Amanda Nguyen survived a sexual assault. But, like many survivors, she found pursuing justice just as traumatic as the crime itself.

“Most Americans do not understand how broken the justice system is for rape survivors,” she explains.

For Nguyen, a Harvard graduate who aspires to be an astronaut, her struggle was preserving the evidence in her rape kit. In Massachusetts, where she was assaulted in 2013, kits could be disposed of after six months if the survivor did not file charges or contact officials for an extension.

“In a system where I had to protect that evidence every six months, even though the statute of limitations is 15 years, I was being forced to live my life by the date of my rape.”

As Nguyen persevered, she met other survivors who had experienced similar hardships throughout the justice process.

“I found my story wasn’t just my own. So many people are going through this.”

Nguyen went on to found Rise, an all-volunteer nonprofit that advocates for assault survivors. Massachusetts Representative Tricia Farley-Bouvier (D), a legislative champion for sexual assault reform, worked with Rise last year to enact legislation that better preserves rape kit evidence.

“Now the kits of survivors who are not yet ready to notify law enforcement will be kept for the full statute of limitations.” And while this law will prevent Amanda’s ordeal from happening again, Farley-Bouvier knows other challenges with the state response to rape still persist. “This law is a good start, but there is much more work to be done.”

Rise continued to work for assault survivors and was the force behind the federal Survivors’ Bill of Rights. The law, which Congress passed unanimously last October, guarantees basic rights for assault survivors in federal cases, which includes sex crimes that occur across state lines, in the military, in a federal prison, or on land operated by the federal government or tribal nations.

Now Nguyen wants to see those rights protected in every state. “Rise focused on the federal bill because hope is contagious. I hope it’s a model that states can pick up,” she says.

Survivors Play Big Role

Nineteen states and the District of Columbia enacted laws to bolster their response to sex crimes last year. Survivors’ voices continue to be crucial in developing policies because their
experiences reveal flaws in current practices.

In New York, Senator Kemp Hannon (R) and Assemblywoman Aravella Simotas (D) sponsored a bill to set standardized procedures for the timely testing and transfer of sexual assault evidence among medical professionals, law enforcement, forensic analysts and DNA database administrators.

“Rape victims muster the courage to report a rape and then go through an intrusive physical exam to collect evidence,” Hannon says. “That evidence must be processed in a timely manner. This law makes sure that happens.”

Hannon says a network of survivors was instrumental in moving the legislation forward.

“We put a face on why this legislation is necessary,” says Natasha Alexenko, a survivor who waited nine years before her rape kit was analyzed, which eventually lead to the conviction of her assailant. “The legislators and their staff worked so hard to get this done, and took care to ensure that we were heard and respected in this process,” she says.

“There’s a paradigm shift,” says Hawaii Representative Linda Ichiyama (D), “and a big part of it is survivors coming forward and sharing their story, saying this happened to me, this is how I was treated, and it was wrong.”

Ichiyama sponsored legislation requiring police to audit sexual assault evidence in their custody. The effort revealed 1,951 untested rape kits in law enforcement’s possession statewide.

At least 23 states have enacted audit legislation similar to Ichiyama’s, which also charges the attorney general with reducing the current backlog and establishing procedures to prevent future ones from developing.

| **BY THE NUMBERS** |
| **Sexual Assault** |
| **68%** |
| Estimated portion of rapes that go unreported |
| **1 in 6** |
| Women who have been victims of rape or attempted rape |
| **1 in 33** |
| Men who have been victims of rape or attempted rape |
| **33%** |
| Portion of women physically or sexually abused by a husband or boyfriend |
| **90%** |
| Portion of survivors raped while at college who knew their attacker |
| **20%** |
| Women who experienced some kind of sexual assault in college |
| **25 million** |
| Number of current rape survivors—nearly equal to the population of Texas |

Sources: Department of Justice, National Crime Victimization Survey; Rape, Abuse & Incest National Network (RAINN); Joyful Heart Foundation; Rise.
Stockpiles of untested kits are perhaps the most notorious sexual assault challenge facing America’s justice systems. Nationwide, audits have identified at least 172,000 untested kits, according to the Joyful Heart Foundation, an advocacy group.

To help eliminate the backlog in Hawaii, Ichiyama’s law appropriated $500,000 for testing, which costs between $500 and $1,500 per kit. The appropriation supplements a $2 million federal grant awarded to the attorney general last year for the same purpose.

“Data from jurisdictions that are further along show the benefit of testing these kits,” Ichiyama says. “They’re finding that the offenders are often serial rapists, so the kits are not just being looked at to solve the case they are from, but countless others as well.”

From Backlog to Conviction

Headlines on horrific crimes committed from Cleveland to Detroit have spurred lawmakers to eliminate the nation’s backlog of rape kits. In Cleveland, police discovered the remains of 11 women at the home of Anthony Sowell in October 2009. Investigators determined that if officials had pursued any of several previous sexual assault reports on Sowell, the murders of at least some of the women could have been prevented.

Driven by the Sowell case, Ohio’s Cuyahoga County (home to Cleveland) conducted a series of rape kit audits and analyses. Those efforts, led by the county’s Sexual Assault Kit Task Force, have resulted in 6,397 kits tested, 553 indictments (including 146 potential serial offenders) and 246 convictions as of mid-January 2017, according to the county prosecutor’s office.

In Detroit, investigators discovered a backlog of 11,361 kits in 2009. As of September 2016, the Wayne County prosecutor reported that about 10,000 of the kits had been tested, resulting in 4,512 new DNA profiles, 2,616 profile hits (with 775 suspected serial sexual offenders) and 64 convictions. Another 263 cases are currently under investigation and more than 1,100 await analysis. Detroit’s DNA matches have been linked to known offenders or unsolved crimes in 40 states and the District of Columbia, showing that working through any town’s backlog can help solve cases nationwide.

Lessons from these two cities are having a national impact on the development of state policy in the country.

“When I realized there was a problem in Washington, I contacted leaders in Michigan and Ohio who have been working on this issue to see what we needed to be doing in our state,” Washington Representative Tina Orwall (D) says. She has led a bipartisan effort, with Representative Gina McCabe (R) and Senator Ann Rivers (R), on sexual assault policies over the last few years.

So far, the group has helped enact legislation to create a sexual assault task force, conduct a statewide audit, develop testing procedures for the kits, hire seven new forensic analysts and appropriate enough funding to test a significant portion of the state’s backlog.

“Much of the credit for getting funding for these issues,” says Rivers, “goes to Senator Andy Hill, [who died last fall of lung cancer]. He was our main budget writer, and when we came to him with creative fund-
ing ideas, he said, ‘This issue is a priority of government, it’s not a fringe benefit. We’re going to pay for it with existing funds.’”

The work isn’t finished, Rivers says. Next up are plans to fund cold-case teams to follow up on new DNA hits, to train first responders on how to deal with survivors of trauma, and to explore options for increasing the number of advocates and trained sexual assault examiners available to survivors.

Survivors’ contributions have played a key role in determining which issues the group takes on, McCabe says. “Survivors are the only ones who can walk us through everything that happens and show us where we need to do better.”

Statewide Tracking Systems

Washington was also one of the first states—along with California and Idaho—to pass legislation requiring a statewide rape kit tracking system. The systems monitor kits from the time of the exam through the conclusion of each case, to assure survivors that the evidence will not be forgotten.

In 2015, Michigan lawmakers created the Sexual Assault Evidence Kit Tracking and Reporting Commission to develop guidelines and recommendations for a tracking system. Representative Laura Cox (R), who serves on the commission, believes tracking is invaluable. “Every kit represents a person in pursuit of justice, and it’s up to us to make sure it’s provided,” she says. “Tracking every kit and reporting on its status are important first steps to achieving that goal.” The commission released its latest report in July 2016.

Representative Melissa Wintrow (D), who sponsored Idaho’s rape kit tracking legislation, has worked to reform sexual assault policies since her days leading Boise State’s Women’s Center. Her comprehensive bill requires a statewide audit of untested kits and establishes testing standards for future kits. “Codifying these procedures ensures there is consistency in our state so that we’re safeguarding the rights of all people who are victimized,” she says.

The Work Continues

As 2017 sessions press on, legislatures in 30 states are considering bills covering a range of sexual assault issues—and legislators are working hard to ensure survivors’ voices are heard.