HOUSE OF REPRESENTATIVES TWENTY-EIGHTH LEGISLATURE, 2016 STATE OF HAWAII

H.R. NO. 76

## HOUSE RESOLUTION

ENCOURAGING REFORM IN THE MILITARY INVESTIGATORY AND PROSECUTORIAL SYSTEMS GOVERNING CHILD SEXUAL ABUSE AND INCREASED TRANSPARENCY IN THE MILITARY JUSTICE SYSTEM AND MILITARY REPORTING OF CRIMINAL SEX OFFENSES INVOLVING CHILDREN.

WHEREAS, in 2014, through the adoption of S.C.R. No. 63, 1 the Hawaii Women's Legislative Caucus applauded the female 2 members of the United States Senate who were working in a 3 bipartisan fashion to highlight and resolve the chronic and 4 unacceptable problem of sexual assaults in the military, and the 5 Hawaii State Senate encouraged female members of the United 6 7 States Senate to reform the military investigatory and prosecutorial systems governing sexual assault; and 8 9

10 WHEREAS, the Hawaii Women's Legislative Caucus applauds 11 Senators Hirono, Gillibrand, and Boxer and other members of the 12 United States Congress who have called on the Pentagon for more 13 transparency and openness on child sex abuse reporting in the 14 military; and

16 WHEREAS, the Hawaii Women's Legislative Caucus is now 17 concerned about the prevalence of child sexual abuse in the 18 United States military; and

20 WHEREAS, over the past decade, more than 1,400 children of Army families have been exposed to sexual abuse and about 30,000 21 children have suffered abuse or neglect in Army homes; and 22 23 24 WHEREAS, almost a third of inmates in the military's prison network were charged with sex crimes involving children; and 25 26 27 WHEREAS, the Department of Defense Inspector General reported, after looking at 163 Military Criminal Investigative 28 29 Organization investigations of allegations of sexual assault against children in 2012, that 94 cases involved the 30 investigation of a service member as the perpetrator; and 31 32

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WHEREAS, highlighted in this report, serious deficiencies 1 in the military's investigation of child sexual abuse cases were 2 found by the United States Department of Defense Inspector 3 General, including key evidence not collected, crime scenes not 4 examined, and witness or subject interviews not conducted or not 5 conducted thoroughly; and 6 7 8 WHEREAS, the same Department of Defense Inspector General report found that almost half of the 163 investigations resulted 9 10 in no punishment, and that in 6 out of the 10 cases where significant deficiencies were discovered the Army chose to only 11 12 reopen 4 cases; and 13 WHEREAS, the Pentagon's ability to reduce the sentences of 14 the child sex offenders through undisclosed pre-trial agreements 15 is alarming and not subject to independent assessment due to the 16 17 lack of transparency in the military criminal justice system; and 18 19 20 WHEREAS, military services do not include legal records or trial outcomes in an online database like the civilian court 21 22 systems, and records are often limited in access by the public 23 or in some cases are provided only in response to Freedom of 24 Information Act requests, which may take months; and 25 WHEREAS, Hawaii is home to all five branches of the 26 27 military forces; and 28 29 WHEREAS, this body endorses reformation of the military's reporting, investigatory, adjudication, and sentencing 30 guidelines for sexual crimes involving children in order to 31 32 create a safe environment for this country's service members and 33 their children, and to begin transforming the military culture 34 into one that is more transparent and in keeping with the military's mission of protecting our country, including the 35 36 individuals serving among its ranks and their children; now, 37 therefore, 38 39 BE IT RESOLVED by the House of Representatives of the Twenty-eighth Legislature of the State of Hawaii, Regular 40 Session of 2016, that this body respectfully encourages members 41 42 of the United States Congress to reform the military reporting,

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investigatory, and prosecutorial systems governing child sexual abuse in view of the concerns expressed in this measure and to continue their efforts to require the military to adopt sweeping systemic reform to change the lack of transparency in the military justice system which calls into question the integrity of the institution; and

8 BE IT FURTHER RESOLVED that the Pentagon is encouraged to 9 apply the same openness standards with military reporting of 10 criminal sex offenses involving children as are currently the 11 norm in civilian courts, and to provide court documents 12 electronically that are open to the public; and

14 BE IT FURTHER RESOLVED that certified copies of this 15 Resolution be transmitted to the Speaker of the United States 16 House of Representatives, President Pro Tempore of the United 17 States Senate, Majority Leader of the United States Senate, 18 Majority Leader of the United States House of Representatives, 19 Hawaii's congressional delegation, and the Governor.

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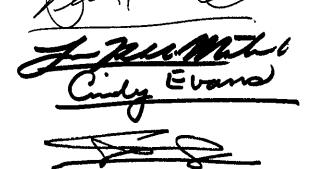
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