

HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



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February 23, 2015

To: Representative Karl Rhoads, Chair
Representative Joy A. San Buenaventura, Vice Chair
Members of the House Committee on Judiciary

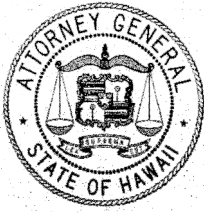
From: Cathy Betts, Executive Director
Hawaii State Commission on the Status of Women

Re: Testimony in Support, HB 456, Relating to Police Departments

The Commission supports HB 456, which would allow a safe mechanism for citizen complaints against a police officer regarding domestic violence. As testified to at the HPD informational briefing in September of 2014, the Commission received over thirty complaints from women in the community, alleging inappropriate response to an array of domestic violence incidents. These responses included, responding police officers not taking a report of domestic violence, refusing to arrest an abuser because of his relationship to the police department, ordering a victim to provide her confidential address to the abuser, and making light of officer involved domestic violence allegations. Many of the victims who came forward did so anonymously or through a domestic violence service provider. Most were afraid that their complaints would not be taken seriously, but felt compelled to share their stories.

To further compound this problem, when I inquired with HPD's command about citizen complaints, I was informed that the complaints had to be notarized and written, in person. Not only is this process frightening to victims, it acts as a deterrent on future complaints. Victims of domestic violence or any other citizen wishing to make a complaint about an officer should not have to go through such a stringent process with little anonymity or mechanism to prevent retaliation. HB 456 would allow victims a mechanism for their voices to be heard, without fear that their name be publicized throughout the department and without fear of retaliation for making the complaint.

Sec. 6-1606 (d) of the Honolulu Charter provides the police commission the authority to receive, consider, and investigate "charges" brought by the public. It is unclear whether a public complaint process would fall under this provision. The Commission respectfully urges this Committee to review the potential constitutional implications while also recognizing the vital public interest in ensuring that public complaints regarding domestic violence be heard and investigated. Thank you for your consideration of this important bill.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2015**

ON THE FOLLOWING MEASURE:

H.B. NO. 456, RELATING TO POLICE DEPARTMENTS.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Tuesday, February 24, 2015 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Russell A. Suzuki, Attorney General, or
Erin L. S. Yamashiro, Deputy Attorney General

Chair Rhoads and Members of the Committee:

The Department of the Attorney General would like to provide the following comments regarding this bill.

The purpose of this bill is to change the procedure for submitting citizen complaints to the police commission. This bill prohibits any requirement of a written or sworn statement by a complainant when the complaint involves allegations of domestic abuse by a police officer against a family or household member.

This bill has the potential for a judicial constitutional challenge. Article VIII, section 2, Hawaii Constitution allows each political subdivision to adopt a charter for its own self-government and, with respect to each political subdivision, a charter is superior to any statutory provision regarding its structure and organization. The county charters currently allow each county police commission to adopt its own rules necessary to conduct its own business, including, receiving, reviewing, and investigating citizen complaints against a police officer pursuant to sections 6-1606 of the Honolulu Charter, section 7-2.2(c) of the Hawaii County Charter, section 8-12.2 of the Maui County Charter, and section 11.03 of the Kauai County Charter.

Although the Legislature still retains the authority to enact general laws allocating and reallocating powers and functions and the Legislature considers this bill to be a general law, if there is a judicial constitutional challenge, the courts will make the final decision on whether or not this specific statutory prohibition constitutes a general law allocating and reallocating powers

and functions within the meaning of the county home rule provision in article VIII, section 2, of the Hawaii Constitution.



TO: Chair Karl Rhoads
Vice Chair, Joy San Buenaventura
Members of the Committee on Public Safety

FR: Nanci Kreidman, M.A.

RE: HB 456 Support

Aloha and thank you for considering the importance of strengthening our community's law enforcement response to domestic violence. This Bill is one measure that will help achieve that.

As public servants charged with the critical and life altering role of responding to domestic violence in our community's homes, it is essential that our law enforcement officers are accountable to those they serve in their professional capacity. Minimizing the seriousness of domestic violence committed by police is a serious and dangerous error.

Given the current community discourse, and the efforts underway to improve police response, we support the Bill to eliminate any barriers that may prevent partners of police officers who have suffered harm from abuse from reporting the abuse.

The danger inherent in the lack of knowledge by police about officer involved abuse and the risk to the partner victimized by the abuse is potentially fatal. We cannot allow officers who engage in the behavior themselves to respond to others in need of protection. The bias, potential for responding inappropriately, minimizing the danger present at a scene, or conveying an inappropriate message to those at the scene all have significant consequences.

Thank you for your favorable action on HB 456.

LATE



Hawaii Women's Coalition

COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair

Rep. Joy A. San Buenaventura, Vice Chair

DATE: Tuesday, February 24, 2015

TIME: 2:00 p.m.

PLACE: Conference Room 325

STRONG SUPPORT FOR HB 456

Aloha Chair Rhoads and committee members

The Coalition supports HB 456, which would allow a safe mechanism for citizen complaints against a police officer regarding domestic violence. We were present at the HPD informational briefing in September of 2014.

We heard testimony from the Commission on the Status of Women which received over thirty complaints from women in the community, concerning inappropriate responses to an array of domestic violence incidents.

These responses included, responding police officers **not** taking a report of domestic violence, refusing to arrest an abuser because of his relationship to the police department, ordering a victim to provide her confidential address to the abuser, and making light of officer-involved domestic violence allegations. **Chief Louis M. Kealoha actually said, in response to questions on the light penalties levied on DV-involved officers, "We wouldn't want to ruin an officer's career."**

In addition to the Commission on the Status of Women, we also heard from Domestic Violence service providers that victims have been denigrated and dismissed when making complaints to HPD!

We were further appalled to hear that complaints had to be notarized and written, **in person**. Onerous indeed to an already-frightened victim. Whether intentional (?) or not this process acts as a deterrent to future complaints. Victims of domestic violence wishing to make a complaint about an officer should not have to go through a gauntlet of bureaucratic nonsense to get help for herself and/or her children.

HB 456 would allow victims a mechanism for their voices to be heard, without fear that their names will be publicized throughout the department and without fear of retaliation for making the complaint.

We strongly urge you to pass this bill.

Mahalo for the opportunity to testify,

Ann S. Freed Co-Chair, Hawai'i Women's Coalition

Contact: annsfreed@gmail.com Phone: 808-623-5676



LATE

WOMEN'S CAUCUS

DEMOCRATIC PARTY OF HAWAII

February 24, 2015

To: Representative Karl Rhoads, Chair
Representative Joy San Buenaventura, Vice Chair and
Members of the Committee on Judiciary

From: Jeanne Y. Ohta, Co-Chair

RE: HB 456 Relating to Police Departments
Hearing: Tuesday, February 24, 2015, 2:00 p.m., Room 325

Position: SUPPORT

The Hawai'i State Democratic Women's Caucus writes in support of HB 456 Relating to Police Departments which would specify that citizen complaints against a police officer that involve allegations of domestic abuse against a family or household member on the part of the police officer shall not be required to be in writing or sworn to by the complainant.

Recent events and questions related to those events made apparent the need for a change in policy with regard to officer-involved domestic violence cases. The requirement that the complaint be in writing or sworn to by the complainant is used to deter victims from filing complaints or the victim is told that she must return when a notary is available to notarize the statement. These requirements re-victimize the victim and make it appear that her complaint will have a higher bar to overcome than those of domestic violence victims whose partners are not police officers. Victims are already reluctant to file complaints against their spouses who are officers.

This measure is a good start to improve how officer-involved domestic violence cases are handled. We respectfully request that the committee pass this measure and we thank the committee for the opportunity to provide testimony.

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Nicole Cazinha	Individual	Support	No

Comments: Being a woman who has suffered abuse in her life I know how hard it is to trust anyone to turn to for help. It must be even harder for those that suffer abuse from those that are supposed to protect us and hope that justice be served when our protectors have a brotherhood protecting them. Who do you turn to then? Who do you trust to uphold the law they just broke? I believe that amending this law will help those that suffer or have suffered by showing them that no one is above the law. That when they are ready to step forward now know that they can do so because the law is protecting them like it should be instead of the other way around.