



The Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness

200 First Avenue, Fourth Floor
Pittsburgh, PA 15222
412.697.1311
pa-interbranchcommission.com

The Honorable Lisa Baker
Chair, Senate Judiciary Committee
Senate Box 203020
Harrisburg, PA 17120-3020
Room: 173 Main Capitol

March 9, 2022

RE: Support for Senate Bill ("SB") 860, Establishment of a Statewide Rape Kit Tracking System

Dear Chair Baker,

On behalf of the Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness, we write to convey our strong support for SB 860. As you know, if passed, this bill would establish a statewide rape kit tracking system that would permit victims of sexual assault to anonymously and efficiently track their sexual assault evidence collection kits, as well as review information on crime victims' rights, local rape crisis centers, and behavioral health. Since September 14, 2021, SB 860 has been in the Senate Judiciary Committee for consideration. However, to date, the Committee has neither convened a hearing nor reported on this bill. For the reasons that follow, we respectfully urge the Judiciary Committee to consider SB 860 and take the appropriate measures to move it through Committee, facilitating its passage.

As you are aware, the Commission was established in 2005 by the three branches of Pennsylvania government to implement the recommendations from a 2003 Pennsylvania Supreme Court study on racial and gender bias in the justice system.¹ Through its Domestic Violence and Sexual Assault Victims'/Survivors' Committee, the Commission has been working to ensure that survivors of sexual violence are treated fairly and compassionately by Pennsylvania's justice system. These efforts aim to address the 2003 study's finding that "in Pennsylvania . . . many survivors of rape and sexual assault . . . have low expectations that their cases will be treated with . . . due diligence," in part because of "serious deficiencies in the investigation of, and trial procedures for, sexual assault cases."²

¹ See Final Report of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System, available at <https://pa-interbranchcommission.com/wp-content/uploads/2022/01/FinalReport.pdf>.

² *Id.* at 422.

These deficiencies persist in the collection and processing of survivors' rape kits. Due to notification procedures varying from county to county, victims struggle to access basic status updates for their kits. As a result, they must contact rape crisis centers to inquire about the location of their evidence, whether it has been submitted for testing, and whether their case will be prosecuted. SB 860 is directly responsive to these concerns. It would establish a system that would enable survivors to track the location and status of their sexual assault evidence collection kit and determine whether forensic testing of the kit has been completed. The bill also ensures efficient management of the system by providing that it would be jointly administered by the Pennsylvania State Police (the "PSP") and the Pennsylvania Department of Health ("DOH"). To administer the system on its end, DOH must adopt guidelines and protocols based on best practices recommended by an advisory committee comprised of individuals from the PSP, the Office of the Victim Advocate, and the Pennsylvania Coalition Against Rape, among others.

Although the system is to be centered around these best practices, SB 860 also provides flexibility to system administrators. More specifically, it permits the PSP to develop its own system *or* implement a system utilized in another state, such as the model tracking system in place in Idaho, whose administrators offer the program to other states free of charge. Crucially, the bill also prohibits the entering of personally identifiable information into the system, granting survivors the confidentiality they expect and deserve.

Overall, SB 860 will support law enforcement's data collection and reporting efforts and will improve practices among sexual assault response teams in the Commonwealth. In so doing, it will inspire a much greater degree of transparency in the tracking and maintenance of individuals' rape kits – transparency that is owed to survivors who depend on our legal system to do justice.

Thank you for your time and consideration. We would welcome the opportunity to provide testimony on SB 860 should the Judiciary Committee convene a hearing thereon. If you have any questions concerning this matter, we would be happy to discuss them with you at your convenience.

Respectfully,



Lucille Marsh, Esq.

Chair

Domestic Violence & Sexual Assault

Victims'/Survivors' Committee



Lisette McCormick, Esq.

Executive Director

cc: Senator Katie J. Muth, Prime Sponsor, SB 860
Interbranch Commission Members
Domestic Violence & Sexual Assault Victims'/Survivors' Committee Members