

## Public Safety and Security Committee JOINT FAVORABLE REPORT

**Bill No.:** SB-17

AN ACT PROMOTING FAIRNESS IN ACCESS TO INFORMATION, SUPPORT  
**Title:** AND JUSTICE FOR SEXUAL ASSAULT VICTIMS.

**Vote Date:** 3/16/2018

**Vote Action:** Joint Favorable Substitute

**PH Date:** 2/27/2018

**File No.:**

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### **SPONSORS OF BILL:**

Governor Dannel Malloy; Rep. Caroline Simmons, 144<sup>th</sup> Dist.

### **REASONS FOR BILL:**

In 2015, over eleven hundred sexual assault evidence kits collected in the state were identified as unprocessed – some of which had gone untested for years. With the passage of PA 15-207 that year, which required all evidence kits to be sent to the state crime lab within 10 days of collection and to be tested within 60 days of receipt, these kits were transferred to the Connecticut Forensic Science Laboratory and over 75% have been processed since. Despite this progress, sexual assault victims and advocates have expressed concern over the problem of gaining access to information and updates on the statuses of their kits. Supported by two recently-awarded federal grants, the governor has formed a working group to enhance standardization and advancement of evidence testing kits, including improving the ability of victims to track and access information regarding their kit.

As part of that effort, this Proposed Substitute Bill No. 17 amends requirements to protocols recommended by the existing Commission on the Standardization of the Collection in Sexual Assault Investigations, including adding language which requires the implementation of kit-tracking by the Division of Scientific Services. It also dictates the development of guidelines for the use of kit-tracking software and the training of employees at healthcare facilities where collection examinations are performed. It would further require the development of procedures for ensuring that victims have access to the status of and information pertaining to their kit, and require that a sexual assault crisis counselor be contacted upon identification of and approval by a victim.

## **\*\*PROPOSED SUBSTITUTE LANGUAGE:**

Substitute Bill No. 17 differs from the original version of the bill in that it omits the specification of “barcode” technology in favor of the more general term “electronic tracking system.” The substitute language also adds a fifteenth member to the Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations, to be a representative from Disability Rights Connecticut. Technical changes are made as well, changing the term “police department” to “law enforcement agency.”

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

**Malloy, Dannel, Governor of Connecticut.** Supports. The proper tracking and handling of sexual assault evidence kits is a matter of justice and public safety, and facilitating access to information is integral to ensuring victims are properly supported, as well as to the preservation of victims’ rights and dignity. Though the tracking process has already been adopted into practice, this best practice should be codified into law.

**Platt, Maureen, T., State’s Attorney, Judicial District of Waterbury.** Supports. As a prosecutor who has handles thousands of these cases, survivors often express how confused and frightened they were on the day of their attack, and providing a counselor can encourage recovery and also help victims to cooperate with the justice system. The collection of evidence using the CT-100 kits can often take hours, and after undergoing such an extensive and intrusive process, victims should be entitled to any information obtained.

**Pierre, Natasha, Esq., State Victim Advocate.** Supports. This bill will ensure that no sexual assault evidence kit is lost, mishandled, or lingers on the shelf of a police department evidence room. The Office of the Victim Advocate strongly urges support of this bill.

**Schriro, Dora, Commissioner, Dept. of Emergency Services and Public Protection.** Supports. On behalf of the six divisions of the DESPP, we are unwaveringly committed to the state’s crime victim community and will do our best to uphold the letter and the spirit of this law.

## **NATURE AND SOURCES OF SUPPORT:**

**Winjum, Lisa, Vice President of External Affairs, Joyful Heart Foundation.** In 2016, Joyful Heart released the results of a three-year research project studying best practices for victim re-engagement. One of the key findings of our research was that, for survivors who want to know about their cases, not having access to such information severely hampers recovery.

**Schlingheyde, Angela, Director of Legal & Court Advocacy Services, The Center for Family Justice.** Using the story of a survivor called “Jane,” Ms. Schlingheyde outlined the details of what a sexual assault counselor/advocate’s role is at each step of the reporting and examination process following a sexual assault. She points to the fact that when several weeks had passed and “Jane” was unable to get information regarding her rape kit, she knew to call her crisis counselor/advocate, who serves as a point-of-contact for issues related to her attack and the related case.

**Ball, Quentin, Executive Director, The Center for Sexual Assault Crisis Counseling and Education.** Recently I accompanied a victim to a hospital to provide emotional support and educate her about the forensic exam, police report, and service options, and at the conclusion the victim stated that “I never would have survived being here without you.” Advocacy support is that critical in crisis.

**Evarts, Win, Executive Director, The Arc of Connecticut, Inc.** Citing statistics showing that the rate of violent victimization is 2.5 times higher for people with disabilities, Mr. Evarts expressed support for the bill but asked that it include a provision to expand membership of the Commission on the Standardization of the Collection of evidence in Sexual Assault Investigations from fourteen to fifteen to include a representative from the disability rights group, Disability Rights Connecticut. Evarts proposal was adopted for inclusion in the substitute bill.

**Cordes, Laura, Executive Director, Connecticut Alliance to End Sexual Violence.** As Chair of the Governor’s Sexual Assault Kit Working Group, Cordes testified that Connecticut needs to join the dozen states plus Washington, D.C. that have passed laws to adopt specific steps for victim notification in sexual assault cases. Victim access to information about their case status promotes healing.

**Marone-Pillsbury, Michelle, Program Director, Susan B. Anthony Project.** It can be a “hit or miss” when ER staff calls our organization when a victim arrives for a forensic exam. Sometimes clients aren’t told of our organization’s services until after the exam is complete, or an advocate may be called after the exam has already started, and those advocates are asked to wait in the lobby until the exam is complete. Victims report feeling more supported when an advocate is in the room with them. Also, when victims call for information regarding their kits and are given no definitive answers, they feel victimized, dejected, and lose faith in the system.

**Connecticut Hospital Association.** CHA did not object to the electronic tracking of evidence kits, but in response to the language in the original version of the Governor’s Bill (which called for barcodes to be affixed to collection kits as a means of kit-tracking), CHA testified that they anticipated that the preferred electronic tracking may change with advances in technology and requested that the statute not detail the precise type of tracking. The Substitute Bill omits the specification of barcode technology.

**Rodwell-Lawton, Ann, Director of Education and Outreach, Women’s Center of Greater Danbury.** In Connecticut, all sexual assault advocates have undergone a 40-hour certification process emphasizing how to provide trauma-informed care. Advocates are there to meet victims various needs so that the medical staff can concentrate of providing medical care.

**Watts, Hazel, Survivor of Sexual Assault.** Ms. Watts expressed gratitude for the presence of a sexual assault advocate who had been called after her forensic exam on the evening of her attack. She recounted several failed attempts during the investigation and the court proceedings to gain access to information regarding the evidence collected from her body. She was consistently told they were waiting on results, and felt that information was being intentionally withheld after all subsequent calls went unanswered, which caused intense stress, nervousness, and anger. Watts described feeling ignored, ashamed and alone, and

lamented the lack of clear communication between herself and law enforcement. She feels that the police and state's attorney failed her, and it is very difficult for her to trust that she can call on them if she ever needs help in the future. This bill would prevent other victims from experiencing what she experienced.

**Holmes, Sara, Community Educator, Safe Haven of Greater Waterbury.** One of the most important ways to support victims of sexual assault is by informing them of the options available to them through health care, the criminal justice system, compensation, legal protection, etc., in order to regain control over their lives. Access to information empowers victims to reclaim autonomy, and is therefore essential.

**Flanagan, Joanna, Campus Advocate/Prevention Educator, YWCA New Britain Sexual Assault Crisis Center.** An individual has only 120 hours after an assault to go to a local emergency room and have a kit done. This is a time when victims feel mentally, physically and emotionally exhausted. An advocate is there to provide compassion, support and information. Many times I have arrived at the hospital after the exam has been started and victims share that they've been alone in a room for over an hour; it would have made a huge difference if an advocate had been called upon the victim's arrival.

**Francisco, Heather, Advocate, Safe Haven of Greater Waterbury.** Sexual assault is a unique crime in that the human body is considered part of a crime scene. Survivors are often re-traumatized by barriers faced when trying to gain access to information collected from their bodies during forensic exams.

**Halla-Mattingly, Liz, Master of Social Work Intern, Connecticut Women's Education and Legal Fund.** When a victim enters the emergency department they have no idea what will happen or how long they will be there. They may be triaged and placed in a private room but will usually be left for extended amounts of time alone while they wait to be examined. Patients are often shocked to learn that the exam itself takes several hours. Right now a patient has to ask for a counselor to be contacted – an unnecessary burden to be placed on the survivor. Under the counselor-contact provision of this bill, no responsibility is placed on the patient to ensure access to this right. The difference may seem miniscule but the impact is immense to the victim.

**Moreau, Amanda, Graduate Intern, Connecticut Alliance to End Sexual Violence.** Supports the bill because of the value an advocate such as herself brings to the survivor, bridging the gap between survivor and services.

**Dugan, Cynthia, Sexual Assault Victim Advocate, Rape Crisis Center of Milford.** This legislation will ensure that the work done to develop and implement best practices in Connecticut hospitals will provide a safe and supportive haven for victims of sexual assault during the first critical 120 hours and beyond.

#### **NATURE AND SOURCES OF OPPOSITION:**

None Expressed for Proposed Substitute Bill No. 17.

