



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

LATE

ON THE FOLLOWING MEASURE:

S.B. NO. 2946, RELATING TO THE ATTORNEY GENERAL.

BEFORE THE:

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS

DATE: Thursday, February 1, 2018 **TIME:** 1:35 p.m.

LOCATION: State Capitol, Room 229

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

Chair Nishihara and Members of the Committee:

The Department of the Attorney General ("the Department") opposes this bill.

The purpose of this bill is to require the Department, upon referral by county police or prosecutors, to review or initiate a review of a criminal investigation conducted by the county to provide an independent review of the investigation. It authorizes the Department to refer the review of the investigation to a different county police or prosecutor.

This bill is unnecessary as the Department already does accept county investigations for a second or independent review when appropriate.

The Department should not, however, be required to review or initiate review of just any matter referred to it by a county agency. A county agency should not be able to dictate what the Department must investigate. The Department currently has, and should continue to have, the discretion to evaluate a case and determine what warrants an independent review.

There is a concern about referring investigations of one county to another county for further investigation. The law enforcement authority of the second county law enforcement agency does not extend to the first county, where the offense took place.

On page 2, at lines 9-12, the bill requires the agency conducting the independent review to complete it within a certain number of days. The time to complete an



independent review would depend on many factors, including the quality of the investigation, the need for follow up, and the complexity of the case and issues. A statutorily mandated time restriction would not be appropriate for the reviews.

On page 2, at lines 15-18, the bill indicates that upon completion of the independent review, the "review shall be received by the county police or county prosecuting attorney." That provision appears to require the review to be returned to the original referring party. The bill then says that the "review shall be final." It is not clear what these provisions mean.

The Department respectfully requests that this measure be held.