

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
LAW ENFORCEMENT OFFICER INDEPENDENT REVIEW BOARD
425 QUEEN STREET
HONOLULU, HAWAII 96813

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October 5, 2021

Steven S. Alm
Department of the Prosecuting Attorney
City and County of Honolulu
1060 Richards Street, 9th floor
Honolulu, Hawaii 96813

Re: Law Enforcement Officer Related Death of Kyle Thomas on February 20, 2019

Dear Prosecuting Attorney Alm,

Pursuant to section 28-153 of the Hawaii Revised Statutes (HRS), the Law Enforcement Officer Independent Review Board (Board) reviewed the investigation submitted by the Honolulu Police Department. After thorough evaluation of the materials and information submitted, and discussion of the facts and circumstances of the case, the Board finds that the investigation was fairly conducted, and the use of deadly force by the law enforcement officers in this case was justified pursuant to HRS sections 703-304 (Use of force in self-protection) and 703-305 (Use of force for the protection of other persons). Accordingly, the Board recommends that prosecution in this matter be declined.

This recommendation is confidential until release by the Board pursuant to section 28-153(h), HRS, which provides that:

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 recommendations 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 recommendations and any accompanying reports, documents, and information, unless otherwise prohibited by law.

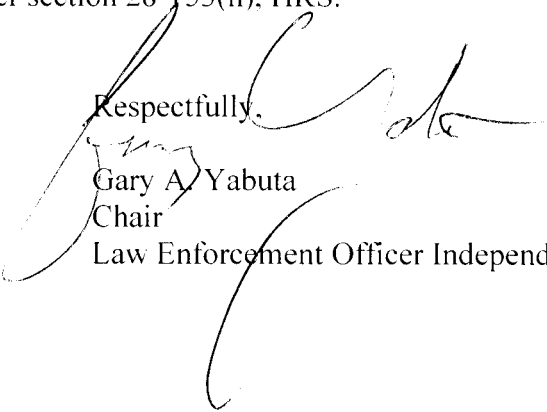
Steven S. Alm, Prosecuting Attorney

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Please inform the Board of your decision as to whether you will prosecute the officers involved in the death of Kyle Thomas to allow the Board to comply with its statutory obligation to disclose its recommendation under section 28-153(h), HRS.

Respectfully,



Gary A. Yabuta

Chair

Law Enforcement Officer Independent Review Board