Dr. William Wells (Professor, Sam Houston State University). Our research suggests that, while criminal justice officials largely support the universal testing requirement of S.B. 1636, inconsistent compliance has limited the impact of the law. Further sexual assault kit reform efforts in Texas should focus on increasing accountability and transparency in the criminal justice system.

A statewide tracking system is an effective accountability mechanism for ensuring that all rape kits associated with a reported crime are collected, transported, and tested in an expeditious manner. H.B. 281 enacts this critical pillar of reform by requiring that the statewide system track the location and status of kits, including initial collection at healthcare facilities, receipt and storage at local law enforcement agencies, analysis at the lab, and storage and destruction following analysis. These thorough tracking requirements ensure that all kits are accounted for throughout the medical and legal processes, bringing transparency and efficiency to the criminal justice system.

By allowing survivors to anonymously track or receive updates about the location and status of their kits, H.B. 281 affirms that survivors have a choice about whether, how, and when to receive such information. Being able to access updates and monitor kits can help counter the loss of self-determination and control at the core of the sexual assault experience. As one advocate in our 2016 research on victim notification asserted, "everyone should have access to information about their life. [...] We are assuming we have the power to choose who is fragile and who is resilient, when most people are both." Anonymous and discretionary survivor access is essential for any survivor-centric tracking system.

We thank Representative Donna Howard for her leadership on this issue and the House Criminal Jurisprudence Committee for raising this bill for consideration today. Enacting rape kit reform sends a powerful message to survivors that they—and their cases—matter. We look forward to continue working with you to end the backlog of untested kits in Texas.

Thank you,

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