

HB 456 HD1

RELATING TO POLICE DEPARTMENTS

Specifies 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. (HB456 HD1)

PSM, JDL

HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



Chair
LESLIE WILKINS

COMMISSIONERS:

ELENA CABATU
CARMILLE LIM
AMY MONK
LISA ELLEN SMITH
MARILYN LEE
JUDY KERN

Executive Director
Catherine Betts, JD

Email:
Catherine.a.betts@hawaii.gov
Visit us at:
humanservices.hawaii.gov
/hscsw/

235 S. Beretania #407
Honolulu, HI 96813
Phone: 808-586-5758
FAX: 808-586-5756

March 16, 2015

To: Senator Will Espero, Chair
Senator Rosalyn Baker, Vice Chair
Members of the Senate Committee on Public Safety, Intergovernmental
And Military Affairs

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

Re: Testimony in Support, HB 456, HD1, Relating to Police Departments

The Commission supports HB 456, HD1, 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, HD1, 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. This bill would encourage good public relations and transparency.

The Commission requests that you pass HB 456, HD1. Thank you for your consideration of this important bill.

SHOPO



PRESIDENT

Tenari R. Ma'afala

VICE PRESIDENT

Malcolm Lutu

TREASURER

James "Kimo" Smith

SECRETARY

Michael Cusumano

DIRECTORS AT LARGE

Don Faumuina

John Haina

Erik Iinuma

HONOLULU CHAPTER CHAIR

Stanley Aquino

HAWAII CHAPTER CHAIR

Darren Horio

KAUA'I CHAPTER CHAIR

Jesse Guirao

MAUI CHAPTER CHAIR

Barry Aoki

Main Office & Honolulu Chapter
1717 Hoe Street
Honolulu, Hawaii 96819-3125
Ph: (808) 847-4676 *84 SHOPO*
(800) 590-4876 Toll Free
Fax: (808) 841-4818

Hawaii Chapter Office
688 Kino'ole Street, Room 220 B
Hilo, Hawaii 96720
Ph: (808) 934-8406
Fax: (808) 934-8210


MauI Chapter Office
1887 Will Pa Loop, Suite #2
Wailuku, Hawaii 96793
Ph: (808) 242-6129
Fax: (808) 242-9519

Kaua'i Chapter Office
4264 Rice Street, Lihue
Mailing Address:
P.O. Box 1708
Lihue, Hawaii 96766
Ph: (808) 246-8911

TO: The Honorable Will Espero, Chair
Senate Committee on Public Safety, Intergovernmental
and Military Affairs

The Honorable Rosalyn H. Baker, Vice Chair
Senate Committee on Public Safety, Intergovernmental
and Military Affairs

Members of the Senate Committee on Public Safety,
Intergovernmental and Military Affairs

FROM: Tenari Ma'afala, President 
State of Hawaii Organization of Police Officers

DATE: March 15, 2015

SUBJECT: Testimony on H.B. No. 456 HD1, Relating to Police

HEARING DATE: Tuesday, March 17, 2015
1:45 p.m. Conference Room 229

This bill provides that a citizen complaint against a police officer that involves domestic violence does not have to be in writing, nor sworn to. The State of Hawaii Organization of Police Officers ("SHOPO") opposes this bill.

This bill is contrary to the current SHOPO collective bargaining agreement with the four counties which requires all external complaints to be in writing and sworn to by the complainants. The purposes for having complaints in writing and sworn to include:

(1) The complainant's best recall is usually immediately after the incident, and for prosecution and administrative investigations, a written statement carries more credibility later in court and arbitration, than what an investigating officer hears from the complainant and writes down in his/her report.

(2) The written report can be used to refresh the complainant's memory in later proceedings, if necessary, where if nothing is written down, the complainant has nothing to refresh their memory from.

(3) A written and sworn statement reminds the complainant of the gravity of their allegations. There have been false allegations by spouses in the past when they are experiencing marital issues and the spouse knows the allegations will get the police officer spouse into trouble.

(4) When a domestic violence allegation is made against a police officer, the officer's police powers are removed, and one of the immediate consequences is the officer cannot work Special Duty. Special Duty is off-duty work, approved by the departments, for the officers to earn extra money. A large number of officers pay part of their mortgage on the house they provide for their family with special duty. Officers also are able to send their children to private schools by working special duty to pay the tuition. When they cannot work special duty, the

family suffers, as the mortgage payments and tuition may become difficult to make, adding further to the stress in the family.

Further, we ask that you consider the testimony filed by the Department of the Attorney General on this bill on February 12, 2015, that this bill violates the Hawaii Constitution, article VIII, section 2. The Hawaii Constitution authorizes the counties to adopt charters, and the county charters have authorized the police commissions to adopt rules. The rules require complaints to be in writing and sworn to.

Thus, not only would this bill be unconstitutional, it also only adds to the stress in police families and impedes any necessary prosecution and/or administrative action by the departments. SHOPO, therefore, opposes this bill.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 16, 2015 11:08 AM
To: PSMTestimony
Cc: q7sksin@yahoo.com
Subject: Submitted testimony for HB456 on Mar 17, 2015 13:45PM

HB456

Submitted on: 3/16/2015

Testimony for PSM on Mar 17, 2015 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Surendar SINGH	Individual	Oppose	No

Comments: I oppose this bill which provides that a citizen complaint against a police officer that involves domestic violence does not have to be in writing, nor sworn to. It is already contrary to the CBA. Further written/sworn statements is used to refresh a person(s) memory when testifying in court months later. It can also lessen false allegations or changing of minds/stories. Again, I oppose this H.B. No. 456, relating to Police. Thank you.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 16, 2015 1:36 PM
To: PSMTestimony
Cc: wusstig@gmail.com
Subject: *Submitted testimony for HB456 on Mar 17, 2015 13:45PM*

HB456

Submitted on: 3/16/2015

Testimony for PSM on Mar 17, 2015 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Kenny Wusstig	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov