

POLICE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

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OUR REFERENCE **WK-WK**

March 19, 2015

The Honorable Karl Rhoads, Chair  
and Members  
Committee on Judiciary  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

**SUBJECT: Senate Bill No. 275, S.D. 2, 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 Senate Bill No. 275, S.D. 2, Relating to Sexual Assault.

However, the HPD has grave concerns regarding the costs involved to address the proposed amendments to Chapter 844D, Hawaii Revised Statutes (HRS), to establish time frames for outsourcing, submittal, and analysis of forensic medical evidence.

The HPD's crime laboratory faces a high demand for forensic analyses in investigations involving sexual assault, homicide, attempted murder, robbery, aggravated assault, vehicular homicide, and property crime. It also has other duties, such as processing deoxyribonucleic acid (DNA) samples for the state's offender database.

The HPD has the following concerns regarding the amendments to Chapter 844D, HRS, as proposed by Senate Bill No. 275, S.D. 2:

1. There are no provisions in this bill to fund the costs to hire, equip, and train new personnel. Also, there are no provisions to process, analyze, and outsource the forensic evidence. The bill does not provide adequate preparation time for agencies to seek funding and hire and train the personnel necessary to carry out the proposed amendments to Chapter 844D. The total costs are approximately \$710,000 in 2015, \$660,000 in 2016, and \$545,000 per year thereafter.

The total costs are apportioned as follows:

- Under the current bargaining agreement, the proposed laboratory costs for five analysts (one SR24C + four SR20C + 67.16% Fringe) are \$382,148 per year in 2015, \$395,547 per year in 2016, and \$435,044 per year thereafter.
  - Administrative costs for software licensing and hardware for five analysts are \$49,500 in 2015 and \$2,000 per year thereafter.
  - Training costs for five analysts are approximately \$40,000 in 2015 and \$27,000 per year thereafter.
  - During the first two years of training, the analysis of incoming sexual assault kits would need to be outsourced at a cost of approximately \$234,200 per year. Laboratory personnel would have to contract, administer, process, review, and upload all submissions and work products done by the outsourced laboratory
  - Beginning in 2017, analysis costs for supplies to process approximately 150 sexual assault kits per year (about five items per kit) would be approximately \$80,000 per year.
2. Appropriations for Senate Bill No. 275, S.D. 2, should to be in place prior to an implementation date of two years from enactment. Appropriations should not lapse at the end of the fiscal year for which the appropriations are made.
  3. The laboratory is not exclusively dedicated to forensic analysis of sexual assault cases. A significant amount of current laboratory personnel and resources will have to be diverted to process the sexual assault evidence if the amendments to Chapter 844D are passed. With the current laboratory resources, the test-all policy proposed by the amendment to Chapter 844D would create further delays in the crime laboratory due to the increased workload and ultimately add to the backlog of cases awaiting analysis.
  4. The crime laboratory's resources, including time, funding, and staffing, are extremely limited and are distributed to address all requests for forensic services. Without additional trained personnel and resources, the laboratory's ability to process any other forensic evidence for investigations, trial, and offender databasing will be severely affected.
  5. Hiring and training new crime laboratory personnel are a time-consuming process requiring ten months to a year to complete. An additional year is required for the newly trained analyst to further his or her skills in performing complex casework analyses. Retaining qualified and experienced DNA analysts is also difficult because the private sector and other laboratories offer pay that is more competitive.

The Honorable Karl Rhoads, Chair  
and Members  
Committee on Judiciary  
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In addition, in the event appropriations are not available, the following revisions to Senate Bill No. 275, S.D. 2, Section 3 (new material is underlined), are required:

- (b) Within fourteen days of receipt of evidence collected as a result of the forensic medical examination, the department shall submit the evidence for evaluation of the presence of a body fluid, cellular material, or DNA to the designated entity, as provided in Section 844D-23 if sufficient resources are available.
- (c) Within ninety days of receipt of evidence collected as a result of the forensic medical examination, the department or the department's designated entity, as provided in Section 844D-23, shall evaluate the evidence for the presence of a body fluid, cellular material, or DNA if sufficient funding, trained personnel, and contractual agreements are in place.

In addition, revisions to Chapter 844D as specified in Senate Bill No. 275, S.D. 2, Section 3 (new material is underlined), are required:

- (g) 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.

If approved, 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 HPD recognizes that DNA information is a valuable tool in assisting with the investigative efforts for law enforcement. However, the passage of Senate Bill No. 275, S.D. 2, will require time and appropriations to create positions, hire and train personnel, cover analysis costs, and 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

# eliminating racism empowering women

ywca

YWCA of Kauai  
3094 Elua Street  
Lihue, HI 96766

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DATE: March 18, 2015

TO: The Honorable Karl Rhoads, Chair  
The Honorable Joy San Buenaventura, Vice Chair  
House Committee on Judiciary

FROM: Renae Hamilton, Executive Director  
YWCA of Kaua`i

RE: Testimony in Support of House Bill 275  
Relating to Sexual Assault HSART

Aloha Honorable Chair Rhoades, Vice Chair San Buenaventura, and members of the House Judiciary Committee I would like to thank the committee to provide testimony relating to H.B. 275 on behalf of the Sexual Assault Treatment Program, which has been a program at the YWCA for over 20 years.

I wish to express strong support for H.B. 275 in providing funding the work of Hawaii Sexual Assault Response and Training (HSART) program. HSART is a statewide network of prosecutors', police departments, sexual assault service providers, medical/forensic services and crime lab personnel. This network has been working for quite a few years to create, implement, support and review standards of care in all areas relating to the crime of sexual assault. The YWCA of Kaua`i has actively participated in HSART from its inception and the value of HSART cannot be understated.

I also wish to extend appreciation to the Office of the Attorney General for supporting sexual assault victims by recognizing the positive changes that HSART has been instrumental in implementing statewide. HSARTs' work is not completed and is a vital part of ensuring a victim-centered system response for survivors of sexual assault.

Thank you for this opportunity to provide testimony.

Respectfully,  
Renae Hamilton, M.A.  
Executive Director



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dara Carlin, M.A.	Individual	Support	No

Comments:



**LATE**

**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
SEVENTY-EIGHTH LEGISLATURE, 2015**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 275, S.D. 2, RELATING TO SEXUAL ASSAULT.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY

**DATE:** Thursday, March 19, 2015 **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 329

**TESTIFIER(S):** Douglas S. Chin, Attorney General, or  
Lance M. Goto, Deputy Attorney General

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Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) supports section 2 of the bill, establishing the Hawaii sexual assault response and training program, but defers to the Honolulu Police Department with respect to section 3, regarding the collection, submittal, and analysis of sexual assault evidence. The Department also recommends one amendment to section 1 of the bill.

The purpose of this bill is to establish the Hawaii sexual assault response and training program, and sexual assault victim examination protocols, including the collection, submission, and analysis of forensic medical evidence.

This bill reestablishes the Hawaii Sexual Assault Response and Training Program (HSART), a successful statewide consultative partnership between county prosecutors, county police, the sex assault treatment center, medical and forensic examiners, the Honolulu Police Department crime laboratory, and the Department. The program was discontinued in 2014 due to a lack of dedicated funding.

Along with reestablishing HSART with a clear purpose and membership, the Department recommends an annual appropriation of \$132,000 to support HSART activities. The funds will support a full-time coordinator, travel expense for neighbor island members to attend meetings and trainings in Honolulu, and the purchase of forensic rape kits for the counties, other than Honolulu. Honolulu has other funds available for its kits.

With respect to section 3 of the bill, beginning at page 4, line 8, which includes provisions for the collection, submission, and analysis of forensic medical evidence, the

Department defers to the Honolulu Police Department (HPD), which will have the primary responsibility for the receipt, storage, and analysis of the forensic medical evidence, including any DNA testing. HPD is in the best position to determine the resources and funding it will need to address the additional responsibilities placed upon it through this bill.

With respect to section 1 of the bill, on page 1, at lines 15-16, the Department recommends that the reference to "county sexual assault response teams" be deleted from the bill. Those proposed teams were removed in the S.D. 2 version of this bill.

Thank you for the opportunity to testify on this bill.



SEX ABUSE  
TREATMENT CENTER

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

*Executive Director*  
 Adriana Ramelli  
  
*Advisory Board*  
  
*President*  
 Mimi Beams  
  
*Vice President*  
 Peter Van Zile  
  
 Joanne H. Arizumi  
  
 Mark J. Bennett  
  
 Andre Bisquera  
  
 Marilyn Carlsmith

**DATE:** March 19, 2015  
  
**TO:** The Honorable Karl Rhoads, Chair  
 The Honorable Joy San Buenaventura, Vice Chair  
 House Committee on Judiciary  
  
**FROM:** Adriana Ramelli, Executive Director  
 The Sex Abuse Treatment Center  
  
**RE:** Testimony in Support of S.B. 275, S.D. 2  
 Relating to Sexual Assault

Senator  
 Suzanne Chun Oakland  
  
 Monica Cobb-Adams  
  
 Donne Dawson  
  
 Dennis Dunn  
  
 Councilmember  
 Carol Fukunaga  
  
 David I. Haverly  
  
 Linda Jameson  
  
 Michael P. Matsumoto  
  
 Robert H. Pantell, MD  
  
 Gidget Ruscetta  
  
 Joshua A. Wisch

I would like to thank the Committee for this opportunity to provide testimony on behalf of The Sex Abuse Treatment Center (the SATC), a program of Kapi'olani Medical Center for Women and Children (KMCWC), in support of Senate Bill 275, Senate Draft 2 (S.B. 275, S.D. 2).

S.B. 275, S.D. 2, establishes the Hawai'i Sexual Assault Response and Training (HSART) program and appropriates funds to the Department of the Attorney General (the AG) for this purpose.

The SATC coordinated the HSART program for many years. The HSART program was a statewide consultative partnership that convened police departments, prosecutors' offices, sexual assault centers, medical/forensic examiners, and the Honolulu Police Department-Scientific Investigation Section, to research and incorporate state-of-the-art medical forensic services into daily practice; coordinate multidisciplinary training; explore national issues and best practices; achieve statewide standardization of processes; and identify and resolve challenges.

A request for dedicated state funds to sustain HSART for fiscal year 2014 – 2015 was included as part of the AG's supplemental budget during the 2014 legislative session. Unfortunately, that request was declined during the budget review process, and the program was consequently disbanded.

The SATC can directly attest to the HSART program's many accomplishments, including creation and implementation of a standard sexual assault evidence collection kit and accompanying protocols. HSART also served for many years as a crucial bridge between survivors' emotional and medical needs, and the needs of law enforcement agencies and the criminal justice system.

By establishing and funding the HSART program, your support of S.B. 275, S.D. 2 will empower our state to continue the important work of improving its medical-legal response to sexual assault, and will be a meaningful step towards satisfying the interests of the People of Hawai'i in both caring for survivors of violent crime and bringing perpetrators of sexual assault to justice.