OFFICE OF INFORMATION PRACTICES

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To: House Committee on Judiciary

From: Cheryl Kakazu Park, Director

Date: February 12, 2020, 3:00 p.m.
State Capitol, Conference Room 325

Re: Testimony on H.B. No. 2749
Relating to Prosecutorial Transparency

Thank you for the opportunity to submit testimony on this bill, which would require each county's Prosecuting Attorney to publish information about cases prosecuted and office management. The Office of Information Practices (OIP) takes no position on the substance of this bill, but offers comments.

First, OIP notes that proposed section __-C(d), at bill page 16, would provide an exception to the normal requirement under chapter 92F, HRS, the Uniform Information Practices Act (UIPA), that an agency respond to every request for government records by allowing the Prosecuting Attorney to direct a requester to the website in lieu of any further response. Under the UIPA's normal procedures, an agency can certainly inform a requester that a requested record is available on its website and most requesters will be happy to take that option and have immediate access to the record without any potential for copy or postage fees. However, if a requester nonetheless wants to obtain the record through the UIPA process – for instance, a requester without internet access making a request in person or via postal mail – the agency is still required to respond to the request subject to the usual timeline and fee schedule for responding to UIPA requests. Not

only would this bill allow a Prosecuting Attorney to decline to, for instance, mail a copy of the records available on its website, it would also allow a Prosecuting Attorney to decline to respond to requests for records that may not actually be on its website, so long as the Prosecuting Attorney "reasonably and in good faith believes" that a reference to its website would satisfy the request. The proposal would require the requester in such a case to file suit in court – the requester would not even have the option to appeal the denial of access to OIP as is normally available – to challenge a Prosecuting Attorney's assertion that the request was covered by the website. In the absence of any reason to believe that it would be unreasonably burdensome for Prosecuting Attorneys to respond to those few UIPA requests where the requester prefers pay copy or postage fees for records available free online, **OIP would recommend that this Committee delete proposed subsection (d) (bill page 16, lines 1-15).**

OIP also notes that proposed section __-B(c), at bill page 11, would require publication of age, gender, race, date of hire, title, and disciplinary history for every deputy prosecutor. Although the bill would allow redaction of "names and other personally identifying information," since the information would be published as "anonymized" individual profiles rather than in aggregated form, OIP believes it likely that some if not all deputy prosecutors would nevertheless be identifiable. Date of hire and title are required to be public for all government employees and the Prosecuting Attorney would be required to provide the date of hire and title for all deputy prosecutors upon request, so it would be relatively simple for someone to match an "anonymized" profile's title and hiring date with a named deputy prosecutor's title and hiring date. And the remaining information in that profile would include information that normally would be withheld under the UIPA's privacy exception when individually identifiable. In past opinions OIP has found a

significant privacy interest in an individual's age, gender, and race, allowing that information to be withheld under the UIPA's privacy interest in the absence of an outweighing public disclosure interest. Disciplinary history, likewise, carries a significant privacy interest until and unless an issue has resulted in an employee's suspension or termination not followed by a successful appeal.

Thus, if it is not this Committee's intent to inadvertently reveal private information about deputy prosecutors, OIP would recommend that instead of relying on redaction of names or identifying information to protect privacy, this Committee should instead require the information listed in proposed section __-B(c) to be reported in aggregate form. The following language would accomplish this:

> **The offices of the prosecuting attorney of the respective counties shall collect and publish the following information in aggregated form for all attorneys employed in the office, showing the number of attorneys for each decade of age, gender, race, year of hire, title, and the number of attorneys suspended per year.**

Thank you for considering OIP's suggestions.

Justin F. Kollar
Prosecuting Attorney

Jennifer S. Winn
First Deputy

Rebecca Vogt Like
Second Deputy

Diana Gausepohl-White
Victim/Witness Program Director

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THE HONORABLE CHRIS LEE, CHAIR
THE HONORABLE JOY A. SAN BUENAVENTURA, VICE CHAIR
HOUSE COMMITTEE ON JUDICIARY
Thirtieth State Legislature
Regular Session of 2020
State of Hawai`i

February 12, 2020

RE: H.B. 2749; RELATING TO PROSECUTORIAL TRANSPARENCY.

Chair Lee, Vice Chair San Buenaventura, and members of the House Committee on Judiciary, the Office of the Prosecuting Attorney of the County of Kauaʻi submits the following comments regarding H.B. 2749.

The purpose of H.B. 2749 is to increase prosecutorial transparency in Hawaiʻi.

We wholeheartedly support the intent of the Bill. Our concerns relate to the expense and logistical complexity of compliance. Our Office does not dispute that greater prosecutorial transparency is certainly warranted in Hawaiʻi (and indeed in most places). Our Office does not take any issue with the collection or dissemination of the types of information described in the Bill. We do, however, note that most of this information is already collected and maintained by either the Judiciary, the Police Departments, or the Hawaiʻi Criminal Justice Data Center. We also note that this Bill would require, at a minimum, several full-time additional staff for just our comparatively-small Office, to attain compliance. It would require the complete re-creation of our case management systems, which would also cost considerable monies. Specifically, we are also concerned about our Office being expected to obtain and maintain information regarding Defendant disability status; we are prohibited from inquiring into such matters, generally speaking. We are also concerned about obtaining and maintaining arrest information; that information is generally collected by police departments and not all of that information is sent to a prosecutor's office. We are also concerned about

obtaining and maintaining information relating to risk assessments; risk assessments are currently done by the respective Intake Service Centers in each County, and not all of the information relating to them is provided to prosecutors.

Again, we applaud the intent of this legislation, but we must be sure the legislature is apprised of the significant resources that would be necessary for compliance.

For these reasons, the Office of the Prosecuting Attorney submits these comments regarding H.B. 2749. Thank you for this opportunity to testify.

MITCHELL D. ROTH
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OFFICE OF THE PROSECUTING ATTORNEY

COMMENTS REGARDING HOUSE BILL NO. 2749

A BILL FOR AN ACT RELATING TO PROSECUTORIAL TRANSPARANCY

COMMITTEE ON JUDICIARY
Rep. Chris Lee, Chair
Rep. Joy A. San Buenaventura, Vice Chair

LATE

Wednesday, February 12, 2020, 3:00 p.m.
State Capitol, Conference Room 325

Honorable Chair Lee, Honorable Vice Chair San Buenaventura and Members of the Committee on Judiciary. The Office of the Prosecuting Attorney, County of Hawai'i submits the following comments relating to House Bill No. 2749.

This measure requires the office of the prosecuting attorney to collect and publish certain data relating to criminal defendants and prosecutorial decision making, and requires the governor to establish a prosecutorial transparency advisory board.

Transparency is key to trust, and complete data representation is powerful and useful in identifying and implementing innovative change. Toward that goal, our office does not dispute that greater prosecutorial transparency is justified.

Currently, the information identified in this bill is not exclusively collected and maintained by the prosecutor's office, but by several agencies, including the Judiciary, each county police department, and/or the Hawai'i Criminal Justice Center. Arrest information collected by police departments and information related to risk assessment and bail studies, currently completed by county intake service centers, is not always directed to the prosecutor's office.

Our office is concerned that implementation of the bill would require additional full-time staff members in our office, as well as a re-design of the various case management systems for each data contributing agency involved.

While the Office of the Prosecuting Attorney, County of Hawai'i supports the intent of HB 2749, we cannot support the legislation in its current form as it would require our office to be required to hire several additional staff and to acquire expensive programs that we currently do not have resources for. Thus, this bill would create an unfunded mandate.

Our office respectfully submits these comments regarding HB 2749. Thank you for this opportunity to testify.

DEPARTMENT OF THE PROSECUTING ATTORNEY

CITY AND COUNTY OF HONOLULU

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LYNN B.K. COSTALES
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LATE

THE HONORABLE CHRIS LEE, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Thirtieth State Legislature
Regular Session of 2020
State of Hawai`i

February 12, 2020

RE: H.B. 2749; RELATING TO PROSECUTORIAL TRANSPARENCY.

Chair Lee, Vice Chair San Buenaventura, and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony expressing concerns for H.B. 2749.

The Department appreciates the bill's intent, to provide the general public with a better understanding of the Department's decision-making processes, and to give more "transparency" into our actual work. While that is important, it can also be—and typically is—accomplished by other means. On the other hand, the Department's role as a quasi-autonomous agency is crucial to ensuring that the decisions made by our office—and by each of the county prosecutors—are based on the specific facts and circumstances of each case, and the applicable laws, including caselaw and precedent, without being dictated by other interests or public popularity.

Despite the perceived lack of oversight (per H.B. 2749) of our Department, the Revised Charter of the City & County of Honolulu, 1973 (2017 Edition), art. VIII, section 8-104(1)(b), expressly authorizes the Department to "[p]rosecute offenses against the laws of the state under the authority of the attorney general of the state." As the chief law enforcement officer for the State of Hawaii, the Attorney General has full oversight of all county prosecuting offices, and, in the event of possible or perceived impropriety, or where there may be a conflict of interest, the Attorney General has the power to step in and assume prosecution of a case.

Aside from answering to the Attorney General, the Department submits an annual report to the City and County of Honolulu, and is subject to general oversight and review by the City Council. In addition, our deputies, and our Department as a whole, can be subject to complaints submitted to the City Ethics Commission, Office of Disciplinary Council or the State Ombudsman's Office. In short, the Department is not a self-governing body that lacks oversight or accountability, but simply a government agency subject to an existing framework of checks and balances. Also, as mentioned in Section 1 of H.B. 2749, the prosecuting attorney for the City and County of Honolulu

is an elected position. Thus, the public has the power to elect the prosecuting attorney of their choice, which serves as the ultimate oversight.

Although H.B. 2749 aims to assist county prosecuting attorney's offices by "creating management efficiencies and cost savings," these proposals could actually have the opposite effect. According to statistics provided by the Judiciary in the 2019 Annual Report Statistical Supplemental[1], the First Circuit (i.e. Oahu) district court and circuit court carried the following caseloads:

- Circuit Court – 9,457 cases
- District Court (Criminal) – 42,987 cases
- District Court (Traffic) – 415,901 cases

Thus, attempting to gather information to account for all fifty-two desired categories would require a significant amount of funding, which may include the purchase of a new data collection system, and the creation of a new division within our office, with multiple staff members to carry out the specified data collection. We should also note that, of the fifty-two categories listed, it appears that twenty-eight of those can be—or already are—collected by the Judiciary, nine are kept by various law enforcement agencies, one by the Public Defender's Office, one by the Department of Public Safety and five by the prosecuting attorney's offices. Four other items are too vague to determine if an agency currently collects such data, and another four are currently protected from distribution. If this Committee chooses to move forward with the proposed data collection, the Department believes it could be done most consistently and economically by the Department of the Attorney General, as that would help to ensure uniform terminology and data collection from county to county. Notably, the Attorney General currently houses the statewide Criminal Justice Information System (CJIS).

With regards to the specific information listed in H.B. 2749, the Department respectfully cautions this committee about the potential for unintended consequences. For example, one of the bill's intended goals, as stated in Section 1, is to identify "the drivers of mass incarceration and racial disparities in the criminal justice system," by requiring the Department to provide statistics that include the race of each defendant. At this time, the Department does not keep track of race as it pertains to each case, and we do not believe that racial considerations should ever factor into our decision to prosecute a case or not. Our role, as we see it, is to objectively proceed on a case, based on the facts of each individualized offense...not based on race, gender or other such categorizations, and certainly not based on any (express or implied) quotas or caps in those categories. Thus, the Department is deeply concerned that tracking certain information, such as race, could lead to those things actually being considered as factors in the decisions that we make, which would be inappropriate.

As a final comment, the Department notes that the advisory board proposed in Section 3 of this bill appears to place a high priority on the insights and representation of defendants and defense counsel, yet it lacks equal consideration for crime victims or county prosecutors.

The Judiciary, State of Hawaii 2019 Annual Report Statistical Supplement (2019), *available at* https://www.courts.state.hi.us/wp-content/uploads/2020/01/AD-P-751StatsRpt19.pdf . Last accessed 2/11/20.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu express concerns with the passage of H.B. 2749. Thank you for the opportunity to testify on this matter.

MICHAEL P. VICTORINO
Mayor

DON S. GUZMAN
Prosecuting Attorney

ROBERT D. RIVERA
First Deputy Prosecuting Attorney

ANDREW H. MARTIN
Second Deputy Prosecuting Attorney

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LATE

TESTIMONY
ON
H.B. 2749 - RELATING TO
PROSECUTORIAL TRANSPARENCY

February 12, 2020

The Honorable Chris Lee
Chair
The Honorable Joy A. San Buenaventura
Vice Chair
and Members of the Committee on Judiciary

Chair Lee, Vice Chair San Buenaventura, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments concerning H.B. 2749, Relating to Prosecutorial Transparency. Specifically, we would like to express our strong opposition to H.B. 2749 in its current form, which creates extensive data collection, distribution and reporting requirements for each county prosecuting office, along with a prosecutorial transparency advisory board with a potential majority of members comprised of criminal defense attorneys and "persons who have been prosecuted by the State's criminal justice system".

Our Department generally agrees that prosecutorial transparency serves the public interest. In general, we only object to the release of case information if the information is confidential and has the potential to harm victims and our efforts to seek justice. The vast majority of our work occurs in court or on the record, so we are already held accountable for what occurs there. Furthermore, we have no objections to clearly public information being provided to the public. Information such as case numbers, defendant names, incident/arrest date, charging documents, etc. are all things that our Department tracks in one form or another and could, in theory, provide to the general public.

However, we do have some practical concerns regarding this bill. Our first concern involves the resources needed to collect and distribute the information in question. While some of the information is already tracked in one form or another, much of the additional information requested would require dedicated data entry personnel across our entire department, in addition to the current personnel handling case processing. In District Court matters with a high volume

of incoming cases, for example, adding any additional data entry requirements without adding additional personnel runs a high risk of delaying existing case intake and creating HR issues such as mandatory overtime for clerical staff. Furthermore, the bill's current language would require the collected information to be formatted for distribution to the public via the Internet, which would require additional resources to ensure proper formatting and request processing, redaction of private information, and other related items.

Our second concern is that this bill creates an unfunded State mandate with an effective date of July 1, 2020 without any significant consultation with the affected agencies. In our view, it is fundamentally unfair for the State to unilaterally impose completely unfunded, detailed data collection and distribution requirements on the counties without first determining whether the counties can even reasonably comply on existing departmental budgets at all, let alone with a mandatory compliance date less than 5 months away.

Our third concern is that some of the information, such as a defendant's specific disabilities, could be considered private health information that should not be distributed publicly without a defendant's explicit written consent. This bill would require our Department to collect this information and distribute it publicly. Moreover, the bill's language is ambiguous enough that it would arguably require our deputy prosecuting attorneys to document and collect their own personal observations and conclusions as to a defendant's specific disabilities, then publish that information for examination by the general public. There are significant dangers to community privacy and defendant dignity if an attorney with no background in medical or psychological examination is required to not only render an untrained opinion on a defendant's disability status, but also to distribute that opinion publicly.

Our fourth concern is that the bill's long-term effects have the potential to create a constitutional separation of powers issue via erosion of prosecutorial discretion. As noted by the U.S. Supreme Court in Wayte v. United States, 470 U.S. 598, 607, 105 S.Ct. 1524, 1530–31, 84 L.Ed.2d 547 (1985):

> In our criminal justice system, the Government retains "broad discretion" as to whom to prosecute. United States v. Goodwin, 457 U.S. 368, 380, n. 11, 102 S.Ct. 2485, 2492, n. 11, 73 L.Ed.2d 74 (1982); accord, Marshall v. Jerrico, Inc., 446 U.S. 238, 248, 100 S.Ct. 1610, 1616, 64 L.Ed.2d 182 (1980). "[S]o long as the prosecutor has probable cause to believe that the accused committed an offense defined by statute, the decision whether or not to prosecute, and what charge to file or bring before a grand jury, generally rests entirely in his discretion." Bordenkircher v. Hayes, 434 U.S. 357, 364, 98 S.Ct. 663, 668, 54 L.Ed.2d 604 (1978). This broad discretion rests largely on the recognition that the decision to prosecute is particularly ill-suited to judicial review. Such factors as the strength of the case, the prosecution's general deterrence value, the Government's enforcement priorities, and the case's relationship to the Government's overall enforcement plan are not readily susceptible to the kind of analysis the courts are competent to undertake. Judicial supervision in this area, moreover, entails systemic costs of particular concern. Examining the basis of a prosecution delays the criminal proceeding, threatens to chill law enforcement by subjecting the prosecutor's motives and decisionmaking to outside inquiry, and may undermine prosecutorial effectiveness by revealing the Government's enforcement policy.

Furthermore, a prosecutor's broad discretion is not without limits. Our attorneys are already bound by multiple ethical rules (the majority of the Hawaii Rules of Professional Conduct, including Rule 3.8 that deals specifically with prosecutors and is enforceable via disciplinary action taken by the Office of Disciplinary Counsel) and subject to a variety of limits on their conduct (e.g., there are pre-existing judicial and statutory claims and remedies for prosecutorial misconduct such as sentencing policies based on racial or religious bias, including dismissal of charges, monetary sanctions, civil liability, suppression of evidence, etc.).

Our fifth concern is that the composition of the prosecutorial transparency board does not appear conducive to rendering fair and unbiased input and guidance on criminal justice issues. Although the bill requires a minimum of seven members, the bill mandates that four of the seven members have either a criminal defense attorney background or have been prosecuted by the Hawaii criminal justice system. Neither of those requirements is conducive to rendering fair and unbiased input. Moreover, there are no requirements that the board contain representatives from the law enforcement or prosecutor communities to provide input from those perspectives, nor is there a requirement that some of the members consist of neutral community representatives to counterbalance the law enforcement and defense perspectives. In our view, the minimum board size should be increased, and the member composition requirements should be amended, to properly provide neutral and contrasting viewpoints in order to render fair and unbiased input and guidance on criminal justice issues.

Our sixth concern is that, given the breadth and depth of the changes contemplated by this bill, other government agencies do not appear to be involved in either the bill's drafting process or the data collection process contemplated by the bill itself. The bill places the onus of data collection and distribution solely on our Department without apparent regard to whether another entity, such as the Judiciary, defense counsel, county police departments or the Department of Public Safety, would be in a better position to provide some of the requested information. For example, the primary sources for a defendant's demographic information such as age, race and gender would be either the defendant themselves or the police department that documented the information during the arrest procedure. Information on a defendant's waiver of rights is most directly obtained from either the Judiciary or the defendant, while information on a defendant's bail or custody status is most directly obtained from the county police department, the Department of Public Safety or the Judiciary. We would suggest that a collaborative working group or task force be established to craft a more efficient approach prior to imposing these requirements on the counties.

For these reasons, the Department of the Prosecuting Attorney, County of Maui strongly opposes the passage of H.B. 2749 in its current form. Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries.

Thank you very much for the opportunity to provide testimony on this bill.

HB-2749
Submitted on: 2/10/2020 4:56:27 PM
Testimony for JUD on 2/12/2020 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
	Domestic Violence Action Center	Support	No

Comments:

HB-2749
Submitted on: 2/11/2020 12:52:53 PM
Testimony for JUD on 2/12/2020 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
amy agbayani	Filipina Advocacy Network FAN	Support	No

Comments:

HAWAIʻI HEALTH
& HARM REDUCTION CENTER
The New Chapter for Life Foundation and The CHOW Project

TESTIMONY IN SUPPORT OF HB 2749

TO: Chair Lee, Vice-Chair San Buenaventura, and Members of the House Judiciary Committee

FROM: Nikos Leverenz
Grants, Development & Policy Manager

DATE: February 12, 2020 (3:00 PM)

Hawaiʻi Health & Harm Reduction Center (HHHRC) **supports** HB 2749, which requires county prosecutors to collect and publish data related to criminal defendants and prosecutorial decision making. The measure would also require the governor to establish a prosecutorial transparency advisory board.

The county prosecutors of this state serve as the functional gatekeepers to an individual's involvement in the criminal legal system, from charging and plea practices (including lengths of jail and prison) to protracted periods of supervision, In accord with a history dating back to the territorial government, Hawaii's current criminal legal system continues to disproportionately impact Native Hawaiians and those of lesser or no economic means.

HHHRC strongly supports measures that would facilitate greater transparency in government operations so that practices can be continually subject to objective evaluation and improvement. Those involved in the administration of this state's criminal legal system, including county prosecutors, should be engaged in ongoing training to recognize and reduce implicit bias. As Adam Benforado, author of *Unfair: The New Science of Criminal Injustice*, observed a half decade ago, "We need to stop viewing people we arrest, prosecute, convict, and imprison as evil and less human, for that toxic combination drives us to hate and hurt, makes our brutish treatment seem justified, and does little to make us safer."

The type of data contemplated by this bill will have a broad range of public benefits, including data to support continual re-assessment of prosecutorial practices and affording the Legislature an needed evidentiary basis to conduct meaningful and substantive oversight of the criminal legal system, including sentencing law and prosecutorial functions. The status quo has not served anyone well, as evinced most notably by the incumbent Honolulu prosecutor, who has fueled over-criminalization and over-incarceration throughout his draconian tenure while forwarding a reflexively reactionary posture in testimony to the Legislature.

HHHRC works with many individuals who are impacted by poverty, housing instability, and other social determinants of health. Many have behavioral health problems, including those relating to substance use and underlying mental health conditions. Incarceration for any length of time for those with undiagnosed or undertreated behavioral health conditions compounds human suffering and is neither wise nor compassionate public policy.

The grave impacts of incarceration on individual health are of heightened concern for those currently incarcerated in Hawaiʻi and its contracted facilities in Arizona. Conditions in both states are such that they have been the subject of news reports in local, national, and international outlets in recent years. (*See, e.g.*, Cory Lum, "Prisoners in Hawaii Are Being Sent to Die in Private Prisons in Arizona," *Vice Magazine*, March 2017; Associated Press, "Official: Overcrowding, Inmate Woes Caused Maui Jail Riot," August 22, 2019; Elizabeth Whitman, "Inmate Says He Was Raped, Retaliated Against at CoreCivic Prison in Arizona," *Phoenix New Times*, December 17, 2019; Associated Press, "New Hawaii Law Shows Information Withheld in Prison Deaths," January 6, 2020; Hawaii News Now, "Investigation Launched After Apparent Beating Death of OCCC Inmate," January 18, 2020; Yoohyun Jung, "Lawsuit: Guards Had Suicidal Inmate Cuffed, Let Him Bleed to Death," *Civil Beat*, January 24, 2020.)

Thank you for the opportunity to testify on this measure.

the Drug Policy Forum of hawai'i

Dedicated to safe, responsible, humane and effective drug policies since 1993

TESTIMONY IN SUPPORT OF HB 2749

TO: Chair Lee, Vice Chair San Buenaventura & Members of the House Judiciary Committee

FROM: Nikos Leverenz
DPFH Board President

DATE: February 12, 2020 (3:00 PM)

Drug Policy Forum of Hawaiʻi **strongly supports** HB 2749, which requires county prosecutors to collect and publish data related to criminal defendants and prosecutorial decision making. The measure would also require the governor to establish a prosecutorial transparency advisory board.

The wealth of information asked for in this bill will be of invaluable use to county prosecutors in the administration of their caseloads and help them combat implicit bias. This data will also be of use to the Legislature in what will hopefully be more routine and meaningful oversight of executive functions ranging from police practices to prosecutorial practices to correctional practices to criminal legal supervision practices.

The current moribund state of Hawaiʻi's criminal legal system is not mere happenstance, and the Legislature must engage in more robust oversight of executive agencies on behalf of the public and their communities. This bill will provide some level of objective data to help facilitate statutory, structural, and budgetary reforms.

My prior professional experience in the legislative process of the nation's most populous state afforded me two conspicuous instances where the existence and provision of government data from the state attorney general was of paramount importance to public discussions around needed legislative reforms.

First, I was able to make a special request regarding the age, sex, and race of those arrested, charged, and convicted of a single code provision related to the possession for sale of base forms of cocaine over a decade. While I procured statewide figures, data was available from all 57 counties. Although the data showed what was assumed, namely that African American men under the age of 45 were the principal targets of the enforcement of the relevant code provision, it was over a decade before the sentences between the powder and base forms of cocaine were equalized under statute.

Second, the state's attorney general, under the direction of state statute, provided an annual detailed report of civil asset forfeiture on a county-by-county basis, including the date and amount of seizure and code provision at issue. From that data, I was able determine that the median forfeiture in the state was $2,100, demonstrating the practice targeted persons were not the putative "kingpins" often invoked by proponents. Prospective Hawaiʻi reform measures, short of the abolition of civil asset forfeiture (as has been done in New Mexico and Nebraska), should require this level of data reporting and that it be made available to the general public.

Transparency in the workings of government, particularly in areas that directly impact the health and well-being of our local communities, is a foundational political value in our constitutional republic. As Patrick Henry declared to the Virginia Ratifying Convention on June 9, 1788:

> *"The liberties of a people never were, nor ever will be, secure when the transactions of their rulers may be concealed from them. The most iniquitous plots may be carried on against their liberty and happiness. I am not an advocate for divulging indiscriminately all the operations of government, though the practice of our ancestors, in some degree, justifies it."*

Hawaiʻi's Uniform Information Practices Act also notes the importance of government transparency:

> *"Government agencies exist to aid the people in the formation and conduct of public policy. Opening up the government processes to public scrutiny and participation is the only viable and reasonable method of protecting the public's interest."*

The grave consequences that stem from the protracted absence of routine and meaningful public oversight of executive functions are vividly manifest in the record of Honolulu's incumbent prosecutor and his former chief deputy. As his office's testimony on this bill is likely to show, his unduly vapid rhetoric before the Legislature continues even during his taxpayer-funded leave of absence.

Drug Policy Form of Hawaiʻi, established in 1993, continues to inform public discussions in the Aloha State on the ongoing failure of the current "war on drugs" to advance individual or public health through criminalization and the failure to provide meaningful access to health services regardless of medical conditions. We support polices that are grounded in the values of compassion, health, racial justice, and human rights.

Thank you for the opportunity to provide testimony on this important measure.

LATE

HB-2749
Submitted on: 2/11/2020 11:09:33 PM
Testimony for JUD on 2/12/2020 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald S. Fujiyoshi	Ohana Ho`opakele	Support	No

Comments:

Aloha for allowing us to send in testimony on this bill!

Our organization has been in existence since 2000 advocating for pa`ahao (incarcerated) Native Hawaiians who are disproportionately represented in prisons.

We support this bill because from our experience the prosecutors have too much power that goes unchecked in the court process. Because the court system does not want to spend funds with jury trials or long trials, the prosecution usually offers a plea deal. At this stage the prosecutors have too much power. The defendants, especially with the disproportionate number of Native Hawaiians and their low position on the welth scale, are in a weak bargaining position.

The more transparency the better. We believe this bill provides more transparency.

Therefore, we strongly ask you to pass this bill!

Mahalo for the opportunity to send in testimony!

LATE

HB-2749
Submitted on: 2/12/2020 4:40:35 AM
Testimony for JUD on 2/12/2020 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Steven Costa	FACE	Support	No

Comments:

Please support this bill

LATE

HB-2749
Submitted on: 2/12/2020 7:44:20 AM
Testimony for JUD on 2/12/2020 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lorenn Walker	Hawai'i Friends of Restorative Justice	Support	No

Comments:

The Hawai‘i Friends of Restorative Justice supports this measure to create more transparency in our prosecutors' offices. Both Preet Bharara, former US Attorney for the Southern District of New York and author of *Doing Justice: A Prosecutor's Thoughts on Crime, Punishment, and the Rule of Law*, along with Emily Bazelon, author of *Charged: The New Movement to Transform American Prosecution and End Mass Incarceration* and Yale Law School graduate, make strong cases for the need for new policies to improve prosecutors' behaviors.

Both authors show how prosecutors hold tremendous unchecked power that has led to increased incarceration and harsh penalties, which have not reduced crime. This bill would be a step in regulating that power and moving toward policies that can help rehabilitate and keep our community safer.

Please vote in favor of HB2749.

Please contact me lorenn@hawaiifriends.org if you have questions concerning our support for this bill.

Mahalo for your public service.

Aloha, Lorenn Walker, JD, MPH

Director, Hawai‘i Friends of Restorative Justice

ACLU Hawai'i

Committee:	Committee on Judiciary
Hearing Date/Time:	Wednesday, February 12, 2020, 3:00 p.m.
Place:	Conference Room 325
Re:	*Testimony of the ACLU of Hawai'i **in support of** H.B. 2749, Relating to Prosecutorial Transparency*

Dear Chair Lee, Vice Chair San Buenaventura, and Committee Members:

The American Civil Liberties of Hawai'i writes **in support of** H.B. 2749, which would create uniform transparency requirements for prosecuting attorneys' offices throughout the state. Transparency will lead to increased public awareness about Hawaii's criminal justice system and bring to light solutions to mass incarceration.

Prosecutors are the most powerful players in the criminal legal system. Prosecutors make decisions every day that impact people's personal freedom. They decide whom to charge, what to charge, what plea deal to offer, and whether to recommend cash bail. This discretion has led to widespread abuse throughout the United States. For example, in Hawai'i, prosecutors have been known to request high bail amounts as a tactic to pressure defendants into entering plea deals, knowing that the defendant will not be able to afford bail.[1] This practice exploits a wealth-based system, costs the state money, and runs counter to the purpose of bail. 94% of felony convictions in states are resolved with pleas, giving prosecutors more influence on case results, sentence lengths, and prison populations than judges.[2] We also know that prosecutors' actions disproportionately impact Native Hawaiians, who are overrepresented at all stages of the criminal justice system.[3] Despite the power that prosecutors wield over the accused, victims, and communities, however, prosecutors mostly operate in secrecy, disclosing shockingly little about their operations. This measure would shine a light on prosecutorial practices, allowing for increased accountability and help restore lost community trust in law enforcement.

Most prosecuting attorneys' offices in Hawai'i do not publicly disclose information or guidelines about how prosecutorial decisions are made. It is unclear whether Hawaii's

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[1] ACLU of Hawaii, *As Much Justice as You Can Afford, available at* https://acluhawaii.files.wordpress.com/2018/01/aclu-of-hawaii-bail-report.pdf. This study found that in the First Circuit of the State of Hawaii, 36% of arrestees changed their plea and were then granted supervised released or bail reduction within one week of their plea change.

[2] Emily Yoffe, *Innocence is Irrelevant*, The Atlantic (September 2017), https://www.theatlantic.com/magazine/archive/2017/09/innocence-is-irrelevant/534171/.

[3] Office of Hawaiian Affairs, The Disparate Treatment of Native Hawaiians in the Criminal Justice System (2010), http://www.justicepolicy.org/uploads/justicepolicy/documents/10-09_exs_disparatetreatmentofnativehawaiians_rd-ac.pdf.

prosecutors currently track any of the information that this bill would require them to track and disclose. In January of this year, the ACLU of Hawai‘i requested information from each of the four county prosecutors regarding their offices' internal policies around decision-making, as well as practices in internal data collection and analysis for gender and race inequities in the way their offices prosecute cases. As of today, we have only received policies from the County of Kaua‘i of the prosecutors, and it is unclear whether prosecutors' offices spend any staff time on internal data and analysis.

The public has a right to know how prosecutors are using their tax dollars. Prosecutors are public officials; three of the four county prosecutors in Hawai‘i are elected into office. Transparency leads to accountability, and there is a strong public interest in creating a mechanism like that created by H.B. 2749 for tracking prosecutors' operations in order to allow communities to hold their public officials accountable when they abuse their discretion.

Finally, prosecutors' actions directly impact the State's spending. Every move made by a prosecutor carries a consequence for the State; when prosecutors push for maximum penalties for low-level drug offenses, the State pays in costs incurred by the judiciary, public defenders, and the Department of Public Safety. In 2017, Hawaii spent $255 million of its general fund on corrections.[4] Changes to prosecutorial practices could bring about a dramatic decrease in the costs of incarceration. It is reasonable to assume that increasing transparency in accordance with this measure could offer insight into future reforms that will generate cost savings for the State.

For the above reasons, the ACLU of Hawai‘i respectfully requests that your Committee support this measure. Thank you for the opportunity to testify.

Sincerely,

Mandy Fernandes
Policy Director
ACLU of Hawai‘i

The mission of the ACLU of Hawai‘i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai‘i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai‘i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai‘i has been serving Hawai‘i for 50 years.

[4] Hawaii Blueprint for Smart Justice, *available at* https://50stateblueprint.aclu.org/assets/reports/SJ-Blueprint-HI.pdf.

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COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON JUDICIARY
Rep. Chris Lee, Chair
Rep. Joy San Buenaventura, Vice Chair
Wednesday, February 12, 2020
3:00 pm – Room 325

LATE

STRONG SUPPORT FOR HB 2749 – PROSECUTORIAL TRANSPARENCY

Aloha Chair Lee, Vice Chair San Buenaventura and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai`i for more than two decades. This testimony is respectfully offered on behalf of the families of **JAMES BORLING SALAS, ASHLEY GREY, DAISY KASITATI, JOEY O`MALLEY, JESSICA FORTSON AND ALL THE PEOPLE WHO HAVE DIED UNDER THE "CARE AND CUSTODY" OF THE STATE,** including the eleven (11) people that we know of, who have died in the last six (6) months. We also remind the committee of the approximately 5,200 Hawai`i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day, and we are always mindful that more than 1,200 of Hawai`i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

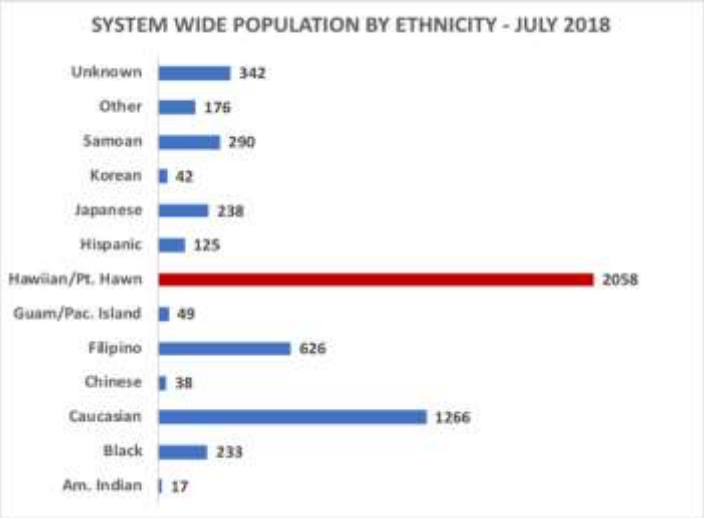
HB 2749 requires the offices of the prosecuting attorney of the respective counties to collect and publish certain data relating to criminal defendants and prosecutorial decision-making and requires the governor to establish a prosecutorial transparency advisory board. It makes the data publicly available in a readable format.

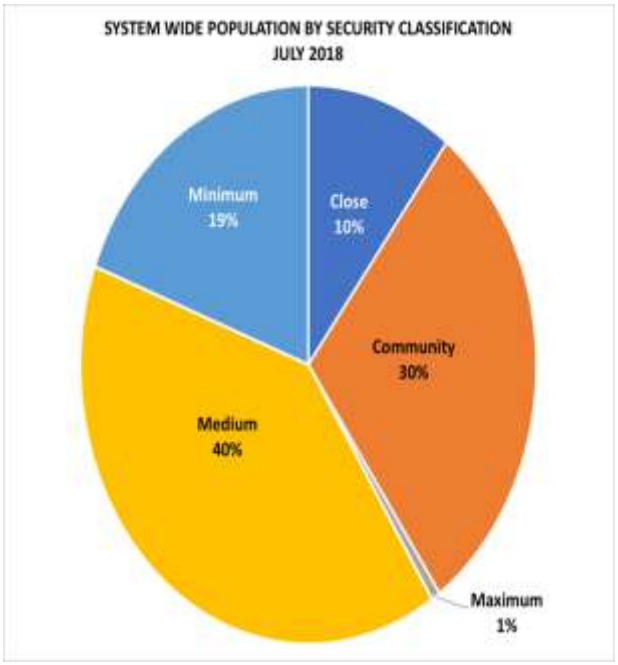
Community Alliance on Prisons is in strong support of this measure. Prosecutors are the gate-keepers of the criminal justice system; they operate in a 'black box' meaning that no one really understands how and why they reach their charging decisions. These decisions have resulted in 74% of those incarcerated by the state serving time for the lowest felonies and below. This has swelled our imprisoned population, has enhanced the criminal manufacturing machine, has resulted in cuts to social programs to support the imprisonment of people contending with mental health, substance misuse, unemployment, illiteracy, and a host of other public health and social challenges. THIS IS NOT ALOHA.

Transparency and accountability are crucial to justice and good policymaking and we are happy this bill calls for very detailed information for 10 years to help policymakers and the community understand how prosecutors make their decisions to level charges. Sadly, some of the 'deal making' has been revealed in the Katherine Kealoha case at the Office of the Honolulu Prosecutor. This is of great concern to the community and has resulted in a crisis of trust in the Office of the Honolulu Prosecutor. When being the 'top gun' means that you have put more people behind bars, that is a clear call for reform.

Another problem that we have witnessed over the last several decades is the coercion of defendants to accept plea deals. I have been a member of the UH Institutional Review Board for almost 20 years and coercion is a huge federal topic. Prosecutors are supposed to be ministers of justice, however, coercing people to accept a plea - even when they are innocent – should be illegal. In cases of coercion, the Office of the Prosecutor should be levied a fine or some other sanction to ensure that this coercive practice does not continue. And, this should be publicly reported.

Below are two charts showing the statewide population by ethnicity and by security classification. It clearly shows that Kanaka Maoli are definitely over-represented in our correctional system. The systemwide security classification chart shows that 49% of all those incarcerated by the state are held at the lowest custody levels - community (30%) and minimum (19%) – meaning that most could be in the community with little to no supervision.





The prosecutors are responsible for charging defendants; however, the legislature is responsible for Hawai`i's draconian laws that were enacted during the 'tough on crime' era. While other states have been working on sentencing reform and reducing their incarcerated populations, Hawai`i is still entertaining punitive sentencing laws that increase sanctions – with the full support of prosecutors!

In the interest of democracy, Community Alliance on Prisons respectfully asks the committee to pass this important reform to increase transparency and accountability in the Offices of Prosecutors across Hawai`i nei.

Mahalo for this opportunity to testify.

Truth never damages a cause that is just.

Mahatma Gandhi

LATE

Young Progressives Demanding Action
P.O. Box 11105
Honolulu, HI 96828

February 12, 2020

TO: House Committee on the Judiciary
RE: Testimony in support of HB2749

Dear Representatives,

Young Progressives Demanding Action (YPDA) advocates for public policies that reflect the values of young people throughout the State of Hawai'i. One of those values is compassion. Another value is a belief that policy should be based on evidence and data. These two values merge together in the criminal-judicial system work in which our Social Justice Action Committee engages.

YPDA is in strong support of HB2749, Relating to Prosecutorial Transparency. Despite the power that prosecutors wield over the accused, victims, and communities, prosecutors are allowed to operate in secrecy, disclosing shockingly little about their operations. This measure would shine a light on prosecutorial practices, allowing for increased accountability and help restore lost community trust in law enforcement.

Transparency is particularly important when we know that prosecutors retain an upper hand in negotiations and can threaten to add additional charges when offering plea deals. Some 94 percent of felony convictions in states are resolved with pleas, giving prosecutors more influence on case results, sentence lengths, and prison populations than judges.

In Hawai'i, prosecutors have been known to request high bail amounts as a tactic to pressure defendants into entering plea deals, knowing that the defendant will not be able to afford bail. Routinely, people will take the plea deal simply so they can go home and continue to work. That is not justice.

We also know that this has had a disproportionately heavy impact on Native Hawaiians.

Laslty, changes to prosecutorial practices could bring about a dramatic decrease in the fiscal costs of incarceration, which are exorbitant. But we need to know what those practices are in order to accomplish this.

Prosecuting attorneys' offices in Hawai'i do not publicly disclose information or guidelines about how prosecutorial decisions are made. The public has a right to know how prosecutors are using their tax dollars.

Mahalo for the opportunity to testify,

Will Caron
2019–2020 Co-Chair
Action@YPDAhawaii.org

HB-2749
Submitted on: 2/12/2020 11:52:31 AM
Testimony for JUD on 2/12/2020 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Amanda M Steiner	Individual	Support	No

Comments:

Hello my name is Amanda. I'm an attorney and I worked for a short time, many years ago, at the Alameda County DA's office and the San Francisco Attorney General's office. While working in those offices, I learned that the people who work hard to achieve justice for victims of crimes do not disclose much information about plea deals, sentencing and bail recommendations, and other aspects of their work. I believe that most people who take on this challenging work are operating in the best interests of the community and victims. I think the transparency requirements required by HB2749 would increase the community's respect and understanding of the prosecutor's office's work and would serve to curb any abuses of power. Please vote YES on HB2749.

HB-2749
Submitted on: 2/12/2020 2:12:46 PM
Testimony for JUD on 2/12/2020 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Angelina Mercado	Hawaii State Coalition Against Domestic Violence	Support	No

Comments:

Erik K. Abe
55 South Kukui Street, #1606
Honolulu, Hawaii. 96813
Ph. (808) 537-3081. Cell: (808) 537-3081

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY
WEDNESDAY, FEBRUARY 12, 2020; 3:00 P.M.
STATE CAPITOL, CONFERENCE ROOM 325

RE: HOUSE BILL NO. 2749, RELATING TO PROSECUTORIAL TRANSPARENCY.

Chair Lee, Vice Chair San Buenaventura, and Members of the Committee:

My name is Erik Abe, and I am the Public Affairs and Policy Director for the Hawaii Primary Care Association (HPCA). However, I am testifying today solely in my capacity as a concerned citizen, and my views expressed do not necessarily nor officially reflect those of the HPCA.

I am testifying in **SUPPORT** of House Bill No. 2749, RELATING TO PROSECUTORIAL TRANSPARENCY.

As received by your Committee, this bill would require each office of the Prosecuting Attorney of the respective counties to:

(1) Collect and disclose data for each case prosecuted and maintain a record of this information for at least ten years;

(2) Collect and publish all office policies, including procedures and protocols relating to, among other things, charge dismissal and charging; and

(3) Make publicly available the foregoing information.

In addition, this bill would require the Criminal Justice Research Institution to determine a uniform and consistent manner in which the Offices of the Prosecuting Attorney of the respective counties is to transmit the data required and determine an implementation schedule and play by which all offices are to report the required data.

The bill would also prohibit any Office of the Prosecuting Attorney not in compliance with the foregoing from receiving funding from the State.

Three years, I was requested by a friend, Mr. Ron Shimabuku, to assist his family draft legislation before the Hawaii State Legislature to strengthen Hawaii's laws applicable to driving under the influence of an intoxicant. At that time, Mr. Shimabuku informed me that his hanai brother, Kaulana Werner, was killed by an intoxicated driver in Nanakuli, Island of Oahu, and that his family wanted to change the laws to prevent similar situations from occurring in the future to ease the suffering of families of victims.

The Werner Ohana felt very strongly that the Office of the Prosecutor, City and County of Honolulu erred in charging the offender with Negligent Homicide in the First Degree (**See**, Section 7-7-702.5, Hawaii Revised Statutes (HRS)). This offense is a Class B Felony, the maximum penalty of which is 10 years in prison. Instead, they had wanted the offender charged with Manslaughter (**See**, Section 707-702, HRS), a Class A Felony, the maximum penalty of which is twenty years to life.

In reviewing the statutes for both offenses, it appeared to me that the law concerning deaths resulting from the negligence of another is vague.

For Manslaughter, a person commits the offense if the person ". . . *recklessly causes the death of another*. . ." Under Negligent Homicide in the First Degree, a person commits the offense if the person "*. . . causes the death of[:] another person by the operation of a vehicle in a negligent manner while under the influence of drugs or alcohol; or . . . [a} vulnerable user by operation of a vehicle in a negligent manner. . .* "

A statute fails to meet the requirements of the Due Process Clause of the Fourteenth Amendment when ". . . it is so vague and standardless that it leaves the public uncertain as to the conduct it prohibits. . ." (**See**, *Giaccia v. Pennsylvania*, 382 U.S. 399 (1966)). In addition, the Ninth Circuit further cited *City of Chicago v. Jesus Morales*, 527 U.S. 41 (1999) when it wrote, *"Vagueness may invalidate a criminal law for either of two independent reasons: First, it may fail to provide the kind of notice that will enable ordinary people to understand what conduct it prohibits; second, it may authorize or even encourage arbitrary and discriminatory enforcement."* (**See**, *Desertrain v. City of Los Angeles*, 754 F.3d 1147 (2014)).

Arbitrary enforcement is what we currently have in the City and County of Honolulu. In my research, I have not come across a single instance where the Prosecutor's Office had charged a person for Manslaughter when the offenders negligent actions involving a motor vehicle lead to the death of another. Recently, there have been numerous high-profile cases -- extremely egregious cases -- in which the Prosecutor's Office failed to charge the offender with Manslaughter. These include:

- A commercial driver operating a loaded trolley in Kakaako runs over a pedestrian and drags him 100 feet. When authorities stop him, they find an open bottle of liquor and him smelling of alcohol. The driver was found to have a blood-alcohol level over the .08 threshold;

- A pedestrian in a crosswalk in Nanakuli was hit by a speeding motorist. The impact threw the pedestrian over 200 feet. The driver only stopped after the car shut down more than three-quarters of a mile from the point of impact. At the time the police confronted the driver, she was in the process of putting a tow cable onto her car from a friends car. She was found to have a blood-alcohol level over the .08 threshold;

- A pedestrian was struck by a motorist on the North Shore. The driver failed to stop. After an extended search, the driver was found miles away in a vacant parking lot passed out drunk on the ground with the door left open. He was found to have a blood-alcohol level over the .08 threshold;

In all of these cases, the Prosecutor's Office charged the offenders with Negligent Homicide in the First Degree rather than Manslaughter.

But this hasn't been the case on the neighbor islands. Most recently, the Hawaii Supreme Court affirmed the decision in a Kauai case where a drunk driver involved in an accident that led to the death of another was convicted of Manslaughter.

As noted above, the standard by which vagueness becomes unconstitutional is when ambiguity in the language of the statute leads to arbitrary enforcement. As a concerned citizen, I submit that the ambiguity of these statutes have seriously undermined justice in our State. It is my hope that this Committee will agree that these statutes need to be fixed and that this bill be approved for further consideration.

For these reasons, I respectfully urge your favorable consideration of this bill.

Thank you for the opportunity to testify. Should you have any questions, please do not hesitate to contact me.

HB-2749
Submitted on: 2/11/2020 11:02:42 AM
Testimony for JUD on 2/12/2020 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lucie Knor	Individual	Support	No

Comments:

Aloha, my name is Lucie and I'm in strong support of HB2749, Relating to Prosecutorial Transparency. Despite the power that prosecutors wield over the accused, victims, and communities, prosecutors mostly operate in secrecy, disclosing shockingly little about their operations. 94% percent of felony convictions in states are resolved with pleas, giving prosecutors more influence on case results, sentence lengths, and prison populations than judges.

This measure would shine a light on prosecutorial practices, allowing for increased accountability and help restore lost community trust in law enforcement. Please vote YES on HB2749.

HB-2749
Submitted on: 2/11/2020 11:46:49 AM
Testimony for JUD on 2/12/2020 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jacquelyn Esser	Individual	Support	No

Comments:

Holding prosecutors accountable is impossible so long as prosecutorial power remains hidden from public view. This is a necessary step toward reversing the crisis of mass incarceration Hawai'i is experiencing and ensuring that communities have the information they need to hold elected Prosecutors accountable.

HB-2749
Submitted on: 2/11/2020 3:08:42 PM
Testimony for JUD on 2/12/2020 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Nanea Lo	Individual	Support	No

Comments:

Hello,

My name is Nanea and I'm in strong support of HB2749, Relating to Prosecutorial Transparency. Despite the power that prosecutors wield over the accused, victims, and communities, prosecutors mostly operate in secrecy, disclosing shockingly little about their operations. This measure would shine a light on prosecutorial practices, allowing for increased accountability and help restore lost community trust in law enforcement. Please vote YES on HB2749.

me ke aloha ‘Ä• ina,

Nanea Lo

HB-2749
Submitted on: 2/12/2020 4:38:22 AM
Testimony for JUD on 2/12/2020 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Jun Shin	Individual	Support	No

Comments:

LATE

HB-2749
Submitted on: 2/12/2020 8:59:27 AM
Testimony for JUD on 2/12/2020 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lucia You	Individual	Support	No

Comments:

Hawaii needs prosecutorial transparency

HB-2749
Submitted on: 2/12/2020 10:37:12 AM
Testimony for JUD on 2/12/2020 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
David Contreras	Individual	Support	No

Comments:

Aloha. My name is David A. Contreras. I reside in Puna Uka on big Island. I strongly support HB 2749 regarding Prosecutorial Tranparency. Prosecutors carry mush authority over cases. I would like to see more light shone on their processes. I want increased accountability. I believe this can increase public trust in law enforcement. I urge passing this bill. Mahalo

LATE

HB-2749
Submitted on: 2/12/2020 10:55:05 AM
Testimony for JUD on 2/12/2020 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara L. George	Individual	Support	No

Comments:

Strongly SUPPORT!

HB-2749
Submitted on: 2/12/2020 11:34:05 AM
Testimony for JUD on 2/12/2020 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Carla Hess	Individual	Support	No

Comments:

Way overdue!!

HB-2749
Submitted on: 2/12/2020 12:03:50 PM
Testimony for JUD on 2/12/2020 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Fern Anuenue Holland	Individual	Support	Yes

Comments:

LATE

HB-2749
Submitted on: 2/12/2020 12:09:53 PM
Testimony for JUD on 2/12/2020 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
janice palma-glennie	Individual	Support	No

Comments:

Aloha,

I strongly support HB2749, Relating to Prosecutorial Transparency. Despite the power that prosecutors wield over the accused, victims, and communities, prosecutors mostly operate in secrecy, disclosing shockingly little about their operations. This measure would shine a light on prosecutorial practices, allowing for increased accountability and help restore lost community trust in law enforcement.

Legal fairness is critical in a free society. Please vote YES on HB2749.

Mahalo and sincerely,

janice palma-glennie

kailua-kona

HB-2749
Submitted on: 2/12/2020 1:59:41 PM
Testimony for JUD on 2/12/2020 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Ana Tejeda	Individual	Support	No

Comments:

Aloha, my name is Ana Tejeda and I strongly support HB2749 relating to Prosecutorial Transparency. Despite the power that prosecutors wield over the accused, victims, and communities, prosecutors mostly operate in secrecy. Shockingly little about their operations is known and I would like to see that change. HB2749 would shine a light on prosecutorial practices, increase accountability, and help restore the community's trust in law enforcement and criminal justice. I urge you to please vote YES on HB2749.