



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:

H.B. NO. 593, RELATING TO POLICE REPORTS.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

DATE: Friday, February 17, 2023 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Kory W. Young, Deputy Attorney General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

The purpose of the bill is to provide the immediate families of individuals whose deaths were investigated by the police with access to the police closing reports prepared by the investigating police department, upon the conclusion of any criminal proceedings related to the incident, the passage of five years after the report was completed, or the passage of seven years after the underlying incident occurred, whichever occurs first.

The Department is concerned that the premature release of the police closing reports could jeopardize law enforcement efforts to investigate and prosecute crimes relating to the investigated deaths. It is not unusual for criminal matters, especially murder cases, to take many years to investigate or resolve, particularly if the cases are appealed and remanded for further trial court proceedings. Murder investigations that are not closed but are pending the uncovering of further evidence, commonly referred to as "cold cases," could also be adversely impacted.

Police closing reports commonly include summaries of witnesses' statements where the identity and residence of witnesses can be readily ascertained, descriptions of the investigatory techniques used in the case, crime scene photographs, lab results, conclusions by the investigator regarding the results of the investigation, and

confidential personal information, such as social security numbers. The premature dissemination of police reports to immediate family members could result in the reports being disclosed to witnesses whose testimony could be influenced by the contents of the reports. Or the reports could be disclosed to suspects, particularly in domestic violence cases. The ability of a suspect to obtain copies of the police closing reports, while the case against the suspect is still open, would provide the suspect with an opportunity to forestall the investigation, destroy evidence, intimidate witnesses, and escape justice. There is also the possibility that the reports could be acquired by a suspect or offender to garner information for other related or serial crimes.

Our position is not that all police reports should be withheld. In cases where the police are able to determine that the release of reports would not interfere with an ongoing investigation or ongoing criminal litigation, disclosure to the immediate family would be warranted. We believe that section 92F-11, HRS, is adequate to allow disclosure of police reports to families as soon as possible, with the exception allowed by section 92F-13, HRS, to allow the police to withhold information that would frustrate a legitimate government function if disclosed. Based on that, we believe this bill is unnecessary, and should be held.

Thank you for the opportunity to provide comments on the bill.

HB-593

Submitted on: 2/15/2023 1:52:40 PM

Testimony for JHA on 2/17/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dara Carlin, M.A.	Individual	Support	Written Testimony Only

Comments:

Stand in Support

HB-593

Submitted on: 2/16/2023 12:18:53 AM

Testimony for JHA on 2/17/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Monique Salgado	Individual	Support	Written Testimony Only

Comments:

Hello Chair and Committee,

My name is Monique Salgado, I am a BSW student at The University Of Hawaii Manoa, and I am writing in support of House Bill 593.

This bill is important to me because the Police murdered my Father in 2010. When I tried to sue the Police department, it was impossible to get any information from the Police department about my Father's case. Victims of these events need closure, my family and I need closure, and we did not receive it. I urge you to pass this bill to save other families from the pain and suffering my family experienced. Help other families hold Police departments accountable by allowing families to get the documentation they need for evidence and the much-needed closure they deserve. I urge you to pass this bill for families who have been through a traumatic experience, such as my family; we cannot grieve until there is closure. Thank you for your consideration and your time.

Warm Regards,
Monique Salgado