



st. joseph healthcare
St. Joseph Hospital

A Member of Covenant Health

February 26, 2025

Good afternoon, Senator Carney, Representative Kuhn, and Members of the Joint Standing Committee on Judiciary:

My name is Keri Kapaldo, and I am submitting testimony today as a Sexual Assault Forensic Examiner (SAFE) nurse from St. Joseph Hospital SAFE Program. I appreciate the opportunity to offer testimony regarding **LD 549: An Act to Establish a Statewide Sexual Assault Forensic Examination Kit Tracking System and Update Certain Requirements Regarding Sexual Assault Forensic Examination Kits.**

I am here today neither for nor against LD 549. I would like to highlight key considerations regarding the testing of all forensic kits, including anonymous kits, and the potential implications for sexual assault survivors if their anonymity is not thoroughly protected.

As a SAFE nurse, I strongly support the establishment of a kit tracking system and the testing of all reported forensic examination kits. The ability for survivors to track their kits promotes transparency and accountability, ensuring that survivors who report their assaults have confidence in the handling of their evidence. Testing all reported kits is a crucial step in addressing backlogs and supporting the pursuit of justice for survivors who choose to engage with the criminal justice system.

The St. Joseph Hospital SAFE Program has participated in an 18-month kit tracking pilot program, providing valuable insights into the implementation of such a system. Our experience has demonstrated that proper tracking enhances trust between survivors and the medical and legal systems, ensuring that evidence is handled appropriately and efficiently.

However, I have significant concerns about the testing of anonymous kits without a well-defined and vetted process to guarantee the protection of survivor anonymity. Survivors opt for anonymous evidence collection for many reasons, including fear of retaliation, lack of legal status, or uncertainty about engaging with the legal system. The current kit collection process in Maine includes personally identifiable information within the narrative paperwork, meaning that testing anonymous kits without stringent safeguards could inadvertently expose survivor identities. Furthermore, a consent form per the current language of this bill, would give survivor identity.

If the Committee decides to support the testing of anonymous kits, it is imperative to implement best practices from other states, such as Vermont, where kits are tested without identifying information. In that model, a kit is sent to the crime lab without any personally identifying data, and only in cases where a DNA match occurs in CODIS does the crime lab reach out to the medical provider. The medical provider is whom notifies the survivor of the results. The survivor then retains control over whether to report the assault and proceed further. This approach prioritizes survivor autonomy and aligns with trauma-informed care.

Additionally, while testing older reported kits may provide investigative value, it is essential that

safeguards are in place before such testing is mandated. Other states that have undertaken large-scale backlog testing have highlighted the need for independent investigative units to handle re-opened cases, multidisciplinary teams to coordinate outreach efforts, and sufficient prosecutorial resources to ensure justice is pursued effectively. LD 549 should include these provisions to align with national best practices.

In summary, I support the tracking system and the testing of all present day forward reported kits but urge caution in 1. mandating the testing of backlogged reported kits without survivor centric, trauma-informed systems in place to reopen those investigations, and 2. mandating the testing of anonymous kits without ensuring survivor protections. Establishing a process that upholds anonymity while allowing survivors to opt in to testing if they so choose is critical. I appreciate the Committee's time and consideration and welcome any questions you may have.

Sincerely,

A handwritten signature in black ink that reads "Keri Kapaldo". The signature is written in a cursive, flowing style.

Keri Kapaldo, BSN, RN, SANE-A, ME-SAFE-A, ME-SAFE-P
St. Joseph Hospital SAFE Program Coordinator