

SENATE FINANCE COMMITTEE

April 4, 2018

2:09 p.m.

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CALL TO ORDER

Co-Chair MacKinnon called the Senate Finance Committee meeting to order at 2:09 p.m.

MEMBERS PRESENT

Senator Lyman Hoffman, Co-Chair  
Senator Anna MacKinnon, Co-Chair  
Senator Click Bishop, Vice-Chair  
Senator Peter Micciche  
Senator Gary Stevens  
Senator Natasha von Imhof

MEMBERS ABSENT

Senator Donny Olson

ALSO PRESENT

Rynniva Moss, Staff, Senator John Coghill; Representative Geran Tarr, Sponsor; Diana Rhoades, Staff, Representative Tarr; Carmen Lowry, Executive Director, Network on Domestic Violence and Sexual Assault, Juneau; Judith Cavanaugh, Self, Juneau; Alyson Currey, Legislative Liaison, Planned Parenthood Votes, Juneau.

PRESENT VIA TELECONFERENCE

Keeley Olson, Executive Director, Stand Together Against Rape, Anchorage; Nancy Porto, Self, Washington; Randi Breager, Criminal Justice Trainer, Department of Public Safety, Anchorage; Orin Bym, Chief of Forensic Laboratories, Department of Public Safety, Anchorage.

SUMMARY

SB 122 OCS CITIZEN REVIEW PANEL

SB 122 was HEARD and HELD in committee for further consideration.

HB 31 SEX ASSAULT TRAINING and EXAM KITS;DOM VIOL

HB 31 was HEARD and HELD in committee for further consideration.

#sb122

SENATE BILL NO. 122

"An Act repealing the authority for a child abuse or neglect citizen review panel in the Department of Health and Social Services; and establishing the Child Protection Citizen Review Panel in the office of the ombudsman."

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Vice-Chair Bishop MOVED to ADOPT proposed committee substitute for SB 122, Work Draft 30-LS0047\R (Laffen, 4/3/18).

Co-Chair MacKinnon OBJECTED for discussion.

RYNNIEVA MOSS, STAFF, SENATOR JOHN COGHILL, discussed the bill. She stated that the main function of the bill was to transfer the review panel to the Legislative Branch under the Office of the Ombudsman. She stated that it was determined that there was a close tie between federal dollars through the Child Protection Act and the general fund dollars that were used to fund the review panel. There would have needed to have some creative accounting in order to move the panel. She stated that it was withdrawn, but required more accountability between the review panel and Office of Children's Services (OCS); and between the review panel and the legislature. The sections of the bill that transferred the review panel to the legislature were deleted. She stated that the bill would direct OCS to provide the panel with reasonably necessary professional and technical assistance. She related that it statutorily directed the panel to facilitate public participation in developing and implementing child protection policies and practices. She remarked that it also reinserted language that the panel be composed of volunteer members broadly representative of the state. It also adds a provision that at least one member from each of the five administrative regions of OCS be on the panel. The bill also directed the panel to review policies and procedures of OCS on an annual

basis, and to report those findings to the legislature. She stated that it adds a section that required the panel and the department to prepare a joint report to the governor, legislature, and public every three years. The report must include an assessment of the panel, any panel staff; and the responsiveness of OCS, and any constraints.

Co-Chair MacKinnon WITHDREW her OBJECTION. There being NO OBJECTION, the proposed committee substitute was adopted.

Co-Chair MacKinnon wondered what the bill was attempting to solve.

Ms. Moss replied that the bill was intended to make a public awareness of the panel. She stated that the term "Child Protection Citizen Review Panel" was defined in the bill. There was also an attempt to make the panel accountable and a purpose that could benefit the legislature and OCS.

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AT EASE

[2:16:31 PM](#)  
RECONVENED

Co-Chair MacKinnon OPENED public testimony.

Co-Chair MacKinnon CLOSED public testimony.

SB 122 was HEARD and HELD in committee for further consideration.

[2:17:25 PM](#)  
AT EASE

[2:18:45 PM](#)  
RECONVENED

#hb31  
CS FOR HOUSE BILL NO. 31(FIN)

"An Act relating to law enforcement training in domestic violence and sexual assault; relating to sexual assault investigation protocols; requiring an inventory and reports on untested sexual assault

examination kits; and providing for an effective date."

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REPRESENTATIVE GERAN TARR, SPONSOR, discussed the bill. She stated that the bill was a step in addressing the backlog of rape kits in the state. Her office had been contacted by a group by the name of 'End the Backlog.' The first step in researching the bill was to complete a statewide audit examining the number of untested rape kits in the state. She stressed that Alaska had some of the worst rates in the nation for sexual assault. She stated that working through the process includes a process for improving efforts. She shared that there had been a push on the national level to examine various areas to improve. She stated that one of the components in the bill was about training of law enforcement officials. She stated that most law enforcement officials went to the State Trooper Academy or to the academy in Anchorage. Currently, there was a statutory requirement for 12 hours of training on domestic violence, but there was no requirement for training on sexual assault. The bill added provisions to require the twelve hours of training on sexual assault. She stated that people working in the field had brought that issue to her attention. She remarked that the response to victims of sexual assault depended on your location in the state, because there may be some differences in training. She felt that formalizing an expectation would provide reassurance that law enforcement would receive training.

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Representative Tarr stated that there would be a victim-centered approach to the kit testing. She remarked that an unfortunate situation that could occur is that the evidence collected, must be collected within a short amount of time - often within just 72 hours of the assault. She remarked that someone may not be able to make a decision in that time to move forward with the criminal justice system or choose a different option. She wanted to ensure that a victim had all the options available. She stressed that there would be an anonymous reporting option written in statute. She understood that it would be the option about whether the victim wanted the kit performed, but chose to not move forward with law enforcement at that time. She remarked that an individual often needed a period of time

to process the trauma and develop support before making a decision to move forward. She remarked that anonymous reporting was available, so the evidence could be collected in a timely fashion. She shared that there was a report from the Justice Department that outlined the importance of a victim-centered approach, so that the individual could have a choice. She shared that she had worked closely with organizations and individuals to receive knowledge from advocates that work with victims on a daily basis.

Representative Tarr shared that it cost approximately \$1500 to process a rape kit. She stated that continuing the audit would not have any additional costs. She shared that the audit would allow a way for the legislature to track the effort, because it was a multi-year effort to improve the system. She shared that the state currently had support from two federal Department of Justice grants. The first grant was used to form the Sexual Assault Kit Initiative (SAKI). It was a group of law enforcement officials and advocates that were working together to examine some of the reforms that could be done without legislative action. She stated that the kits had been sent from Anchorage with no tracking information, so there was no way to know whether a kit that left Anchorage and went to Bethel and there was no chain of custody.

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DIANA RHOADES, STAFF, REPRESENTATIVE TARR, discussed the Sectional Analysis (copy on file):

HB 31 Version U (S STA) Sectional Analysis

Sections one and two mandates that all Alaska police officers receive at least 12 hours of sexual assault training, in addition to their existing domestic violation training.

Section three defines sexual assault.

Section four mandates a unified, statewide, victim-centered approach to reporting sexual assault. At the request of the bill's sponsor, victim advocates and the Alaska Department of Public Safety, the Senate State Affairs Committee amended the legislation to eliminate one of the three reporting options - the medical option. The two that remain - the law

enforcement option and the anonymous option, meet the standards of the US Dept. of Justice best practices.

Dept. of Justice White Paper language "Testing sexual assault kits associated with victims who obtained medical forensic exams but who have not consented to having the kit tested by law enforcement, can result in a sense of revictimization and can undermine community trust."

Section five defines vulnerable adult.

Section six mandates that by November 1 of each year, the Department of Public Safety must deliver a report to the Legislature on the inventory of the untested rape kits.

Section seven sets a July 1, 2018 effective date.

Co-Chair MacKinnon asked about Section 4.

Ms. Rhoads restated that Section 4 outlined the two reporting options. The one option was the anonymous report and the other was the police report.

Co-Chair MacKinnon OPENED public testimony.

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KEELEY OLSON, EXECUTIVE DIRECTOR, STAND TOGETHER AGAINST RAPE (STAR), ANCHORAGE (via teleconference), testified in support of the bill. She had worked closely with the sponsor to develop the legislation. She understood that the sponsor had worked with other organizations and the Department of Public Safety (DPS) to make the bill as effective as possible.

Co-Chair MacKinnon wondered whether there was a planning for the upcoming spring tea for STAR

Ms. Olson replied in the affirmative.

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CARMEN LOWRY, EXECUTIVE DIRECTOR, ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT, JUNEAU, testified in support of the bill. She expressed gratitude to the

committee for the opportunity to testify, as well as gratitude to the sponsor. She pointed to the accountability embedded in the legislation. She felt that the twelve-hour training requirement meant that the response to victims would be well-informed, victim-centered, and trauma-informed. She highlighted the two options of anonymous and law enforcement reporting. She stressed that the two options for reporting would serve to provide a victim with immediate opportunities to exercising self-determination. She stressed that sexual assault eliminates the ability for a person to make their own choices.

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NANCY PORTO, SELF, WASHINGTON (via teleconference), spoke in support of the bill. She shared that she had provided testimony from a previous legislature. She stated that she had experienced a sexual assault. She shared that her rape kit had yet to be fully processed. She remarked that she was waiting on the biological evidence of her exam. She stressed that over six months after her assault, she learned that there was no sperm from her rape kit. She remarked that it took over 18 months to learn her blood panel, which showed that she had been drugged. She remarked that the number that she was given after she was discharged from her exam went straight to voicemail. She has left many messages, and frequently did not receive a returned call. She stated that five years after her assault she was still waiting for her rape kit to be fully processed.

Co-Chair MacKinnon wondered whether Ms. Porto had provided written testimony.

Ms. Porto replied that she had only provided verbal testimony.

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JUDITH CAVANAUGH, SELF, JUNEAU, testified in support of the bill. She was a retired emergency room (ER) nurse and had collected evidence on dozens of women who had experienced sexual assault. She shared that she had worked before the time that there was a team to gather evidence, however AWARE Inc. had always provided support. She felt that there was a much better process, and that the legislation would standardize the approach for care, treatment, evidence collection, and rape kit testing in the state.

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ALYSON CURREY, LEGISLATIVE LIAISON, PLANNED PARENTHOOD VOTES, JUNEAU, testified in support of the bill. She remarked that the state had a duty to keep the community safe, and the bill had a direct positive impact for victims of sexual assault in the state who were waiting for closure and justice. She stated that, as a reproductive and sexual health care provider, Planned Parenthood was keenly aware of the pervasiveness of sexual assault in the state and country. She stressed that it was crucial that all sexual assault examination kits were collected, submitted, and tested in a timely manner with the victim's consent. She stated that leaving the thousands of sexual assault kits untested allowed sexual predators to evade justice and reoffend; and left thousands of sexual assault victims without closure.

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Co-Chair MacKinnon CLOSED public testimony.

Co-Chair MacKinnon referenced Section 1, and asked for confirmation that there would be an additional 12 hours of training or whether it would be combined with the training for domestic violence.

RANDI BREAGER, CRIMINAL JUSTICE TRAINER, DEPARTMENT OF PUBLIC SAFETY, ANCHORAGE (via teleconference), replied that the training was currently a 12-hour requirement for domestic violence. She stated that there would be an additional 12 hours for sexual assault investigation training. She stressed that the training would not be combined.

Co-Chair MacKinnon surmised that there would be no additional cost. She remarked that sometimes domestic violence was described as sexual assault.

Ms. Breager replied that she currently provided 24 hours of domestic violence only training, and remarked that she already provided 12 hours of sexual assault training separately in the academy. She remarked that there would be a total of 36 hours of training between sexual assault and domestic violence, and were two separate courses. She remarked that other police academies would need to adjust

their training do add in their additional twelve hours of sexual assault training.

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Co-Chair MacKinnon asked if the requirement would be an unfunded mandate for other organizations that trained public safety officers.

Ms. Breager believed that Representative Tarr had conversations with the police department. They currently offered portions of sexual assault training, and she felt that there needed to be an evaluation of the current offerings to ensure that they were meeting the requirements.

Co-Chair MacKinnon requested the committee members contact their local agencies to determine the impact.

Vice-Chair Bishop asked how many trainers would conduct the additional 12 hours of training.

Ms. Breager stated that two instructors provided the training.

Co-Chair MacKinnon wondered whether advocacy services were included in the training, or if the training was provided as a standalone service from the state.

Ms. Breager stated that the training was developed in partnership with advocates, and was approved by the Council on Domestic Violence and Sexual Assault. Historically, the person providing the training had advocacy experience. There was also a partnership with the Office of Victim's Rights to provide a portion of that training. She felt that the advocacy portion was well represented. Training was in partnership with corporal at the academy who was a law enforcement officer.

Co-Chair MacKinnon asked if there was follow-up with victims to ascertain the effectiveness of the training.

Ms. Breager answered in the negative.

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Vice-Chair Bishop asked how long it would take to process a kit.

ORIN BYM, CHIEF OF FORENSIC LABORATORIES, DEPARTMENT OF PUBLIC SAFETY, ANCHORAGE (via teleconference), stated that the typical kit's round of DNA work was a six-week process from the time all the evidence was collected until a report was released to an agency.

Co-Chair MacKinnon wondered whether Mr. Bym said that it took six weeks to process a kit.

Mr. Bym replied that it was six weeks from the time that a case began until there was a report.

Co-Chair MacKinnon stated that when she had accompanied a victim to the hospital with a victim's advocacy team, she learned that the process of collecting evidence for the kit could take anywhere from a few hours to a day. She stressed that it was painful and frustrating to hear whether bloodwork was complete.

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Co-Chair MacKinnon noted there was no staff from the Legislative Legal available online. She remarked that she had pointed to the two options for reporting, and she would reach out to law enforcement. She remarked that the state has and should step into the footsteps of the victim. She remarked that the notion of anonymous reporting was foreign, because of her experience. She hoped to understand how the victim could control the situation. S

Co-Chair MacKinnon noted that there were two zero fiscal notes, and was concerned the notes may be understated.

Vice-Chair Bishop discussed a previously published zero fiscal note

Vice-Chair Bishop discussed a Statement of Zero Fiscal Impact.

Co-Chair MacKinnon set the bill aside.

Representative Tarr stated that there had been a repeated conversation about testing rape kits for multiple offenders while allowing for anonymity of the victim.

Co-Chair MacKinnon wanted to hear from the Department of Law regarding the anonymity concern.

HB 31 was HEARD and HELD in committee for further consideration.

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ADJOURNMENT

3:01:40 PM

The meeting was adjourned at 3:01 p.m.