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# 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

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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

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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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2 WHEREAS, the Malama Kakou Project is a state plan to reform  
3 the testing of sexual assault evidence collection kits in  
4 Hawaii, which includes establishing guidelines to determine  
5 whether a kit should be tested, a priority order for kits that  
6 are to be tested, and a process for police departments to follow  
7 in implementing the defined criteria and priorities; now,  
8 therefore,  
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10 BE IT RESOLVED by the Senate of the Twenty-ninth  
11 Legislature of the State of Hawaii, Regular Session of 2017,  
12 that all law enforcement agencies and departments charged with  
13 the testing of sexual assault evidence collection kits are urged  
14 to test all kits in accordance with the plans and procedures for  
15 the disposition of currently untested kits and new kits  
16 established by the Department of the Attorney General's Malama  
17 Kakou Project, pursuant to Act 207, Session Laws of Hawaii 2016;  
18 and  
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20 BE IT FURTHER RESOLVED that for all kits that meet the  
21 testing guidelines, the appropriate law enforcement agency  
22 submit a request for testing a sexual assault evidence  
23 collection kit to an accredited laboratory within ninety days  
24 after receipt of the kit, and follow up with the laboratory on  
25 the testing to obtain test results within ninety days of that  
26 request; and  
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28 BE IT FURTHER RESOLVED that the Department of the Attorney  
29 General prepare and submit an annual report to the President of  
30 the Senate and the Speaker of the House of Representatives no  
31 later than twenty days prior to the convening of each regular  
32 session beginning with the Regular Session of 2018 detailing:  
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- 34 (1) The number of sexual assault evidence collection kits  
35 reported in the prior year by the police departments  
36 of all four counties;  
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38 (2) The total number of sexual assault evidence collection  
39 kits collected by other members of the working group  
40 established pursuant to Act 207 in the prior year in  
41 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;  
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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  
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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 Resolution be transmitted to the Attorney General, Director of  
15 Public Safety, and the Chief of Police of each county police  
16 department.

