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AUGUSTA, MAINE 04333-0002

(207) 287-1400

TTY: MAINE RELAY 711

**Valli Geiger**

1 Green Way

Rockland, ME 04841

Phone: (207) 956-1565

[Valli.Geiger@legislature.maine.gov](mailto:Valli.Geiger@legislature.maine.gov)

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*Testimony of Rep. Valli Geiger introducing*

**LD 2129, An Act to Establish a Statewide Sexual Assault Forensic Examination Kit Tracking System and Conduct an Inventory of Existing Forensic Examination Kits**

*Before the Criminal Justice and Public Safety Committee*

Good Morning Senator Beebe-Center, Representative Salisbury and members of the Committee on Criminal Justice and Public Safety. My name is Valli Geiger and I represent District 42. I am the sponsor of **LD 2129, An Act to Establish a Statewide Sexual Assault Forensic Examination Kit Tracking System and Conduct an Inventory of Existing Forensic Examination Kits**. Thank you for allowing me to testify.

When I was a 17-year-old college freshman, I was invited to the dorm room of a fellow student, a cute boy with red hair and freckles. When I tried to leave, he slammed me up against a wall and sexually assaulted me. It was a Catholic University; I was a naive 17-year-old Catholic virgin. I did not go to the college infirmary for medical care. I did not report this sexual assault, indeed, I told no one for 15 years.

I would like to say that in the 50 years since that happened that things have changed. Alas, I cannot. It is estimated that 14,000 sexual assaults occur annually in Maine alone. Only 100-200 sexual assault crimes are successfully prosecuted a year.

About 6,000 people call the Sexual Assault Hot Line annually in Maine. Many are calling about rapes that occurred months, years or even decades before. They are often telling their story for the first time.

What we do know is that about 400 Forensic Sexual Assault kits are requested from the Maine Crime Lab annually. We do know that less than 20% of those kits are returned to the Crime Lab for testing. There are about fourteen thousand sexual assaults annually, yet only about 80 Sexual Assault Forensic Kits return to the crime lab, and we wonder why our prosecution rates are so low?

Why so few requested? We don't know. Why so few returned? We don't know. How many completed but untested kits are sitting in hospitals, police stations, rape crisis centers or DA offices? We don't know.

I wish I could tell you that when a child or adult is sexually assaulted and goes to a Rape Crisis Center or Hospital ER or a Police Station, they will be treated professionally, knowledgeably, and offered a forensic exam that will be part of a careful train of evidence for prosecuting a crime. I wish I could tell you that they will undergo STD testing and offered a morning after pill to ensure the rape will not end in pregnancy. I cannot.

I wish I could tell you that a Victim Advocate will be called upon to provide advocacy and support as they go through a four-six hour forensic exam, including pictures of injuries, swabs for semen and DNA. I cannot.

I can tell you that Maine is the only state in the nation that has not enacted any of the recommended Sexual Assault best practice pillars as listed by the Joyful Heart Foundation.

This bill will address pillars one, four, five and some of pillar six of the six pillars of reform recommended by the Joyful Heart Foundation. Pillar One is a statewide inventory of untested sexual assault forensic kits currently held by medical facilities, law enforcement agencies and crime laboratories. This bill would require each of the above facilities to provide a count of how many untested kits they are holding, and the date those kits were collected.

Pillar four, requires the establishment of an electronic tracking system for Sexual Assault Forensic Kits. This tracking system will be available to all survivors and will ensure all agencies and facilities holding kits have access to the system and are required to participate.

Pillar five will require a mechanism to be created to allow survivors to find out the status of their exam, including notification of a decision not to test or of planned destruction of their kit.

Pillar six requires the resources necessary to test kits, develop a tracking and notification system, investigate cases, prosecute offenders and provide support to survivors. This bill only addresses the resources necessary to test kits and develop a tracking and notification system.

Successfully prosecuting sexual assault is difficult. Sexual assault involves a complicated nexus of medical care, advocacy, law enforcement and prosecution. This bill is one part of a larger effort to reform the criminal justice response to sexual violence survivors. But this bill, starts the process.

In closing, I want to leave you with one last story. Unrelated to my sponsoring this bill, by sheer coincidence, I was told a story by a highly reliable source, of a young woman who recently worked an event in Maine. She remembers having one drink at the event. She woke up the next morning, alone, sore and bruised in a hotel room associated with the event space. She had been raped. She did what we are told you should do. She went to an ER. She underwent a forensic exam. The police were called. She met with a detective, who did nothing. She went back to the hotel and found that the room had not been registered to anyone and only event employees would have access to the door code. She brought this information back to the detective, who did nothing. She went to the venue and with their help, found video footage showing someone tampering with her drink. She took this to the investigating detective. He did nothing.

It is already a heavy lift to ask victims of sexual violence to seek medical care, to report the crime, to undergo a four - six hour forensic exam. If their experience is one of humiliation, lack of respect, disinclination to believe the victim, or failure to pursue a good-faith investigation, including by treating the kit as an important piece of evidence as rules require in a criminal case, then it is hardly surprising that less than 1% of cases are successfully prosecuted.

Sexual assault is a crime. It is time that Maine took it seriously. Like most serious crimes, it changes a survivor forever. It leaves layers of trauma and scars that will impact their ability to move through life with joy and courage. I ask you to support LD 2129 and make Maine safer for its citizens.