

Endorsements

for Utah Code HB 168 Sale of Sexual Assault Test Kits Prohibited

Director Gary Scheller, Utah Office for Victims of Crime

David O. Leavitt, Utah County Attorney

Sim Gill, Salt Lake District Attorney

Jay W. Henry, Laboratory Director (retired), Utah Department of Public Safety

Liliana Olvera-Arbon, Executive Director, Utah Coalition Against Sexual Assault (UCASA)

Sonya Martinez-Ortiz, Executive Director, Rape Recovery Center

Dana Thomas, Executive Director, Wasatch Forensic Nurses

Susan Chasson, Statewide SANE Program Manager (UCASA)

Brooks Keeshin, MD, Child Abuse Pediatrician

Laurieann Thorpe, Executive Director, Prevent Child Abuse Utah

Ned Searle, Director Office on Domestic and Sexual Violence

Antoinette L. Laskey, Intermountain Primary Children's Center for Safe and Healthy Families

Monica Gardner, J.D.

Dr. Julie Valentine, Brigham Young University

Utah Councils on Victims of Crime

Utah Coalition Against Sexual Assault

Rape Recovery Center

The Refuge Utah

Peace House

Seekhaven, Inc.

Utah Domestic Violence Coalition

Safe Harbor Crisis Center

YWCA Utah

Canyon Creek Services

YCC Family Crisis Services

Wasatch Forensic Nurses

Southwest Forensic Health (Southwest SANE)



February 2, 2021

To Whom It May Concern,

On behalf of the Center for Safe and Healthy Families at Primary Children's, we are writing to express our strong **support for House Bill 168**. Our team provides evidence-based, trauma-informed evaluations for children seen for concerns of child sexual abuse at Primary Children's Hospital and the Children's Justice Centers in communities throughout the state. The availability of "Do It Yourself" rape kits pose a dangerous and unacceptable "alternative" to comprehensive, expert evaluations by multidisciplinary medical teams. It is important to recognize these kits *do not* provide an equivalent, acceptable solution for children and adolescents who may have been sexually abused or sexually assaulted.

Parents and caregivers are neither trained nor qualified to gather potential forensic evidence from their children. The risk of further traumatizing a child who has been sexually abused is substantial, both physically and emotionally. Further, the likely inadmissibility of the kit for analysis by the State Crime Lab critically endangers the integrity of any law enforcement investigation, opening up the possibility of leaving a child unprotected from his or her abuser.

The care of a victim of child sexual abuse is not accomplished by simply opening up a box to swab for forensic evidence. Forensic evidence is identified in just one-quarter of suspected child sexual abuse cases, and may be difficult to interpret in young children when caregivers are involved in diaper changing, bathing, and toileting. Comprehensive evaluation of suspected child sexual abuse includes expert medical decision-making, trained forensic interviewing, informed prescribing of medication to prevent pregnancy and/or sexually transmitted infections, and trauma-informed screening for and response to mental health crises that may be present.

Failure to obtain comprehensive, timely care for suspected sexual abuse can result in devastating medical and psychological consequences for a child. Unfortunately, the "Do It Yourself" rape kit would encourage delays in seeking the right care at the right time for victims of child sexual abuse. The "Do It Yourself" rape kit also opens the door to unfortunate cases wherein a distressed caregiver may attempt to introduce forensic evidence as "proof" of child sexual abuse whether out of anger or out of genuine concern for a child's safety. The harm to children caught in the middle of these untenable situations cannot be underestimated.

We firmly believe that victims have the absolute right to the highest quality medical and mental health care after they have been sexually abused or assaulted. Our job is to provide victim-centered, trauma informed, evidence-based care. We believe in choice and demonstrate this by engaging in shared decision-making in the care we provide when victims are evaluated when abuse is suspected or after assault has been disclosed. The Children's Justice Centers throughout the state were created to ensure access to all of the services a victim and their supporting caregivers may need after the unimaginable has happened. Creating the illusion of "choice" by

any evidence collected in the kit would likely be inadmissible. Even if the DIY kit successfully collected DNA evidence, defense attorneys would appropriately challenge the source, storage, and chain of custody for that DNA. What's worse, survivors who buy a DIY kit and later decide to go to the hospital for a professionally administered examination will have diminished and even possibly altered any evidence which would otherwise be available.

HB168 would make it an infraction subject to a fine of \$500 to sell DIY sexual assault kits in Utah. The Salt Lake County District Attorney Office believes we should be removing barriers to the effective reporting, investigation, prosecution, and conviction of sex offenders in Utah. HB168 will do just that and we encourage its passage.

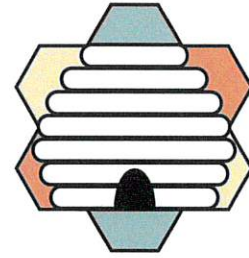
Sincerely,

A handwritten signature in black ink that reads "Sim Gill". The signature is written in a cursive, slightly slanted style.

Sim Gill
Salt Lake County District Attorney

UCASA

Utah Coalition Against Sexual Assault



The Utah Coalition Against Sexual Assault, along with victim advocates across the state, oppose the use of at-home rape kits and are greatly concerned about marketing them to the general public. LEDA is a company that has claimed to create the first at-home rape kit as a viable alternative to forensic sexual assault medical exams. We find it particularly irresponsible as it could have a disastrous impact on survivors of sexual assault.

A forensic medical exam consists of forensic evidence collection, a full medical exam, STI and pregnancy prevention options, STI treatment, and treatment for medical injuries. Access to a rape crisis center or campus advocate is available when being examined in a hospital or medical center but is obviously not included with the DIY Rape Kit.

A forensic exam following a rape requires a specially trained medical professional and access to on going victim services. An exam is necessary for rape victims who choose to have their evidence collected and receive medical treatment. This kit obviously cannot provide needed medical care and advocacy services that are available when exams are performed in a hospital or medical center. Forgoing these other much needed services, the focus of the kit seems to be largely placed on DNA identification. When 8 out of 10 rapes are committed by someone known to the victim, DNA identification is by no means the only necessary part of a forensic exam.

We do not advise anyone to use an at-home rape kit as a viable alternative to a forensic exam. We also do not advise that any college or university encourage students to use this product or make it available for use. LEDA Health has provided no information to explain how these kits will be admissible in court and how the proper chain of custody will be followed.

Though LEDA Health has stated that they have consulted with prosecutors who approve of their kits, they have provided no names of individual prosecutors or state and national prosecutor associations who have endorsed the product. The DIY at-home rape kit has been

denounced by sexual assault advocates across the country, including being barred for sale in Michigan.

This kit has not been endorsed by any national sexual assault experts or advocacy organizations. Further, it has not been endorsed by any local sexual assault advocacy organizations.

We ask our state legislators to please rely upon the many voices of Utah experts and key stakeholders in supporting HB168 to ban the sale of DIY sexual assault kits in Utah.

Signed,

Utah Coalition Against Sexual Assault
Rape Recovery Center
Peace House
Seekhaven, Inc
Utah Domestic Violence Coalition
Safe Harbor Crisis Center
YWCA Utah
Canyon Creek Services
YCC Family Crisis Center



January 23, 2021

On behalf of Wasatch Forensic Nurses (WFN) I am writing to express our support of HB0168, Sale of Sexual Assault Test Kits Prohibited.

With the resurgence of at home sexual assault kits being marketed encouraging victims of rape and sexual assault to collect forensic evidence themselves, Wasatch Forensic Nurses (WFN) wants to express that it does not endorse or support these kits, or their use. There is risk of re-victimization of a person who has already experienced a very traumatic event. The evidence collected in these do-it-yourself kits may not satisfy the chain of evidence required by the legal system, to be admissible in court.

Sexual assault is a healthcare issue, and Sexual Assault Nurse Examiners (SANE) are trained to not only collect evidence, but to treat the patient and their overall health in a compassionate, complete and professional manner at no charge to the victim. Following a sexual assault a survivor can experience a number of health consequences including physical injury, sexually transmitted infections, HIV, pregnancy, depression, anxiety, trauma and post-traumatic stress disorder.

SANEs are trained to assess injuries that can occur if a patient was strangled during the assault, which can cause hidden injuries resulting in long-term health consequences or even death.

Wasatch Forensic Nurse SANEs work in a multidisciplinary team including victim advocates, the crime lab, law enforcement and the legal system. The victim must provide consent before the exam, and is able to maintain control through the entire examination. Should a victim choose to restrict their sexual assault kit, that is always an option available to them. A victim advocate usually attends the exam with the SANE, and provides information regarding resources and services to the survivor for ongoing healing and support.

WFN does not support or encourage victims of sexual assault to purchase or use do-it-yourself sexual assault kits.

WFN is in full support of HB0168 and believes this piece of legislation to play a vital role in assisting victims in a trauma-informed way, providing critical medical care, evaluation, validation and much needed information regarding community resources that victims may need in the days, weeks and months following an assault. We encourage the Utah Legislature to vote in support of HB168 and ban the sale of over-the-counter sexual assault evidence kits in the state of Utah.

Sincerely,

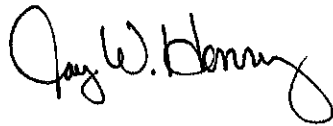
Dana Thomas
Executive Director
Wasatch Forensic Nurses

could (or would even want to) collect their own DNA evidence, thus, I'm unsure as to how this process would work.

Most likely, with the DIY kits, individuals would have to pay an outside laboratory to complete the analysis without a suspect standard and without the ability to compare DNA findings or upload DNA profiles to CODIS. So, what's the point of this option when resources are consumed and nothing useful is obtained? This could be detrimental to the system that has been created to help the criminal justice system better identify perpetrators of sexual assault and exonerate those who are wrongly accused.

In summary, please vote YES on HB 168, as DIY kits, from just a forensic point of view, potentially deny victims access to properly collected and analyzed evidence including upload to the CODIS database, as appropriate.

Respectfully Submitted,

A handwritten signature in black ink that reads "Jay W. Henry". The signature is written in a cursive, flowing style.

Jay W. Henry
Crime Laboratory Director (retired)
Utah Department of Public Safety

Dear Representative Romero and Representative Ray,

I am a rape survivor from Utah and support passage of House Bill 168: Sale of Sexual Assault Test Kits Prohibited. I am **FOR the passage of HB 168 and AGAINST the sale of DIY, at-home, self- collected sexual assault kits.**

As a survivor myself, I have gone through a hospital rape kit back in 2011. My perpetrator was convicted and is currently in prison as of 2020, but it was not without years and years of a really hard battle with the courts.

I can tell you for a fact that if I had been conned and tricked into foregoing the hospital rape kit for a DIY rape kit, my case would have been completely dismissed, not pursued, and the perpetrator would not be in prison today.

The system as it is has not been perfect by any means. It took over 6 years for my rape kit to even be tested, however, once that the kit was processed thanks to Representative Romero's backlog bill, the District Attorneys' office then decided to pursue and prosecute. If I had done a DIY kit, there is not a chance they would take my case.

It is absolutely disgusting to me that private companies are preying on the already traumatized who do not know how the legal/justice system works and claiming they are helping victims by making it "easier". As traumatizing as it is to go to the hospital and get a rape kit done, it is absolutely necessary to build and prosecute to go through the correct channels to get that evidence to the prosecutors to properly use in their cases.

It is extremely important to me that this bill is passed, as rape cases are already not pursued and prosecuted enough. I ask our state legislators to please rely upon the many voices of Utah experts and key stakeholders in supporting HB168 to ban the sale of DIY sexual assault kits in Utah.

Thank you for taking the time to read about my story and taking it into consideration.

Respectfully,

Cheryl Stout