

May 1, 2023

RE: HB23-1199 – Forensic Medical Evidence Process Improvements

Dear Chair Gonzales and Members of the Judiciary Committee,

My name is Shelby Gonzales, and I am a victim advocate and sexual assault response coordinator in Southern Colorado. I am writing, today, in support of HB23-1199 regarding the implementation of a sexual assault forensic exam kit tracking system and funding for kits.

I come from a very rural area, and I want to firstly explain what this bill could mean for our state's police departments who are responsible for paying for these sexual assault kits. Many areas in Colorado operate under slim budgets, pulling funds to ensure payment for all forensic medical kits, as well as their safe storage and transportation. This can be difficult, as smaller departments, such as those in Southern Colorado, plan for very specific spending. Financing even one unexpected kit, can significantly decrease other portions of a department's budget, causing strain. However, expanding the Sexual Assault Victim Emergency (SAVE) payment program to allow law enforcement to seek reimbursement, would go a very long way in ensuring funding is there to cover the kits, eliminating that stress from the departments and allowing them to focus on working with victims.

In addition, a kit tracking system would be extremely beneficial for our state's survivors of sexual assault. 1 in 3 Coloradoans will experience sexual violence in their lifetimes. Going through a forensic medical exam after an already horrendous violation can be retraumatizing and distressing, especially if its not conducted by a trained sexual assault nurse examiner or forensic nurse examiner. As our system is currently set up, survivors might not know what is happening with their kit, or if it has been tested with any results. A survivor should not have to jump through hoops to gain access to that information. Implementing this tracking system would ensure survivors always have access and can see the process as it is followed. This not only makes it easier and brings peace of mind to the survivor, but it takes pressure off the system.

I know, undoubtedly, that Colorado values the well-being of its constituents – mind, body, and soul, as well as the systems it has designed to serve the people. As Coloradoans are the priority, I implore you to join the many other states who have implemented this system and vote "Yes" on HB23-1199.

Thank you,

Shelby N. Gonzales

Trinidad, CO 81082

May 1, 2023

Re: HB23-1199 – Forensic Medical Evidence Process Improvements

Dear Members of the Senate Judiciary Committee,

Twenty years ago, I was a single mother to a six year old, working full time and finishing a Bachelor's degree in Business Management. I was also sexually assaulted in my own home by a Denver Police Officer whom I had met on a dating website, Match.com. After confiding in a friend on the website after the assault, my friend told me that I was the third single mother to tell him a similar story about the same police officer in a month's time. None of us reported the sexual assault we experienced.

I was specifically being profiled for my vulnerability and was told this directly by the perpetrator the night of the assault. Police firearms and restraints were used during my assault. My home was ransacked. My six year old son was asleep in the bedroom that shared a wall with mine. I was compliant so my son would not awaken.

While reporting would have been a logical, common-sense response, my priority was keeping my child safe and in as stable an environment as possible. I was fearful of the repercussions of reporting. I had lost trust in the police and did not feel my report would be taken seriously. I did not have confidence that any evidence collected would be held and tracked securely.

This police officer was the defendant in a high profile murder case following my assault. Even without reporting, I was harassed by both Denver and Aurora police officers because I provided testimony as a character witness against the officer and was ultimately removed as a trial witness. The Denver Police Department attorneys talked to all of my neighbors to attempt to get unfavorable information about me. My name, age, and city were printed in the newspaper without my knowledge or authorization by simply referring to a "violent encounter" as opposed to "sexual assault." I refused to return calls to Internal Affairs in fear of being further victimized. I've only felt some level of freedom to speak on this in the last two years, after learning of my perpetrator's death.

Sexual assault victims should be given the best opportunity to prove their case by having confidence in the integrity of the chain of custody of their case evidence, should they choose to receive a forensic medical exam and/ or report. This is particularly sensitive for victims of law enforcement perpetrators, who are known to have access and know those with access, to crime evidence which can be tampered with or destroyed intentionally.

Further, expanding financial resources to cover forensic medical exams may encourage financially insecure victims, such as single mothers, to have one less reason to not receive the care and justice they — we — deserve.

Please vote for HB23-1199 to move this bill to the next phase in the legislative process.

Sincerely,

Vanessa Newport

A Colorado-native and sexual assault survivor



Passage and Implementation of Rape Kit Tracking Systems Throughout the US

Topline: At least 31 states have already implemented a rape kit tracking system at the start of the 2023 legislative session. Many of these states estimated that implementation would cost less than \$1M. Some states have a higher fiscal estimate due to the estimate being inclusive of other services for survivors of sexual assault.

Below is a chart outlining the states that have implemented a rape kit tracking system prior to 2023 and the fiscal implications on the state.

State	Year Passed	Fiscal Amount
Arkansas- HB 1567	2019	\$300K
California- SB 215	2021	\$683K for first year plus \$546K annually
Connecticut- SB 17	2018	\$6,800 for the first year plus \$7,296 annually
Florida- HB 673	2021	\$600K for the first year and \$500K annually
Georgia- HB 255	2021	No information available
Hawaii- HB 2131	2018	No information available
Idaho- Non-legislative means	2017	No information available
Illinois- Sexual Assault Evidence Submission Act	2019	\$133K increase to the program already in place
Indiana- SB 424	2019	\$350K
Iowa- HF 426	2021	\$157,700 for the first year; \$160,800 for 2nd year; \$164K for 3rd year; \$167,300 for 4th year; \$170,700 for 5th year
Kentucky- SB 97	2019	No information available

Massachusetts- S 2371	2018	No information available
Michigan- State Police	2019	\$800K
Minnesota- HF2983	2020	\$250K for first year plus \$185K annually
Missouri- SB 569	2020	\$2.8M federal grant to be utilized for implementation amongst other initiatives
Montana- SB 52	2019	\$250K for first year plus \$30K annually
Nebraska- non-legislative means	2021	No information available
Nevada- HB 176	2019	\$154,694 for first year plus \$149,379 annually
New Hampshire- NH Dept of Justice	2018	\$333,558
New Mexico- HB 135	2019	\$2M for backlog, tracking system, training and other initiatives
New York- S7867A	2022	\$400K estimate
North Carolina- HB 945	2017	\$130,990 for first year plus \$100,313 annually
North Dakota- SB 2281	2021	\$255K from federal grants
Ohio- HB 719	2019	Fiscal estimate was \$1M over three years
Oklahoma- SB 967	2019	No information available
Oregon- SB 1571	2016	\$1.04M
South Carolina- H 3309	2020	Never provided an updated fiscal note
Tennessee- HB 39	2021	Partnered with Portland Police Bureau (Oregon) for the SAMS Portal at no cost prior to 2022
Texas- HB 281	2017	\$1.3M plus \$238,185 each year after

Utah- HB 200	2017	\$2.217M for implementation of tracking system plus training and DNA processing; \$2.194M every year after for tracking system maintenance plus training and DNA processing
Virginia- Office of the AG	2020	Part of a \$6M grant to help fund the tracking system, forensic evidence collection and testing, eliminating testing backlogs, training of law enforcement and community partners among other initiatives
Washington- HB 2530	2016	Rolled out over the course of 2 years: \$612K
Wisconsin- SB 94	2021	\$400K with \$39,600/year for maintenance



Written Testimony in Support of HB 1199

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 Colorado 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 House Bill 1199.

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 HB 1199. This bill presents an opportunity to improve conditions for survivors like my childhood friend.

Access to justice shouldn't depend on your 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 (HB 1199), you have the opportunity to join statehouses around the country and improve conditions for the 1.8 million survivors of Colorado. 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. Colorado is only one of 19 states that has not yet implement a rape kit tracking system. HB 1199 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 1.8 million survivors in Colorado. 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.