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Testimony of Representative Valli Geiger in support of

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

Before the Joint Standing Committee on Judiciary

Senator Carney, Representative Kuhn and distinguished members of the Joint Standing Committee on Judiciary. I am Representative Valli Geiger, and I represent House District 42, which includes Criehaven Township, Matinicus Isle Plantation, the Muscle Ridge Islands, North Haven, Rockland and part of Owls Head. I am here to testify in support of **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**.

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 naïve 17-year-old Catholic virgin. I did not go to the college infirmary for medical care. I did not report this sexual assault. In fact, I told no one for 15 years.

I would like to say that in the 50 years since this assault happened, that things have changed. Alas, I cannot. It is estimated that over 10,000 sexual assaults occur annually in Maine alone. Only 100-200 sexual assault crimes are successfully prosecuted a year.

Approximately 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 approximately 400 forensic sexual assault kits are requested from the Maine Crime Lab annually. We know that less than 20% of those kits are returned to the Crime Lab for testing. There are over 10,000 sexual assaults occurring annually in Maine, but only about 80 sexual assault forensic kits are returned to the crime lab, and less than 1% of cases prosecuted end in conviction.

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

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

I wish I could tell you that a victim advocate will be called to provide advocacy and support as they go through a four- to six-hour forensic exam, including pictures of injuries, and 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 that are listed by the Joyful Heart Foundation, which is an organization that supports victims of sexual abuse, domestic violence and child abuse.

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 1 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, and it mandates that this tracking system will be available to all survivors and ensures all agencies and facilities that are holding these kits have access to the system and are required to participate. The State of Idaho has developed such an electronic tracking system and offers it to other states, free of charge.

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 a planned destruction of their kit.

Pillar 6 requires the resources necessary to test kits, develop a tracking and notification system, investigate cases, prosecute offenders and provide support to survivors. This bill addresses the resources necessary to test kits that are part of an active investigation currently and going forward, then testing backlogged kits in two-year intervals, starting with the most recently completed kits, and developing a tracking and notification system. It does not include the testing of anonymous kits.

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. This bill starts that process.

In closing, I want to stress that Maine is the only state in the nation that has not adopted any of these best practice reforms, and emphasize that Maine has an almost non-existent conviction rate

of perpetrators of sexual violence. Other states have discovered that when they began testing all completed kits, that there was a small number of people who are responsible for a large number of sexual assaults. In other words, these reforms have revealed that serial rapists are responsible for a high percentage of sexual assaults.

It is already a heavy lift to ask victims of sexual violence to seek medical care, to report the crime, and to undergo a four- to six-hour invasive forensic exam. They deserve to be met with a victim advocate, a forensic nurse, knowledgeable police officers and prosecutors. They deserve their forensic kit to be tracked, be subject to the careful chain of evidence rules required in a criminal case and be tested. That is not happening, so it is hardly surprising that less than 1% of sexual assault cases are successfully prosecuted.

Sexual assault is a serious crime. It is time that Maine took it seriously. It leaves layers of trauma and scars that will impact their ability to move through life with joy and courage, and it changes a survivor forever. I ask you to support LD 549 and make Maine safer for its citizens.

Thank you for your consideration.