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January 31, 2020

Senator Machaela Cavanaugh
11th Floor State Capitol
1445 K Street
Lincoln, NE 68508

Dear Senator Cavanaugh,

The Joyful Heart Foundation strongly supports Legislative Bill 945, which would determine the true extent of the untested rape kit backlog and bring transparency and accountability to rape kit testing practices in jurisdictions across Nebraska. To date, 40 states and Washington, D.C. have completed an inventory of untested rape kits. With L.B. 945, Nebraska is poised to join these states in addressing the backlog.

Every 92 seconds, someone is sexually assaulted in the United States. In the immediate aftermath of a sexual assault, a victim may choose to undergo a medical forensic examination to collect evidence left behind in the assault. A doctor or nurse will conduct the examination, which can last between four and six hours, and collect evidence in what is commonly called a rape kit. DNA evidence is an invaluable investigative tool. When tested, rape kit evidence can identify an unknown assailant, reveal serial offenders, and exonerate the wrongfully convicted. Too often, however, rape kits are left untested on evidence room shelves.

In 2018, more than 1,200 survivors reported a sexual assault to the law enforcement in Nebraska. Nebraska has never performed a statewide inventory, thus, we do not know how many of those survivors, and thousands of survivors from past years, had their rape kit tested and found justice. The law should mandate that all law enforcement agencies and hospitals in the state report the number of untested kits they have, without this requirement, only a fraction of backlogged kits will be accounted for.

L.B. 945 will bring Nebraska in line with federal best practice, as identified by the United States Department of Justice in 2017, to inventory rape kits annually. In addition, the National Sheriffs Association and the International Association of Chiefs of Police both support the inventorying of untested rape kits. This bill will allow Nebraska to determine the full extent of their rape kit backlog.

Once the number of untested kits is known, the state can dedicate resources, analyze untested kits, investigate and prosecute cases, reengage survivors whose kits have languished in evidence rooms in the criminal justice process, and take dangerous offenders off the streets. Ongoing public accountability through annual inventory reports will show survivors and the public that the state is truly committed to improving access to justice and making Nebraska safer.

Establishing a rape kit tracking system in Nebraska would facilitate conducting future inventories and increase transparency and accountability.

The Joyful Heart Foundation thanks you for your efforts to uncover the extent of the backlog in Nebraska and we offer our support and guidance as you embark on this journey to achieve rape kit reform.

Sincerely,

A handwritten signature in cursive script that reads "Ilse Knecht". The ink is dark and the signature is fluid, with the first and last names being clearly legible.

Ilse Knecht
Director, Policy & Advocacy
The Joyful Heart Foundation