

POLICE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

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OUR REFERENCE **WK-WK**

April 4, 2017

The Honorable Scott Y. Nishimoto, Chair  
and Members  
Committee on Judiciary  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street, Room 325  
Honolulu, Hawaii 96813

Dear Chair Nishimoto and Members:

**SUBJECT:** House Concurrent Resolution No. 133, 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. 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.

*Serving and Protecting With Aloha*

The Honorable Scott Y. Nishimoto, Chair  
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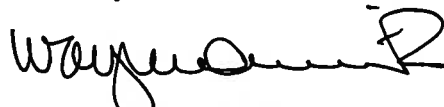
The HPD respectfully requests an amendment to the resolution with the following appropriation provision:

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:

  
\_\_\_\_\_  
Gary Okimoto  
Acting Chief of Police

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON JUDICIARY

Rep. Scott Nishimoto, Chair

Rep. Joy San Buenaventura, Vice Chair

Tuesday, April 4, 2017

2:15 pm

Room 325

### SUPPORT - HCR 133 - SEX ASSAULT EVIDENCE COLLECTION KITS

Aloha Chair Nishimoto, Vice Chair San Buenaventura and Members of the Committee!

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.

HCR 133 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 committee to pass this important measure.

Mahalo for this opportunity to testify.

**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, April 4, 2017 12:57 AM  
**To:** JUDtestimony  
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**Subject:** Submitted testimony for HCR133 on Apr 4, 2017 14:15PM

**HCR133**

Submitted on: 4/4/2017  
Testimony for JUD on Apr 4, 2017 14:15PM in Conference Room 325

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

Comments: Aloha Chair Nishimoto, Vice Chair San Buenaventura, and members, The Coalition is in support of this measure. In light of the scandalous back-log and dubious handling of rape kit evidence, its seems the least we should do. Ann S. Freed, Co-Chair, Hawaii Women's Coalition

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**HCR133**

Submitted on: 4/3/2017

Testimony for JUD on Apr 4, 2017 14:15PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dara Carlin, M.A.	Individual	Support	No

Comments:

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