

Testimony in Favor of LD2129, HP 1353 An Act to Establish a Statewide Sexual Assault Forensic Examination Kit Tracking System and Conduct an Inventory of Existing Forensic Examination Kits in the Possession of Law Enforcement

Monday January 29th 2024

Dear Senator Anne Beebe-Center, Representative Suzanne Salisbury & Members of the Criminal Justice and Public Safety Committee,

Hello, my name is Marika Marland and I am a psychiatric nurse practitioner who has worked in Maine for over 15 years and I am writing to testify in favor of LD2129, HP 1353. I am a lifelong Mainer who grew up in Yarmouth and now lives in Portland. I have worked with those with PTSD who have had all kinds of sexual trauma including sexual abuse, sexual coercion and rape during my entire career.

This bill is important to me because I can't count how many times I have heard from a client or friend that their rape kit was lost. It's important to realize that just the act of getting a rape kit is a triggering and difficult experience. There is a narrow window when the evidence can be obtained and so it must be done soon after the rape has occurred. Using equipment to gain evidence in these sexual areas can be uncomfortable, sometimes painful, and can also trigger flashback of the rape. A flashback occur when a person who has had trauma experiences the traumatic event again after it has happened. This often occurs when something reminding them of the event occurs. Suffice to say, I applaud any person who is brave and courageous enough to go through the process of submitting a rape kit. I applaud them because directly after they are assaulted, when the evidence needs to be obtained, they are fragile and vulnerable but also because they are trying to put their perpetrator to justice. Not every victim chooses to submit a rape kit because they are so triggering but those who do are doing a service to our community by helping to identifying sexual criminals in our community. You can imagine my shock early in my career when I began to hear stories about rape kits being lost. My clients would tell me the police had told them it was lost and there was no way to find it. Because the rape kit can only be obtained during that narrow window, important evidence had been lost forever.

The fact that a vulnerable person would through a triggering procedure just after they had been sexually assaulted and that this evidence would be lost is unacceptable. Hearing this news for someone who has gone through sexual trauma is devastating, not only does it mean that they will continue to be unsafe from sexual assault but it also means that other people in the community may not be safe from sexual assault. Now I do not blame the police for stating the items could not be found. The fact that there has never been any way to track this important evidence in shocking to me and I am grateful to Representative Geiger and the other cosponsors for creating this bill to be voted on.

I urge you to please vote in favor of bill LD2129, HP 1353. By doing so you will not only improve the safety and well being of our community by allowing proper action against sexual assault, but you will also be creating conditions where victims of sexual assault can heal knowing that their pain is taken seriously and it is possible for justice to be served.

I would like to thank the committee for your time and feel free to contact me with further questions,

Sincerely,
Marika Marland, PMHNP

