

Honolulu, Hawaii

March 24, 2016

RE: S.B. No. 2196  
S.D. 2  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2196, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE LAW ENFORCEMENT OFFICER INDEPENDENT REVIEW BOARD,"

begs leave to report as follows:

The purpose of this measure is to establish a Law Enforcement Officer Independent Review Board (Board) within the Department of the Attorney General to review criminal investigations of incidents of officer-involved death or serious bodily injury conducted by law enforcement agencies and make recommendations to the respective county prosecuting attorney. This measure makes appropriations to establish the Board.

The Libertarian Party, Hawaii State Coalition Against Domestic Violence, and many concerned individuals testified in support of this measure. The Prosecuting Attorney of the City and County of Honolulu, Common Cause Hawaii, Maui Police Department, and Civil Beat Law Center for the Public Interest testified in opposition. The Department of the Attorney General and Department of Land and Natural Resources provided comments.

Your Committee has amended this measure by:

- (1) Limiting the scope of the Board's review to cases of officer-involved death;



- (2) Clarifying that the Board must expeditiously submit its recommendation to the appropriate prosecutor; however, the prosecutor may decide to prosecute or decline prosecution before receiving a recommendation from the Board;
- (3) Prohibiting the Board from access to physical evidence;
- (4) Specifying that records, documents, and information that are maintained or in the possession of the Board shall not be subject to disclosure in any civil or criminal proceeding; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2196, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2196, S.D. 2, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



