



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2018**

LATE

ON THE FOLLOWING MEASURE:

H.B. NO. 2070, RELATING TO INVESTIGATIONS BY THE ATTORNEY GENERAL.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Thursday, February 1, 2018 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Russell A. Suzuki, First Deputy Attorney General, or
Lance Goto, Deputy Attorney General.

Chair Nishimoto and Members of the Committee:

The Department of the Attorney General ("the Department") submits comments.

The purpose of this bill is to require the Department to investigate all alleged violations of state law by a county police officer when the prosecuting attorney of the county that employs the police officer has declined to prosecute the violations.

The Department currently does review cases involving offenses by county police officers if the prosecutor is concerned about a potential conflict of interest. By requiring the Department to review all declined cases, the bill suggests that the prosecutors are not conducting a fair and impartial review of these cases. In our experience, that is not the case.

Cases involving law enforcement officers who allegedly violate the law are treated seriously by the Department and county prosecutors. Law enforcement officers need to have a good relationship with their communities. They must be respected and trusted by the people they are protecting. Officers who violate the law hurt the image and reputation of all law enforcement in the State and make it more difficult for law enforcement officers to do their jobs.

HB-2070

Submitted on: 1/30/2018 3:29:45 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Hawaiian Civic Club of Honolulu	Support	No

Comments:

HB-2070

Submitted on: 1/30/2018 3:19:46 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joy Marshall		Support	Yes

Comments:

HB-2070

Submitted on: 1/30/2018 10:59:10 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
christine soroka		Support	Yes

Comments:

My name is Christine Soroka, and I am asking for your support for House Bill 2070. This bill was submitted by Representative Scott Nishimoto on my behalf. For over two years now, I have unfortunately been experiencing first hand why we need this bill.

In January of 2016, I was the victim of a car accident that was caused by an on-duty Honolulu County police officer, who was driving 74 mph in a 35 mph zone, at night, without activating his siren or lights. I am lucky to have survived that accident, but my life has been forever changed because of the choices of this officer.

Before this accident, and for my entire adult life, I was a professional musician. I not only performed in orchestras, chamber ensembles and did solo performances, but I owned a music school and was a very well-respected business owner and teacher. I taught for 26 years, and I had been performing even longer. Owning a music school was my life-long teaching goal, and being able to play again in a symphony orchestra was my life-long performance goal.

Life as an artist involves a deep connection to, and expression of, one's soul. A musician is a musician until they pass away or become disabled and unable to practice their art. The loss of a music career is so much more than a financial loss. It is the loss of a huge part of the musician's soul; a huge part of the person they were born to be. And that is the loss that I have suffered as a result of the negligence and recklessness of Honolulu county police officer Clarence Neves.

Over two years later, this police officer still has his job, still has his home, and still has his life as he always has. But as a result of the injuries that I have suffered from that accident, I lost my business, I lost my career, I lost my home, I lost my my savings, I lost almost all of my possessions, and the life I had so carefully built for myself was shattered.

When this happened, I was confident that this police officer was going to have to pay, not only financially, but legally, through the criminal justice system. How could someone violate that many laws and injure an innocent person so seriously, how could he take away life as I knew it, and not have to pay? But so far, I have seen just the opposite. Not only have I been the victim of crimes committed by this officer, but I am also a victim of the criminal justice system. The Honolulu County prosecutors work with the

Honolulu County police officers on a daily basis, over a number of years and sometimes even decades. It would be naive to think that they don't build personal relationships with those officers, as they work together every day. It seems only logical that those same prosecutors should not be making the decision as to whether or not one of those very cops will be prosecuted for crimes committed. It is an indisputable conflict of interest.

How is it that judges, attorneys and even jurors are required to recuse themselves when there is a conflict of interest, but prosecutors are not? Why are cases against Honolulu County police officers given to the Honolulu County prosecutors? Why, when there is an obvious conflict of interest between prosecutors and police officers, are these cases turned over to the very prosecutors who work with these officers on a daily basis?

Declining the prosecution of a criminal is just as serious of an offense as prosecuting an innocent person. It's obstruction of justice and it's abuse of power. Prosecutors are there to bring justice to those who have violated laws. That is their duty. But prosecutors, like all humans, are flawed. They don't want to prosecute their own. And with no accountability for their decisions, they can decide not to prosecute their own, even when they are guilty.

The only way to ensure that prosecutors do not have the option to decide whether or not their police officer colleagues get prosecuted or not, is to not *give* them the option of making that decision. This should also be the case for prosecutors who commit crimes.

I believe that there needs to be a specific procedure in place when police officers or prosecutors are accused of crimes. No one, in this country built on a system of checks and balances, should be allowed to escape justice.

This bill states that “ (a) The attorney general shall investigate alleged violations of the law when directed to do so by the governor, or when the attorney general determines that an investigation would be in the public interest; provided that it shall be in the public interest to investigate an alleged violation of state law when:

1. The alleged offender is a county police officer; and
2. The prosecuting attorney of the county that employs the police officer has declined to prosecute the county police officer.”...

In addition to these circumstances, I am asking for a 3rd category be added, to state:

(3) The alleged offender is a county prosecutor

In light of the current investigations going on in the Honolulu Police Department and the Honolulu County Prosecutors Office, it is more crucial now than ever for police officers and prosecutors to earn the respect of the public. With so much corruption in and between both of these departments, something needs to be done so that these officers and prosecutors are held accountable when they commit crimes. No citizen of the United States should be above the law. The laws apply to all citizens of this country,

and police officers and prosecutors should not be given a virtual “Get Out of Jail Free” card.

LATE

HB-2070

Submitted on: 2/1/2018 10:56:19 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Domestic Violence Survivor Advocate	Support	No

Comments: