

HB 2181
Committee on Corrections and Juvenile Justice
WRITTEN TESTIMONY ONLY
February 6, 2017

NEUTRAL

Chairman Jennings and Members of the Committee:

This testimony is submitted today on behalf of the Kansas Coalition Against Sexual and Domestic Violence. KCSDV takes a neutral position on HB 2181.

KCSDV is a statewide non-profit organization whose membership is the 27 sexual and domestic violence programs serving victims across Kansas. As part of our work, the organization trains advocates, law enforcement, prosecutors, health care providers, and others on basic and advanced information regarding trauma-informed and victim-centered response to sexual assault. The first responder is the critical responder in cases where sexual assault or domestic violence has occurred. The first responder may be any of these professionals. KCSDV also manages the Sexual Assault Nurse Examiner/Sexual Assault Response Team coordination and training project, which allows specially trained nurses and other health care providers to be placed in medical facilities across Kansas.

Sexual assault has a devastating impact every year on many Kansans. While the numbers of sexual assault incidents reported to law enforcement has hovered around 1,000 incidents each year, according to the KBI Report on Domestic Violence and Rape, there are many more victims who do not report to law enforcement or tell anyone about the assault. An additional number of victims and survivors manage to get to the emergency department of a nearby hospital where they will receive a health screening and care. If that hospital has a Sexual Assault Nurse Examiner program, some of these victims may also have a sexual assault forensic examination completed.

Specially trained health care professionals perform the sexual assault forensic examination. The sexual assault forensic exam gathers and preserves any evidence that may be on the body or clothing of the victim. Health professionals completing these exams are trained to respond in a compassionate, victim-centered manner as they perform these particularly invasive and difficult procedures. Procedures include swabbing and collecting DNA from areas of the body that have been involved in the sexual assault...the mouth, the anus, the genital areas. These procedures may involve taking clothing, including undergarments, into custody, leaving the victim without anything to wear at the end of the exam (replacement clothing is often provided by the advocacy program). Body hair may be cut or plucked. The procedures are unspeakably challenging,

especially coming right after being violated by the assailant. Victims submit to these exams often believing the evidence will help convict the rapist.

Unfortunately, over the years, these sexual assault evidence collection "kits" have not always been submitted for testing or tracked by law enforcement agencies. They have sometimes been sitting in evidence rooms for years. These kits often include biological evidence that could be placed in a national database where "hits" will connect one assailant with another crime in another city, county or state. Victims may have no idea that the evidence taken from their bodies was never submitted or tested.

Several years ago, KCSDV and the Director of the Kansas Bureau of Investigation met and agreed that this was an unacceptable situation. We pledged to work together on improvements. Both KCSDV and the KBI were committed to gathering information, developing policies and protocols, and providing victim-centered responses as kits were inventoried, gathered and tested. To that end, the KBI and KCSDV, along with other state and local officials and professionals, have partnered on the Kansas Sexual Assault Kit Initiative (SAKI). Funded by a federal grant, this project has moved forward quickly and is doing some dynamic work across the state. The work out of this project will have long-range positive impact for victims in Kansas.

KCSDV was surprised by the introduction of HB 2181. While good intentioned and providing some needed attention to this issue, this bill appears to be a duplication of the work already being done by this SAKI project. It is for this reason that KCSDV is neutral on HB 2181 and will defer to the KBI regarding whether it should be passed into law.

Submitted by,



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