

**TESTIMONY OF THE HAWAI'I POLICE DEPARTMENT**

**SENATE BILL 2304**

**RELATING TO RIGHTS OF THE ACCUSED**

**BEFORE THE COMMITTEE ON WAYS AND MEANS**

**DATE : Tuesday, February 28, 2012**

**TIME : 9:00 A.M.**

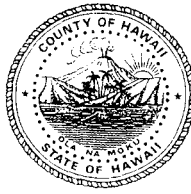
**PLACE : Conference Room 211  
State Capitol  
415 South Beretania Street**

**PERSON TESTIFYING:**

**Police Chief Harry S. Kubojiri  
Hawai'i Police Department  
County of Hawai'i**

**(Written Testimony Only)**

**William P. Kenoi**  
Mayor



**Harry S. Kubojiri**  
Police Chief

**Paul K. Ferreira**  
Deputy Police Chief

## County of Hawai'i

### POLICE DEPARTMENT

349 Kapiolani Street • Hilo, Hawai'i 96720-3998  
(808) 935-3311 • Fax (808) 961-8865

February 27, 2012

Senator David Y. Ige  
Chairperson and Committee Members  
Committee On Ways and Means  
415 South Beretania Street, Room 211  
Honolulu, Hawai'i 96813

**Re: Senate Bill 2304 Relating to the Rights of the Accused**

Dear Senator Ige:

The Hawai'i Police Department opposes passage of Senate Bill 2304, relating to the Rights of the Accused. The intent of the appropriation is to require new eyewitness identification procedures.

Our Department is opposed to this measure as it places certain restrictive burdens upon our department with its limited human resources. Although we do comply with most of the Bill's requirements as set, we would be hard pressed to ensure that the officer showing a photo lineup to the witness is unaware as to which person is suspected as being the perpetrator. Our department's limited size is such that our Detectives have to assist each other in some way in most of our investigations. This assistance means needing to share information on a consistent basis amongst our limited investigative staff. This measure would also require an additional officer to testify in the judicial process; and given the current state of our economy, leaving our department with one less officer available to service the public.

Further, the Bill as written seeks to infer that any time one of the procedures is not followed the identification is immediately flawed regardless of the individual facts and circumstances connected to each and every particular investigation. We fully believe that the positive identification process is best left to the "Trier of the Facts" (Judge or Jury) during the judicial adjudication of the case, which is also subject to Defense Counsel scrutiny and objection.

For these reasons, we strongly oppose this legislation. Thank you for allowing the Hawai'i Police Department to provide comments relating to Senate Bill 2304.

Sincerely,

HARRY S. KUBOJIRI  
POLICE CHIEF

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
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PETER B. CARLISLE  
MAYOR



LOUIS M. KEALOHA  
CHIEF

DAVE M. KAJIHIRO  
MARIE A. McCAULEY  
DEPUTY CHIEFS

OUR REFERENCE RC-NTK

February 28, 2012

The Honorable David Y. Ige, Chair  
and Members  
Committee on Ways and Means  
State Senate  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Ige and Members:

Subject: Senate Bill No. 2304, S.D. 1, Relating to Rights of the Accused

I am Richard C. Robinson, Major of the Criminal Investigation Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department opposes the passage of Senate Bill No. 2304, S. D. 1, Relating to Rights of the Accused. The Honolulu Police Department adheres to nearly all of the recommendations of the National Institute of Justice for eyewitness evidence. Currently, the Honolulu Police Department is working with the Department of the Prosecuting Attorney to thoroughly evaluate the feasibility of implementing blind sequential lineups in this jurisdiction.

We believe that the determination of the validity of any evidence is best handled by the Judiciary. Further, the Judiciary is able to more quickly adapt to changes in court procedures and/or rules of evidence that may result from the judicial findings of higher courts.

The Honolulu Police Department urges you to oppose Senate Bill No. 2304, S. D. 1, Relating to Rights of the Accused.

Thank you for the opportunity to testify.

Sincerely,

Handwritten signature of Richard C. Robinson in black ink.

RICHARD C. ROBINSON, Major  
Criminal Investigation Division

APPROVED:

Handwritten signature of Louis M. Kealoa in black ink.

LOUIS M. KEALOHA  
Chief of Police

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [shaglund@hotmail.com](mailto:shaglund@hotmail.com)  
**Subject:** Testimony for SB2304 on 2/28/2012 9:00:00 AM  
**Date:** Monday, February 27, 2012 9:44:15 PM

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Testimony for WAM 2/28/2012 9:00:00 AM SB2304

Conference room: 211  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Sue Haglund  
Organization: Individual  
E-mail: [shaglund@hotmail.com](mailto:shaglund@hotmail.com)  
Submitted on: 2/27/2012

Comments:  
In strong support for SB2304.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [alinakrol@gmail.com](mailto:alinakrol@gmail.com)  
**Subject:** Testimony for SB2304 on 2/28/2012 9:00:00 AM  
**Date:** Tuesday, February 28, 2012 9:10:47 AM

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Testimony for WAM 2/28/2012 9:00:00 AM SB2304

Conference room: 211  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Alina Krol  
Organization: Individual  
E-mail: [alinakrol@gmail.com](mailto:alinakrol@gmail.com)  
Submitted on: 2/28/2012

Comments: