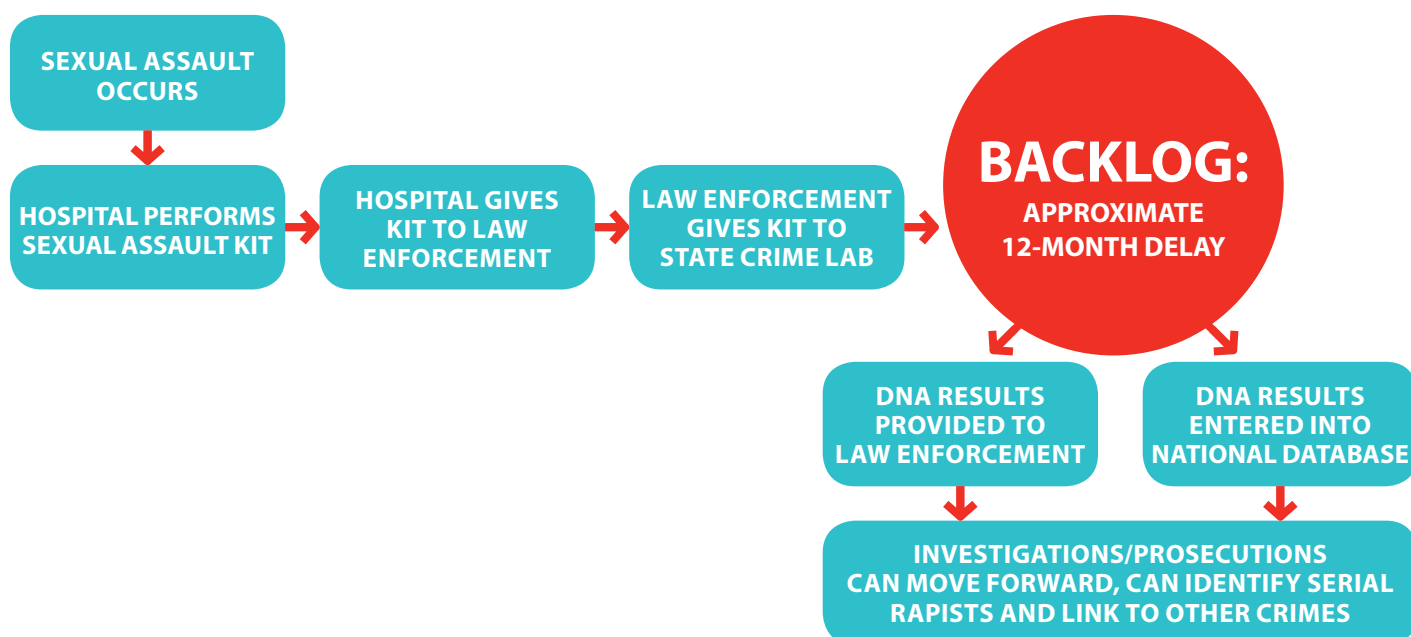




LB 1079: SUPPORTING BEST PRACTICES FOR SEXUAL ASSAULT KITS

LB 1079 will support sexual assault survivors and law enforcement in their pursuit of justice by providing for timely processing of sexual assault forensic evidence, commonly referred to as sexual assault kits (SAK). Currently, sexual assault kits face at least a 12-month backlog before they can be analyzed. This means there is at least a 12-month delay before DNA evidence from sexual assault cases can be used by law enforcement to identify serial rapists and linked to other crimes. Timely processing of sexual assault kits leads to increased public safety by identifying serial rapists, uncovering connections to other crimes and sending a strong message to sexual assault survivors that their experiences are taken seriously by law enforcement.

What is the Problem?



What is a Sexual Assault Kit (SAK)?

A victim of sexual assault may choose to undergo a medical forensic examination to collect DNA evidence. A medical professional will conduct the examination, which can last between four and six hours.¹ A victim's body may be photographed and swabbed for potential DNA, including hair, skin cells, semen and other bodily fluids. The medical professional collects and preserves this evidence in a sexual assault evidence kit, also called a sexual assault kit or rape kit.

According to the U.S. Department of Justice's July 2017 report, *National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach*:²

- All SAKs that the victim has consented to reporting to law enforcement should be submitted to the laboratory for DNA analysis.
- Law enforcement agencies should submit the SAK to the State Crime Lab for analysis as soon as possible, ideally, no later than seven (7) business days from the collection of the SAK.

At the lab, analysis can yield a DNA profile that is uploaded to state and national DNA databases.

Why Test All Sexual Assault Kits?



**IDENTIFY
SERIAL RAPISTS**



**CONNECT
DIFFERENT CRIMES**



**PROTECT
PUBLIC SAFETY**



**SUPPORT
SURVIVORS**

- **To identify serial rapists**—By testing each rape kit connected to a reported sexual assault, more DNA profiles will be uploaded to DNA databases to link to evidence in other sexual assault cases. Serial rapists assault both acquaintances and strangers. Testing SAKs, even if the suspect is known, will determine if the attacker's DNA matches DNA from another case.
- **To connect different crimes**—DNA from sexual assault kits can match DNA from other types of crime scenes and provide leads for investigators to follow.
- **To protect public safety**—More DNA evidence helps law enforcement apprehend offenders and prevents future crimes. It can create leads for investigators and corroborate or confirm the case-specific information about the crime. It can also link cases within and across jurisdictions.
- **To send a powerful message of support to survivors**—Testing all kits in a more timely manner tells survivors that Nebraska cares about them, their experiences matter and that the criminal justice system takes their sexual assault seriously.

Sexual Assault Kit Backlog

As law enforcement agencies in our state align with best practices, the workload for the State Crime Lab increases. Public crime labs throughout the country have struggled to maintain sufficient funding and personnel in recent years, as technology has advanced and the demand for DNA testing has grown.³

LB 1079 would provide additional funding (\$250,000) to the State Crime Lab to process sexual assault kits in a more timely manner. This would increase public safety by identifying serial rapists, uncovering connections to other crimes and sending a strong message to sexual assault survivors in Nebraska that their experiences matter and are taken seriously by law enforcement.

¹ End the Backlog, "Comprehensive Rape Kit Reform: A Legislative Handbook," November 2019, <http://www.endthebacklog.org/sites/default/files/JHF%20Legislative%20Handbook%202019.pdf>.

² U.S. Department of Justice, National Institute of Justice, "National Best Practice for Sexual Assault Kits: A Multi-Disciplinary Approach," 2017, <https://www.ncjrs.gov/pdffiles1/nij/250384.pdf>.

³ End the Backlog, "Comprehensive Rape Kit Reform: A Legislative Handbook," November 2019, <http://www.endthebacklog.org/sites/default/files/JHF%20Legislative%20Handbook%202019.pdf>.