



New York State Coalition Against Sexual Assault

Working for a World Without Violence.

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NYSCASA Statement of Support for DNA Collection Limitation Bill (S8408/Hoylman)

As we expressed in a previous statement, the New York State Coalition Against Sexual Assault (NYSCASA) was horrified to hear reports of law enforcement agencies using DNA evidence collected from processed sexual assault forensic kits to prosecute rape victims/survivors for unrelated criminal charges. This is a disturbing example of victim invalidation and abuse of legal procedures by law enforcement agencies.

NYSCASA applauds Senator Brad Hoylman and his office for demonstrating their continued support for sexual violence survivors by introducing bill **S8408**. The proposed legislation would amend New York State executive law to provide that no DNA sample, record, product, or evidence collected or resulting from the collection of DNA of a victim collected in a sexual assault forensic kit shall be included in the state DNA identification index.

When survivors provide this evidence to law enforcement, they consent to law enforcement using this evidence to investigate the crime that they reported. When law enforcement agencies use DNA collected from sexual assault forensic kits to prosecute rape victims/survivors for unrelated criminal charges, they do so without survivors' consent and violate survivors' rights to an unreasonable search and seizure. These protections are guaranteed under the U.S. Constitution and the New York State Constitution.

Survivors do not deserve to be subjected to the additional stress of risking criminalization when they consent to providing sexual assault forensic evidence to law enforcement. NYSCASA supports bill **S8408**, which will codify New York State's commitment to sexual violence survivors by prohibiting a practice that violates survivors' rights. Law enforcement agencies must immediately cease this practice and identify investigative strategies that uphold the law and do not create further harm.