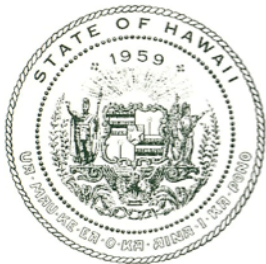


HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



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February 1, 2017

To: Senator Clarence Nishihara, Chair
Senator Glenn Wakai, Vice Chair
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, SB 519, Relating to Domestic Violence

The Commission supports SB 519, 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.

Currently, citizen complaints must be rendered in person and notarized at a police station. This process can be frightening for victims and witnesses to abuse, and many may fear personal retaliation for submitting a complaint. Additionally, this current procedure 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. SB 519 would allow citizens and good samaritans a mechanism for their voices to be heard, without fear of retaliation.

The Commission requests that you pass SB 519. Thank you for your consideration of this important bill.



February 1, 2017

To: Hawaii State Senate Committee on Public Safety,
Intergovernmental, and Military Affairs, and the Senate Committee
on Judiciary and Labor
Hearing Date/Time: Thursday, February 2, 2017 (1:15 p.m.)
Place: Hawaii State Capitol, Rm. 229
Re: Testimony of American Association of University Women –
Hawaii in **support of S.B. 519**, relating to domestic violence

Dear Senator Clarence K. Nishihara (Chair), Senator Gilbert S.C. Keith-Agaran (Chair),
Senator Glen Wakai (Vice-Chair), Senator Karl Rhoads (Vice Chair), and Members of
the Committees,

I am grateful for this opportunity to testify in **strong support of S.B. 519**, which would
remove the requirement that domestic violence complaints against police officers must be
in writing or sworn to by the complainant.

My testimony is on behalf of the approximately 400 members of the American
Association of University Women (AAUW) in Hawaii, who list gender-based violence as
an important current concern.

This submission is informed by many years of work in the field of domestic violence, and
research conducted with survivors of intimate partner violence. In addition, when I lived
in New Zealand, I managed a 24-hour, 7-days/week domestic violence hotline, and
trained Advocates for Women to respond skillfully and empathetically to survivors of
violence. At many times, we worked with police, courts, and other service agencies on
behalf of survivors. Based on my experience with survivors of violence, women find it
extremely intimidating to report violence by police officers, and anything that makes it
more difficult for them to report initially has a chilling effect on their likelihood of doing
so. This decreases their ability to keep themselves and their children safe.

In conclusion, passage of H.B. 1905 is an important step in improving justice for
survivors of domestic violence, typically women, as demonstrated by extensive research.

Thank you for the opportunity to testify.

Sincerely
Susan J. Wurtzburg, Ph.D.
Policy Chair



TO: Chair Nishihara
Vice Chair Wakai
Members of the Committee on Public Safety, Intergovernmental and Military Affairs

FR: Nanci Kreidman, M.A.

RE: SB 519 Support

Aloha and thank you for understanding 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 sustained need for community discourse, and improvements to the police response to domestic violence, 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 SB 519.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 1, 2017 1:20 PM
To: PSMTestimony
Cc: annsfreed@gmail.com
Subject: Submitted testimony for SB519 on Feb 2, 2017 13:15PM

SB519

Submitted on: 2/1/2017

Testimony for PSM on Feb 2, 2017 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S Freed	Hawaii Women's Coalition	Support	No

Comments: Aloha Chair Nishihara and members, Although this bill is not in our 2017 package, we have supported a similar measure in the past year. Please remove this barrier to the victim. She or he have enough obstacles to overcome in reporting abuse and getting the help they need. Ann S. Freed, Co-Chair, Hawaii Women's Coalition

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

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TO: The Honorable Clarence K. Nishihara, Chair
Senate Committee on Public Safety, Intergovernmental, and
Military Affairs

The Honorable Glenn Wakai, 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: February 1, 2017

SUBJECT: Testimony on S.B. No. 519, Relating to Domestic Violence

HEARING: Thursday, February 2, 2017
1:15 p.m. Conference Room 229

Thank you for the opportunity to provide testimony on this bill. This bill provides that a 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. This applies to witnesses, as well.

(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. This also applies to witnesses, as well.

(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.

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Further, we ask that you consider the testimony filed by the Department of the Attorney General on this bill on February 12, 2015, that a similar bill, HB 456, 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 may hinder prosecution of a domestic violence case for lack of a writing. It also violates the SHOPO collective bargaining agreement. SHOPO, therefore, opposes this bill.