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February 8, 2021

Representative Scott Holcomb
511-E Coverdell Legislative Office Building
Atlanta, GA 30334

Representative Scott Holcomb:

The [Joyful Heart Foundation](#) strongly supports [House Bill 255](#), which would determine the true extent of the untested rape kit backlog, and establish a statewide rape kit tracking system with a victim portal.

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 rape kit backlog—hundreds of thousands of untested rape kits across the nation—our top priority. We work directly with survivors, stakeholders, and jurisdictions to achieve this goal. Our staff, consultants, and partners have decades of expertise at the forefront of rape kit reform efforts. **We have been instrumental in passing state-level rape kit reform legislation in 41 states** including, but not limited to, Alaska, Arizona, California, Florida, Georgia, Hawai'i, Illinois, Kentucky, Maryland, Massachusetts, Nevada, New Mexico, New York, Oregon, Texas, Utah, and Washington State and we have collaborated with local and state agencies to provide support during the implementation process. With this expertise and legislative track record, we respectfully submit this letter in support of H.B. 255.

The Problem

Every 73 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. Most survivors, after leaving the hospital, are never contacted about the status of their rape kit. In addition, many law enforcement departments across the country have no reliable way of keeping track of rape kits.

Annual Inventory

H.B. 255 would require The Criminal Justice Coordinating Council to do an annual report, which will contain the number of sexual assault evidence collection kits collected, submitted, tested, unreported, and unsubmitted. The report will also include the average time for each law enforcement agency to collect reported kits from collection sites.

This bill is an important step to bring Georgia in line with the [federal best practice](#) to inventory rape kits annually. 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.

Ensuring that survivors and all stakeholders in the criminal justice process can know the location and status of collected rape kits will bring transparency to rape kit processing and prevent a backlog from happening again.

Tracking System

H.B. 255 would also require The Criminal Justice Coordinating Council to create and operate a state-wide sexual assault kit tracking system with a victim portal. The electronic system will track the location and status of each sexual assault evidence collection kit throughout the criminal justice process, including the initial collection in sexual assault forensic examinations performed at medical facilities, receipt and storage at law enforcement agencies, receipt and analysis at forensic laboratories, and storage and any destruction after completion of analysis. The system will have an online victim portal where victims can anonymously track or receive updates regarding the status of their kits. Under this bill, all entities having custody of sexual assault kits shall fully participate in the system no later than one year.

Comprehensive rape kit reform will require submitting all rape kits, tracking those kits from collection to analysis, and increasing transparency and public accountability going forward. Joyful Heart encourages states to include backlogged kits in the tracking system as well. All survivors deserve the same right to know the status of their kits.

The Road Ahead

This bill requires Georgia to adopt a system for tracking rape kits and allows survivors to know the location and status of their kits *using the tracking system*. Most survivors, after leaving the hospital, are never contacted about the status of their rape kit. Our [2016 research in victim notification](#) found that, for survivors who want to know about their case, not having access to such information can severely hamper recovery. Survivors in our study strongly asserted that information about their case “belongs” to them and limiting access to information is “unacceptable and misguided.” Access to information about the status and location of their rape kits can help survivors counter the loss of self-determination and control that is often at the core of a sexual assault experience.

Although the victim portal on the tracking system is one way to ensure survivors can know where their kits are, it does not cover survivors who do not have access to a computer or internet. Survivors should be able to learn about their kits by calling the law enforcement agency, or walking into their local precinct.

In next steps for Georgia rape kit reform, Joyful Heart suggests granting the victims the right to know the status and location of their kits in statute.

The Joyful Heart Foundation thanks you for your efforts to eliminate the backlog, support survivors, and enhance public safety. By enacting this bill, Georgia will convey that bringing offenders to justice and supporting survivors' healing are top priorities. We stand ready to assist you in enacting these necessary reforms.

Sincerely,

Ilse Knecht



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