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February 26, 2025

TO: Maine Joint Committee on Judiciary

FROM: Burcu Sagiroglu
Policy & Advocacy Manager
Joyful Heart Foundation

RE: Testimony in Support of LD549

The Joyful Heart Foundation strongly supports LD549, which would require an annual statewide inventory of rape kits, mandatory testing of all newly collected and backlogged reported rape kits, and establishment of a tracking system to track initial collection of kits at the hospitals to law enforcement and to state labs.

The Joyful Heart Foundation's mission is to transform society's response to sexual assault, domestic violence, and child abuse, support survivors' healing, and end this violence forever. Since 2010, Joyful Heart has made the elimination of the rape kit backlog—hundreds of thousands of untested rape kits across the nation—our top priority. We work directly with survivors, stakeholders, and jurisdictions to achieve this goal. Our staff, consultants, and partners have decades of expertise at the forefront of rape kit reform efforts. We have been instrumental in passing state-level rape kit reform in 49 states including Arizona, California, Florida, Georgia, Hawai'i, Kentucky, Massachusetts, Nevada, New Mexico, New York, Texas, and Utah, and we have collaborated with local and state agencies to provide support during the implementation process. With this expertise and legislative track record, we respectfully submit testimony supporting LD549.

The Problem

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 evidence left behind during the assault. A doctor or nurse will conduct the four-to-six hour examination and will preserve this evidence in what is commonly called a "rape kit." Survivors who take the step of undergoing this exhaustive and invasive forensic exam do so because they have been told this evidence could help law enforcement hold their offender accountable.

When tested, the DNA evidence from rape kits can be a powerful tool to solve and prevent crimes. DNA evidence can identify unknown assailants, link crimes together, and exonerate the wrongfully convicted. Too often, however, these rape kits languish untested for years—even decades—in storage facilities. There are hundreds of thousands of untested rape kits in storage across the country. Since 2010, over 220,000 untested rape kits have been uncovered.

Why Testing Rape Kits Matters

Joyful Heart joins experts in endorsing the federal government's best practice recommendation to submit every rape kit connected to a reported sexual assault to a crime lab for DNA analysis. In 2017, the U.S. Department of Justice National Institute of Justice released [National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach](#), which includes 35 recommendations for victim-centered approaches for responding to sexual assault cases. This approach has been embraced by elected officials, law enforcement leaders, lab professionals, medical professionals, prosecutors, and advocates in jurisdictions across the country.

It's important to understand that every single rape kit represents a survivor whose body has become a crime scene and has gone to a medical facility to get a forensic exam, many have reported the crime to police —everything society asks them to do. Many do this because they want to prevent the perpetrator from hurting anyone else and they want the criminal justice system to hold the offender accountable. When survivors report to the police and have forensic evidence collected, they expect that the kit will be tested. Society expects it, too.

Testing rape kits solves and prevents future crimes, and provides survivors with a path to justice and healing. Rape kits can yield DNA evidence which can be entered into local, state, and national DNA databases containing DNA from offenders. By testing every kit connected to a reported crime, more DNA profiles will be in these databases, potentially linking crimes and revealing [serial rapists](#), who assault both acquaintances and strangers as recent research has shown. Even more, offenders who commit sexual assault often are engaged in other crimes such as burglary and homicide. DNA from rape kits can match DNA from other crime scenes and provide leads for investigators to follow. As more sexual assault cases are pursued, more offenders are apprehended, and future crimes are averted.

In Wayne County, Michigan, where Detroit is, the Prosecutor's Office uncovered 11,341 reported rape kits in 2009. The kits were in an abandoned law enforcement warehouse at the time. Some of the kits were collected back in the 1980s, which means survivors were left waiting for justice for three decades. The county ended its backlog in November 2022, completing 5566 investigations as of February 2025. Out of the 11,341 backlogged kits, there were 4245 CODIS eligible DNA profiles. These profiles created 3147 CODIS matches to offenders who were already in the system for all kinds of crimes committed in 41 states. Out of these CODIS matches, 856 suspected serial sexual offenders were identified. The efforts led to 260 convictions as of this month. The Wayne County Prosecutor's Office has ongoing outreach efforts to the survivors of the backlog, and there are ongoing investigations in 37 cases. As the investigations are going on, as more states test their backlogged and newly collected reported rape kits, we estimate an increase in the number of CODIS matches, helping law enforcement solve more crimes.

By requiring every sexual assault kit to be swiftly submitted and tested, Maine can send a powerful message to survivors that they—and their cases—matter. It demonstrates a commitment to survivors to bring a path to healing and justice. Testing every kit sends a message to perpetrators that law enforcement will employ every available tool to apprehend and prosecute them. It is also the pathway to a more effective criminal justice system and safer communities across the country.

Testing rape kits also saves communities money. In 2016, the Begun Center for Violence Prevention Research and Education at Case Western Reserve University analyzed the cost of testing backlogged rape kits in Cuyahoga County, Ohio. Factoring in the cost of testing kits and other related expenses, [the study](#) calculated the overall cost effectiveness of testing 4,347 unsubmitted kits, engaging survivors, investigating every lead, and prosecuting cases. The study found that Cuyahoga County **saved \$38.7 million** by testing 4,437 backlogged kits, investigating every case, prosecuting offenders, and preventing them from committing future crimes.

In 2019, Dr. Paul J. Speaker of West Virginia University conducted a study that demonstrates enormous economic returns for communities that invest state dollars to test kits swiftly. The study shows that processing every rape kit could be one of the most effective uses of state funds. Testing backlogged rape kits can produce an astounding **65,000% return on investment**.

Maine and Rape Kit Reform

Maine is the only state in the country that has not adopted any of Joyful Heart's six pillars of reform. These reforms were developed following a thorough review of the work in this area, which included interviews with nearly 75 trusted experts including advocates; survivors; prosecutors; investigators; crime lab personnel; and local, state, and national leaders. This was followed by a 50-state analysis of the policy opportunity landscape, which formalized the six essential pillars for states to achieve comprehensive rape kit reform: a statewide inventory of untested rape kits, testing the backlogged kits, kit handling and testing timelines, statewide rape kit tracking system, granting victims the right to know the status and location of their kits, and state funding to bring these reforms to life.

In 2018, MECASA and the Muskie School of Public Policy released the [Maine Sexual Assault Kit Study report](#), which had recommendations that included implementation of a statewide rape kit tracking system, a statewide inventory of untested rape kits, a protocol for handling and retention of rape kits by law enforcement, and state funding for lab to test backlogged rape kits and implement the tracking system. Seven years after this study, it is time for Maine to implement the recommendations in the study and pass this bill.

Some progress has been made. Last year, MECASA received a STOP Grant from the federal government to implement a pilot rape kit tracking system in Kennebec and Penobscot counties. In 2024, Cumberland County District Attorney's office was granted \$2.5 million in federal SAKI grant to conduct an inventory of its untested rape kits, establish a tracking system, and test reported rape kits. However, with the potential federal funding cuts, it is unclear whether this funding will continue.

Inventory

A statewide inventory of untested rape kits brings transparency and accountability to rape kit testing practices in states and local communities. A thorough count of rape kits currently in the possession of medical facilities, law enforcement agencies, and crime laboratories identifies the current number of untested kits, provides a full picture of rape kit submission and testing procedures across the state, and guides legislatures as they appropriate and target resources to eliminate the backlog.

Even more, legislatively mandated inventories require all entities handling rape kits will participate, providing a complete count. In 2015, Alaska Governor Bill Walker initiated a voluntary inventory, but only 57 percent of agencies participated. In 2017, the legislature enacted a statewide inventory, and because this inventory was in statute, 94 percent of agencies submitted inventory reports in time, and the remaining agencies submitted their counts shortly thereafter. This information allowed Alaska to identify the bulk of the backlog existed in only seven agencies, and the state legislature used this information to allocate funding strategically in the state.

To date, 36 states and Washington D.C. have passed legislation calling for statewide inventories of kits. Annual inventories are particularly helpful to stakeholders and the general public because they provide consistent updates on the progress to eliminate the backlog. The annual inventory required under LD549 would bring transparency about rape kit handling in the state and accountability.

Tracking System

Tracking systems follow rape kits from collection to testing and final disposition, bringing accountability and transparency to the rape kit handling process. In addition to all newly collected kits, backlogged kits should be entered into the tracking system to ensure that all

survivors, regardless of how long it's been since their assault, can know what happened to their kit and those kits are fully accounted for. North Carolina implemented a tracking system in 2018, and added its 16,295 backlogged kits found in the statewide inventory the same year. The state has a [live dashboard](#) showing their progress and prosecution outcomes from testing their backlog. As of today, North Carolina tested 11,862 backlogged rape kits, had 5,094 CODIS hits to offenders who committed other crimes, 2,782 CODIS hits to offenders who had their DNAs in other rape kits, and had 245 arrests from these hits. This clear information shared with the public is an example of how tracking systems can bring transparency to the rape kit handling process.

Our [research on victim notification](#) in cold cases found that survivors of sexual assault feel strongly that the information about their kits belongs to them, and they want to determine how and when to receive information about their rape kits. A rape kit tracking system with a secure victim access portal and information about backlogged kits allows survivors to control when they obtain critical information about the status and location of their kits. In 36 states and Washington, D.C., survivors have access to transparent handling of their rape kits through a rape kit tracking system. Sexual assault survivors in Maine deserve it too.

Codifying the system and mandating participation in law ensures that all the relevant agencies that handle rape kits comply with the law, helping the state achieve a fully-functioning tracking system. In addition, establishing the system in statute ensures stability when leadership or priorities shift from year to year. This bill would bring the pilot study in Kennebec and Penobscot counties and the Cumberland County DA's office's SAKI grant project to the state level.

Testing Backlogged Kits

Every untested rape kit is a missed opportunity to bring a path to justice and healing for survivors and promote public safety for the greater community. When rape kits sit untested on shelves, cases stay unsolved, serial rapists go undetected, and wrongfully convicted people remain incarcerated—all while survivors continue to wait for justice.

Even so, only a handful of states require backlogged kits to be tested. Maine has an opportunity to be a leader and demonstrate to survivors not only in this state that they matter, their kit will be tested, and the criminal justice system is serious about reforming its response to sexual assault. 16 states and Washington, D.C. have ended their backlog, and with this bill, Maine can join these states.

Testing Newly Collected Kits

LD549 would require all reported rape kits to be tested. This provision will remove biased individual decision-making on whether or not a kit should be tested, and rape kits will be handled uniformly, like evidence from any other crime. Additionally, this bill would align the state with federal best practices, which unambiguously recommend submitting every rape kit connected to a reported sexual assault to a crime lab for DNA analysis.

Passing legislation to mandate kit testing sends a message to survivors that Maine is taking sexual assault crimes seriously and will improve current practices to ensure the criminal justice system is working as effectively as possible to bring them justice. To date, 37 states and Washington D.C. have passed legislation mandating kit handling and testing timelines.

The Road Ahead

In addition to this bill, to achieve comprehensive rape kit reform and to align with national best practices, Maine should adopt laws and policies that mandate rape kit handling timelines for all agencies in the chain of custody, such as mandating hospitals to notify law enforcement within 24 hours, law enforcement to pick up rape kits within 3 days and submit them to the crime lab within 7 days, and the crime lab to test all newly collected kits within 3 months; grant victims the right to know the status and location of their kit; and the funding necessary to implement these changes. We encourage the legislature, in consultation with advocates, practitioners,

agency leaders, and most importantly, survivors of sexual assault, to push forward with survivor-centered legislative action.

We urge you to pass this important legislation out of committee. The Joyful Heart Foundation thanks you for your efforts and leadership on this issue. We stand ready to assist you in creating safer communities and offering a path to healing and justice to all sexual assault survivors in Maine.

With Gratitude,

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