

MAR 04 2016

SENATE CONCURRENT 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.

1 WHEREAS, in 2014, through the adoption of S.C.R. No. 63,
2 the Hawaii Women's Legislative Caucus applauded the female
3 members of the United States Senate who were working in a
4 bipartisan fashion to highlight and resolve the chronic and
5 unacceptable problem of sexual assaults in the military, and the
6 Hawaii State Senate encouraged female members of the United
7 States Senate to reform the military investigatory and
8 prosecutorial systems governing sexual assault; and
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
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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
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20 WHEREAS, over the past decade, more than 1,400 children of
21 Army families have been exposed to sexual abuse and about 30,000
22 children have suffered abuse or neglect in Army homes; and
23

24 WHEREAS, almost a third of inmates in the military's prison
25 network were charged with sex crimes involving children; and
26

27 WHEREAS, the Department of Defense Inspector General
28 reported, after looking at 163 Military Criminal Investigative
29 Organization investigations of allegations of sexual assault



1 against children in 2012, that 94 cases involved the
2 investigation of a service member as the perpetrator; and
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4 WHEREAS, highlighted in this report, serious deficiencies
5 in the military's investigation of child sexual abuse cases were
6 found by the United States Department of Defense Inspector
7 General, including key evidence not collected, crime scenes not
8 examined, and witness or subject interviews not conducted or not
9 conducted thoroughly; and
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11 WHEREAS, the same Department of Defense Inspector General
12 report found that almost half of the 163 investigations resulted
13 in no punishment, and that in 6 out of the 10 cases where
14 significant deficiencies were discovered the Army chose to only
15 reopen 4 cases; and
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17 WHEREAS, the Pentagon's ability to reduce the sentences of
18 the child sex offenders through undisclosed pre-trial agreements
19 is alarming and not subject to independent assessment due to the
20 lack of transparency in the military criminal justice system;
21 and
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23 WHEREAS, military services do not include legal records or
24 trial outcomes in an online database like the civilian court
25 systems, and records are often limited in access by the public
26 or in some cases are provided only in response to Freedom of
27 Information Act requests, which may take months; and
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29 WHEREAS, Hawaii is home to all five branches of the
30 military forces; and
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32 WHEREAS, this body endorses reformation of the military's
33 reporting, investigatory, adjudication, and sentencing
34 guidelines for sexual crimes involving children in order to
35 create a safe environment for this country's service members and
36 their children, and to begin transforming the military culture
37 into one that is more transparent and in keeping with the
38 military's mission of protecting our country, including the
39 individuals serving among its ranks and their children; now,
40 therefore,
41



S.C.R. NO. 69

1 BE IT RESOLVED by the Senate of the Twenty-eighth
 2 Legislature of the State of Hawaii, Regular Session of 2016, the
 3 House of Representatives concurring, that this body respectfully
 4 encourages members of the United States Congress to reform the
 5 military reporting, investigatory, and prosecutorial systems
 6 governing child sexual abuse in view of the concerns expressed
 7 in this measure and to continue their efforts to require the
 8 military to adopt sweeping systemic reform to change the lack of
 9 transparency in the military justice system which calls into
 10 question the integrity of the institution; and

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

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