

Testimony of Laura Cordes, Executive Director
Connecticut Sexual Assault Crisis Services
**In Support of HB 6498, AAC The Timely Transfer and Processing of
Sexual Assault Evidence Collection Kits**
Public Safety and Security Committee, February 17, 2015

Senator Larson, Representative Dargan, and members of the Public Safety and Security Committee, my name is Laura Cordes and I am the Executive Director of Connecticut Sexual Assault Crisis Services (CONNSACS) and a longstanding member of the state's *Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations*. CONNSACS is the state's leading voice to end sexual violence and the coalition of nine community-based sexual assault crisis services programs, which provide free and confidential sexual assault crisis counseling and victim advocacy to thousands of women, men and children, of all ages, each year.

Certified sexual assault victim advocates at each program provided hospital, police and court accompaniment, support groups, individual counseling, 24/7 hotline support, information and referrals to victims and survivors of sexual violence throughout the state, and community education and professional training presentations. CONNSACS also employs specialized post-conviction victim advocates who represent victims and their interests throughout the state as part of the Office of Adult Probation Sex Offender Supervision Units and Parole Special Management Units.

Thank you for the opportunity to testify today in support of *HB 6498, AAC the Timely Transfer and Processing of Sexual Assault Evidence Collection Kits*. We are appreciative of Representative Willis for filing the bill and the Committee for raising the bill for a public hearing.

HB 6498 seeks to establish clear time frames for the transfer of sexual assault evidence collection kits to the Forensic Science Laboratory and for the analysis and reporting of DNA evidence.

Clarifying guidelines for the transfer of kits by police from hospitals to the lab, and adopting the specific time frames as proposed in this bill would improve the criminal justice response to crimes of rape and sexual assault which is key to securing justice for survivors, safety for our communities and offender accountability.

Behind every evidence collection kit is a victim who has braved coming forward in the aftermath of a significant trauma to have evidence from the crime collected from her body. Because the evidence on a victim's body may deteriorate or become contaminated, evidence must be collected soon after the assault. In Connecticut, exams and evidence collection can be conducted up to 120 hours after the assault. The process is incredibly invasive, and because it follows so closely after the assault, many survivors experience a re-traumatization or re-victimization in the process. Connecticut lawmakers as far back as 1988 have been sensitive to this dynamic. Connecticut was one of the first states to standardize the evidence collection process, prohibit the billing of victims for the exam and evidence collection, and allow victims who are undecided about whether to report to the police, but understand that their evidence could be lost if not preserved, to undergo the exam and collection process and have the kit held as an "anonymous kit" for sixty days.

As part of the kit, a medical professional collects hair samples, fingernail scrapings, swabs from private areas of the body, photographs, and clothing. For many victims, having this exam done in the aftermath of sexual violence is the last thing they want to do, but they do it. They do it because they expect that the kit will be sent to the lab to be tested, to bring about justice for themselves or to protect others from violence at the hands of their offender.

Current CGS 19a-112a stipulates that all but those kits in which a victim does not use a name should be sent to the lab; but the statute is silent on the timeline for transfer and testing. Standard protocol has been for the police in the town in which the rape occurred to pick up the kit from the hospital and transport it to the Forensic Evidence Laboratory in Meriden.

Unfortunately, guidelines have been unclear for police on when or whether or not to bring the kit to the lab and sexual assault victims have reported that their kits have been held at police stations.

Initial findings from a survey of all Connecticut police departments, conducted by the *Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations* indicate that many towns have untested sexual assault forensic exam kits in their possession, some more than five years old. The reasons seem to vary - from unclear protocols, concern about the caseload at the lab, to choosing to not move forward with the case - and the results are untested kits, victims awaiting justice, and we suspect un-apprehended offenders who are free to commit sexual violence again and again.

The Department of Emergency Services and Public Protection, Division of Forensic Services and the staff of the Forensic Science Lab have done tremendous work to ensure timely turnaround of sexual assault collection kits and does not currently have a backlog, as has been found in other states. In order to maintain this high standard, Connecticut should adopt a specific timeline for the kits to be tested once they arrive at the lab. This bill proposes 60 day time frame.

Nothing in this bill should suggest that evidence transferred outside of the proposed 10 day transfer or 60 day testing and reporting windows be inadmissible in court. Therefore we encourage committee members to include final bill language that would address any challenges brought by defense attorneys to make evidence outside of adopted timeframe inadmissible.

When a victim completes a kit and consents to law enforcement involvement, they rightfully believe that the the evidence collected for the state's case will be sent to the crime lab. If a kit has a victim's name on it, the kit should be tested, or at the very least the kits of victims who have made a report to the police should be tested. Evidence found in the kit can establish if a sexual act occurred, can eliminate or identify a suspect, identify someone who may have prior convictions, and link cases based on evidence.

In New York City, after enacting legislation to have every kit tested, prosecution has jumped from 40% to 70%. After Detroit began clearing their backlog they found 760 matches in CODIS (Combined DNA Index System) and 188 serial rapists and Illinois found 927 matches in the national DNA database.

We are at long last witnessing a dramatic change both here in Connecticut and across the country in a collective willingness to speak openly about the high rates of sexual violence, to hold offenders accountable and to challenge pervasive victim blaming. Together we are creating safer spaces for victims to disclose, seek services and to report the crime they have experienced.

Far too often we hear the statistic about the number of victims of sexual violence who don't report to the police. When victims do report, what happens to them and to the evidence that is so painstakingly collected? We can and should do more to ensure that rape victims who come forward to have evidence collected, have access to justice by having their kits analyzed and tested in a timely matter. All kits should be sent to the lab for testing and Connecticut should join other states including, Illinois, Texas, Ohio and Colorado in adopting clear timelines for the transfer and testing of kits.

Thank you for your time and consideration. I would be happy to answer any questions you may have.