

MAR 10 2017

SENATE CONCURRENT 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

5
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

23
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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1 WHEREAS, the working group met over a six-month period and
2 developed the Malama Kakou Project; and
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4 WHEREAS, the Malama Kakou Project is a state plan to reform
5 the testing of sexual assault evidence collection kits in
6 Hawaii, which includes establishing guidelines to determine
7 whether a kit should be tested, a priority order for kits that
8 are to be tested, and a process for police departments to follow
9 in implementing the defined criteria and priorities; now,
10 therefore,
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12 BE IT RESOLVED by the Senate of the Twenty-ninth
13 Legislature of the State of Hawaii, Regular Session of 2017, the
14 House of Representatives concurring, that all law enforcement
15 agencies and departments charged with the testing of sexual
16 assault evidence collection kits are urged to test all kits in
17 accordance with the plans and procedures for the disposition of
18 currently untested kits and new kits established by the
19 Department of the Attorney General's Malama Kakou Project,
20 pursuant to Act 207, Session Laws of Hawaii 2016; and
21

22 BE IT FURTHER RESOLVED that for all kits that meet the
23 testing guidelines, the appropriate law enforcement agency
24 submit a request for testing a sexual assault evidence
25 collection kit to an accredited laboratory within ninety days
26 after receipt of the kit, and follow up with the laboratory on
27 the testing to obtain test results within ninety days of that
28 request; and
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30 BE IT FURTHER RESOLVED that the Department of the Attorney
31 General prepare and submit an annual report to the President of
32 the Senate and the Speaker of the House of Representatives no
33 later than twenty days prior to the convening of each regular
34 session beginning with the Regular Session of 2018 detailing:
35

- 36 (1) The number of sexual assault evidence collection kits
37 reported in the prior year by the police departments
38 of all four counties;
39
- 40 (2) The total number of sexual assault evidence collection
41 kits collected in the prior year in each county;
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- 1 (3) The number of sexual assault evidence collection kits
- 2 tested in the prior year by each county, law
- 3 enforcement agency, or department;
- 4
- 5 (4) The number of sexual assault evidence collection kits
- 6 not tested in the prior year by each county, law
- 7 enforcement agency, or department; and
- 8
- 9 (5) The number of sexual assault evidence collection kits
- 10 destroyed in the prior year by each county, law
- 11 enforcement agency, or department; and
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13 BE IT FURTHER RESOLVED that certified copies of this
 14 Concurrent Resolution be transmitted to the Attorney General,
 15 Director of Public Safety, and the Chief of Police of each
 16 county police department.

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