

Randall Roth: Police And Prosecutors Were Irresponsible And Inept In Dana Ireland Case

There was no credible evidence that the Schweitzers had anything to do with the 1991 rape and murder.

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Last year Ian and Shawn Schweitzer were exonerated, but this was only after Ian spent 25 years in prison for supposedly murdering Dana Ireland. The exoneration probably surprised many people who had followed the extensive news coverage of this terrible case during the 1990s.

Back then, I was among those who believed that Ian and Shawn had been directly involved in Dana's death. At Ian's trial, Big Island police and prosecutors had produced testimony by individuals claiming to have witnessed the murder or to have heard Ian admit to committing it. There also was physical evidence including tire tracks and bite marks, not to mention Shawn's signed confession.

DNA in semen recovered from the victim's body, perpetrator's shirt, and surrounding area had all come from a single unknown individual, yet the Big Island police and prosecutors said this only meant the Schweitzers had an unidentified accomplice. They claimed that they would eventually find that person.

In hindsight, I should have been more skeptical of media reports that had heavily relied on input from Big Island police and prosecutors. My lack of skepticism reflected the high level of trust I had in Hawaii's system of justice at that time. For example, I viewed prosecutors as officers of the court whose main goal was to do justice rather than to achieve convictions.

My faith in the system changed in recent years when I served as co-director of the Hawaii Innocence Project. Because I had followed the Dana Ireland case closely during the 1990s, I said I was pretty sure the Schweitzers were not innocent. In fact, I advised that the Hawaii Innocence Project might be wasting its limited resources trying to prove their innocence. The project's managing director, Ken Lawson, responded by showing me the information our students and volunteer lawyers had assembled.

I learned that Shawn's "confession" proved nothing. Shortly after Ian received what amounted to a life sentence, prosecutors offered Shawn a chance to walk free, simply by signing a confession. Shawn initially refused to confess to a crime he did not commit, but at the urging of his brother and their parents, Shawn eventually agreed to "confess."

The deal was supposed to be contingent upon Shawn passing a lie-detector test to show that his confession was truthful. The Hawaii Innocence Project discovered that Shawn had failed the lie-detector test, which indicated his so-called confession was a lie, but that apparently did not matter to the prosecutor.

I also learned that the witness who claimed Ian had made a jailhouse confession was a career criminal, and prosecutors also used him in others cases in which he traded his testimony for government-granted favors. That witness later recanted his testimony and acknowledged that his testimony probably sounded credible because of information about the case that a prosecutor and police detective had provided to him.

Another career criminal testified that he had been an eyewitness to the crime. He, too, had traded his testimony for government-granted favors and he, too, later recanted his testimony. Moreover, courts around the country stopped accepting bite marks as reliable evidence, and the tire tracks alleged to have been made by Ian's VW Beetle at the scene of the crime could not possibly have been made by that vehicle.

In short, there was zero credible evidence that the Schweitzers had anything to do with the monstrous crimes committed against Dana Ireland.

The good news is that the New York and Hawaii Innocence Projects eventually secured Ian's exoneration and also got Shawn's confession vacated, "in the interests of justice." Achieving these results consumed enormous amounts of time and money, but it freed an innocent man and renewed at least some people's faith in the justice system.

Even so, it's awful and tragic that Ian spent 25 years behind bars for a crime he did not commit. The level of injustice done to Ian was heightened recently when genetic genealogy and cutting-edge DNA testing — arranged and paid for by the New York and Hawaii Innocence Projects without any assistance or financial support from Big Island police or prosecutors — conclusively identified the actual perpetrator.

They did so by first retaining the services of the former FBI attorney and federal prosecutor who solved the Golden State Killer case. His fee and the cost of related DNA testing was substantial, but it resulted in a positive identification of the actual perpetrator. The DNA match was perfect.

Rather than arrest the man responsible for Dana Ireland's death, Big Island police and prosecutors gave the perpetrator an opportunity to take his own life, which was exactly what Ken Lawson had told the prosecutors was likely to happen if Big Island police did not immediately take the perpetrator into custody.

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Since then, the Big Island police chief has claimed there wasn't enough evidence to charge the perpetrator with second degree murder. He knew to a certainty the identity of the man who raped Dana Ireland and left her to bleed out in a remote area, but lacked sufficient evidence to arrest him?

It does not take a lawyer to see through that explanation. Because Big Island police inexplicably left the perpetrator free to take his own life, members of the Ireland family and Big Island community have been denied a chance for real closure.

Perhaps it is not entirely coincidental that the egregious inaction by the current Big Island officials not only led to the recently identified perpetrator's suicide but also made it more difficult to hold these officials or their predecessors accountable for wrongfully targeting the Schweitzers in the first place — as well as for overlooking the now-deceased perpetrator despite substantial reasons why he should have been on their radar screen.



From left: UH Law School Dean Avi Soifer, HIP associate director Jen Brown, co-director Kenneth Lawson, co-director Randy Roth and co-director Rick Fried. (UH News/2019)

Big Island police and prosecutors have also failed to explain why it took the New York and Hawaii Innocence Projects to find a way to identify the perpetrator.

Believe it or not, Big Island prosecutors made matters even worse just a few days ago. In open court with TV news cameras rolling, they intentionally created doubt by saying Ian and Shawn “may” have somehow been involved in Dana Ireland’s death. They offered no new evidence or even a new theory to support their irresponsible and unprofessional statement.

As I’ve watched the Big Island’s police chief and prosecutors talk about this case over the past week, it feels like a 2024 version of what, in hindsight, looks like incompetence, unprofessionalism or perhaps even worse behavior by Big Island police and prosecutors decades ago when they investigated, sought, and secured entirely unfounded convictions against the Schweitzer brothers.

About the Author



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