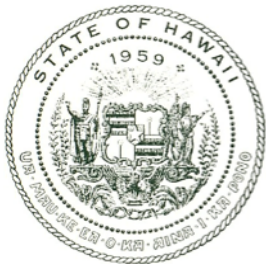


HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



Chair
LESLIE WILKINS

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April 20, 2017

To: Senator Clarence Nishihara, Chair
Senator Glenn Wakai, 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, HCR 133

The Commission supports HCR, which urges law enforcement agencies to continue to follow the guidelines developed by the Malama Kakou project, while urging the Department of the Attorney General to prepare and submit an annual report to the legislature.

The Commission supports the ongoing work being done by the various service providers and law enforcement across the state through the Malama Kakou project. This important work on sexual assault evidence kit testing needs to continue. The Malama Kakou guidelines provide for a streamlined procedure for testing sexual assault evidence kits. The Commission supports the language found in HCR 133 and would like to see all counties continue to follow the policies and procedures created through the Malama Kakou project.

Thank you for your commitment to this issue and for this opportunity to testify in support.

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Sen. Clarence Nishihara, Chair

Sen. Glenn Wakai, Vice Chair

Friday, April 21, 2017

8:00 am

Room 312

STRONG SUPPORT - HCR 133 - SEX ASSAULT EVIDENCE COLLECTION KIT

Aloha Chair Nishihara, Vice Chair Wakai and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for two decades. This testimony is respectfully offered on behalf of the almost 6,000 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety. We are always mindful that more than 1,600 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

HCR 133 urges law enforcement agencies to follow the guidelines developed by the Malama Kakou project for the testing of sexual assault evidence collection kits and requesting an annual report from the department of the attorney general on the testing of sexual assault evidence collection kits in the state.

Community Alliance on Prisons is in strong support of this measure.

The testing and preservation of evidence is crucial in ensuring that we are protecting the innocent and pursuing the guilty. We were shocked a few sessions ago when we learned that only certain people decide which kits to test. This "discretion" could lead to arbitrary and capricious decisions by these people and that is not justice.

We support the annual reporting to the legislature and hope the Attorney General puts this information on the department website.

We urge the committee to pass this important measure.

Mahalo for this opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 20, 2017 3:00 PM
To: PSMTestimony
Cc: laurie.field@ppvnh.org
Subject: *Submitted testimony for HCR133 on Apr 21, 2017 08:00AM*

HCR133

Submitted on: 4/20/2017

Testimony for PSM on Apr 21, 2017 08:00AM in Conference Room 312

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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Heather Mnuchin

Chauncey Parker

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Andrew Schwartzberg

Carrie Shumway

Amanda Stephens

Noelle Wolf

Maile M. Zambuto
Chief Executive Officer

April 21, 2017

TO: Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair
Members of the Senate Committee on Public Safety, Intergovernmental,
and Military Affairs

FROM: Maile Zambuto
Chief Executive Officer
Joyful Heart Foundation

RE: Testimony in Support, House Concurrent Resolution 133

Thank you for this opportunity to submit testimony in support of House Concurrent Resolution 133, which supports the work of stakeholders in Hawai'i to improve the response to sexual assault survivors and encourage rape kits to be tested in an expeditious manner.

I am testifying today on behalf of the Joyful Heart Foundation, which was founded in Kailua-Kona in 2004 in service of our mission to transform society's response to sexual assault, domestic violence, and child abuse, support survivors' healing, and end this violence forever. Since 2010, Joyful Heart has made the elimination of the rape kit backlog our top advocacy priority. The stakes for our local community could not be higher; in Hawai'i, one in seven women have been raped, and the aftermath of a sexual assault is traumatic. Any sexual assault survivor who consents to the invasive evidence collection examination does so with hope that it will lead to justice, and it is up to the state to make sure every single rape kit connected to a reported crime is submitted to the laboratory and tested.

In 2016, Hawai'i passed Act 207, a critical first step toward rape kit reform. We applaud Senator Laura Thielen (D, 25th District), Representative Linda Ichiyama (D, 32nd District), the Hawai'i Women's Legislative Caucus, Attorney General Doug Chin, and members of the Act 207 Working Group for their hard work and dedication to rape kit reform in Hawai'i. All have devoted significant time and energy to understanding the issue and exploring possible reforms. We are grateful for this effort.

Act 207 required all law enforcement agencies and departments to report the number of stored kits in their custody to the Attorney General. It also required the Attorney General to convene a workgroup to study the handling of sexual assault kits across the state. The Act 207 Report, released in December 2016, identified a total of 2,240 rape kits in the custody of county police departments. At least 1,951 of these kits remain untested.

Based on these findings, analysis of outcomes in other jurisdictions, and many months of discussions, the Act 207 Working Group developed the Malāma Kākou Project, a multidisciplinary plan to reform the handling of rape kits across Hawai'i. The Malāma Kākou Project offers a path forward for our state

to implement the intent and spirit of Act 207, including criteria to govern testing of previously untested kits.

Act 207 was a meaningful step forward towards rape kit reform. **House Concurrent Resolution 133 builds upon these reforms by urging law enforcement agencies to comply with existing guidelines for the submission and testing of rape kits and requesting annual statewide audits of rape kits.**

H.C.R. 133 encourages the swift submission and testing of newly collected rape kits. The resolution also requests annual audit reports, which will encourage accountability and ensure that all stakeholders, including survivors and the general public, can monitor the success of the implementation of the Malāma Kākou Project in Hawai'i.

Urging Swift Submission of Newly Collected Rape Kits

Expeditious testing of all untested 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. It is also the pathway to a more effective criminal justice system and safer communities across the country.

DNA evidence is an invaluable investigative tool. When tested, rape kit evidence can identify unknown assailants, reveal serial offenders, affirm a victim's story, discredit a suspect's version of the events, and exonerate the wrongly convicted. For these reasons, Joyful Heart supports the mandatory expeditious testing of every rape kit booked into evidence and connected to a reported sexual assault.

This approach has been embraced by elected officials, law enforcement leaders, lab professionals, prosecutors, and advocates in jurisdictions across the country. By supporting uniform, statewide guidelines for the prompt submission of rape kits to the lab, we can ensure that *all survivors* in Hawai'i are offered a path to healing and justice.

House Concurrent Resolution 133 builds upon the Malāma Kākou Project by urging law enforcement agencies and labs to test all previously unsubmitted and newly collected kits in compliance with the Attorney General's testing guidelines. Additionally, it resolves that, for each kit that meets these guidelines, law enforcement agencies submit a request for testing to the lab within 90 days of receipt of the kit, and follow up with the lab to receive results within 90 days of filing the request.

Promoting Ongoing Transparency and Accountability

The Act 207 audit revealed the true number of untested kits in the state and shed light on areas for improving rape kit processing. House Concurrent Resolution 133 sustains this spirit of transparency and public accountability by requesting that the Department of the Attorney General conduct an annual audit of the number of kits reported to all four county police departments; the total number of kits collected in each county; and the number of kits tested, not tested, and destroyed by each county, law enforcement agency, or department.

Such a comprehensive, annual report will ensure that all stakeholders, including survivors and the general public, can monitor the success of the implementation of the Malāma Kākou Project. Regular data collection and reporting allows us to track our progress and assess the impact of the policy changes we make. Ensuring that the system is transparent about rape kit processing is critical to true reform. Accountability shows the public and survivors that we are committed to the pledge we have taken to improve rape kit handling procedures in Hawai'i.

The Hawai'i legislature has been tremendously supportive of rape kit reform, and we thank you for all of your efforts to offer sexual assault survivors a path to justice and healing. We look forward to serving as an ongoing resource for evidence-based strategies for reform, and working with the committed the legislators and stakeholders here today as we move forward with House Concurrent Resolution 133.

Thank you.



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April 10, 2017

Mariska Hargitay
Founder & President

Representative Linda Ichiyama
Hawai'i State Capitol
415 South Bereania Street
Room 327
Honolulu, HI 96813

Christina Norman
Chair

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Vice Chair

Tom Nunan
Secretary

Dear Representative Ichiyama,

Karen Polivka
Treasurer

The Joyful Heart Foundation strongly supports House Resolution 83 and House Concurrent Resolution 133, which urge law enforcement agencies to comply with existing guidelines for the submission and testing of rape kits and request annual audits of rape kits statewide.

Jessica Ambrose

Beth Armstrong

Durk Barnhill

Jenny Belushi

In 2016, Hawai'i enacted Act 207, which required the Attorney General to conduct a statewide audit of untested rape kits and convene a workgroup to make recommendations regarding the handling of sexual assault kits across the state.

Shanna Brooks

Jill Eisenstadt-Chayet

Michele Dominick

The audit identified a total of 2,240 rape kits in the custody of county police departments. Based on these findings, the Act 207 Working Group developed the Malāma Kākou Project, a statewide, multidisciplinary plan to reform existing policy and practice for the handling of rape kits in Hawai'i.

Linda Fairstein

Erica Fisher

Peter Hermann

Danielle Herzlich

H.R. 83 and H.C.R. 133 build upon these reforms by encouraging the swift submission and testing of newly collected rape kits. When tested, rape kit evidence can identify an unknown assailant, reveal serial offenders, affirm a victim's story, discredit a suspect's version of the events, and exonerate the innocent. Further, expeditious testing of all untested sexual assault kits prevents future backlogs, sending a powerful message to survivors that they—and their cases—matter. For these reasons, Joyful Heart supports the mandatory expeditious testing of every rape kit booked into evidence and connected to a reported sexual assault.

Mark Herzlich

Valli Kalei Kanuha, Ph.D.

Michael King

Andrea McTamoney

Rev. Al Miles

Debbie Millman

Heather Mnuchin

Chauncey Parker

Stanley Schneider

The annual audit reports requested by H.R. 83 and H.C.R. 133 will encourage accountability and ensure that all stakeholders, including survivors and the general public, can monitor the success of the implementation of the Malāma Kākou Project in Hawai'i. Regular data collection and reporting allows stakeholders to track progress and assess the impact of public policy changes.

Andrew Schwartzberg

Carrie Shumway

Amanda Stephens

Noelle Wolf

The Joyful Heart Foundation thanks you for your efforts to bring justice and healing to all sexual assault survivors in Hawai'i.

Maile M. Zambuto
Chief Executive Officer

Sincerely,

Ilse Knecht
Director, Policy & Advocacy