



September 7, 2018

The Honorable Edmund G. Brown, Jr.  
Governor, State of California  
State Capitol, Suite 1173  
Sacramento, CA 95814

**RE: Request for Signature – SB 1449 (Leyva) & AB 3118 (Chiu)**

Dear Governor Brown,

The Hollywood Chapter of the National Organization for Women (Hollywood NOW) strongly supports Senate Bill 1449 and Assembly Bill 3118, which together would determine the true extent of the rape kit backlog, bring transparency and accountability to rape kit testing practices in jurisdictions across California, and ensure the timely submission and testing of sexual assault evidence kits.

Hollywood NOW is a membership organization committed to institutionalizing intersectional gender equity. Our work transgresses over social boundaries and walls built to imprint, reinforce and protect implicit stereotype biases that damage all of us. As a progressive, intersectional feminist organization we advocate for solutions that recognize that individuals face multiple intersecting discriminations/privileges based on race, sex, gender, sexuality and other statuses. We stand to work to eliminate institutional privilege, discrimination, and bias.

Every 98 seconds, someone is sexually assaulted in the United States. In the immediate aftermath of a sexual assault, a victim may choose to undergo a medical forensic examination to collect evidence left behind in the assault. A doctor or nurse will conduct the examination, which can last between four and six hours, and collect evidence in what is commonly called a rape kit. DNA evidence is an invaluable investigative tool. When tested, rape kit evidence can identify an unknown assailant, reveal serial offenders, and exonerate the wrongfully convicted. Too often, however, rape kits are left untested on evidence room shelves.

Current California law merely encourages law enforcement agencies to submit kits for testing. The Sexual Assault Victims' DNA Bill of Rights states that sexual assault forensic evidence received after January 1, 2016 *should* be submitted for testing within 20 days, that laboratories *should* test the kit and submit DNA evidence as soon as possible but within 120 days, and a transferred kit's DNA evidence *should* be uploaded as soon as possible but within 30 days.



S.B. 1449 replaces “should” with “shall” in Section 680 of the penal code in order to mandate the swift submission and testing of rape kits with an associated police report. This critical bill ensures kits that survivors have consented to be tested will be submitted to a lab and analyzed expeditiously, honoring our commitment to survivors of sexual assault and strengthening public safety statewide.

Currently, there is no way to know how many unsubmitted rape kits languish in storage across California. In 2009, Humans Rights Watch reported a backlog of 12,500 kits throughout Los Angeles County. This backlog was eliminated by 2011. In 2014 and 2015, The Accountability Project, a Joyful Heart initiative, issued public records requests to San Diego, Fresno, Sacramento, and San Jose, seeking to uncover the number of untested kits stored by local law

enforcement agencies. The San Diego Police Department reported 2,873 untested kits as of May 2015. The Sacramento County Sheriff’s Department reported submitting 62% of rape kits for testing between 2005 and 2015. They reported 456 untested rape kits, as of January 2016. Across several years and multiple records requests, the Fresno Police Department, the Sacramento Police Department, and the San Jose Police Department provided incomplete responses or denials.

A.B. 3118 is an important first step toward comprehensive rape kit reform, mandating a one-time state inventory. This bill requires law enforcement agencies, medical facilities, crime laboratories, and any site that handles rape kits to inventory all rape kits in their possession and report this information to the Department of Justice by July 1, 2019. Certain details must be provided, such as if the assault was reported, dates of collection and testing, if DNA was uploaded to CODIS, and why the kit was not tested or has been destroyed. The Department of Justice must compile this information into a report and submit it to the Legislature by July 1, 2020.

This invaluable data will help the state enact future rape kit reform efforts that are both victim-centered and data-informed. The state can dedicate appropriate resources to jurisdictions to analyze untested kits and investigate and prosecute cases. The state should additionally consider mandating an annual inventory to monitor progress and promote transparency. Additionally, these bills serve as important steps to align California with the National Institute of Justice’s report, *National Best Practices for Sexual Assault Kits*



Thank you both for your efforts to uncover the extent of the rape kit backlog and test all newly submitted kits in California. Hollywood NOW strongly urges your signature on both S.B. 1449 and A.B. 3118.

If you have any questions, please feel free to contact me at (323) 596-7389.

Sincerely,

John Erickson  
President,  
Hollywood NOW