

SHOPO



STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS

" A Police Organization for Police Officers Only "
Founded 1971

January 31, 2023

VIA ONLINE

The Honorable Glenn Wakai
Chair
The Honorable Brandon J.C. Elefante
Vice-Chair
Senate Committee on Public Safety and Intergovernmental
and Military Affairs
Hawaii State Capitol, Rooms 217, 407
415 South Beretania Street
Honolulu, HI 96813

Re: **SB922-Relating to Law Enforcement Reform**

Dear Chair Wakai, Vice-Chair Elefante, and Honorable Committee members:

I serve as the President of the State of Hawaii Organization of Police Officers ("SHOPO") and on behalf of our Union, I write in strong **opposition** to SB922. This bill introduced by Senator Rhoads is another attempt to have government intervene in matters that are the kuleana of the county police departments and their respective police chiefs. The bill also does not account for the existing layers of safeguards that ensure each and every county police officer is held accountable for their individual actions and omissions, both administratively and criminally.

SB922 appears to be an attempt to appease a small minority of people who are anti-police or who want to defund the police. Without our police officers, society cannot maintain its civility or its rule of law. Our Hawaii citizens understand and appreciate the protection and law enforcement services provided by our dedicated officers. The public's strong support for our three officers charged in the Sykap case was a testament to our community's appreciation of the dangerous work our officers perform each and every day.

As police officers, we have a Code of Ethics:

As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

Main Office & Honolulu Chapter Office
1717 Hoe Street
Honolulu, Hawaii 96819-3125
Tel: (808) 847-4676 "84 SHOPO"
www.shopohawaii.org Fax: (808) 841-4818

Hawaii Chapter Office
688 Kinoole Street, Room 220B
Hilo, Hawaii 96720-3877
Tel: (808) 934-8405
Fax: (808) 934-8210

Kauai Chapter Office
3176 Oihana Street, Suite 104, Lihue
Mailing Add: P. O. Box 1708
Lihue, Hawaii 96766-5708
Tel: (808) 246-8911

Maui Chapter Office
1887 Wili Pa Loop, Suite 2
Wailuku, Hawaii 96793-1253
Tel: (808) 242-6129
Fax: (808) 242-9519

The Honorable Glenn Wakai, Chair
The Honorable Brandon J.C. Elefante, Vice-Chair
Senate Committee on Public Safety and Intergovernmental and Military Affairs
Re: SB922-Relating to Law Enforcement Reform
January 31, 2023
SHOPO Testimony Page 2

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held as long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

We are by no means perfect and have never claimed to be. We have the same human frailties as our neighbors and yes, we do make mistakes. We are no less human than the politicians arrested for drunk driving or who have been bribed.

I note that there is no stated purpose included with this bill although it seeks to inject another layer of bureaucracy into the business of professional policing. After the Sykap incident, each of the three officers involved had to answer for their actions with HPD's investigators and commanders, the prosecutor's office, a grand jury, and at the end they stood in judgment in a courtroom before a judge who determined that the officers had acted appropriately and within the boundaries of the law.¹ SB922 was not needed for this level of accountability and transparency to happen. Despite being exonerated, our officers still face a civil lawsuit that jeopardizes their

¹ There is also Internal Affairs, Professional Standards Office, police commissions, Department of the Attorney General, FBI, and the Department of Justice that provides accountability and transparency. The civil rights laws provide a further check and balance on the use of force by our officers.

The Honorable Glenn Wakai, Chair
The Honorable Brandon J.C. Elefante, Vice-Chair
Senate Committee on Public Safety and Intergovernmental and Military Affairs
Re: SB922-Relating to Law Enforcement Reform
January 31, 2023
SHOPO Testimony Page 3

personal and family's financial security and well-being. That is the life of a police officer and the sacrifices we make to protect our community.

Yet, we also expect politicians like yourselves to support us in our efforts to protect and make our community safe. The difficulties of hiring new officers combined with our seasoned officers retiring as soon as they become eligible has created a critical mass resulting in a shortage of officers that is compromising public safety. The spike in violent crimes is no coincidence.

This bill further requires an officer to report on another officer involved in "criminal misconduct." However, that is already a duty and responsibility of every officer in every county police department. Moreover, the bill speaks in terms of reporting misconduct to a "department head." In our case, that would be the police chiefs who are the heads of each county police departments. Every complaint of criminal misconduct is required to be in writing and is fully investigated by the police department's internal affairs division. The completed investigation is thereafter submitted chief of police. Thus, the substance of SB922 is already in place within the county's departments which need not be disturbed or interfered with by the legislature. In addition, the bill calls for the county police commissions to investigate criminal complaints made by an officer against another officer. However, this may conflict with a county's charter and the powers, duties and functions bestowed on each police commission. For example, the Honolulu Police Commission ("HPC") is only authorized to investigate charges brought by the public and those findings are submitted to the Chief of Police. In addition, the HPC is prohibited from interfering "in any way with the administrative affairs of the department." See Revised Charter, Section 6-1606. The bill also assumes that a police commission has the expertise and investigators experienced to conduct a criminal investigation, not to mention the conflicts this may cause with witnesses and other aspects of an investigation when you have other agencies investigating the same criminal complaint such as the prosecutor's office.

This bill further imposes a psychological screening test before an individual can become a police officer. Again, this psychological component is already a part of the hiring process administrated by the counties.

In addition, the legislature through this bill seems to be telling the police departments what type of arrest and control tactics they should employ or not use to effect an arrest. Our police departments are para-military organizations. I am not aware of anyone on this committee having law enforcement experience or the extensive training our officers receive in arrest and control tactics that would allow them to dictate what tactics to use or not use on an armed and violent suspect.

The Honorable Glenn Wakai, Chair
The Honorable Brandon J.C. Elefante, Vice-Chair
Senate Committee on Public Safety and Intergovernmental and Military Affairs
Re: SB922-Relating to Law Enforcement Reform
January 31, 2023
SHOPO Testimony Page 4

Rather than finding ways to make it more difficult to hire and retain officers, we respectfully ask that you please find ways to help replenish our ranks to fight the escalating crime occurring in our community. We are suffering a critical shortage of police officers and it is directly affecting our ability to protect the public. The statistics reflecting the closure and clearance rates of property crimes averages about 6%, and the average clearance rate for violent crimes is a dismal 33.77%. These statistics are downright shameful and embarrassing. In other words, more than half of the people committing violent and property crimes are getting away with it. Those numbers should be alarming for everyone. Instead, of expending time figuring out how to make it more difficult to hire police officers, we should be expending and dedicating that same energy to figuring out how we can recruit and retain officers.

Constructive efforts to support law enforcement is what we need. Subjecting our officers to constant attack by bills such as this which makes their jobs tenuous, dangerous, and exposes them to civil liability, is not what we need. The reality is that this bill discourages women and men in our community from aspiring to be police officers to fill our depleted ranks.

We thank you for allowing us to be heard on this very important issue and we hope your committee will unanimously oppose SB922.

Respectfully submitted,

ROBERT "BOBBY" CAVACO
SHOPO President

SB-922

Submitted on: 1/30/2023 7:45:43 PM

Testimony for PSM on 2/3/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Will Espero	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Wakai, Vice-Chair Elefante, and Committee members,

I want to testify in support os SB922 regarding police reforms. It is imperative that civilian control and oversight occur with our law enforcement officers, and this measure is a big step in the right direction. I have spoken with others, and they are supportive of the measure and ideas expressed in the bill.

Thank you for your time and efforts.

Will Espero

Retired State Senator

SB-922

Submitted on: 1/30/2023 8:28:16 PM

Testimony for PSM on 2/3/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
cheryl B.	Individual	Support	Written Testimony Only

Comments:

I SUPPORT this bill which requires a law enforcement officer who observes criminal misconduct by another law enforcement officer to report the criminal misconduct. Requires passage of a psychological screening test battery to qualify for appointment as a law enforcement officer. Subjects a law enforcement officer to denial, suspension, or revocation of a law enforcement officer's certification for failure to report observed criminal misconduct or committing an act of criminal misconduct. Prohibits the use of a chokehold by a law enforcement officer unless the use of deadly force is justifiable. Defines chokehold.

This bill can be made stronger by stating that not only should an officer report any misconduct seen but also the law enforcement officers in Hawai`i will receive additional training in recognizing bias, stereotypes and how to respond with restraint when needed. When the system has trained officers to respond with war-like response to even a traffic stop, we need to not just reform the system but look at other paths to safety. We've seen recently on the US continent what happens when law enforcement officers act based on long embedded systemic racism. This is not a person problem it is a system problem which is very evident here in Hawai`i as well.

SB-922

Submitted on: 1/31/2023 12:52:40 PM

Testimony for PSM on 2/3/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marilyn Mick	Individual	Support	Written Testimony Only

Comments:

As the country reels from yet another unconscionable act of police violence, it is important to remember that the atrocities committed by law enforcement officers are systemic. Without a complete overhaul of the system, in which the very concept of public safety is redefined to mean protecting the health and wellbeing of people, not securing the wealth and property of the rich, these abuses will continue. However, in the short run, we can strengthen the laws governing police conduct and tighten up screening to prevent the worst of the worst from being given a badge, a gun and the power to end the life of any member of the public without due process. Please support SB922.

SB-922

Submitted on: 1/31/2023 4:56:41 PM

Testimony for PSM on 2/3/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Deborah G. Nehmad	Individual	Support	Written Testimony Only

Comments:

I support this bill

SB-922

Submitted on: 2/1/2023 11:04:43 AM

Testimony for PSM on 2/3/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
lynne matusow	Individual	Support	Written Testimony Only

Comments:

If the Tyre Nichols tragedy in Memphis taught us anything, this needs to become law. The police lied in their written reports. It was the body cams and especially the pole cam, which we saw last Friday, which showed the viciousness and inhumanity of hte oficers. At least seven have been fired. plus several EMTs, with ongoing investigations. Please pass.

SB-922

Submitted on: 2/1/2023 12:11:03 PM

Testimony for PSM on 2/3/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Support	Written Testimony Only

Comments:

Support

SB-922

Submitted on: 2/2/2023 1:09:59 AM

Testimony for PSM on 2/3/2023 3:00:00 PM

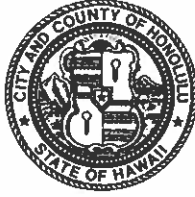
Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

As the country reels from yet another unconscionable act of police violence, it is important to remember that the atrocities committed by law enforcement officers are systemic. Without a complete overhaul of the system, in which the very concept of public safety is redefined to mean protecting the health and wellbeing of people, not securing the wealth and property of the rich, these abuses will continue. However, in the short run, we can strengthen the laws governing police conduct and tighten up screening to keep dangerous individuals from being given a badge, a gun and the power to end the life of any member of the public without due process. Please support SB922.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org



RICK BLANGIARDI
MAYOR

ARTHUR J. LOGAN
CHIEF

KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS

OUR REFERENCE **MH-SK**

February 3, 2023

The Honorable Glenn Wakai, Chair
and Members
Committee on Public Safety and
Intergovernmental and Military Affairs
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 225
Honolulu, Hawaii 96813

Dear Chair Wakai and Members:

Subject: Senate Bill No. 922, Relating to Law Enforcement Reform

I am Manuel Hernandez, Captain of the Training Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes Senate Bill No. 922, Relating to Law Enforcement Reform.

The HPD has policies and procedures in place relating to the duty to intervene and the banning of chokeholds, except in situations involving deadly force, that are in line with the proposed bill. The HPD opposes the bill based on the time frame stipulated to complete an investigation into possible criminal misconduct.

The current language of the bill states that any department head notified of criminal misconduct has fifteen days to complete an investigation into the misconduct and notify the chief of police of their respective county of the outcome of the investigation.

Due to the complexities involved in investigations of this nature, having a window of fifteen days is not sufficient to conduct a thorough, in-depth investigation wherein a crime has occurred. There are several reasons for this, such as the constitutional rights of the accused, in-place collective bargaining agreements, as well as interviewing

The Honorable Glenn Wakai, Chair
and Members

Page 2

February 3, 2023

witnesses, obtaining surveillance, and many other detailed, time-consuming actions that must be undertaken to ensure a thorough, in-depth investigation.

The HPD urges you to oppose Senate Bill No. 922, as written, due to the aforementioned language requiring such investigations into misconduct to be completed within fifteen days. We appreciate the committee's consideration of these concerns.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read 'Manuel Hernandez', with a long horizontal stroke extending to the right.

Manuel Hernandez, Captain
Training Division

APPROVED:

A handwritten signature in black ink, appearing to read 'Arthur J. Logan', with a long horizontal stroke extending to the right.

Arthur J. Logan
Chief of Police