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Testimony

Senate Bill 2281 — House Judiciary

03/23/2021

Good morning Chairman Klemin, and members of the committee. My name is Courtney Monroe Ryckman, Direct Services Supervisor at the Abused Adult Resource Center (AARC) in Bismarck. Our organization is in favor of this bill, AARC sees the tremendous value to kit tracking throughout the entire criminal justice process. I would like to raise concern around the submission of the sexual assault kits to the ND crime lab at the very beginning of the kit tracking process.

Through a previous project in 2015, the crime lab collected unsubmitted sexual assault kits around the state to test all kits that had previously been unsubmitted or may have been analyzed using older technology; approximately 210 kits. This project was part of a national movement to identify any "backlog" of kits. Backlogs can occur in various parts of the criminal justice system. What was largely found in the state was that kits had not been submitted by law enforcement to the crime lab for testing. As a result, of the project any backlog was thought to have been resolved. However, that has not been the case. To date there is no mandate requiring law enforcement to submit kits to the crime lab. North Dakota is one of six states that has had no reforms proposed or enacted.

In a recent statement made by the Attorney General he indicated there were 488 kits that had not been submitted previously to the crime lab through this current project. As an organization that provides support to sexual assault victims, we are concerned that without such legislation we have been working under the misinformation that when a victim makes a statement to law enforcement and goes through the traumatic experience of having forensic evidence collected the kit is submitted by law enforcement to the lab for testing. This in fact has not always been the case and has been left to the discretion of law enforcement to determine when and if a kit is sent to the lab for testing. We ask that this no longer be the case and that all kits with a participating victim; by which we mean a victim who provided a statement to law enforcement regarding a report of sexual assault as defined by 12.1-20, be submitted to the crime lab for testing within five days of the evidence being collected through an exam.

Thank you for this opportunity and if you have any questions, please let me know.

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