



TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL TWENTY-EIGHTH LEGISLATURE, 2016

ON THE FOLLOWING MEASURE:

S.B. NO. 2309, S.D. 1, RELATING TO SEXUAL ASSAULT.

BEFORE THE:

SENATE COMMITTEE ON WAYS AND MEANS

DATE: Thursday, February 25, 2016 **TIME:** 1:00 p.m.

LOCATION: State Capitol, Room 211

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.** For more information, contact
Lance Goto, Deputy Attorney General, at 586-1160.

Chair Tokuda and Members of the Committee:

The Department of the Attorney General appreciates the intent of this bill, submits comments and concerns, and recommends that the Committee use Senate Bill 2366 as the vehicle to address the concerns about the testing of sexual assault kits.

The purpose of this bill is to do the following: (1) require each county prosecutor to establish a sexual assault kit tracking program in its respective county; (2) require a law enforcement agency to submit sexual assault kits obtained in connection to a criminal investigation to an authorized laboratory within ten days; (3) require the laboratory to complete the analysis within six months; (4) require that the laboratory results be uploaded to the state DNA database and data bank identification program and the Federal Bureau of Investigation Combined DNA Index System; (5) require each law enforcement agency that obtains a sexual assault kit in connection to a criminal investigation to report to the Department of the Attorney General annually on the number of sexual assault kits in its possession that have not been submitted to a laboratory for analysis; (6) require the Department of the Attorney General to make arrangements with one or more authorized laboratories to ensure that all sexual assault kits collected prior to July 1, 2016 are analyzed and that the results are entered into the state DNA database and data bank identification program and the Federal Bureau of Investigation Combined DNA Index System; (7) require that all sexual assault kits submitted for analysis be accompanied by a signed certification that the kit evidence is being submitted in connection with a prior or current criminal investigation; (8) require the expungement of any record uploaded to a database if it is determined that the record was not connected to a criminal investigation; (9) and require

the prosecuting attorney of each county to submit a report to the legislature prior to the convening of the regular session 2017 on the sexual assault kit tracking program, the number of unprocessed kits, and the progress on the reduction of any backlog.

The Department submits comments and concerns regarding the following provision:

The department of the attorney general shall make arrangements with one or more laboratories authorized to analyze crime scene samples under section 844D-51 to ensure that all sexual assault kits that were collected prior to July 1, 2016, and that are the subject of a criminal investigation are analyzed and that the results are entered into the state DNA database and data bank identification program and the Federal Bureau of Investigation Combined DNA Index System.

This provision is not clear whether the Department is being required to establish contractual and payment relationships with different laboratories, or just facilitate the relationships between the various law enforcement agencies and the laboratories. Different laboratories could be authorized to analyze the evidence in the sexual assault kits. It could be the Honolulu Police Department Crime Laboratory. But it also could be a private accredited laboratory on the mainland. The choice of laboratory could depend on cost, the type of processes and equipment needed for the analysis, the workload or backlog of cases at the laboratories, how quickly the results are needed by the law enforcement agencies, or individual preferences by the law enforcement agencies. The agencies would have to submit the sexual assault kits directly to the chosen laboratory.

The provision is also not clear about the Department's responsibility to "ensure" that all of the kits that were collected prior to July 1, 2016, are analyzed. The Department does not possess or control any kits. It is not clear how many kits are being held by the various law enforcement agencies that are subject to this provision, including the kits that the law enforcement agencies and prosecutors determined would not need to be tested for identification purposes (e.g., identification was not an issue because the offender was known and did not contest the sexual contact). The Department may need an appropriation of funds to identify, inventory, and track these kits, and possibly pay for the laboratory analysis of these kits. At this time, the Department does not know how much funding would be needed.

The Department is also uncertain about the accompanying provision that the Department "ensure" that the laboratory results are entered into the databases. Currently, the Honolulu Police Department uploads the results from all of the kits that are their own, or are referred to them by

the other county agencies. But if another agency sends kits to a private laboratory, then it appears that the agency would have to be responsible for uploading those results to the databases.

Senate Bill 2366 was heard in a joint hearing by the Committees on Judiciary and Labor and Ways and Means on February 24, 2016. That bill requires law enforcement agencies and departments to annually compile information on untested sexual assault collection kits and transmit the information to the Department of the Attorney General, which is then required to annually compile the information, prepare a report, and transmit that report to the Legislature. The report could provide a more detailed analysis of the problem, a proposal to address the problem, and identification of the resources and funding needed.

Because of its concerns with this bill, the Department respectfully requests the Committee defer this bill and use Senate Bill 2366 as the vehicle to address concerns about the testing of sexual assault kits.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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ARMINA A. CHING
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**THE HONORABLE JILL N. TOKUDA, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawai'i**

February 25, 2016

RE: S.B. 2309, S.D. 1; RELATING TO SEXUAL ASSAULT EVIDENCE.

Chair Tokuda, Vice Chair Dela Cruz and members of the Senate Committee on Ways and Means, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department"), supports the intent of S.B. 2309, but asks that it be deferred while S.B. 2366 continues on as the vehicle to address this issue instead. For your information, the Department attached a Proposed S.D. 1 to its testimony regarding S.B. 2366, which we believe is the most appropriate "next step" to approaching this problem. Unfortunately, that Proposed S.D. 1 (attached below for your reference) was not submitted in time to be considered for decision-making on S.B. 2366, but we have been encouraged to submit it as a Proposed H.D. 1 instead, if/when S.B. 2366 is heard by its respective House committees.

While well-intended, we believe that S.B. 2309, S.D. 1, would impose sweeping changes without first understanding the issue that it is trying to address; we are particularly concerned that **the potential benefit and/or harm to victims has not been fully considered**. Before any unilateral changes are made—and unknown amounts of funding, time and resources dedicated to carrying them out—we strongly urge the Legislature to gain a full understanding of the issue first. We believe the best way to do this would be for the Department of the Attorney General to coordinate and compile a one-time comprehensive report, which not only provides current numbers for all sexual assault evidence collection kits ("SAECK" or "kits")—total and untested—but more importantly, thoroughly explores and explains:

- What these numbers do and do not represent;
- To what extent any information gleaned from testing ALL untested kits could or could not be used for various purposes;
- Any potential benefits and/or problems that testing ALL untested kits could pose for victims;

- What has been done, and what can and/or should be done, to minimize the number of untested SAECK in the future, given all relevant considerations; and
- The anticipated costs to test all or certain categories of these kits—including anticipated support resources needed to facilitate this effort—and any potential funding sources.

Generally, it appears that the purpose of S.B. 2309, S.D. 1, is to reduce the number of untested SAECK kits and increase public safety. While the Department understands and shares the Legislature's concern—particularly given the problems that have surfaced in other states, surrounding this very issue—we believe that all of the propositions put forth in this bill are essentially guessing at solutions for a problem that is not yet understood. As such, we believe that a true and complete understanding of the situation is absolutely necessary before moving forward with any type of system wide changes or mandates, if the Legislature wishes to avoid unintended consequences and potential harm involving victims' rights, constitutional rights, and diligent use of scarce funding and resources.

Until the Legislature—and indeed the Attorney General and individual law enforcement agencies—have a full understanding of all of relevant factors on a statewide basis, the numbers alone have little or no meaning. In fact, without a true understanding of the complete picture, numbers alone may actually give rise to unfounded speculations, misdirected alarm, and ineffective (or worse, detrimental) action that may, in fact, unintentionally harm the very victims that we are trying to protect.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the intent of S.B. 2309, but recommends that it be deferred indefinitely, allowing S.B. 2366 to move forward as the appropriate vehicle to address this matter. Thank you for the opportunity to testify on this bill.

Report Title:

Sexual assault evidence collection kit; Reporting; Attorney General; Sexual Assault; Forensic Evidence

Description:

Requires law enforcement agencies and departments to compile information on untested sexual assault evidence collection kits and transmit the information to the department of the attorney general. Requires the department of the attorney general to transmit that information to the president of the senate and the speaker of the house.

TWENTY-EIGHTH LEGISLATURE, 2016
STATE OF HAWAII

A BILL FOR AN ACT

RELATING TO SEXUAL ASSAULT EVIDENCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 844D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§844D- Sexual assault evidence; reporting. (a) By December
5 1, 2016, and annually thereafter, all law enforcement agencies
6 and departments charged with the maintenance, storage, and
7 preservation of sexual assault evidence collection kits shall
8 conduct an inventory of all such kits being stored by the agency
9 or department that are related to a criminal investigation.

10 (b) By December 1, 2016, and annually thereafter, each law
11 enforcement agency and department shall compile, in writing, a
12 report containing the number of untested sexual assault evidence
13 collection kits in the possession of the agency or department
14 that are related to a criminal investigation and the date the
15 sexual assault evidence collection kit was collected. The report
16 shall be transmitted to the attorney general's office.

1 (c) By January 1, 2017, ~~and annually thereafter,~~ the
2 department of the attorney general shall prepare and transmit a
3 report to the president of the senate and the speaker of the
4 house of representatives containing the number of untested
5 sexual assault ~~evidence~~ collection kits ~~that are related to a~~
6 ~~criminal investigation~~ being stored by each county, by each law
7 enforcement agency or department, and the date the untested kit
8 was collected. ~~The report shall also provide information and~~
9 ~~discussion concerning the following:~~

10 (i) Progress made to reduce the number of untested sexual
11 assault evidence collection kits;

12 (ii) A plan and expected timeframe for further reduction of
13 untested sexual assault evidence collection kits;

14 (iii) A plan for determining priority of untested sexual
15 assault evidence collection kits and new sexual
16 assault evidence collection kits for testing;

17 (iv) The expected cost for testing untested sexual assault
18 evidence collection kits and for testing new sexual
19 assault evidence collection kits;

20 (v) An assessment of potential funding sources, including
21 federal grants;

22 (vi) Expected outcomes from testing of untested sexual
23 assault evidence collection kits and the testing of
24 new sexual assault evidence collection kits;

1 (vii) Additional factors for consideration, including other
2 resources that may become necessary in connection with
3 testing untested sexual assault evidence kits and new
4 sexual assault evidence collection kits; and
5 (viii) Potential areas for further legislative action or
6 policy changes.

7 (d) As used in this section:

8 "Forensic medical examination" means an examination provided to
9 the victim of a sexually-oriented criminal offense by a health
10 care provider for the purpose of gathering and preserving
11 evidence of a sexual assault—~~for use in a court of law.~~

12 "Sexual assault evidence collection kit" means a human
13 biological specimen or specimens collected by a health care
14 provider during a forensic medical examination from the victim
15 of a sexually-oriented criminal offense.

16 "Untested sexual assault evidence collection kit" means a sexual
17 assault evidence collection kit that has not been submitted to a
18 qualified laboratory for either a serology or DNA test."

19 SECTION 2. New statutory material is underscored.

20 SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: _____

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: dperry@kauai.gov
Subject: Submitted testimony for SB2309 on Feb 25, 2016 13:00PM
Date: Wednesday, February 24, 2016 4:08:13 PM

SB2309

Submitted on: 2/24/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Chief of Police Darryl Perry	Kauai Police Department	Support	No

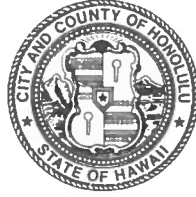
Comments: While the intent of SB2309 is supported, I am requesting that SB2366 be adopted as a means to address this important issue.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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LOUIS M. KEALOHA
CHIEF

MARIE A. McCAULEY
CARY OKIMOTO
DEPUTY CHIEFS

OUR REFERENCE WK-WK

February 25, 2016

The Honorable Jill N. Tokuda, Chair
and Members
Committee on Ways and Means
State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Tokuda and Members:

SUBJECT: Senate Bill No. 2309, S.D. 1, Relating to Sexual Assault

I am Forensic Laboratory Director Wayne Kimoto of the Scientific Investigation Section of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD has grave concerns regarding the costs involved to address the proposed amendments to Chapter 844D, Hawaii Revised Statutes (HRS), to hire, equip, and train new personnel. In addition, there are no funding provisions to contract, process, analyze, or outsource the sexual assault evidence collected prior to July 1, 2016.

The HPD requests the Committee defer Senate Bill No. 2309, S.D. 1, Relating to Sexual Assault.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne Kimoto", written over a horizontal line.

Wayne Kimoto, Director
Scientific Investigation Section

APPROVED:

A handwritten signature in black ink, appearing to read "Louis M. Kealoha", written over a horizontal line.
Louis M. Kealoha
Chief of Police

HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



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February 24, 2016

To: Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz, Vice Chair
Members of the Senate Committee on Ways and Means

From: Cathy Betts, Executive Director
Hawaii State Commission on the Status of Women

Re: Testimony in Support, SB 2309, SD1, Relating to Sexual Assault

The Commission supports SB 2309, SD1, which would provide for expedited testing of all forensic sexual assault evidence kits and thorough reporting requirements for law enforcement agencies.

There is a problem across the country with law enforcement agencies not testing all “rape kits”, leading to a back log of crucially important evidence. Sexual assault evidence kits collect forensic evidence of a rape or sexual assault, including the perpetrator’s DNA. Kits often serve as a vital tool in successful prosecutions.

Once tested, an offender’s DNA can be matched with other offender samples in the FBI’s national database, thereby identifying offenders and linking crimes. Many rape kits sit on shelves, ignored or waiting to be tested. The vast majority of rapists are repeat and serial offenders—rape is not a singular crime that is only committed once and then never re-committed. Self-reports of convicted rape and sexual assault offenders serving time in state prisons indicate that two-thirds of offenders had victims under the age of 18, and nearly 4 in 10 imprisoned violent sex offenders said their victims were age 12 or younger.¹ Most are repeat offenders. In a recent study of college campus sexual assault, it was determined that 9 out of 10 men who commit sexual assaults on college campuses are serial rapists, with up to six victims. Additionally, 8% of university men commit the majority of college campus sexual assault. The numbers and statistics are staggering and frightening.

While law enforcement agencies may argue that costs expended on forensic sexual assault evidence kits could be spent on other victims of crime, rape is a crime perpetrated by repeat offenders. If we can expend the funds to protect future victims---it is worth it. Victims deserve to have every rape kit tested and our community deserves to know how many rape kits go untested throughout the state.

Thank you for this opportunity to testify in strong support of SB 2309, SD1.

¹ Bureau of Justice Statistics, An Analysis of Data on Rape and Sexual Assault

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: laurie.field@ppvnh.org
Subject: *Submitted testimony for SB2309 on Feb 25, 2016 13:00PM*
Date: Tuesday, February 23, 2016 5:33:01 PM

SB2309

Submitted on: 2/23/2016

Testimony for WAM on Feb 25, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Field	Planned Parenthood Votes Northwest and Hawaii	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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THE SEX ABUSE TREATMENT CENTER

A Program of Kapi'olani Medical Center for Women & Children

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Joshua A. Wisch

DATE: February 25, 2015

TO: The Honorable Jill Tokuda, Chair
The Honorable Donovan Dela Cruz, Vice Chair
Senate Committee on Ways and Means

FROM: The Sex Abuse Treatment Center
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony in Supporting the Intent of S.B. 2309 S.D. 1
Relating to Sexual Assault

Good afternoon Chair Tokuda, Vice Chair Dela Cruz, and members of the Senate Committee on Ways and Means.

The Sex Abuse Treatment Center (SATC) supports the intent of S.B. 2309 S.D. 1, which would establish a sexual assault kit tracking program, with requirements for the handling and processing of kits for DNA analysis and inclusion in state and federal DNA databases. It would further require that law enforcement agencies and the county prosecutors of each county produce reports concerning the number of sexual assault kits that have not been submitted for analysis. However, we would like to offer the following comments.

While we support the intent of S.B. 2309 S.D. 1 to ensure timely processing of new untested kits and the reduction of Hawai'i's backlog, we prefer to proceed with S.B. 2366 as the legislative vehicle to address this issue.

The SATC agrees that untested sexual assault evidence collection kits should be submitted for DNA analysis. However, it is critically important that such testing and its outcomes are handled in a manner that is responsible and victim-centered.

The experiences of other jurisdictions that have engaged in the reduction of untested kits are instructive. Pilot jurisdictions that were partially funded by research grants from the National Institutes of Justice (NIJ) found that careful review and planning must occur both before and during backlog reduction in order to successfully meet the goals of those efforts.

Careful review and planning are needed for various reasons. Chief amongst these is the potential for an unintended cascading effect that can negatively impact the criminal justice system, as reported by prosecutors in Houston and Detroit, two NIJ pilot jurisdictions. While it is critically important to test kits, it is as important to recognize the investigatory and prosecutorial processes that need to respond for justice to be served. The testing of all backlogged kits, without a thoughtful strategy to enable all

systems to respond responsibly could inadvertently result in additional trauma for survivors.

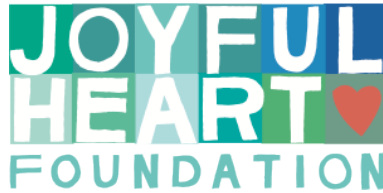
Analysis of previously untested kits will also result in survivor notifications, and as noted in the Detroit study, a substantial portion of these notifications will likely have immediately harmful effects on victims (14%), while the long term negative emotional and psychological consequences of triggering prior trauma, no matter what the survivors' initial reaction, is unknown. Therefore, the process for survivor notifications and engagement must be carefully designed to limit such harm, and victim service providers must be prepared with adequate resources to help survivors.

As a Center that works directly with survivors of sexual assault, we understand trauma, as well as the impact of the criminal justice system on survivors. The dialogue that is taking place on this issue as a result of legislative attention is extremely positive. How we move forward is now the key.

We note that the Honolulu Police Department (HPD) and its Crime Lab, has identified the number of untested kits. In response, the Department of the Attorney General, the Honolulu Prosecutor's Office, HPD, the HPD Crime Lab, and the SATC met to discuss further actions. Recognizing the importance of a multidisciplinary, coordinated response that is victim-centered, this group will continue to collaborate in order to set timelines for the processing of untested kits; seek needed resources for the analysis of previously untested kits and future kits; and ensure that consideration of the survivors' needs are central in Hawai'i's strategy to address this issue.

Embracing a comprehensive reporting process under an amended S.B. 2366 is the best way to support these efforts. This will allow the requisite review and planning to take place with a high level of accountability and transparency as the stakeholders proceed with reducing the number of untested kits and addressing any resulting investigations and prosecutions in a responsible, victim-centered manner and with all due haste.

Thank you for this opportunity to testify.



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Kata Issari
Executive Director,
Hawai'i Region

February 24, 2016

TO: Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz, Vice Chair
Members of the Senate Committee on Ways and Means

FROM: Kata Issari
Executive Director, Hawai'i
Joyful Heart Foundation

RE: Testimony in Support, SB 2309, Relating to Sexual Assault

Thank you for this opportunity to submit testimony in support of SB 2309, which would establish a sexual assault evidence kit tracking program.

About the Joyful Heart Foundation

The Joyful Heart Foundation was founded in Kailua-Kona in 2004 by *Law & Order: Special Victim's Unit* actress and advocate, Mariska Hargitay. Since that time, Joyful Heart has worked locally and nationally to fulfill our mission to heal, educate and empower survivors of sexual assault, domestic violence and child abuse and to shed light into the darkness that surrounds these issues.

Over the last 11 years, Joyful Heart has grown from it's Hawai'i roots into a statewide and national organization that is paving the way for innovative approaches to treating trauma, igniting shifts in the way the public responds to sexual assault, domestic violence, and child abuse, while advancing policies and legislation at local, regional and federal levels to ensure justice for survivors.

Since 2010, Joyful Heart has made the elimination of the national rape kit backlog its a top advocacy priority. Our advocacy team, along with survivors, board members, researchers and advocates, is at the forefront of identifying backlogs in cities across the country; advocating for federal and regional funding to test backlogged kits and investigate cases; appealing for laws and policies to improve criminal justice responses to sexual violence; and working with jurisdictions to assist them in the development and implementation of survivor-centered policy reforms.

Our work advocating for national comprehensive sexual assault evidence kit reform is driven by the ambitious goal of bringing the possibility of healing and increased access to justice to hundreds of thousands of survivors across the country. Through partnerships with federal, state and local government, non-profit organizations, law enforcement, advocates and survivors, we are working to bring attention, critical funding, and reforms to improve the criminal justice response to sexual assault.

The stakes could not be higher. In this country, one in three women experience physical or sexual abuse by an intimate partner in her lifetime, and one in four girls and one in six boys are sexually abused before the age of 18. In Hawai'i, one in seven women have been raped; that's 67,000 women.

The Rape Kit Backlog

DNA evidence can be a powerful tool to solve and prevent crime, yet the federal government estimates that there are hundreds of thousands of untested rape kits sitting in police and crime lab storage facilities across the country. The reality is that because most jurisdictions do not have systems for tracking or counting rape kits, we cannot be sure of the total number of untested kits. This lack of transparency and accountability means that thousands of backlogs remain hidden in jurisdictions across the country and violent offenders remain free.

What matters most is that every single untested rape kit represents a survivor who has taken the courageous step of reporting the crime to the police—a step that more than two-thirds of rape survivors never take. Yet when survivors report and have a rape kit conducted, they are doing everything society asks them to do. When a survivor does report an assault, he or she undergoes an exhaustive, invasive and often re-traumatizing forensic examination that can take four to six hours to complete.

Survivors and the public rightfully assume that the evidence from the crime will be handled carefully and be tested for DNA evidence. However, in too many cases, the decision is made not to test the evidence. Instead, all too often, rape kits end up in a police evidence room or storage facility and never make it to the crime lab. Each of these kits represents a lost opportunity to bring healing and justice to survivors of sexual assault and accountability for perpetrators.

Resources

Jurisdictions across the country often cite a lack of resources, and personnel as the largest barrier to processing more rape kits. Another—rarely acknowledged—cause of the national backlog is the unwillingness among many law enforcement agencies to prioritize and dedicate sufficient resources to sexual assault cases. More than with any other crime, law enforcement frequently disbelieve or even blame victims of sexual assault.

Clearly committing to testing every rape kit requires resources. That's why the Joyful Heart Foundation has worked with allies in the federal government for resources and research to fix this problem. For example, for the first time in 2014 President Obama requested and Congress approved dedicated grant funding through the U.S. Department of Justice to provide communities across the country with vital resources to develop and implement comprehensive, multi-disciplinary rape kit reform. These are funds to: test backlogged kits in police storage facilities that never made it to a crime lab; create multi-disciplinary teams to investigate and prosecute cases connected to a backlog; and address the need for victim notification and re-engagement with the criminal justice system.

Mandating the testing of every sexual assault kit sends a powerful message to survivors that they—and their cases—matter. It sends a message to perpetrators that they will be held accountable for their crimes. It demonstrates a commitment to survivors to do everything possible to bring healing and justice. When jurisdictions test every kit, they solve crimes, bring answers and an opportunity for justice to survivors, exonerate the wrongly convicted and take dangerous criminals off the streets. Consider the experiences of Cleveland and Detroit. Through their backlog reduction programs, they have identified serial offenders who have been acting

with impunity for years, and in some cases decades. Detroit has identified more than 650 serial rapists; Cleveland almost 300. Testing every rape kit is crucial to keeping the men, women and children of Hawai'i safe from dangerous predators.

With the passage of Senate Bill 2309, Hawai'i joins the growing list of states that are taking legislative action to end the backlog. This bill would create a tracking program that ensures that law enforcement sends rape kits are sent to the lab for testing within 10 days of collection, the lab analyzes the kit within six months of receiving it and enters the results into CODIS, and directs law enforcement agencies to conduct an annual report to the Attorney General about the number of untested kits in their custody. The bill also addressed the backlog of untested kits by mandating the Attorney General to ensure that all rape kits collected prior to July 1, 2016 are tested and entered into the DNA database.

Implementing a sexual assault evidence kit tracking and accountability program in Hawai'i will take a coordinated effort and deep commitment at all levels of our state. Sufficient funding must be dedicated to not only to processing untested rape kits, but also to investigate leads and move cases forward to prosecution. Law enforcement must keep track of every kit booked into evidence and process those kits in a timely way. They must allocate the resources—money, staff, time and technology—to make these reforms happen.

On behalf of survivors across Hawai'i —many of whom have been re-traumatized by the experience of waiting for the investigation and prosecution of their case —I thank you for the attention you have paid to this issue and reiterate our support of SB 2309. Survivors deserve nothing less.