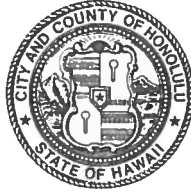


POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR



~~LOUIS M. KEALOHU~~
CHIEF

CARY OKIMOTO
JERRY INOUE
DEPUTY CHIEFS

OUR REFERENCE WK-WK

April 4, 2017

The Honorable Gilbert S. C. Keith-Agaran, Chair
and Members
Committee on Judiciary and Labor
The Honorable Jill N. Tokuda, Chair
and Members
Committee on Ways and Means
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 211
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran and Chair Tokuda and Members:

SUBJECT: Senate Concurrent Resolution No. 100, Urging 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

I am Forensic Laboratory Director Wayne Kimoto of the Scientific Investigation Section of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD appreciates the intent of this resolution and submits the following comments and recommendations.

This resolution recognizes the Malama Kakou Project outlined in the Report on Untested Sexual Assault Evidence Collection Kits Retained by County Police Departments, Plans and Procedures for the Disposition of Currently Untested Kits and New Kits and Related Information prepared by the Act 207 (2016) Working Group (dated December 1, 2016, and submitted to the Legislature for the Regular Session of 2017) as a state plan to reform the testing of sexual assault evidence collection kits in Hawaii. However, it does not include the report's recommendation regarding a short-term plan to sustain sexual assault kit testing reform.

The recommendation is for FY 2018 funding to test new sexual assault kits that may not be covered by the National SAKI grant and the NIJ-FBI Sexual Assault Kit Partnership.

The Honorable Gilbert S. C. Keith-Agaran, Chair
and Members
Committee on Judiciary and Labor
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Committee on Ways and Means
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Page 2

Section N of the report outlines the justification for Private Laboratory Testing Services in the amount of \$174,000 for 232 sexual assault kits at \$750 a kit.

The funding will be needed as the testing of new sexual assault kits will not be covered by the 2016 National Sexual Assault Kit Initiative (SAKI) grant.

The HPD respectfully requests an amendment to the resolution with the following appropriation provision:

There is appropriated out of the general revenues of the State of Hawaii the sum of \$348,000 or so much thereof as may be necessary for fiscal year 2017-2018 and fiscal year 2018-2019 for purposes relating to the testing of new sexual assault evidence collection kits by the four county police departments that will not be covered by the 2016 National Sexual Assault Kit Initiative (SAKI) Grant; provided that the appropriation shall be expended by the Department of the Attorney General for purposes of the four county police departments.

There is a critical need for further funding and resources if the laboratory selected by the law enforcement agency is expected to meet the 90-day criteria established by the resolution. Beyond funding, it's also a capacity issue with regard to the 90-day period if the laboratory contracted to test the sexual assault kits is unable to meet the 90-day requirement. It's relatively clear at this point that even the NIJ-FBI Sexual Assault Kit Partnership is having a difficult time keeping up with the current demand for sexual assault kit evidence testing.

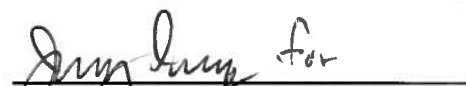
We appreciate the committee's consideration of these comments.

Sincerely,



Wayne Kimoto, Director
Scientific Investigation Section

APPROVED:



Cary Okimoto
Acting Chief of Police

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON JUDICIARY AND LABOR

Sen. Gil Keith-Agaran, Chair

Sen. Karl Rhoads, Vice Chair

COMMITTEE ON WAYS AND MEANS

Sen. Jill Tokuda, Chair

Sen. Donovan Dela Cruz, Vice Chair

Tuesday, April 4, 2017

1:30 pm

Room 211

STRONG SUPPORT - SCR 100

TESTING OF SEXUAL ASSAULT COLLECTION KITS AND ANNUAL REPORTING

Aloha Chairs Keith-Agaran and Tokuda, and Members of the Committees!

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.

SCR 100 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 committees to pass this important measure. Mahalo for this opportunity to testify.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: annsfreed@gmail.com
Subject: Submitted testimony for SCR100 on Apr 4, 2017 13:30PM
Date: Tuesday, April 4, 2017 12:45:29 AM

SCR100

Submitted on: 4/4/2017

Testimony for JDL/WAM on Apr 4, 2017 13:30PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S Freed	Hawaii Women's Coalition	Support	No

Comments: Aloha Chair Keith-Agaran, Vice Chair Rhoads and members, The Coalition is in strong support of this measure. Urging the police departments to follow these guidelines is the least we should do in light of the scandalous back-log of testing on rape kits by HPD and some county PDs in our state. Mahalo, Ann S. Freed, Co-Chair, Hawaii Women's Coalition.

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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Subject: *Submitted testimony for SCR100 on Apr 4, 2017 13:30PM*
Date: Friday, March 31, 2017 5:02:08 PM

SCR100

Submitted on: 3/31/2017

Testimony for JDL/WAM on Apr 4, 2017 13:30PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Kaulana Dameg	Individual	Support	No

Comments:

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Date: Sunday, April 2, 2017 5:53:42 PM

SCR100

Submitted on: 4/2/2017

Testimony for JDL/WAM on Apr 4, 2017 13:30PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Maxine Anderson	Individual	Support	No

Comments:

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