

C. Silver Negron SB 615 Testimony, Rise US.pdf

Uploaded by: Caitlin Silver

Position: FAV

Maryland State Senate Committee
March 9, 2023

TESTIMONY

SB-615 Governor's Office of Crime Prevention, Youth, and Victim Services - Sexual
Assault Evidence Collection Kit Reporting Program

Submitted by:
Caitlin Silver Negron, M.S.
Rise US Volunteer
Maryland Resident

Position: Support

Over 2 million Marylanders are impacted by rape and sexual assault. Statistically speaking, each of us knows and loves a survivor whether they've disclosed it to us or not. I personally know many survivors, and I've stood by their sides as the systems in place failed each and every one of them when they chose to act against their assailant. Even when simply attempting to navigate the resources they need to heal from the trauma, survivors are met with obstacles. (maybe provide an example here of an obstacle you've witnessed? Maybe say something like, "not being able to access information or track the forensic evidence collected from your body after an attack can cause retraumatization and leaves survivors in the dark.").

Sexual violence is a complex issue and encompasses a variety of horrid acts, from rape to sexual coercion. And even while sexual assault does not discriminate- no one is immune from the evil of others- survivors in one state are afforded rights that survivors in Maryland are not.

It would be naive to expect a world where rape and assault never occur. While we can dream of such utopia, we have to live in the reality that **we are failing survivors by ignoring their needs, limiting their support options, and floundering to provide adequate space and care to let them heal and thrive in the aftermath of and ongoing impacts of their trauma.** Protections for survivors in the form of proper reporting of rape kits must be provided by the state government in order to maintain the dignity of every survivor, and a clear picture of the nature of this issue in our state.

Survivors come in all shapes, sizes, ethnicities, social statuses, economic classes, religions, sexual orientations, and genders. Every survivor deserves to be treated with respect through an equitable justice process. I ask you to think of the survivors in your life, and consider what you wish their experience had been in the aftermath of their assault. You have the power to build systems that will provide them with the dignity they deserve. The state of Maryland currently is behind the curve in the work of advocating for a fair and safe political and social landscape for these survivors. However, with the passage of the Sexual Assault Evidence Collection Kit Reporting Program, we can become a leader in this fight. I urge you to vote in favor of this bill and be the advocates that survivors in this state and nation deserve in their elected officials.

Written Testimony for SB 614 in MD.pdf

Uploaded by: Flannery Houston

Position: FAV



Written Testimony in Support of SB 615

Amanda Nguyen

My name is Amanda Nguyen. On the day that I was raped, I never could have imagined that a greater injustice awaited me than the one I had already been forced to endure. As a child, I had learned to believe in the well-worn credos of our legal system—that we all had access to justice, that our civil rights were sacrosanct, and that everyone was equal under law. But in the wake of my assault, I came to understand just how hollow those words can feel to a survivor seeking justice and compassion.

In the course of pursuing my own case, I ran into roadblock after roadblock—and discovered that my path was all too familiar to millions of Americans. Rape kits destroyed before they could be brought forth as evidence. Copies of vital medical records and police reports denied. Shortfalls and irregularities in every state; symptoms of a broken promise that has left far too many survivors—already reeling from one betrayal—feeling powerless, invisible, betrayed for a second time.

I refused to be invisible—so I charted a new path. I rewrote the law, working with members of Congress, to draft a Sexual Assault Survivors' Bill of Rights. The Bill would earn the distinction of being one of the few pieces of legislation passed unanimously by Congress in recent memory. More importantly, it codified a set of basic, comprehensive civil rights for more than 25 million rape survivors across the country.

Though I never imagined the challenges I would face after my assault, nor did I imagine the power, the progress, and the hope that would arise from my ordeal. I created a non-profit called Rise to teach other survivors how to pen their own rights into existence—and to carry our success in Congress out into the fifty states, where most rape cases are adjudicated. To date, our team has worked with local survivors to secure the passage of 41 laws, with more on the way. Because most rape cases are adjudicated in state courts it is necessary for these rights to be passed on to state by state level in the United States. I ask each of you sitting here today to help bring these civil rights to Maryland where survivors need it still. I ask that you understand the incredible movement we have created together and that through our shared common humanity we can make a difference across not only America.

Access to justice is a necessary prerequisite to true peace. Their lives are the invisible war zones that corrode human potential and hold back the promise of a just world. Their powerlessness is our shame., This is a peace that we all - legislator, citizen, advocate from any corner of the globe - can help deliver. We can hold a light up to this darkest corner of human experience, and allow survivors at last to be seen, to be heard, to be believed, to be empowered.

What higher cause could we all serve than to call the world to action to put power back into the hands of rape survivors—people who have been disempowered by horrific acts of violence? The movement I represent here today is one that draws from our core national values: democracy, equality, and, most of all, hope.

Thank you - please vote for Senate Bill 615.

Caitlin Ryan

Dear Chairman and Members of the Committee:

Thank you for allowing me to address you. My name is Caitlin Ryan. I write today as an ally to survivor and as a woman affected by the tremors of sexual violence.

On January 21, 2017, I helped organize the largest single-day mass protest in the history of the United States. The Women's March brought together women and allies from all backgrounds, political persuasions, and religions from all around the world to stand together against misogyny, against violence, and against hatred. For many, the Women's March helped us feel a little less alone. A little less helpless. A little bit stronger.

That same evening as I was dismissing the last group of volunteers, one of the volunteers on my team, a man at least 30 years older than me, forcibly pulled me toward him and kissed me on the lips. I did not consent to or welcome this action. I was visibly uncomfortable and humiliated in front of other volunteers who had looked up to me. Suddenly, after a day of feeling so empowered, I felt alone and so small. My strength was gone.

I'd known this feeling before. I first learned what rape was when I was 11 years old, in the fifth grade. While kicking around a soccer ball after school, my good friend confided in me that on a recent family vacation, she was raped in a hotel room. That feeling of helplessness set in right away—my friend was in pain. And there was nothing I could do to make things right for her.

It was this sinking, powerless feeling I've felt in my stomach every time since then when I've heard from another friend, classmate, or co-worker who has experienced sexual violence and has walked the long, lonely road toward justice.

But I'm here today because I now know I am not helpless. We are not helpless. We can support survivors, starting by breaking down the barriers faced by survivors in the justice system. Today, survivors face immense challenges from a system that re-victimizes them when they seek basic care and justice. Today I urge you to support SB 615. This bill presents an opportunity to improve conditions for survivors like my childhood friend.

Access to justice shouldn't depend on one's zip code, and survivors everywhere deserve basic rights, such as the right to a rape kit at no cost, to be notified of one's rights, and access to a sexual assault counselor. Through this bill (SB 615), you have the opportunity to join statehouses around the country and improve conditions for the 2.07 million survivors of Maryland. Thank you for your time and consideration.

A handwritten signature in black ink that reads "Caitlin M Ryan". The signature is written in a cursive, flowing style.

Caitlin Ryan
Chief Strategy Officer, Rise

Allison H.

In 2015, I was sexually assaulted by a man I was dating. As I tried to wrap my head around my trauma, I experienced a plethora of conflicting emotions, and though contacting the authorities occurred to me, justice ultimately seemed untenable. I wanted to enlist the prosecutorial support of the justice system, but was silenced by how few basic protections exist for someone like me. I was deeply aware that my case rendered itself as she-said-he-said, and I couldn't imagine pursuing a long road of interrogation and accusation.

On top of everything, I felt shame and guilt for not coming forward. My assailant was free to attack another as I abandoned other potential casualties instead of doing whatever I could to halt future victimization. But I simply could not fathom how legal action would make any difference.

After some time and a lot of healing, I turned my focus towards what I could do to make a difference-ensuring other survivors have their civil rights protected and have a chance to regain agency. As a survivor, I deeply understand that we all deserve the same rights no matter where the crime took place, we all deserve to be active participants in our own future.

After my assault, I had a hard time figuring out what protections I would be afforded and it seemed like reporting my crime was akin to shouting into an empty abyss. Had I known that I would have been able to track my forensic evidence- evidence taken from my body over a period of up to 6 hours, I would have felt like the law was on my side. I would have felt like I could regain some agency over my own future. But a rape kit tracking system was not readily available to me. Survivors are left to navigate a confusing and opaque law enforcement and judicial system on their own -- while at their most vulnerable. Maryland is only one of 19 states that has not yet implement a rape kit tracking system. SB 615 ensures that survivors of sexual assault will have the support of the criminal justice system that I never did. This bill

will provide transparency and agency to more than 2 million survivors in Maryland. Please pass this bill. Thank you.

Maradith Morris

As a sexual assault survivor and a sexual assault nurse examiner, I have witnessed the anguish and betrayal my patients experience when they learn they have no right to their testing information, if their kit is tested at all. This information is not just “forensic evidence,” it is health information. Sexual assault survivors are asked to navigate an unconscionable maze of bureaucratic, medical, and legal regulations while at their most vulnerable -- and they’re asked to do it without an advocate. In fact, they’re asked to do it with the deck stacked against them.

The system should be set up to bring them security and justice, not to bring further pain and trauma. The rights that Rise advocates for are fundamental, and as a survivor I am committed to ensuring that future survivors are empowered by the law, not re-traumatized by a lack of basic rights.

Tyrell Walker

Most of us have been impacted by sexual assault, whether we know it or not. When someone we care about is hurt and traumatized, it affects everyone. The deepest pain is obviously felt by the victim of sexual assault, but the aftermath reverberates outwards much farther than the event itself. Sexual assault is not just a women’s issue; it is a human issue.

When a citizen is a victim of a crime, the criminal justice system is supposed to help them and protect them. I have not witnessed this when it comes to sexual assault survivors. Instead, I have seen a criminal justice system that traumatizes survivors of sexual assault as much, if not more, than the assault itself. Survivors are penalized for their trauma, told conflicting information, forced to relive their attack every time they have to fight for their evidence to be kept, or are left alone to navigate a complicated system with no guidance whatsoever. This is not the country I want America to be. I do not want us to be a country that leaves survivors of assault, victims of a crime, lost, alone, unsupported by the justice system. America can, and must, do better. We need a system that provides basic support and guidance to victims of crimes, and ensure that the criminal justice system is prepared and empowered to execute the law fairly.

A civilization is judged not by the strength of those most powerful, but by how we care for and support those in need. Survivors need these rights. These rights are vital to creating a justice system for all, and will create provisions necessary for a criminal justice system that knows how to properly treat sexual assault survivors.

SB 615- Governor's Office of Crime Prevention, You

Uploaded by: Jane Krienke

Position: FAV



Maryland
Hospital Association

**Senate Bill 615–
Governor's Office of Crime Prevention, Youth, and Victim Services - Sexual Assault
Evidence Collection Kit Reporting Program**

Position: *Support*

March 9, 2023

Senate Judicial Proceedings Committee

MHA Position

On behalf of the Maryland Hospital Association's (MHA) 60 member hospitals and health systems, we appreciate the opportunity to comment in support of Senate Bill 615.

Across the state, hospital-based sexual assault forensic exam ([SAFE](#)) programs employ forensic nurse examiners. These registered nurses receive special training in evidence collection and are experts in delivering trauma-informed care to survivors of violence and abuse. State law ensures survivors of sexual assault have access to emergency medical treatment for injuries sustained because of the assault with no out-of-pocket expenses.

MHA has proudly served as a member of the [Maryland Sexual Assault Evidence Kit Policy and Funding Committee \(SAEK Committee\)](#) since its inception. This Committee collaborated to develop processes and issue guidance for stakeholders who support survivors of sexual assault. In 2018, the Committee received a federal grant from the U.S. Department of Justice to conduct a statewide inventory, test a portion of the unsubmitted kits, establish a statewide tracking system, and provide victim services.¹

SB 615 is the result of several years of discussion within the Committee to identify the components needed for a successful kit tracking system and agreement among stakeholders to participate. Through conversations with other states, we've observed many benefits associated with implementing a statewide tracking system, including, most importantly, allowing survivors to track the status of their kits. Maryland's SAFE programs are committed to participating and using the tracking system.

For these reasons, we ask for a *favorable* report on SB 615.

For more information, please contact:

Jane Krienke, Senior Legislative Analyst, Government Affairs
Jkrienke@mhaonline.org

¹ Maryland Sexual Assault Evidence Kit Policy and Funding Committee. (January, 2023). "[Annual Report](#)".

SAK - tracking - testimony - senate - 2023 - MCASA

Uploaded by: Laura Jessick

Position: FAV



Working to end sexual violence in Maryland

P.O. Box 8782
Silver Spring, MD 20907
Phone: 301-565-2277
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For more information contact:
Lisae C. Jordan, Esquire
443-995-5544
www.mcasa.org

Testimony Supporting Senate Bill 615 Laura Jessick, SAFE/SART Manager Lisae C. Jordan, Executive Director & Counsel March 9, 2023

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 615

Senate Bill 615 – Sexual Assault Victims' Rights – Rape Kit Tracking

Senate Bill 615 would require the Governor's Office of Crime Prevention, Youth & Victim Services to establish and administer a reporting program for tracking the location, status, and chain of custody for sexual assault evidence collection kits (often called rape kits). This bill also contains critical provisions allowing victims, victim representatives, sexual assault rape crisis programs, and child advocacy centers to have access to tracking information. MCASA supports SB615.

More than one out of every five (21.3%) adult Maryland women—about 677,596—has been the victim of rape sometime in her lifetime, and approaching half (43.6%) of Maryland's adult women—about 1,387,006—and nearly one quarter (24.8%) of Maryland's adult men—about 740,013—have experienced other forms of sexual violence.^{1,2} Sexual assault forensic examinations (SAFEs) and sexual assault evidence kits (SAEKs) are vital to the investigation and prosecution of these sexual assaults.³

DNA and other evidence recovered from SAEKs are an important tool used to identify perpetrators, prove sexual contact, and corroborate the victim's testimony. The FBI's Combined DNA Index System (CODIS)—a national DNA database populated by samples submitted by

¹ National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, The National Intimate Partner and Sexual Violence Survey (NISVS): 2015 Data Brief. (Numbers adjusted to match current population data.)

² The terms "victim" and "survivor" are both used in this document, and MCASA encourages the use of whichever term is preferred by an individual who has experienced sexual violence. The word "victim" is used in Maryland's crime victim rights statutes and, as a result, is used more frequently in that context.

³ Sexual assault forensic examinations are performed by health care providers trained in forensic examination and evidence collection. Sexual assault evidence kits collect the evidence recovered during the SAFE exam. SAEKs typically include paperwork to document the exam, swabs and glass slides for biological evidence collection, containers for blood and urine samples, evidence bags for clothing and other large pieces of evidence, and envelopes for hair, fibers, and other trace evidence.

participating federal, state, and local forensic laboratories—also uses SAEK evidence to identify serial perpetrators of sexual assault and exonerate innocent people accused of crimes.⁴

Tracking kits and providing sexual assault survivors with information will help empower victims and increase accountability. Investigating law enforcement agencies are required to provide victims with information about kit status, Criminal Procedure §11-926(c), and regarding DNA profiles and hits, §11-104(c). Additionally, Criminal Procedure §11-927(e)(1)(vii) requires the Sexual Assault Evidence Kit Policy and Funding Committee to create and operate a statewide sexual assault evidence collection kit tracking system. SB615 improves on these mandates by requiring that the selected tracking system permit victims to track their kits through the system. Tracking information would also be available to law enforcement, prosecutors, and, most importantly, victim representatives, and those helping survivors at Maryland’s rape crisis programs. This tracking system would help prevent a future backlog and kits from being lost, and give survivors better access to information.

Senate Bill 615 was developed by the Attorney General’s Sexual Assault Evidence Kit Policy and Funding Committee. This statutorily established, multidisciplinary committee brings together a wide variety of professionals working to improve Maryland’s policies regarding forensic exam kits (often called rape kits). Creation of this tracking program and SB615 is part of this Committee’s work and the next step in creating better responses to survivors of sexual assault.

**The Maryland Coalition Against Sexual Assault urges
the Judicial Proceedings Committee
to report favorably on Senate Bill 615**

#SAKI

Maryland's Sexual Assault Kit Initiative -
Find out what happened to your rape kit.

Call the confidential
SAKI Survivor Information Line:

833-364-0046

Or email:
notification@mcasa.org

MCASA
Maryland Coalition Against Sexual Assault

SALI
Sexual Assault Legal Initiative

#SAKI

Iniciativa para el Kit de Abuso Sexual
de Maryland -
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SAK - tracking - testimony - senate - 2023 - MCASA

Uploaded by: Lisae C Jordan

Position: FAV



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**The Maryland Coalition Against Sexual Assault urges
the Judicial Proceedings Committee
to report favorably on Senate Bill 615**

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⁴ Sexual Assault Evidence Kits in the State of Maryland, Report of the Office of the Attorney General, January 1, 2017.

Senate Bill 0615 (MD) LOS.pdf

Uploaded by: Mateo Cello

Position: FAV



March 8th, 2023

TO: Senate Committee on Judicial Proceedings
Senator William Smith, Chair
Jeff Waldstreicher, Vice Chair

FROM: Mateo Cello
Policy Associate
The Joyful Heart Foundation

RE: Testimony for Senate Bill 0615—Support

The Joyful Heart Foundation strongly supports S.B.0615 which would require the development of a statewide rape kit tracking system. To date, 30 states and Washington, D.C. have implemented a rape kit tracking system by law. With the passage of this bill, Maryland is poised to join these states in addressing the backlog in a transparent way.

Every 68 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 DNA evidence left behind in the assault. A doctor or nurse will collect and preserve this evidence in a sexual assault evidence kit, often referred to as a rape kit in a process that often takes four to six hours. Most survivors, after leaving the hospital, are never contacted about the status of their rape kit. In addition, many law enforcement departments across the country have no reliable way of keeping track of rape kits.

Ensuring that survivors and stakeholders in the criminal justice process can know the location and status of collected rape kits will bring transparency to rape kit processing and prevent a backlog from happening again. That is why this piece of legislation is so important. It will create a tracking system to follow the path of a rape kit throughout the chain of custody: from the hospital, to local law enforcement agency, throughout the analysis process at the lab, to final disposition. The bill also mandates all police agencies, medical facilities, and forensic laboratories that handle sexual assault evidence kits to participate in this tracking program.

Though it is possible to implement a tracking system without passing legislation, codifying the system and mandating participation into statute ensures that all the relevant agencies that handle rape kits comply with the law, helping the state achieve a fully-functioning tracking system. We have seen instances in other states that have implemented a tracking system without passing a law. The result is that some law enforcement agencies and/or hospitals do not participate in the system. This defeats the purpose of a tracking system. In addition, establishing the system in statute ensures stability when leadership or priorities shift from year to year.



Most importantly, this bill gives victims the chance to use the system to track their sexual assault kit. As our survivor-focused research shows, giving survivors a choice about how to receive information about their case can help counter the loss of self-determination and control at the core of the sexual assault experience. By implementing a rape kit tracking system with a portal for survivors to check the status of their kit at their convenience, Maryland can give survivors the control they need to heal on their own terms.

Given that March is women's history month, this bill is particularly relevant at this time. We thank you for your efforts on this bill. The Joyful Heart Foundation stands ready to assist you in your efforts to end the backlog in Maryland and bring justice and healing to sexual assault survivors.

Sincerely,

Mateo Cello

Policy Associate
Joyful Heart Foundation
m.cello@joyfulheartfoundation.org

SB 615 Governor's Office of Crime Prevention, Yout

Uploaded by: Scott Shellenberger

Position: FAV

Bill Number: SB 615
Scott D. Shellenberger, State's Attorney for Baltimore County
Support

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN SUPPORT OF SENATE BILL 615
GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES
SEXUAL ASSAULT EVIDENCE COLLECTION KIT REPORTING PROGRAM

I write in support of Senate Bill 615 that will authorize the Governor's Office of Crime Prevention, Youth and Victim's Services to administer the Sexual Assault Evidence Kit tracking system that is currently being developed and selected.

I am the Maryland State's Attorney's Representative on the Maryland Sexual Assault Evidence Kit Policy and Funding Committee. Our committee is currently in the process of selecting a vendor who will create a statewide data base for tracking sexual assault kits. The goal of our committee is to establish an inventory system where all who need to know the status of the sexual assault kit will be able to know what stage of processing the kit is in. This includes the victim having access to the database.

Senate Bill 615 is a law that will empower the Governor's Office of Crime Prevention, Youth and Victim's Services to create a reporting program to report the location, status and chain of custody for Sexual Assault Evidence Kits. This reporting system is not public but will provide important information to victims, victim crisis programs, child advocacy centers, law enforcement and State's Attorney's Offices.

The Bill also provides for the need to not only report this information going forward but also to inventory what is in the agencies' possession. The Bill sets a deadline for which all Sexual Assault Evidence Kits must be in the tracking system.

This Bill is needed to be able to properly administer the tracking system that will be operational in the near future.

I urge a favorable report.

SB615_FAV_Hettleman.pdf

Uploaded by: Shelly Hettleman

Position: FAV

SHELLY HETTLEMAN
Legislative District 11
Baltimore County

Judicial Proceedings Committee

Joint Committee on Children, Youth,
and Families

Joint Committee on the Chesapeake
and Atlantic Coastal Bays Critical Area



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The Senate of Maryland
ANNAPOLIS, MARYLAND 21401

TESTIMONY OF SENATOR SHELLY HETTLEMAN
SB 615- Governor's Office of Crime Prevention, Youth, And Victim Services –
Sexual Assault Evidence Collection Kit Reporting Program

We have made great strides and reforms in recent years to address systematic issues in how we test and protect sexual assault evidence kits (SAEKs). In 2017, we enacted laws to standardize the ways in which rape kits were preserved and protected, requiring that they be tested. The same year, we also created a stakeholder group in the Office of the Attorney General to determine best practices with regard to the issue of sexual assault, bringing together law enforcement, health care providers, advocates, state's attorneys, and legislators.

In 2018, the General Assembly passed a bill requiring the Governor's Office of Crime Prevention, Youth and Victim Services (GOCPYVS) to apply for federal funding to create a tracking system so that stakeholders, and most importantly survivors, would know where in the process their rape kit was. In a series of grants from the Department of Justice, Maryland has been awarded over \$5 million from the Sexual Assault Kit Initiative (SAKI) to test kits and to create a tracking system.

The SAEK committee spent a great deal of time and effort learning about tracking system options and worked with the Department of Information Technology to craft a procurement proposal. GOCPYVS issued a Request for Proposals many months ago and is now reviewing the applications. We anticipate an award being issued in the very near future.

The system that will be created would enable each stakeholder in the chain of custody to know what the status and location of the kit is. Health care professionals, law enforcement personnel, including forensic lab workers, prosecutors, and most importantly survivors, will be able to access the information- all while protecting the information from being made public.

The final aspect of the bill addresses the Rape Kit Testing Grant Fund, a fund we created a few years ago to enable our forensic labs - the Maryland State Police Lab and our county labs - to use these resources to purchase additional equipment, supplies, and personnel to expand testing capacity. The bill clarifies that these funds can be used for SAEKs that existed before the fund existed.

This bill is needed to provide accountability and to ensure that everyone who is a party to the chain of custody of a rape kit does their part. I urge a favorable report for SB615. Thank you.

OAG_SB615_Support.pdf

Uploaded by: Zenita Wickham Hurley

Position: FAV

ANTHONY G. BROWN
Attorney General



CANDACE McLAREN LANHAM
Chief of Staff

CAROLYN A. QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
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March 9, 2023

TO: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

FROM: Zenita Hurley
Chief, Office of Equity, Policy, and Engagement, Office of the Attorney
General
Chair, Maryland Sexual Assault Evidence Kit Policy and Funding Committee

RE: SB615 - Governor's Office of Crime Prevention, Youth, and Victim Services
- Sexual Assault Evidence Collection Kit Reporting Program (**Support**)

The Office of the Attorney General (OAG), on behalf of the Maryland Sexual Assault Evidence Kit Policy and Funding Committee, urges a favorable report of Senate Bill 615, which establishes requirements for implementing a statewide sexual assault evidence kit (SAEK) tracking system.

The SAEK Policy and Funding Committee, created by [statute](#) in 2017, is charged with developing and disseminating best practices information regarding: 1) the testing and retention of sexual assault evidence collection kits; 2) coordination between State agencies, victim services providers, local law enforcement, and local sexual assault response teams; 3) payment for sexual assault evidence collection kits; 4) increasing the availability of sexual assault evidence collection exams for alleged victims of sexual assault; 5) reducing the shortage of forensic nurse examiners; and 6) increasing the availability of information to sexual assault victims regarding criminal prosecutions of sexual assault crimes, civil law remedies available to victims of sexual assault, sexual assault evidence collection kits, and victim rights. Md. Code Ann., Crim. Pro. § 11-927(e)(1). In 2018, House Bill 1124 expanded the Committee's mandate to include making recommendations regarding the creation and operation of a statewide sexual assault evidence collection kit tracking system that is accessible by law enforcement and survivors of sexual assault. To offset the costs of standing up a statewide tracking system, House Bill 1124 also directed the Committee to seek federal grant funding to support this effort.

Since then, Maryland has applied for and been awarded two federal Sexual Assault Kit Initiative (SAKI) grants (FY2018 and FY2021) for a combined total of \$5.1 million. Grant funding will be used to test unsubmitted SAEKs, provide victim and investigative support services, and stand up a statewide SAEK testing system. Approximately \$700,000 of the FY2018 grant was allotted to stand up the tracking system. In 2019, Governor Hogan identified the Governor's Office of Crime Prevention, Youth, and Victim Services (GOCPYVS) as the host agency for Maryland's tracking system. GOCPYVS and the SAEK Committee began working with the Maryland Department of Information Technology (DoIT) to determine the technological requirements to launch and maintain a statewide tracking system. Led by DoIT, the SAEK Committee reviewed various tracking systems, ultimately determining to proceed with a commercial solution to be acquired consistent with Maryland procurement law. Responses to that procurement are currently being reviewed by Committee members with an award expected in the coming months. For more information regarding the development of the tracking system, see the SAEK Committee's 2023 annual report, available [online](#) on the Committee's [website](#).

Senate Bill 615 is necessary to ensure that the tracking system, once created, can be successfully implemented. Specifically, the bill requires any party with custody of a kit—health care providers, forensic lab personnel, and prosecutors—to enter the status and location of the kit into the tracking system. The bill also protects the information entered into the system from public disclosure while ensuring that it is accessible to key stakeholders in the SAEK testing process including, importantly, victims of sexual assault. In addition to requiring that parties enter SAEK information into the tracking system prospectively beginning October 21, 2023, Senate Bill 615 also requires agencies to enter the location, status, and chain of custody information for all kits in their possession by December 31, 2025.

Beyond supporting the successful implementation of the statewide tracking system, Senate Bill 615 would also provide more transparency and accountability in the Committee's efforts to oversee compliance with the new testing mandates passed by the General Assembly in 2019. That law ([Chapter 34](#)) created a broad presumption to test all kits which contain evidence that is eligible to be uploaded into the Federal Bureau of Investigation's Combined DNA Index System—a national database that stores DNA profiles which can be searched to solve and link crimes—with limited exceptions. Agencies were also directed to retain kits for at least 20 years. Although OAG promulgated regulations requiring annual reporting by law enforcement agencies and laboratories to monitor compliance with this new law, agencies have struggled to submit timely and accurate data. In the Committee's 2023 annual report, for example, OAG reported that only 40 of the 72 agencies that investigate sexual assaults had submitted data. A number of those submissions included incomplete information. (See Appendix B and Appendix C.) When fully functional, it is expected that the tracking system will be able to generate most, if not all, of the annual reporting data currently required by regulation.

For all these reasons, we urge a favorable report on SB615.

cc: Committee Members

This bill letter is a statement of the Office of Attorney General's policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or sbrantley@oag.state.md.us

BaltimoreCounty_FWA_SB0615.pdf

Uploaded by: Brian Edwards

Position: FWA



JOHN A. OLSZEWSKI, JR.
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BILL NO.: SB 615

TITLE: Governor's Office of Crime Prevention, Youth, and Victim Services – Sexual Assault Evidence Collection Kit Reporting Program

SPONSOR: Senator Hettleman

COMMITTEE: Judicial Proceedings

POSITION: **SUPPORT WITH AMENDMENTS**

DATE: March 9, 2023

Baltimore County **SUPPORTS WITH AMENDMENTS** SB 615 - Governor's Office of Crime Prevention, Youth, and Victim Services – Sexual Assault Evidence Collection Kit Reporting Program. This legislation would provide more structured tracking and reporting for sexual assault evidence kits (SAKs), with one amendment.

Through funding made available by the federal Bureau of Justice Assistance (BJA), the Baltimore County Police Department recently launched Maryland's first Sexual Assault Forensic Evidence – Inventory, Tracking, and Reporting (SAFE-ITR) website. This public-facing tool allows users to track the handling of sexual assault kits (SAKs) within the department's possession. The site also provides resources and 60-day reports that detail the progress the Baltimore County Police Department Forensic Services Section and Criminal Investigations Bureau continue to make.

Baltimore County's SAFE-ITR website shows the workflow for processing SAKs, and reports the number of kits at various steps in the process. The website also provides information and links to resources for victims and survivors of sexual assault. SB 615 will provide for a statewide accounting of SAKs, and will promote the orderly management of inventory, tracking, and reporting across all Maryland law enforcement agencies.

The County respectfully requests that the word SUBPOENA be deleted on Page 3, Line 5. Otherwise the protections provided on page 2 of the bill to keep information confidential could be easily defeated, and law enforcement agencies would have to devote significant resources seeking to quash subpoenas filed by individuals who should not have access to the information.

Accordingly, Baltimore County requests a **FAVORABLE WITH AMENDMENTS** report on SB 615. For more information, please contact Jenn Aiosa, Director of Government Affairs at jaiosa@baltimorecountymd.gov.

SB615_HB759 (2023) .pdf

Uploaded by: Joseph Cueto

Position: FWA

WES MOORE
Governor

ARUNA MILLER
Lieutenant Governor



Governor's Office of Crime Prevention, Youth, and Victim Services
100 Community Pl.
Crownsville, Maryland 21032

March 8, 2023

Chairman William C. Smith, Jr.
Miller Senate Office Building, 2 East Wing
11 Bladen St.
Annapolis, MD 21401

RE: SB615/HB759 Governor's Office of Crime Prevention, Youth, and Victim Services - Sexual Assault Evidence Collection Kit Reporting Program - Support with Amendments

Dear Chairman and Members of the Committee:

The Governor's Office of Crime Prevention, Youth, and Victim Services (Office) supports SB615/HB759 with amendments.

The bill proposes that the Office shall establish and administer a reporting program for tracking the location, status and chain of custody for sexual assault evidence collection kits. The reporting program shall:

- Track the location, status and chain of custody of sexual assault evidence collection kits in the state, receive information relating to the location, status and chain of custody from any law enforcement agency or person with control or possession of a sexual assault evidence collection kit and allow for a victim or a victim's representative to track the location, status and chain of custody of a sexual assault evidence collection kit containing samples taken from the victim.
- The information contained in the reporting system is not open to public inspection.
- This Office may disclose information contained in the reporting system ONLY to: the victim about who the information pertains, a victim's representative for the victim about whom the information pertains, a sexual assault crisis program established under 11-923 of this subtitle, a child advocacy center established under 11-928 of this subtitle, a law enforcement agency, a state's attorney, a person authorized by the Office to receive the information or a person entitled to receive the information by federal law, subpoena, court rule or court order.
- Beginning in October 1, 2023 a law enforcement agency or any person, including a health care provider, forensic laboratory, or state's attorney that has control or possession of a sexual evidence collection kit shall:

- Report location, status, and chain of custody information to the reporting program established under this section in a manner required by the Governor's Office of Crime Prevention, Youth and Victim Services, and comply with all regulations developed by the Office.
- A law enforcement agency or a person, including a health care provider, forensic lab, or state's attorney that had control or possession of a sexual assault evidence collection kit on or after October 1, 2023 shall report location, status and chain of custody information to the reporting program established on or before December 31, 2025.

The Office, in consultation with the Maryland Sexual Assault Evidence Kit Policy and Funding Committee, shall adopt any regulations necessary to carry out this section.

Requirements adopted by the Office shall include:

- Requirements for reporting the location and chain of custody of a sexual assault evidence collection kit to the program established by the Office and procedures for disclosing information about sexual assault evidence collection kits included in the reporting program, including disclosure to parties authorized to receive information contained in the reporting system.

The Office is in the RFP review process for the procurement of a Sexual Assault Evidence Kit tracking system. This system will generate reports and track the movement of the evidence through the criminal justice process. SAFE nurses, law enforcement, lab personnel, and State's Attorneys' Offices will have the ability to update the movement and storage of the evidence. Victims will have "view only" capabilities to see the location of their kit. The system will generate reports to comply with this legislation. Staffing within the Office is needed to train users, assist victims with access recovery, and work with the vendor once procured. The only requested amendment to the bill is for an FTE pin and salary to fulfill this staffing need.

- Regarding the Rape Kit Testing Fund portion of the bill, this funding already exists and is referred to as the SAKT grant. The fund may be used for equipment, supplies, personnel and outsourcing necessary for the testing of sexual assault evidence collection kits collected before or after the establishment of the fund. The only obvious change would be the ability to utilize this funding to test "backlogged" kits with evidence collected prior to May 1, 2018. This is a positive expansion to the use of the funding.
- The SAKT grant was passed with Senate Bill 734 in 2017. This bill states that the Governor's Office of Crime Control and Prevention, now named the Governor's Office of Crime Prevention, Youth, and Victim Services, may award grants to public or private nonprofit organizations to operate the sexual assault crisis programs certified by the federally recognized state sexual assault coalition. The Office shall regularly consult, collaborate with, and consider the recommendations of the federally recognized State sexual assault coalition regarding sexual assault crisis programs and policies, practices, and procedures that impact victims of sexual assault. With this bill came the creation of the MD Sexual Assault Evidence Kit Policy and Funding Committee.

Due to projected increases in staffing needs if the legislation is enacted, we propose the following amendment:

“FOR FISCAL YEAR 2024 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION SUFFICIENT TO FULLY FUND THE REQUIREMENTS OF THE SEXUAL ASSAULT EVIDENCE COLLECTION KIT REPORTING PROGRAM; PROVIDING AT LEAST \$100,000 TO CREATE AND FUND A FULL-TIME POSITION AT THE GOVERNOR’S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES TO SUPPORT THE PROVISIONS OF THIS LEGISLATION.”

Sincerely,

A handwritten signature in blue ink that reads "Veronica Moulis". The signature is written in a cursive, flowing style.

Veronica Moulis

Interim Acting Executive Director