



San Diego City Attorney Mara W. Elliott

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## **City Attorney Urges Gov. Brown to Sign Three Bills to Help Clear Rape Kit Backlog**

San Diego City Attorney Mara W. Elliott today urged Governor Jerry Brown to sign three bills that will help protect rape survivors, and prevent future sexual assaults, by reducing the statewide backlog of rape kits.

Each of the three bills – Assembly Bill 41 (Chiu), Assembly Bill 280 (Low), and Assembly Bill 1312 (Gonzalez Fletcher) – responds to a problem identified in 2014 when state auditors found backlogs of some 40,000 untested rape kits in a handful of California cities.

San Diego was among those cities and Elliott, as a candidate and now as City Attorney, has strongly urged the City to adopt a policy of testing every rape kit.

The public-safety benefits of universal testing have been verified in city after city that adopts such a policy. While the analysis may not always advance an individual investigation, it can yield a DNA match that helps to resolve other investigations or cold cases. DNA evidence in active cases can be shared by law enforcement agencies throughout the state through the FBI's Combined DNA Index System.

Elliott noted that rape survivors are asked by law enforcement to undergo evidence-collection processes that take up to four hours and can re-traumatize them.

**“Rape survivors submit to these invasive and often traumatic procedures in the interests of justice and to provide evidence that will protect others. Our City should be inspired by the courage of these victims and bring that same commitment to each sexual assault case. That means testing every rape kit and fully analyzing and sharing all evidence,”** Elliott said.

Assembly Bill 41 (Chiu) will require local law enforcement agencies to explain why individual rape kits are not tested in annual reports to the California Department of Justice. These actions will help agencies understand the scope of the issue and clearly demonstrate to victims, policy makers, and other interested parties why they did not request analyses of each rape kit.

Assembly Bill 280 (Low) will increase much-needed funding to support these initiatives by adding a check-off box to personal income tax forms that allows taxpayers to donate a portion of their income tax return to the Rape Kit Backlog Voluntary Tax Contribution Fund.

Assembly Bill 1312 (Gonzalez Fletcher) would expand the protections and services granted to victims of sexual assault and help ensure increased access to the legal system by educating survivors of sexual assault of their

rights and important resources.

Among other changes, AB 1312 grants survivors of sexual assault the right to request the presence of a person of a certain gender during interviews; requires the development of a card outlining the rights of sexual assault victims and available resources; prohibits law enforcement agencies from disposing of or destroying a rape kit for at least 20 years; establishes the victim's right to a free copy of the initial crime report on the sexual assault; and establishes the right of a victim to free post-assault contraception.

Collectively, the bills show an understanding of the overall importance of testing rape kits and to bringing justice for sexual assault victims, Elliott said.

The City Attorney repeated her call for San Diego to join those cities that analyze all rape kit evidence. The number of sexual-assault kits that still have not been sent to the San Diego Police Department crime lab for testing is estimated at more than 2,500.

In contrast, Los Angeles, another city identified in the 2014 audit, has cleared its backlog and has no untested rape kits.

**“Other cities test every kit. San Diego should test every kit,”** Elliott said.

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