

AMENDED IN ASSEMBLY MAY 15, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

Assembly Joint Resolution

No. 45

Introduced by Assembly Member Skinner

(Coauthors: Assembly Members Garcia, Maienschein, Stone, and Waldron)

(Coauthors: Senators Cannella, Leno, and Vidak)

April 10, 2014

Assembly Joint Resolution No. 45—Relative to sexual assault forensic exams.

LEGISLATIVE COUNSEL'S DIGEST

AJR 45, as amended, Skinner. Sexual assault forensic exams: federal funding.

This measure would urge the Congress of the United States to ~~approve President Obama's proposal to provide at least \$35 million to the states in order for the states to process evidence from sexual assault forensic exams.~~

Fiscal committee: no.

1 WHEREAS, Sexual violence continues to plague our nation
2 and destroy lives, and all members of society are vulnerable to this
3 crime regardless of race, age, gender, ability, or social standing,
4 but some groups are especially at risk; and

5 WHEREAS, Women and girls are the vast majority of victims,
6 and nearly one in five women, or about 22 million, have been raped
7 during their lifetimes; and

8 WHEREAS, Men and boys are also at risk, and one in 71 men,
9 or about 1.6 million, have been raped during their lifetimes; and

1 WHEREAS, Women of all races are targeted, but some are more
2 vulnerable than others. Thirty-three and one-half percent of
3 multiracial women and 27 percent of American Indian and Alaska
4 Native women have been raped, compared to 15 percent of
5 Hispanic women, 19 percent of non-Hispanic white women, and
6 22 percent of African American women; and

7 WHEREAS, Young people are especially at risk, with nearly
8 one-half of all female rape survivors being raped before 18 years
9 of age, and over one-quarter of male rape survivors being raped
10 before 10 years of age. College students are particularly vulnerable,
11 with one in five women being sexually assaulted while in college;
12 and

13 WHEREAS, Repeat victimization is common: over one-third
14 of women who were raped as minors are also raped as adults; and

15 WHEREAS, Survivors of sexual assault deserve competent and
16 compassionate care; and

17 WHEREAS, Effective collection of forensic evidence is of
18 paramount importance to successfully prosecuting sex offenders,
19 as is performing sexual assault forensic exams in a sensitive,
20 dignified, and victim-centered manner; and

21 WHEREAS, Sexual assault forensic examinations are intrusive,
22 lengthy, and complex medical examinations that take an average
23 of three to four hours; and

24 WHEREAS, A victim who agrees to a sexual assault forensic
25 exam reasonably expects evidence collected from that exam, also
26 referred to as a rape kit, to be analyzed. Untested evidence from
27 a sexual assault forensic exam means lost opportunities to develop
28 DNA profiles, search for matches, link cold cases, and bring justice
29 and resolution to the victim; and

30 WHEREAS, DNA can help identify unknown offenders, but
31 most sexual assaults are committed by persons known to the victim,
32 and, therefore, identity of the offender is not an issue in most sexual
33 assault cases. However, testing evidence from a sexual assault
34 forensic exam in those cases still has evidentiary value because a
35 DNA profile from the known suspect can yield matches with other
36 cases in which the suspect is unknown, resulting in “cold hits”
37 connecting the known suspect to other crimes; and

38 WHEREAS, Tens of thousands, and possibly over 100,000,
39 rape kits are likely sitting unprocessed in California crime labs
40 and law enforcement evidence lockers; and

1 WHEREAS, There is no statewide data, but local studies provide
2 insight into the scope of the problem. In 2008, Los Angeles County
3 had more than 12,000 untested rape kits in its custody, and in 2012,
4 Alameda County estimated their backlog of untested rape kits to
5 be almost 2,000; and

6 WHEREAS, Delays in testing evidence collected from a sexual
7 assault forensic exam can also preclude criminal charges from ever
8 being filed against alleged rapists who are identified long after
9 their crimes. Current state law provides a 10-years statute of
10 limitation for most rape cases, but has an exception allowing
11 criminal charges to be filed within one year of the date when a
12 suspect is conclusively identified in cases involving DNA evidence,
13 as long as the DNA is analyzed within two years of the crime; and

14 WHEREAS, Failure to test evidence collected from a sexual
15 assault forensic exam in a timely manner can be tragic, from
16 expired statutes of limitation that preclude prosecution even if a
17 suspect is later identified, to additional rape and murder victims
18 of serial rapists; and

19 WHEREAS, Local jurisdictions that have implemented
20 mandatory testing policies for evidence collected from a sexual
21 assault forensic exam have impressive results to show for their
22 efforts. New York City tested 17,000 backlogged rape kits in 2003
23 and implemented a policy to test every rape kit in law enforcement
24 custody, which led to 2,000 DNA matches, 200 cold case
25 prosecutions, and an increase in the arrest rate for the crime of
26 rape from 40 percent to 70 percent, compared to 24 percent
27 nationally. Detroit, Michigan began testing a backlog of over
28 11,000 untested rape kits, and has tested ~~1,404~~ *more than 2,000*
29 kits, resulting in ~~238~~ *over 500* hits in the Combined DNA Index
30 System (CODIS). These CODIS matches have identified ~~46~~ *more*
31 *than 100* potential serial rapists who are tied to rapes reported in
32 ~~12~~ *at least a dozen* other states and the District of Columbia. In
33 2003, Fort Worth, Texas began processing their backlog, which
34 led to 200 DNA matches in CODIS, and to 47 arrests, 36 felony
35 convictions, and the apprehension of five serial rapists; and

36 WHEREAS, Federal studies demonstrate that ~~crimes~~ *crime* labs
37 have struggled over the past decade to meet the demand for DNA
38 testing for all types of crimes. Crime labs were able to process 10
39 percent more cases in 2011 than in 2009, but they also received
40 16.4 percent more requests for DNA testing in that time. With

1 demand continuing to outpace capacity, the backlog in testing
2 evidence collected from sexual assault forensic exams may
3 continue to grow; and

4 WHEREAS, Processing evidence collected from a sexual assault
5 forensic exam is not enough, because when jurisdictions process
6 large volumes of evidence collected from a sexual assault forensic
7 exam, they also need the resources to follow up on the leads, which
8 requires trained detectives, victim advocates, and prosecutors
9 available and willing to work together to pursue the new cases;
10 and

11 WHEREAS, California is committed to enacting systematic
12 reforms to address, once and for all, the backlog of evidence
13 collected from a sexual assault forensic exam through the
14 combination of new screening techniques that have been proven
15 by the state crime laboratory, which is operated by the Department
16 of Justice, greater resources for law enforcement agencies, and a
17 cooperative effort to provide justice to all survivors of sexual
18 assault. Federal funding is crucial to help California put these new
19 initiatives in place to address this problem; now, therefore, be it

20 *Resolved by the Assembly and the Senate of the State of*
21 *California, jointly,* That the Legislature urges the United States
22 Congress to ~~approve President Obama's proposal to provide at~~
23 *least \$35 million to the states in order for the states to process*
24 *evidence from sexual assault forensic exams; and be it further*

25 *Resolved,* That the Chief Clerk of the Assembly transmit copies
26 of this resolution to the President and Vice President of the United
27 States, to the Speaker of the House of Representatives, to the
28 Majority Leader of the Senate, to each Senator and Representative
29 from California in the Congress of the United States, and to the
30 author for appropriate distribution.

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