



To: Members of the Senate Judiciary Committee

From: Kevin Campbell
Oregon Association Chiefs of Police and the
Oregon State Sheriffs' Association

Date: February 2, 2016

Re: Support for SB 1571 with Recommended Amendments

Chair Prozanski and Members of the Senate Judiciary Committee. My name is Kevin Campbell and I am here on behalf of the Oregon Association Chiefs of Police and Oregon State Sheriffs' Association to support the passage of SB 1571 with some amendment requests that are designed to be "friendly" to the measure.

As you know, the coalition chaired by Superintendent Evans has worked aggressively to address the untested sexual assault kit issue including the completion of a statewide inventory, establishment of protocols and prioritization for testing of backlogged kits and the creation of victim notification recommendations. Here are our specific requests regarding amendments to SB 1571:

- **Definition of "Law enforcement agency" is too broad.** The bill currently refers to ORS 131.550 which defines "Law enforcement agency" as "any agency that employs police officers or prosecutes criminal cases." This would end up requiring District Attorney Offices to adopt policies regarding untested sexual assault kit collection, investigation, notification and testing. This makes no sense.
- **Section 3(3): July 1, 2018 CODIS Entry Requirement:** This provision appears to require OSP to ensure that test results for eligible kits are entered into CODIS "immediately" no later than July 1st, 2018. The term immediately isn't defined and OACP/OSSA wants to insure that OSP has the forensic staff resources necessary to accomplish this legislative deadline and to do so without forcing the agency to delay analysis of evidence in other higher priority cases.

- **Section 4(1)(b): Time Limit for Law Enforcement to Pick Up Kit from Medical Facility:** Seven days seems reasonable unless law enforcement is not aware of the kit and a medical facility fails to notify them that a kit is completed and ready for pick up.
- **Section 4(2)(a):** Police Agency Designee to receive telephone inquiries: While it makes sense for a policy to identify how victims can access information about the status of their sexual assault forensic evidence kit, the process and their case, requiring agencies to adopt a policy that identifies a single person in the agency responsible for handling all inquiries is impractical. Depending on agency size and victim advocate resources, agencies may choose to handle victim inquiries in a way that insures a more timely response than a single person can provide.
- **Section 4(2)(b):** It makes sense to provide information to a victim regarding how to contact the agency to make inquiries. In most cases, a detective is assigned to follow up with the victim who is a key contact for the victim during a criminal case. Again, assigning a single person to this role is impractical.
- **Section 6: Task Force on the Testing of Sexual Assault Forensic Evidence Kits:** We recommend eliminating this section in favor of continuing the work of the coalition that conducted the statewide inventory, developed protocols for submitting kits and created victim notification recommendations. This would eliminate a potential fiscal impact. The coalition can be expanded to add additional expertise and/or stakeholder representation including legislative participation.
- **Section 6(10)(b):** While we don't believe a task force is necessary, this provision requires the task force to submit a report to the legislature that includes recommendations for legislation. We believe this should be changed to say that the report "may" include recommendations for legislation.

Dash 1 amendments:

- **Section (4)(1) amendment:** While we don't have a problem with a requirement that an agency policy be in writing and made available to the public by request. The amendment adds that the agency provide the information "immediately". The word is not necessary and should not be included in the law. In addition, the amendment has a small error. It inadvertently deletes the word "include" on page 2, line 19 following the word "must". The sentence doesn't make sense without the word include.

- **Section 6 amendment:** The amendment changes the membership of the Task Force and adds subjects for the Task Force to address. Again, we recommend using the coalition that successfully worked during the past interim in lieu of creating another legislatively approved task force.

Thank you for your consideration of these amendment suggestions. The OACP and OSA are committed to continuing our work in combination with other stakeholders to address this important issue.



Kevin Campbell, Lobbyist

Oregon Association Chiefs of Police &
Oregon State Sheriffs' Association

Cell: 503-580-9485

kevin@victorygrp.com