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February 22, 2024

TO: House Committee on Health and Social Services
Room 106, State Capitol, 120 4th Street
Juneau, AK 99801-1182

FROM: Burcu Sagiroglu
Policy & Advocacy Associate
Joyful Heart Foundation

RE: Testimony in Support of House Bill 275

The Joyful Heart Foundation strongly supports House Bill 275, which would codify the statewide rape kit tracking system into law and require a 7-day timeline for medical facilities to notify law enforcement. To date, 36 states and Washington, D.C. passed laws to require implementation of a statewide rape kit tracking system. This year, Maine, New Jersey, and Pennsylvania have tracking system bills introduced as well. With HB275, Alaska is poised to join these states in addressing rape kit handling issues in a transparent way.

The [Joyful Heart Foundation](https://www.joyfulheartfoundation.org/)'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 49 states including Arizona, California, Florida, Georgia, Hawaii, Idaho, Massachusetts, Montana, Nevada, Oregon, New York, Texas, and Washington, 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 testimony supporting HB275.

The Problem

Every 68 seconds, someone is sexually assaulted in the United States. There are around 1000 reported sexual assaults in Alaska every year. In the immediate aftermath of a sexual assault, a victim may choose to undergo a medical forensic examination to collect evidence left behind during the assault. A doctor or nurse will conduct the four-to-six-hour examination and will preserve this evidence in what is commonly called a "rape kit." Survivors who take the step of undergoing this exhaustive and invasive forensic exam do so because they have been told this evidence could help law enforcement hold their offender accountable.

When tested, the DNA evidence from rape kits can be a powerful tool to solve and prevent crimes. DNA evidence can identify unknown

assailants, link crimes together, and exonerate the wrongfully convicted. Too often, however, these rape kits languish untested for years—even decades—in storage facilities.

Why Testing Rape Kits Matters

In 2017, the U.S. Department of Justice National Institute of Justice released [*National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach*](#), which includes 35 recommendations for victim-centered approaches for responding to sexual assault cases. Joyful Heart joins experts in endorsing the federal government's best practice recommendation to submit every rape kit connected to a reported sexual assault to a crime lab for DNA analysis. Rape kits can yield DNA evidence which can be entered into DNA databases containing DNA from offenders. By testing every kit connected to a reported crime, more DNA profiles will be in these databases, potentially linking crimes and revealing [serial rapists](#), who assault both acquaintances and strangers as recent research has shown. As more sexual assault cases are pursued, more offenders are apprehended, and future crimes are averted.

It's important to understand that every single rape kit represents a survivor whose body has become a crime scene and has reported the crime to police, everything society asks them to do. Many do this because they want to prevent the perpetrator from hurting anyone else and they want the criminal justice system to hold the offender accountable. By requiring every sexual assault kit to be swiftly submitted and tested, Alaska can send a powerful message to survivors that they—and their cases—matter. It demonstrates a commitment to survivors to bring a path to healing and justice.

Rape Kit Reform in Alaska

The Alaskan legislature has taken tremendous steps in the past few years to improve rape kit handling: submitting and analyzing previously untested rape kits; appropriating \$2.75m in funding; an annual inventory of untested rape kits and law enforcement training in sexual assault. Passed in 2019, HB49 requires law enforcement agencies to submit kits to a laboratory for DNA analysis within 30 days of receipt, and the laboratory to test the kit within one year. HB5 enacted in 2022 shortened the lab testing timeline to 6-months.

In 2021, Governor Mike Dunleavy announced that the state would establish a rape kit tracking system. In July 2023, the Alaska Department of Public Safety's Sexual Assault Kit Tracking System went live, enabling survivors of sexual assault to track the status of their kit securely online. The system has a victim portal where survivors can track the status and location of their kits anonymously. However, currently the system is not mandated by law. Survivors in Alaska also have not been granted the right to know the status and location of their kits in the law.

Codifying the Tracking System into Law

Tracking systems follow rape kits from collection to testing and final disposition, bringing accountability and transparency to the rape kit handling process. In addition to all newly collected kits, backlogged kits should be entered into the tracking system to ensure that all survivors, regardless of how long it's been since their assault, can know what happened to their kit and those kits are fully accounted for.

HB275 would codify the existing tracking system into law and mandate participation by all agencies that handle rape kits. This bill would ensure that all the relevant agencies comply with the law, helping the state achieve a fully-functioning tracking system. In addition, establishing the system in statute ensures stability when leadership or priorities shift from year to year. In Arizona, Governor Doug Ducey issued [Executive Order 2016-02](#), requiring a one-time statewide audit and establishing the Arizona Sexual Assault Evidence Collection Kit Task Force in 2016. That same year, the state adopted a rape kit tracking system as per the recommendations of the task force. However, participation is not mandatory by law for all law enforcement agencies or jurisdictions. The Phoenix Police Department, the biggest jurisdiction

in the state where the majority of sexual assaults happen, does not participate in the tracking system, leaving those survivors with less rights to know the status of their kit than the rest of the state. Mandating all agencies to participate in the system by law prevents such compliance discrepancies in the state.

Uniform Kit Handling Timelines

The bill requires hospitals to notify law enforcement within 7 days of collecting a reported kit. Hospitals' timely notification means all reported rape kits are collected by law enforcement expeditiously, preventing kits from potentially sitting too long at the hospital. Illinois and Mississippi require a 4-hour notification timeline for hospitals, ten states require 24-hours (Hawaii, Kentucky, Massachusetts, Michigan, Montana, North Carolina, Rhode Island, South Dakota, Tennessee, Wisconsin), while Arizona requires 48-hours and Oregon 7-days. With this bill, Alaska's 7-day mandate would be part of this national standard.

Ensuring that hospitals notify law enforcement within a certain time frame about a new kit will remove biased individual decision-making. This provision ensures that newly collected rape kits are quickly turned over to law enforcement and handled uniformly across the state, preventing future backlogs. Joyful Heart is fully in support of the 7-day notification timeline for hospitals.

Granting Survivors the Right to Know the Status and Location of Their Kits

Most survivors, after leaving the hospital, are never contacted about the status of their rape kit. In 2016, Joyful Heart released [Navigating Notification](#), the result of a 3-year research project studying best practices for victim notification and re-engagement. In partnership with researcher Dr. Courtney Ahrens of California State University at Long Beach, we brought together the voices of more than 90 survivors, criminal justice, medical, academic, and advocacy professionals to establish survivor-centered, trauma-informed policies and protocols for victim notification. One of the key findings of our research was, for survivors who want to know about their case and their kit, not having access to such information can severely hamper recovery. 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.

Comprehensive rape kit reform will require granting victims the right to know the status and location of their kit whether by calling or walking into their local precinct. The notification language in AS 44.41.065 does not fully cover this right, as it requires law enforcement agencies to make reasonable effort to notify victims that their kit has been tested. The "reasonable effort" language is very vague and is open to misinterpretation. It also requires victims to be notified after their kit is tested, meaning until then, survivors are left in the dark about the status and location of their kits for months.

Although we understand concerns around Alaska's rural nature, we know that regardless of where they live, survivors deserve to know where their kit is. Unfortunately, the tracking system is not accessible to all survivors. Some survivors may not have a secure internet connection to check the status of their kits safely, some may not have access to a device, while some others might prefer to call their precincts or go in person. Our laws should respond to survivors' different needs, and should not discriminate against them based on their access to secure technology. 32 states and Washington, D.C. grant survivors the right to know the status of their kits. Survivors' healing should not depend on their zip code. Granting survivors **"the right to know the testing date, testing results, and location of their sexual assault examination kit"** in statute ensures that.

The Road Ahead

To achieve comprehensive rape kit reform and to align with national best practices, Alaska should codify the statewide tracking system for kits; grant victims the right to know the status

and location of their kit and case; and mandate statewide uniform kit handling procedures, including timeline for medical facilities to notify law enforcement. We encourage the legislature, in consultation with advocates, practitioners, agency leaders, and most importantly, survivors of sexual assault, to push forward with survivor-centered legislative action.

HB275 includes critical tracking and oversight provisions. With adding victim's right to know language to the bill, Alaska will complete all [six-pillars of rape kit reform](#). We urge the committee to vote in favor of this important legislation. The Joyful Heart Foundation thanks you for your efforts on this issue. We stand ready to assist you in creating safer communities and offering a path to healing and justice to all sexual assault survivors in Alaska.

With Gratitude,

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