

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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LATE

THE HONORABLE DONAVAN M. DELA CRUZ, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawai'i

April 3, 2018

RE: H.B. 2131, H.D. 1, S.D. 1; RELATING TO SEXUAL ASSAULT.

Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the Senate Committee on Ways and Means, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony supporting the intent of H.B. 2131, H.D. 1, S.D. 1.

The purpose of H.B. 2131, H.D. 1, is to establish statewide procedures for the transfer, testing, and tracking of sexual assault evidence collection kits (“SAECK”); re-establish the Hawaii Sexual Assault Response and Training Program (“HSART”) for continued progress and oversight; provide specific rights to victims who provide a SAECK; and appropriate sufficient funding to facilitate these things.

By way of background, in 2016, the Legislature formally established a new policy and philosophy for testing SAECK, such that SAECK would no longer be tested solely for probative value (i.e. to assist the investigation and/or prosecution of the criminal case in which it was collected), but would also be tested to maximize the number of DNA profiles uploaded to the FBI’s Combined DNA Index System (“CODIS”) (i.e. to identify any other cases—nationwide—in which the defendant may be a suspect). Pursuant to Act 207 (2016), the Department of the Attorney General (“AG’s”) prepared a statewide inventory of all untested SAECK in the possession of each county police department, and submitted a report to the Legislature regarding their findings and recommendations. Concurrently, the AG’s convened a multi-disciplinary group of stakeholders from across the State, to develop policies and procedures for testing and tracking the previously untested kits, as well as any SAECK moving forward.

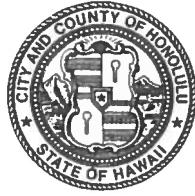
The Department is an active member of the multi-disciplinary group, and strongly supports the intent to continue the group’s work, to maintain strong lines of communication between all agencies and programs involved in these cases, and continue developing policies and

procedures around the new philosophy for testing SAECK. While the Department would greatly prefer that the establishment of policies and procedures be left entirely to the multi-disciplinary group—as opposed to codifying specific timelines and requirements—we do understand that it is entirely within the Legislature’s purview to create uniform standards and procedures when there is a perceived need.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the intent of H.B. 2131, H.D. 1. Thank you for the opportunity to testify on this bill.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE WK-WK

April 3, 2018

LATE

The Honorable Donovan M. Dela Cruz, Chair
and Members
Committee on Ways and Means
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 211
Honolulu, Hawaii 96813

Dear Chair Dela Cruz and Members:

SUBJECT: House Bill No. 2131, H.D. 1, 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 supports the intent of House Bill No. 2131, H.D. 1, S.D. 1, Relating to Sexual Assault, with the inclusion of appropriated amounts for all costs related to testing sexual assault evidence collection kits during Fiscal Year 2018 - 2019.

Thank you for the opportunity to testify.

Sincerely,

Handwritten signature of Wayne Kimoto in black ink.

Wayne Kimoto, Director
Scientific Investigation Section

APPROVED:

Handwritten signature of Susan Ballard in black ink.
Susan Ballard
Chief of Police



Hawaii Women's Coalition

COMMITTEE ON WAYS AND MEANS
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

LATE

DATE: Tuesday, April 3, 2018
TIME: 10:00 A.M.
PLACE: Conference Room 211

STRONG SUPPORT FOR HB2131 HD1 that creates a Hawaii Sexual Assault Response and Training Program to address the manner in which sexual assault evidence collection kits are processed and tracked, and to ensure that victims of sexual assault are informed of their rights under the law. Requires annual reports by the Attorney General to the Senate President and Speaker of the House

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran and members,

We are in full support of this much needed legislation. The Women's Coalition has known for years that rape kits were not being processed, allowing serial rapist free to repeat their heinous crimes over and over again.

We think the provision for annual reports to the AG and the Legislature is prudent, as self-regulation by the various police departments has been lacking in this regard.

We fully support the recommendations of Project Mālama Kākou concerning proposed H.D. 1. It provides clarity with respect to the Hawai'i Sexual Assault Response and Training Program's (HSART) mandate to **create appropriate guidelines** for providers of medical-forensic examination services, protocols for the handling of kits, and a standard dataset for kit tracking programs.

It would also allows for aggregate reporting on the status of sexual assault kits, rather than a listing of information for each existing kit, which **protects victims' privacy** with respect to their kit and its individual status while allowing the Legislature and public to monitoring overall compliance with the kit handling timeframes established in this bill.

Let's fervently hope that this bill will address the backlog of untested rape kits providing victims with some measure of justice.

Mahalo for the opportunity to testify,

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

To: Hawaii State Senate Committee on Ways and Means
Hearing Date/Time: Tuesday, April 3, 10AM
Place: Hawaii State Capitol, Rm. 211

Position Statement House Bill 2131, HD1 SD1

Chair Dela Cruz, Vice Chair Keith-Agaran, and Committee Members,

Thank you for the opportunity to testify in **strong support of House bill 2131 HD1 SD1**. House bill 2131 would create a Hawaii Sexual Assault Response and Training Program to address the manner in which sexual assault evidence collection kits are processed and tracked, and to ensure that victims of sexual assault are informed of their rights under the law.

We are in full support of this much needed legislation. The reported backlog of kits untested across the state is worrying for the community, victims, and public safety. The sexual assault evidence collection process is extremely difficult and invasive, however, survivors endure it because they believe it will lead to resolution. Survivors deserve a process that is timely and accountable.

Thank you for the opportunity to testify in **strong support of HB 2131, HD1 SD1**.

Kathleen Algire
Director, Public Policy and Advocacy