State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF

THE COMMISSION ON THE STANDARDIZATION OF THE COLLECTION OF EVIDENCE IN SEXUAL ASSAULT INVESTIGATIONS

AND

THE DIVISION OF CRIMINAL JUSTICE

H.B. NO. 6636: AN ACT CONCERNING THE COLLECTION OF SEXUAL ASSAULT EVIDENCE FROM AN INTOXICATED OR INCAPACITATED VICTIM

JOINT COMMITTEE ON JUDICIARY
April 5, 2013

The following testimony is submitted on behalf of the Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations and the Division of Criminal Justice.

The Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations respectfully requests that the Committee take NO ACTION on H.B. No. 6636, An Act Concerning the Collection of Sexual Assault Evidence from an Intoxicated or Incapacitated Victim. The Commission wishes to thank the Committee for bringing forth this legislation, but is pleased to report that we believe the underlying issues and concerns can be addressed administratively and without the need to enact legislation.

The Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations is established in Section 19a-112a of the General Statutes. It consists of fourteen members representing law enforcement, the health care community and advocates for victims of sexual assault. The chair of the Commission is appointed by the Chief State's Attorney, and Maureen Platt, State's Attorney for the Judicial District of Waterbury, currently serves in this capacity. The Commission is in the Division of Criminal Justice for administrative purposes only and does receive some administrative support from the Division.

Originally established pursuant to Public Act 88-210, the Commission was responsible for developing the "protocol," or technical guidelines pertaining to the collection of evidence in sexual assault investigations. It also is responsible for the design of the sexual assault evidence collection kit utilized by all health care facilities in the state where such evidence collections occur. Since its establishment in 1988, the Commission has proven itself to be a model of the success that can be achieved in addressing sometimes difficult and sensitive issues through collaboration of all interested parties.

It is with this same approach in mind that the Commission most recently turned its attention to the issue of the collection of evidence in investigations where the victim is unconscious or otherwise incapacitated. The Commission has established a subcommittee to examine procedures and practices in other jurisdictions. Through the work of the subcommittee we now believe that the issues in question can be addressed through revision of the guidelines already enacted by the Commission and in force governing other aspects of evidence collection.

Accordingly, the Commission would respectfully request that the Committee take NO ACTION on H.B. No. 6636, An Act Concerning the Collection of Sexual Assault Evidence from an Intoxicated or Incapacitated Victim and allow the administrative process to proceed. We would also note again for the record that the Division of Criminal Justice has contributed to the preparation of this testimony and fully concurs in this approach.