

**TESTIMONY OF ROBERT TOYOFUKU ON BEHALF OF THE HAWAII  
ASSOCIATION FOR JUSTICE (HAJ) REGARDING S.B NO. 153**

January 31, 2017

To: Chairman Clarence K. Nishihara and Members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs:

My name is Bob Toyofuku and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) regarding S.B. No 153, relating to Police Reports.

S.B. 153 allows family members of the victims of the offenses of Murder in the first degree, Murder in the second degree and Manslaughter access to a copy of the closing report from the investigating police department. However, this bill provides access only “upon the conclusion of all criminal and civil proceedings that arose from the offense.” In many circumstances, family members of victims require access to this information before the conclusion of criminal and civil proceedings so that they may adequately investigate the circumstance of the victim’s death and their potential civil claims. This is especially important in manslaughter cases, such as deaths caused by drunk drivers, because the victim is not alive to tell others what happened and who was involved. In these situations, the police report is often the best source of information – and in some cases the only source of reliable information.

A criminal defendant charged with manslaughter or murder is able to obtain police reports as a matter of course and certainly before the conclusion of the criminal case. It is fundamentally unfair to allow a drunk driver to have access to the police report while denying the same to the surviving family members.

Surviving family members are further limited by the need to initiate a civil case within the time limit required by law. Waiting until the conclusion of a criminal case could take too long and result in the expiration of the time limit (statute of limitations) and loss of the family members' rights access to civil justice. We therefore request that the measure be amended to add the following language:

“This section shall not limit the production of a copy of a closing report prepared by the investigating police department pursuant to a Court order or subpoena issued for good cause or a showing of reasonable need.”

Thank you for allowing me to testify regarding this measure. Please feel free to contact me should you have any questions or desire additional information.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 2, 2017 12:41 PM  
**To:** PSMTestimony  
**Cc:** mlopes@hscadv.org  
**Subject:** Submitted testimony for SB153 on Feb 2, 2017 13:15PM

**SB153**

Submitted on: 2/2/2017

Testimony for PSM on Feb 2, 2017 13:15PM in Conference Room 229

| <b>Submitted By</b> | <b>Organization</b>                                    | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|--|---------------------------|---------------------------|
| Marci Lopes         | Hawaii State Coalition<br>Against Domestic<br>Violence | Support                   | Yes                       |

Comments: Thank you for your ongoing support for victims of crime.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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