



SB2366

Measure Title:	RELATING TO SEXUAL ASSAULT EVIDENCE.
Report Title:	Sexual Assault Collection Kit; Reporting; Attorney General; Sexual Assault; Forensic Evidence
Description:	Requires law enforcement agencies and departments to compile information on untested sexual assault 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.
Companion:	
Package:	None
Current Referral:	PSM, JDL/WAM
Introducer(s):	L. THIELEN, BAKER, ESPERO, IHARA, RUDERMAN, Riviere

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE WK-WK

February 4, 2016

The Honorable Clarence K. Nishihara, Chair
and Members
Committee on Public Safety,
Intergovernmental, and Military Affairs
State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Nishihara and Members:

SUBJECT: Senate Bill No. 2366, Relating to Sexual Assault Evidence

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 supports the intent of Senate Bill No. 2366, Relating to Sexual Assault Evidence.

However, the HPD has concerns regarding the costs involved to address the proposed amendments to Chapter 844D, Hawaii Revised Statutes (HRS), in particular to furnish personnel to provide secured access, inventory, documentation, and compilation of the information. The crime laboratory's resources (including time, funding, and staffing) are extremely limited and are distributed to address all requests for forensic services. The estimated costs to hire additional personnel to implement the reporting requirements with the passage of this bill would be \$48,500 for one year.

Without the additional funding, personnel must be diverted from responsibilities (e.g., processing deoxyribonucleic acid samples for investigations involving sexual assault, homicide, attempted murder, robbery, aggravated assault, vehicular homicide, and property crime). This will adversely affect the laboratory's ability to process forensic evidence for investigations, trials, and offender databasing.

If funded, the HPD requests that the appropriations be made from the general revenues of the State of Hawaii as a grant-in-aid to the HPD for the crime laboratory.

The Honorable Clarence K. Nishihara, Chair
and Members
Committee on Public Safety,
Intergovernmental, and Military Affairs
February 4, 2016
Page 2

In the event appropriations are not available, the following revisions to Senate Bill No. 2366, Section 1, on page 1, lines 9 and 16, are required:

- (a) By December 1, 2016, and annually thereafter, all law enforcement agencies and departments charged with the maintenance, storage, and preservation of sexual assault collection kits shall conduct an inventory of all such kits being stored by the agency or department if sufficient resources are available.
- (b) By December 1, 2016, and annually thereafter, each law enforcement agency and department shall compile, in writing, a report containing the number of untested sexual assault collection kits in the possession of the agency or department and the date the sexual assault collection kit was collected. The report shall be transmitted to the attorney general's office if sufficient funding, trained personnel, and contractual agreements are in place.

In addition, revisions to Chapter 844D as specified in Senate Bill No. 2366, Section 1 (new material is underlined), on page 2, are required by adding item (e):

- (e) Contingent upon the availability of sufficient resources for purposes of this Act, the department or the department's designated entity shall act in compliance with the requirements of this section.

The HPD recognizes that the purpose of this Act is to improve the state's ability to hold perpetrators accountable and ensure responsive and effective criminal justice practices. However, the passage of Senate Bill No. 2366 will require time and appropriations to create positions and hire and train personnel to mitigate potential impacts to the entire criminal justice process.

Thank you for the opportunity to testify.

Sincerely,



Wayne Kimoto, Director
Scientific Investigation Section

APPROVED:



Louis M. Kealoha
Chief of Police

From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: laurie.field@ppvnh.org
Subject: *Submitted testimony for SB2366 on Feb 4, 2016 13:15PM*
Date: Tuesday, February 02, 2016 3:03:58 PM

SB2366

Submitted on: 2/2/2016

Testimony for PSM on Feb 4, 2016 13:15PM in Conference Room 229

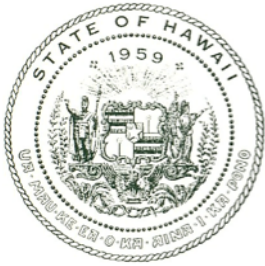
Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Field	Planned Parenthood Votes Northwest and Hawaii	Support	No

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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HAWAII
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COMMISSION
ON THE
STATUS
OF
WOMEN



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February 3, 2016

To: Senator Clarence Nishihara, Chair
Senator Will Espero, Vice Chair
Members of the Senate Committee on Public Safety, Intergovernmental
and Military Affairs

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

Re: Testimony in Support, SB 2366, Relating to Sexual Assault Evidence

The Commission supports SB 2366, which would provide for all law enforcement agencies tasked with maintaining sexual assault forensic evidence kits to provide a written report to the legislature detailing the number of untested kits. Across the country, there is a problem with law enforcement agencies not testing all “rape kits”, leading to a back log of crucially important evidence. Rape 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

Victims deserve to have every rape kit tested and our community deserves to know how many rape kits go untested throughout the state. The Commission recommends some technical amendments to the definitions:

844 D (d) *Forensic medical examination*, eliminate “for use in a court of law”, as forensic examinations are used for other non-court purposes, including exclusion of suspects.

Sexual assault collection kit: should be replaced with *Sexual Assault Evidence Collection Kit*, which is the term used throughout the State Sexual Assault Response Teams.

Thank you for this opportunity to testify in strong support of SB 2366.

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



Hawaii Women's Coalition

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS
Senator Clarence K. Nishihara, Chair
Senator Will Espero, Vice Chair

DATE: Thursday, February 04, 2016
TIME: 8:30 a.m.
PLACE: Conference Room 329

STRONG SUPPORT for SB 2366, Relating to Sexual Assault Evidence

Aloha Chair Nishihara, Vice Chair Espero and members,

The Hawaii Women's Coalition is in support of SB2366, which would provide for all law enforcement agencies tasked with maintaining sexual assault forensic evidence kits to provide a written report to the legislature detailing the number of untested kits.

Across the country, there is a problem with law enforcement agencies not testing all "rape kits", leading to a backlog of crucially important evidence. Rape 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. Given that traumatized victims find it very difficult to come forward, especially in the beginning and, given that there are still statutes of limitation on this crime, which is the equivalent of murder of the soul, it is urgent that rape kits be processed promptly and entered into the system immediately.

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. 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.**

Victims deserve to have every rape kit tested and our community deserves to know how many rape kits go untested throughout the state. The Coalition joins the State Commission on the Status of Women in recommending some technical amendments to the definitions: 844 D (d) Forensic medical examination, eliminate "for use in a court of law", as forensic examinations are used for other non-court purposes, including exclusion of suspects. Also, sexual assault collection kit: should be replaced with Sexual Assault Evidence Collection Kit, which is the term used throughout the State Sexual Assault Response Teams.

Please pass this important bill out of committee.

Mahalo for the opportunity to testify,
Ann S. Freed Co-Chair, Hawai'i Women's Coalition
Contact: annsfreed@gmail.com Phone: 808-623-5676



February 4, 2016

To: Senator Clarence Nishihara, Chair
Senator Will Espero, Vice Chair and
Members of the Committee on Public Safety, Intergovernmental & Military Affairs

From: Jeanne Y. Ohta, Co-Chair

RE: SB 2366 Relating to Sexual Assault Evidence
Hearing: Thursday, February 4, 2016, 1:15 p.m., Room 229

POSITION: SUPPORT

The Hawai'i State Democratic Women's Caucus writes in support of SB 2366 Relating to Sex Assault Evidence.

For many years we have been concerned about the number of unprocessed sex assault evidence kits. Approximately a decade ago we were told that there were approximately 1,000 kits that had not been tested and that the cost to process them would be approximately \$1million and that the police department did not have the funds to process them. We have been told more recently that there was no backlog of unprocessed kits.

We would like to know the true status of the kits.. Evidence obtained from survivors is precious. It is taken when they are most vulnerable with the hope that evidence gathered would help find and convict the perpetrator. Their brave efforts should not go to waste.

We ask that the committee pass the measure. Thank you for this opportunity to provide testimony.

From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: stoneliving4005@gmail.com
Subject: Submitted testimony for SB2366 on Feb 4, 2016 13:15PM
Date: Wednesday, February 03, 2016 12:22:00 PM

SB2366

Submitted on: 2/3/2016

Testimony for PSM on Feb 4, 2016 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jay King	Individual	Comments Only	No

Comments: Testimony on behalf of Jay King, Hawaii resident Position: Support for SB2366 The following data evidences the need for passage of SB2366 to reduce the occurrence of sex assault crimes in Hawaii. Data Description 14.5% adult woman in Hawaii have been subject to forcible rape in their Lifetime 41.9 % Lifetime prevalence of sexual violence for adult woman in Hawaii 508 victims per year = average # served by Kapiolani Sex Abuse Treatment Center 2001-2010 28.2 % Native Hawaii victims per year 243 Honolulu Rape cases in 2009 109 UNSOLVED (45%) - Honolulu Rape cases in 2009 60-80 % Rape kits collected that never made it to the crime lab for analysis in 2009 70% Arrest Rate after New York City processed its 17,000 rape kit backlog in 2001 (up from 40%) 25 more Rape cases solved in Hawaii in 2009 if 100% rape kits were processed (applying NYC example) 400,000 UNTESTED Rape kits nationwide reported in evidence lockers b/c local authorities can't afford to process. 58 cases made from 4000 kits tested in Ohio \$ 35,000,000 White House initiative in 2015 budget to process Untested Rape kit backlog. (Communities have to apply to White House for grant funding) \$1000 - \$1500 Costs of testing a 1 rape kit 35,000 # of rape kits that can be tested with White House funding (at \$1000 per test) 8.75% of 400,000 backlog can be tested with 2015 White House White House funding 365,000 Unprocessed rape kits nationwide remain after funding spent 5,800 Rape crimes nationwide would be Solved if backlog was tested (applying Ohio's example) *estimation based on available data Sources: • Sex Abuse Treatment Center, Sexual Assault Victims in Honolulu: A 2001 – 2010 Statistical Profile • <http://www.civilbeat.com/2011/05/11205-evidence-ignored-in-unsolved-rapes/> • <http://www.endthebacklog.org/new-york-city> • http://www.huffingtonpost.com/soraya-chemaly/how-many-of-the-uss-40000_b_5845052.html • <http://www.usatoday.com/story/news/2015/07/16/untested-rape-kits-evidence-across-usa/29902199/>

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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