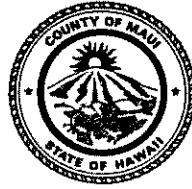


ALAN M. ARAKAWA
Mayor



JOHN D. KIM
Acting Prosecuting Attorney
ROBERT D. RIVERA
Acting First Deputy Prosecuting Attorney

DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
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WAILUKU, MAUI, HAWAII 96793
PHONE (808) 270-7777 • FAX (808) 270-7625

CONTACT: JOHN D. KIM
Acting Prosecuting Attorney

A handwritten signature in black ink, appearing to read "John D. Kim", is written over the printed name and title.

TESTIMONY
ON
SB 275 - RELATING TO SEXUAL ASSAULT

February 10, 2015

The Honorable Josh Green
Chair
The Honorable Glenn Wakai
Vice Chair
and Members of the Senate Committee on Health

The Honorable Will Espero
Chair
The Honorable Rosalyn H. Baker
Vice Chair
and Members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs

The Honorable Gilbert S.C. Keith-Agaran
Chair
The Honorable Maile S.L. Shimabukuro
Vice Chair
and Members of the Senate Committee on Judiciary and Labor

Chair Espero, Vice Chair Baker, Chair Keith-Agaran, Vice Chair Shimabukuro, and Members of the Committees:

The Department of the Prosecuting Attorney, County of Maui, OPPOSES SB 275 - Relating to Sexual Assault because it mandates the testing of ALL sexual assault evidence collection kit or "rape kit". This legislation goes too far mandating testing for all rape kits.

Currently the in the County of Maui, the Department of the Prosecuting Attorney is an active member of a Sexual Assault Response Team (SART). The operation of SART in Maui County is based on a collaboration of multiple disciplines involved in the investigation and

prosecution of Sexual Assault Cases. We do not believe it is necessary to mandate a team or have the County Prosecutors responsible to run them.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, **OPPOSES** the passage of this bill.

Thank you very much for the opportunity to provide testimony on this bill.

MITCHELL D. ROTH
PROSECUTING ATTORNEY

DALE A. ROSS
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OFFICE OF THE PROSECUTING ATTORNEY

COMMENTS ON SENATE BILL 275

A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT

COMMITTEE ON PUBLIC SAFETY,
INTERGOVERNMENTAL AND MILITARY AFFAIRS

Sen. Gilbert S.C. Keith-Agaran, Chair
Sen. Maile S.L. Shimabukuro, Vice Chair

Wednesday, February 11, 2015, 1:20 p.m.
State Capitol, Conference Room 414

Honorable Chair Keith-Agaran, Vice-Chair Shimabukuro, and Members of the Committee on Public Safety, Intergovernmental And Military Affairs, the Office of the Prosecuting Attorney, County of Hawai'i submits the following comments on Senate Bill No. 275.

This measure establishes the statewide sexual assault response system, sexual assault response teams in each county, and sexual assault victim examination protocols, including time frames pertaining to the collection, submittal, and analysis of forensic medical evidence. Makes appropriations.

Although we do agree with the inspiration behind this Bill and the need to hold perpetrators of sexual assaults accountable, the requirement of the crime lab to evaluate all evidence collected as a result of a forensic medical within 90 days of receipt of such evidence would create a burden upon the crime lab. Without additional funding, resources and infrastructure, which is not addressed in this Bill, crime lab may have no other choice but to outsource the evaluation of the above stated evidence creating an immense increase of expenses.

Thank you for the opportunity to submit comments on this matter.

Respectfully,

Mitchell D. Roth
Prosecuting Attorney
County of Hawai'i

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
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KIRK W. CALDWELL
MAYOR

LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE **WK-WK**

February 11, 2015

The Honorable Josh Green, Chair
and Members
Committee on Health
The Honorable Will Espero, Chair
and Members
Committee on Public Safety,
Intergovernmental and Military Affairs
The Honorable Gilbert S. C. Keith-Agaran, Chair
and Members
Committee on Judiciary and Labor
State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Green, Espero, and Keith-Agaran and Members:

SUBJECT: Senate Bill No. 275, 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 Honolulu Police Department supports the intent of Senate Bill No. 275, Relating to Sexual Assault.

The HPD has concerns specifically regarding the proposed amendments to Chapter 844D, Hawaii Revised Statutes (HRS), to establish time frames for the collection, submittal, and analysis of forensic medical evidence.

The HPD crime laboratory faces high demand for forensic analyses in investigations involving homicides, violent crimes, vehicular homicides, property crimes, and other duties such as processing deoxyribonucleic acid (DNA) samples for the state's offender database.

The Honorable Josh Green, Chair
and Members
Committee on Health
The Honorable Will Espero, Chair
and Members
Committee on Public Safety,
Intergovernmental and Military Affairs
The Honorable Gilbert S. C. Keith-Agaran, Chair
and Members
Committee on Judiciary and Labor
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February 11, 2015

The department has the following concerns regarding the proposed amendments to Chapter 844D, HRS:

1. The laboratory is not exclusively dedicated to forensic analysis of sexual assault cases. A significant amount of current laboratory 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.
2. 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 resources, the laboratory's ability to process any other forensic evidence for investigations, trial, or offender databasing will be severely affected.
3. Hiring and training new crime laboratory personnel is a time-consuming process, requiring the reassignment of an experienced DNA analyst from casework to training new personnel for ten months to a year. Retaining qualified DNA analysts is also difficult because the private sector or other laboratories may offer pay that is more competitive.
4. If outsourced, the estimated costs for the analysis of sexual assault examination evidence would be \$60,000 to \$180,000 per year. Laboratory personnel would also have to be reassigned to administer, process, review, and upload all submissions and work products of the outsourced laboratory.
5. There are no provisions in this bill for personnel and cost funding necessary to build a foundation to address processing, analysis, storage, and administration of the forensic medical evidence. The bill does not provide adequate preparation time for agencies to fund, hire, and train personnel necessary to carry out the proposed amendments to Chapter 844D. The costs are approximately \$347,000 in 2015 and \$407,000 in 2016 annually.
 - The proposed laboratory cost for four analysts (1SR24C + 3SR20C + 67.16% Fringe) is \$308,912 per year and \$319,745 from the second year forward.

The Honorable Josh Green, Chair
and Members
Committee on Health
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Committee on Public Safety,
Intergovernmental and Military Affairs
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and Members
Committee on Judiciary and Labor
Page 3
February 11, 2015

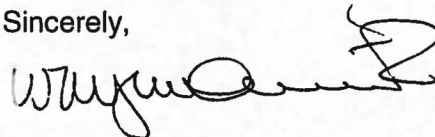
- A one-time administrative cost for software licensing and hardware for four analysts is \$38,000.
- Non-labor analysis costs for approximately 120 sexual assault kits per year (about 5 items per kit) would be approximately \$64,000 per year.
- Required annual training and proficiency testing of DNA analysts will be approximately \$21,400 per year.

The Honolulu Police Department recognizes that DNA information is a valuable tool in assisting with the investigative efforts for law enforcement. However, new endeavors will require time and appropriations to hire and train personnel, cover analysis costs, sustain the ongoing programs, and mitigate potential impacts to the entire criminal justice process.

The Honolulu Police Department urges the deferral of Senate Bill No. 275, Relating to Sexual Assault, until sufficient funding and personnel have been appropriated to the HPD to implement the provisions of this bill.

Thank you for the opportunity to testify.

Sincerely,



Wayne Kimoto, Director
Scientific Investigation Section

APPROVED:



Louis M. Kealoha
Chief of Police



February 11, 2015

To: Senator Josh Green, Chair; Senator Glenn Wakai, Vice Chair; Senator Will Espero, Chair; Senator Rosalyn H. Baker, Vice Chair; Senator Gilbert S.C. Keith-Agaran, Chair; and Senator Maile S.L. Shimabukuro, Vice Chair
and
Members of the **Senate Committee on Health, the Senate Committee on Public Safety, Intergovernmental and Military Affairs, and the Senate Committee on Judiciary and Labor**

From: Dr. Susan J. Wurtzburg
Policy Chair, **American Association of University Women – Hawaii**

Re. **Testimony in Support, SB 275, Relating to Sexual Assault**

I am grateful for this opportunity to testify in strong support of SB 275, relating to sexual assault. My testimony is on behalf of the approximately 400 members of the American Association of University Women (AAUW) in Hawai'i, who list violence against women as their most important current concern. This testimony is also informed by five years experience of teaching undergraduate and graduate students at the University of Hawai'i at Manoa, which has provided insight into the disturbing levels of sexual violence occurring on the state university's flagship campus. In addition, my area of expertise is gender violence, and I worked for many years with survivors of violence in New Zealand.

On behalf of all these constituents, I argue strongly that SB 275 should be approved today for a number of reasons. This bill underscores the importance of a "statewide sexual assault response system," which is fundamental for helping rape victims to make an informed decision about prosecution and to change their status to violence survivors, rather than remaining traumatized. Without an oversight committee in each county, regions lacking appropriate services will continue to lag behind more urban zones. Plus committee staffing needs to include representatives of survivor agencies, with understanding of how service provision affects their clients.

SB 275 also deals with a key component of court evidence, rape kits, and their timely analysis, which is a major issue across the US, and in Hawai'i. Analysis of biological evidence is important for individual survivors of assault, and it is also pertinent for decreasing future assaults, by speedier identification of perpetrators.

Thank you for the opportunity to testify.



95-954 Makakilo Dr. #71 Kapolei, HI 96707 Email: Rainbowfamily808@gmail.com Phone: 808-779-9078 Fax: 808672-6347

February 8, 2015

Senate Health Committee

RE: SB 275 State wide Sexual Assault System, etc.

IN STRONG SUPPORT

Aloha Chair, Vice Chair and Members,

As President of Rainbow Family 808, a group of straight, LGBT families focused on peace and justice through education, I strongly support SB275 on behalf of all our families.

As a Social Worker, I have found that Sexual Assault is a societal crime that has plagued us for eons, centuries most probably since time began because of the discrimination of women and men. This misinformation and belief that the most powerful have complete control over others has to end to protect our families. Today we continue to see sexual assault in some sectors of society as acceptable behavior.

The first step toward protection of our families begins with state wide systems that provide uniform response system, sexual assault response teams in each county, and sexual assault victim examination protocols, including time frames pertaining to the collection, submittal, and analysis of forensic medical evidence. These protections provide every sexual assault victim with the security that precludes criminals from falling through the cracks created by social status, economic status and the 'good ole boy' system that create barriers to justice and peace.

Please pass SB275 for the furtherance of peace and justice for all within our families.

Mahalo nui loa

Carolyn Martinez Golojuch, MSW - President

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: breaking-the-silence@hotmail.com
Subject: *Submitted testimony for SB275 on Feb 11, 2015 13:20PM*
Date: Sunday, February 08, 2015 4:56:32 PM

SB275

Submitted on: 2/8/2015

Testimony for HTH/PSM/JDL on Feb 11, 2015 13:20PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	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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From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: ecabatu@hsc.org
Subject: Submitted testimony for SB275 on Feb 11, 2015 13:20PM
Date: Friday, February 06, 2015 7:42:29 PM

SB275

Submitted on: 2/6/2015

Testimony for HTH/PSM/JDL on Feb 11, 2015 13:20PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Elena Cabatu	Individual	Support	No

Comments: In support of SB275

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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