

State of Hawai'i
Department of the Attorney General



ANNUAL REPORT REGARDING SEXUAL ASSAULT
EVIDENCE COLLECTION KITS

Requested by House Concurrent Resolution No. 133,
House Resolution No. 83, and
Senate Resolution No. 44, Senate Draft 1

Submitted to
The Twenty-Ninth State Legislature
Regular Session of 2018

The 2017 Hawaii State Legislature adopted House Concurrent Resolution No. 133 (HCR 133), House Resolution No. 83 (HR 83), and Senate Resolution No. 44, S.D. 1 (SR 44, SD 1) (attached) that request the Department of the Attorney General of the State of Hawaii to submit a report to the President of the Senate and the Speaker of the House of Representatives detailing the collection, submission, testing, and disposal of sexual assault evidence collection kits¹ (“SAKs”), twenty days prior to the convening of each regular legislative session, beginning with the 2018 Regular Session.

The wording of HCR 133 and HR 83 are identical and mirrors that of SR 44, SD 1, except for paragraph (2) below. The SR 44, SD 1, wording is provided in brackets. The requested information is:

- (1) The number of sexual assault evidence collection kits reported in the prior year by the police departments of all four counties;
- (2) The total number of sexual assault evidence collection kits collected in the prior year in each county;

[SR 44, SD 1: (2) The total number of sexual assault evidence collection kits collected by other members of the working group established pursuant to Act 207 in the prior year in each county]

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

¹ Sexual Assault Evidence Collection Kit: A human biological specimen or specimens collected by a health care provider during a forensic medical examination from the victim of a suspected sexually-oriented criminal offense. In Hawaii, a forensic medical exam is conducted by a health care provider. Current standards are for the provider to be a trained Sexual Assault Nurse Examiner or a Sexual Assault Forensic Examiner. The sexual assault kit is a set of swabs, slides, envelopes, instructions, and forms specifically designed to collect and preserve physical evidence that can be used in a criminal sexual assault investigation. Definition from “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,” Department of the Attorney General, December 1, 2016, pages 4-5.

Methodology of Data Collection and Reporting

The Hawaii Statewide Multi-Disciplinary Team (MDT), convened pursuant to Act 207, Session Laws of Hawaii 2016, was tasked by the Attorney General with responding to HCR 133, HR 83, and SR 44, SD 1 (“Resolutions”). As noted in the Act 207 Report of December 1, 2016 to the Legislature entitled, “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” (Act 207 Report), the MDT consists of the following agencies:

- Honolulu Police Department
- Hawaii Police Department
- Maui Police Department
- Kauai Police Department
- Department of the Prosecuting Attorney, City and County of Honolulu
- Office of the Prosecuting Attorney, Hawaii County
- Department of the Prosecuting Attorney, Maui County
- Office of the Prosecuting Attorney, Kauai County
- Kapiolani Medical Center for Women & Children, The Sex Abuse Treatment Center
- YWCA of Hawaii Island, Sexual Assault Support Services
- Child and Family Service, Maui Sexual Assault Center
- YWCA of Kauai, Sexual Abuse Treatment Program

The MDT continues to convene under the Bureau of Justice Assistance (BJA) Sexual Assault Kit Initiative (SAKI) federal grant administered for the State of Hawaii by the Department of the Attorney General.

After discussion and agreement, the MDT made the following decisions regarding the information requested by the Resolutions:

- Numbers for fiscal year 2016-2017 (July 1, 2016 – June 30, 2017) would be used for the requested report. The MDT determined it would not be possible or advisable to report numbers for calendar year 2017, as the requested report is due no later than twenty days prior to the convening of each regular session of the Legislature. For 2018, the regular session begins on Wednesday, January 17, 2018, and the report is due to the Legislature prior to the end of calendar year 2017. Use of the fiscal year also provides continuity with the Act 207 Report, which also utilized reporting periods based on the fiscal year.
- The MDT interpreted and revised the information requests of the Resolutions to maximize the clarity and utility of the data reported. In some instances, the MDT provided a breakdown and further analysis of the information requested and terminology was clarified.

The table on page 5 provides a summary of the status of SAKs during fiscal year 2016-2017, including the number collected, number submitted for testing, number in the

process of testing, number completed testing, number that have not been tested, and number disposed.

It should be noted that the data provides the status of SAKs in the State of Hawai'i as of the end-date of the reporting period, June 30, 2017 and is not a representation of the status of SAKs at the time of the submission of this report.

Important information concerning the status of kits at the time of the submission of this report is separately included in a footnote on the report table.

The following is an explanation or clarification of each of the seven items in the attached information table:

Item 1: Police reported sexual assault kits collected

Number of SAKs collected during fiscal year 2016-2017 for sexual assaults that were reported to law enforcement agencies.

Item 2: Sexual assault kits collected (reported and unreported)

Number of SAKs collected during fiscal year 2016-2017 for sexual assaults that were both reported and not reported to law enforcement agencies. As defined in the Act 207 Report, "unreported kits" are collected in the same way as all sexual assault kits, but the victim has chosen not to report the sexual assault crime to law enforcement.

Item 3: Sexual assault kits submitted for testing

Number of SAKs submitted for testing during fiscal year 2016-2017, regardless of when they were collected or their testing status (e.g., "in process" or "completed"). This includes SAKs collected prior to July 1, 2016, but submitted for testing, consistent with Act 207 and the Federal SAKI grant, during fiscal year 2016-2017.

Item 4: Sexual assault kits in the process of testing

Number of SAKs that were submitted to a lab for testing during fiscal year 2016-2017 (as indicated in Item 3 of the table), regardless of when they were collected, but test results and reports had not been returned from the testing lab as of June 30, 2017.

Item 5: Sexual assault kits that have completed testing

Number of SAKs that have been returned to the submitting agency with test results and reports, regardless of when they were submitted for testing. This may include SAKs submitted for testing prior to or during fiscal year 2016-2017, but the results were returned during fiscal year 2016-2017.

Item 6: Police reported sexual assault kits collected that have not been tested

Number of SAKs collected in fiscal year 2016-2017 (as indicated in Item 1 of the table), but have not completed testing (i.e., test results and reports have not been returned from the testing lab). This may include SAKs that had been collected and submitted for testing during fiscal year 2016-2017.

Item 7: Sexual assault kits (reported and unreported), disposed of during the reporting period

As noted in the Act 207 Report, all four police departments and other applicable agencies have voluntarily placed a hold on disposing any of the sexual assault kits in their possession, until further notice.

Agencies that provided data for this report:

- Hawaii Police Department
- Honolulu Police Department
- Kauai Police Department
- Maui Police Department
- Kapiolani Medical Center for Women & Children, The Sex Abuse Treatment Center
- Child and Family Service, Maui Sexual Assault Center

Annual Report to 2018 Legislature Under HCR 133, HR 83, and SR 44, SD 1

Reporting Period: July 1, 2016, to June 30, 2017

| Item | Number during the reporting period: | Hawaii County | Honolulu County | Kauai County | Maui County | Total |
|-------------|---|-------------------------------|---------------------------------|-------------------------------|-------------------------------|--------------|
| 1 | Police <u>reported</u> sexual assault kits collected. | 44 | 181 | 17 | 36 | 278 |
| 2 | Sexual assault kits collected (<u>reported and unreported</u>). | 44 reported / 1 unreported | 181 reported / 49 unreported | 17 reported / 1 unreported | 36 reported / 0 unreported | 329 |
| 3 | Sexual assault kits submitted for testing. | 65 | 354 | 46 | 82 | 547 |
| 4 | Sexual assault kits in the process of testing (submission up to return of report). | 53 | 186 | 46 | 82 | 367 |
| 5 | Sexual assault kits that have completed testing. | 12 | 173 | 0 | 3 | 188 |
| 6 | Police <u>reported</u> sexual assault kits collected that have not been tested.² | 41 | 176 | 17 | 36 | 270 |
| 7 | Sexual assault kits (<u>reported and unreported</u>), disposed of during the reporting period. | 0 reported / 0 unreported | 0 reported / 0 unreported | 0 reported / 0 unreported | 0 reported / 0 unreported | 0 |

² Police-reported SAKs collected during fiscal year 2016-2017, that have not already been submitted for testing, are scheduled to be submitted and tested during fiscal year 2017-2018