

**LAW ENFORCEMENT OFFICER INDEPENDENT REVIEW BOARD
TUESDAY, JUNE 15, 2021, 10:00 AM**

THIS MEETING WAS HELD AS A VIDEO CONFERENCE
PURSUANT TO THE GOVERNOR'S TWENTY FIRST
PROCLAMATION RELATED TO THE COVID-19 EMERGENCY.
MEMBERS OF THE PUBLIC JOINED THE
ZOOM WEBINAR MEETING

MINUTES

I. Call to Order; Public Notice; Roll Call and Quorum Determination.

The meeting was called to order by Board Chair Gary Yabuta.
Present were Board Members: Chair Gary Yabuta, Lance Goto, Landon Murata,
Judge Barbara Richardson, Dr. Bettina Ackerman, and John Tam.
Absent were Judge Barbara Takase and Katy Chen.

II. Public Testimony.

A. Individuals may only testify on items contained in the agenda.

Public Testimony was given by Ann Wright, Keisa Liu, Georgia
Thompson-West, Jennifer Kellinger, Kylie Akiona, Cathy Lee, Avril Lynn
Janice Kotze, Natalie Nimmer, Lesley Harvey, Louis Herman,
Christopher Egbo, person identified as "Share", and Danielle Fisher.

B. Previously submitted written testimony.

Written testimony from Ann Wright and Mele Stokesberry.
Written comments from Patricia Blair, Ryan Okuno, Ashley Yong, and Fabien
Melchior.

III. Approval of Minutes for May 11, 2021 meeting

Landon Murata moved to accept Open Session minutes for the May 11, 2021
meeting; second by Dr. Ackerman. Roll call vote taken. Motion carried by
unanimous vote. Open Session minutes approved.

Lance Goto moved to accept Executive Session Minutes for the May 11, 2021
meeting; second by Landon Murata. Roll call vote taken. Motion carried by
unanimous vote. Executive Session minutes approved.

IV. New Business.*

A. Introduce new board member Barbara Takase

Judge Takase was unable to be present.

B. Further review draft guidelines

1. Discuss “final adjudication”

Pursuant to section 28-153(h), HRS, once the board has issued the board’s recommendation pursuant to subsection (f) and any criminal prosecution or proceedings in the State related to the officer involved death have been adjudicated, the board shall release the board’s recommendation and any accompanying reports, documents, and information unless otherwise prohibited by law.

The board discussed what “adjudication” would trigger the release of information.

Lance Goto shared that at the January 21, 2020 meeting, the board made decisions on this issue: (1) when a prosecutor declines a case, it would constitute an adjudication; and (2) when a prosecutor has not made its position clear, the board would make a written request for a decision and allow the prosecutor reasonable time to respond, and if the prosecutor does not respond, the board would treat the matter as adjudicated. There are other instances to consider, such as conviction pending appeal and dismissal without prejudice.

Judge Richardson suggested the board’s recommendation could be released after trial. If the board waits for the appellate process to conclude, such a delay in time would not allow board to fulfill the purpose of board’s duty. Discussions were previously had that adjudication did not include civil or disciplinary proceedings.

There was further discussion regarding releasing the board’s recommendation if a prosecutor declines to prosecute or if the prosecutor charges the case and the matter is resolved by plea, trial (conviction or acquittal), or dismissal with prejudice.

Dr. Ackermann raised the question regarding a prosecutor’s obligation to announce a decision to prosecute or not. Comments made that there is no mandate that a prosecutor announce such a decision publicly.

Discussion had to include in draft guidelines that the board will release its recommendation when: (1) a case is declined; (2) if a case is

charged, the board will wait to release recommendation until plea or trial, and (3) dismissal with prejudice.

Landon Murata moved to accept draft guidelines as distributed today; second by Judge Richardson. Roll call vote taken. Motion carried by unanimous vote.

Lance Goto and Landon Murata to make further revisions on what will be considered an “adjudication” which triggers release of the recommendation.

2. Discussion regarding in custody deaths

A question was raised whether an in-custody death (a person arrested and in custody) falls within the board’s review. The board asked legal counsel to advise as to whether such deaths are within the scope of the board’s review. The board’s purview does not include an adult corrections officer.

C. Review case submissions 1, 2 and 4

Landon Murata moved for board to go into executive session pursuant to sections 28-153(g) and 92-5(a)(8) for the purposes of reviewing cases submitted to the board and for the board to consider the cases to review at the next meeting. Second by Judge Richardson. Roll call vote taken. Motion carried by unanimous vote. The board went into executive session.

D. Determine next case submissions for review

Board returned to open session. The board concluded its review of cases 1 and 2 with recommendations to be drafted and voted upon at the next board meeting, tentatively in July of this year.

V. Old Business.

A. Reminder request letters sent to law enforcement agencies

Old business was taken out of order before the board went into executive session. Chair Yabuta has issued letters to all the county police departments and State Law Enforcement agencies to include the Department of Public Safety, Department of Transportation, Department of Land and Natural Resources, and the State Attorney General Investigators to remind them of their statutory duty to submit investigations to this board with the provision that confidential information be redacted as the board agreed upon at the last meeting.

VI. **Adjournment.**

Meeting adjourned.