



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2025**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 112, RELATING TO POLICE REPORTS.

**BEFORE THE:**

SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

**DATE:** Friday, January 24, 2025 **TIME:** 3:00 p.m.

**LOCATION:** State Capitol, Room 225 and Videoconference

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

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Chair Elefante and Members of the Committee:

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

The purpose of the bill is to allow surviving immediate family members of deceased persons for whom law enforcement initiated an investigation to receive a copy of the closing report prepared by the investigating police department after a specified period of time. As written, the bill would allow the closing report to be given to all surviving immediate family members who request it 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. Some exceptions are provided.

Police closing reports commonly include key information about the investigation, such as: summaries of witnesses' statements, including the identity and address of any witnesses; summaries of the evidence recovered and any lab results; crime scene photographs; summaries of investigatory techniques used in the case; investigators' conclusions regarding the investigation, including the names of possible suspects; and confidential personal information, such as social security numbers.

Providing closure for grieving families is an important consideration in determining how the dissemination of police reports should be handled, however, the Department is concerned that premature release of the police closing reports could

jeopardize law enforcement efforts to investigate and prosecute any crimes relating to deaths that are being investigated.

In murder investigations, it is not uncommon for family members of the deceased to be questioned by police or called as witnesses at trial. The dissemination of police closing reports to immediate family members while court proceedings or investigations are still pending could result in the closing reports being disclosed to family member involved in the investigation whose testimony could then be influenced by the contents of these reports. Releasing the police closing reports to immediate family members also creates the risk of broader dissemination to other family members, friends, or even on social media. Once the police closing reports are made public, they could easily and foreseeably taint witness testimony and influence jurors.

In some cases, there is also the possibility that disclosing police closing reports to immediate family members could result in the killer of the deceased individual gaining access to the closing reports while the investigation is still ongoing, either because the killer is an immediate family member or because the killer received a copy of the report from an immediate family member or a mutual acquaintance or saw it on social media. This could provide the killer with an opportunity to forestall or derail the investigation, destroy evidence, influence or intimidate witnesses, or flee the jurisdiction to escape justice.

Rather than requiring that the police closing report be provided within a set period of time, we recommend that the bill be amended to require the release of police closing reports after all criminal proceedings have been fully adjudicated. This could be accomplished by deleting wording from section 52D- (a) beginning at page 2, line 12: ", the passage of five years after . . . ." through the end of subsection (a) at page 2, line 21.

We also recommend that on page 2, line 11, the word "any" criminal proceedings should be changed to "all" criminal proceedings.

We also recommend the addition of a provision that would require the redaction of information pertaining to minors and confidential personal information, such as birth dates and social security numbers, when the report is released.

Without these changes, the potential for tainting witnesses, evidence, and jurors is great, and the harm potentially irreparable.

The Department does not believe that all police reports should be withheld. In cases where police can determine that the release of reports would not interfere with an ongoing investigation, disclosure to the immediate family would be warranted.

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

**DEPARTMENT OF THE PROSECUTING ATTORNEY**  
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**SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS**  
**Thirty-Third State Legislature**  
**Regular Session of 2025**  
**State of Hawai'i**

January 23, 2025

**RE: S.B. 112; RELATING TO POLICE REPORTS.**

Chair Elefante, Vice-Chair Wakai, and members of the Senate Committee on Public Safety and Military Affairs, the Department of the Prosecuting Attorney for the City and County of Honolulu submits the following testimony in opposition to S.B. 112.

Victims of crime deserve answers as well as justice. Nowhere is this more keenly felt than in homicide cases, where grieving survivors have lost a loved one. The Department sympathizes with that frustration and pain. But mandating the release of police records will undermine the integrity of criminal prosecutions arising from homicides.

The effective and just prosecution of homicides often takes time. New forensic technologies, particularly the growth of DNA databases, have recently offered fresh leads in cold cases. Completing a closing report does not necessarily terminate all relevant legal proceedings. After formal charging, a case may still be litigated for years. Because this bill requires disclosure of police reports on a compressed timeline, it impedes four legitimate government objectives.

First, releasing a police report could cause irreparable invasions of privacy or reputational harm in cases where no criminal charge can be sustained. Once a police report is released, its further circulation cannot be reasonably restricted. A closing report may document suspicions, rumors, or tips that do not meet the evidentiary standard for probable cause. It may place innocent persons under a cloud of suspicion without a formal opportunity to defend themselves.

Second, during pending prosecutions, releasing a police report to the public will taint potential jury pools. As a general rule, the prosecution cannot introduce police reports into evidence at trial. *State v. Abrigo*, 144 Hawai'i 491, 445 P.3d 72 (2019). Exposing potential jurors to inadmissible evidence would jeopardize the fairness of trials. Professional rules of conduct limit trial publicity by the prosecution; releasing police reports would circumvent and undermine these rules.

Third, family members may be potential witnesses whose testimony could be influenced or impeached by the information contained in the reports. In most cases, a witness may only testify based on personal knowledge. Hawai'i Rules of Evidence (HRE) Rule 602. This is one reason why witnesses are usually excluded from trial proceedings except when testifying. *See* HRE Rule 615. *See also State v. Culkin*, 97 Hawai'i 206, 231-32, 35 P.3d 233, 258-59 (2001) (discussing concerns about witnesses tailoring their testimony to those of other witnesses).

Fourth, in some cases, immediate family members could be suspects. Disclosing the progress of the police investigation to a suspect would afford opportunities to destroy evidence, intimidate witnesses, or flee prosecution.

Chapter 92F of the Hawai'i Revised Statutes governs the release of public records, including police reports. This law balances the right to access information with concerns about individual privacy, fair trials, and investigative integrity. Because S.B. 112 upsets that careful balance, the Department opposes this bill.

Thank you for the opportunity to testify.