

MAR 10 2017

SENATE RESOLUTION

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.

1 WHEREAS, the efficient and proper testing of sexual assault
2 evidence collection kits is essential to reduce the incidence of
3 sexual assault in the State and to ensure the protection of
4 sexual assault victims' rights; and

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6 WHEREAS, Act 207, Session Laws of Hawaii 2016 (Act 207),
7 required all law enforcement agencies and departments charged
8 with the maintenance, storage, and preservation of sexual
9 assault evidence collection kits to conduct an inventory of all
10 stored kits and report to the Department of the Attorney
11 General; and

12
13 WHEREAS, the results of that inventory from all four county
14 police departments showed that since 1992, of the 2,240 sexual
15 assault evidence collection kits in the possession of county
16 police departments only 289 kits had been tested, as of June 30,
17 2016, leaving 1,951 kits that have not been tested; and

18
19 WHEREAS, Act 207 also required the Department of the
20 Attorney General to report to the Legislature on plans and
21 procedures for the disposition of the 1,951 untested kits as
22 well as new kits, and other related information; and

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24 WHEREAS, the Department of the Attorney General, as
25 directed under Act 207, convened a working group to develop
26 statewide standards and practices for the testing of sexual
27 assault evidence collection kits; and

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29 WHEREAS, the working group met over a six-month period and
30 developed the Malama Kakou Project; and
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1 WHEREAS, the Malama Kakou Project is a state plan to reform
2 the testing of sexual assault evidence collection kits in
3 Hawaii, which includes establishing guidelines to determine
4 whether a kit should be tested, a priority order for kits that
5 are to be tested, and a process for police departments to follow
6 in implementing the defined criteria and priorities; now,
7 therefore,
8

9 BE IT RESOLVED by the Senate of the Twenty-ninth
10 Legislature of the State of Hawaii, Regular Session of 2017,
11 that all law enforcement agencies and departments charged with
12 the testing of sexual assault evidence collection kits are urged
13 to test all kits in accordance with the plans and procedures for
14 the disposition of currently untested kits and new kits
15 established by the Department of the Attorney General's Malama
16 Kakou Project, pursuant to Act 207, Session Laws of Hawaii 2016;
17 and
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19 BE IT FURTHER RESOLVED that for all kits that meet the
20 testing guidelines, the appropriate law enforcement agency
21 submit a request for testing a sexual assault evidence
22 collection kit to an accredited laboratory within ninety days
23 after receipt of the kit, and follow up with the laboratory on
24 the testing to obtain test results within ninety days of that
25 request; and
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27 BE IT FURTHER RESOLVED that the Department of the Attorney
28 General prepare and submit an annual report to the President of
29 the Senate and the Speaker of the House of Representatives no
30 later than twenty days prior to the convening of each regular
31 session beginning with the Regular Session of 2018 detailing:
32

- 33 (1) The number of sexual assault evidence collection kits
34 reported in the prior year by the police departments
35 of all four counties;
- 36
37 (2) The total number of sexual assault evidence collection
38 kits collected in the prior year in each county;
- 39
40 (3) The number of sexual assault evidence collection kits
41 tested in the prior year by each county, law
42 enforcement agency, or department;



- 1
- 2 (4) The number of sexual assault evidence collection kits
- 3 not tested in the prior year by each county, law
- 4 enforcement agency, or department; and
- 5
- 6 (5) The number of sexual assault evidence collection kits
- 7 destroyed in the prior year by each county, law
- 8 enforcement agency, or department; and
- 9

10 BE IT FURTHER RESOLVED that certified copies of this
 11 Resolution be transmitted to the Attorney General, Director of
 12 Public Safety, and the Chief of Police of each county police
 13 department.
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