

Assembly Joint Resolution No. 45

RESOLUTION CHAPTER 62

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

[Filed with Secretary of State June 10, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, Local jurisdictions that have implemented mandatory testing policies for evidence collected from a sexual assault forensic exam have impressive results to show for their efforts. New York City tested 17,000 backlogged rape kits in 2003 and implemented a policy to test every rape kit in law enforcement custody, which led to 2,000 DNA matches, 200 cold case prosecutions, and an increase in the arrest rate for the crime of rape from 40 percent to 70 percent, compared to 24 percent nationally. Detroit, Michigan began testing a backlog of over 11,000 untested rape kits, and has tested more than 2,000 kits, resulting in over 500 hits in the Combined DNA Index System (CODIS). These CODIS matches have identified more than 100 potential serial rapists who are tied to rapes reported in at least a dozen other states and the District of Columbia. In 2003, Fort Worth, Texas began processing their backlog, which led to 200 DNA matches in CODIS,

and to 47 arrests, 36 felony convictions, and the apprehension of five serial rapists; and

WHEREAS, Federal studies demonstrate that crime labs have struggled over the past decade to meet the demand for DNA testing for all types of crimes. Crime labs were able to process 10 percent more cases in 2011 than in 2009, but they also received 16.4 percent more requests for DNA testing in that time. With demand continuing to outpace capacity, the backlog in testing evidence collected from sexual assault forensic exams may continue to grow; and

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

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

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature urges the United States Congress to provide at least \$35 million to the states in order for the states to process evidence from sexual assault forensic exams; and be it further

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