



ALAN M. ARAKAWA
MAYOR

OUR REFERENCE
YOUR REFERENCE

LATE TESTIMONY
POLICE DEPARTMENT
COUNTY OF MAUI

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GARY A. YABUTA
CHIEF OF POLICE

CLAYTON N.Y.W. TOM
DEPUTY CHIEF OF POLICE

January 31, 2013

The Honorable Will Espero, Chair
Committee on Public Safety, Intergovernmental and Military Affairs
The Senate
Hawaii State Capitol
Honolulu, HI 96813

Re: SENATE BILL No. 67, RELATING TO CRIMINAL PROCEDURE

Dear Chair Espero and Members of the Committee:

The Maui Police Department opposes the passage of S.B. No. 67. This proposed bill creates procedural and administrative requirements for law enforcement agencies for eyewitness identifications of suspects in criminal investigations, and grants a defendant the right to challenge any eyewitness identification to be used at trial in a pretrial evidentiary hearing.

This bill is attempting to establish additional procedures for eyewitness identification of persons suspected of perpetrating an offense in line lineups and photo lineups which goes beyond the needed procedures to ensure the fairness of this process. Currently the Maui Police Department adheres to all necessary standards regarding lineups and show-ups established by C.A.L.E.A. (The Commission on Accreditation for Law Enforcement Agencies), State and Federal law, and under the Constitution of the United States of America. Additional procedures outlined in this bill are unnecessary and also will create additional burdens for police manpower and already limited resources.

This bill again is not needed as the Maui Police Department is already in compliance with the applicable laws and case laws established for this very situation. We ask that your Committee weigh the issues brought forth through all the testimony you have received and commit to the continued support of the police departments across the state to have the ability to respond to the ever changing dynamics of investigations.

The Honorable Will Espero, Chair
Committee on Public Safety, Intergovernmental and Military Affairs
January 31, 2013
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The Maui Police Department asks for your opposition for S.B. No. 67.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gary A. Yabuta', written in a cursive style.

GARY A. YABUTA *for*
Chief of Police

Marlene Uesugi

From: Kay A. Ogasawara [Kay.Ogasawara@mpd.net]
Sent: Thursday, January 31, 2013 8:19 AM
To: PSMTestimony
Subject: S.B. No. 67, Relating to Criminal Procedure
Attachments: SB 67 Criminal Procedure.pdf

Name: Gary A. Yabuta, Chief of Police
Maui Police Department

Committee: Committee on Public Safety, Intergovernmental and Military Affairs

Date: January 31, 2013
Time: 2:50 p.m.

Measure No.: SB No. 67, Relating to Criminal Procedure

Kay Ogasawara
Secretary to Chief Gary A. Yabuta
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