

**NEIL ABERCROMBIE**  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

**JODIE F. MAESAKA-HIRATA**  
DIRECTOR

**Martha Torney**  
Deputy Director  
Administration

**Joe W. Booker, Jr.**  
Deputy Director  
Corrections

**Keith Kamita**  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

February 9, 2012

**TESTIMONY ON HOUSE BILL 1917  
RELATING TO DOMESTIC VIOLENCE**

by

**Jodie F. Maesaka-Hirata, Director  
Department of Public Safety**

**House Committee on Human Services  
Representative John M. Mizuno, Chair  
Representative Jo Jordan, Vice Chair**

**House Committee on Public Safety & Military Affairs  
Representative Henry J. C. Aquino, Chair  
Representative Ty Cullen, Vice Chair**

**Thursday, February 9, 2012; 11:30 AM  
State Capitol, Conference Room 329**

Chairs Mizuno and Aquino, Vice Chairs Jordan and Cullen, and Members of the Committee:

The Department of Public Safety (PSD) appreciates the intent of HB 1917. We stand on PSD's testimony for HB1918 Relating to Domestic Abuse that was provided on Monday, January 30, 2012, to the Human Services Committee, which is attached to this testimony.

PSD further recommends that the measure be amended to include the language of PSD's Memorandum of Agreement (MOA) with the Hawaii Government Employees Association (HGEA), dated April 1, 1998 and federal law, Title 18 U.S.C §922(g)(8); and (9), which is more commonly referred to as the "Lautenberg Amendment" which took effect on September 30, 1996. It is unlawful for any person to possess a firearm, Title 18 U.S.C §922(g)(8) who is

subject to a court order that (A) was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate; (B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (C) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or Title 18 U.S.C §922(g)(9) who has been convicted in any court of a misdemeanor crime of domestic violence. The exception to the federal law requires that the individual with a domestic violence conviction be pardoned or the conviction was expunged or the conviction was set aside.

PSD further recommends that the definition for "Law Enforcement Officers" be expanded to include all positions that require the possession of firearms. The relevant affected positions in PSD include the Deputy Sheriffs, Sheriff, Internal Affairs Investigators, Narcotic Enforcement Investigators, and Adult Corrections Officers. PSD recognizes that appropriations should also be included for the relevant State Agencies and not just limited to the County Police Departments.

PSD appreciates the intent of this measure and supports this bill with the recommended amendments.

Thank you for the opportunity to testify on this matter.

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**TESTIMONY ON HOUSE BILL 1918  
RELATING TO DOMESTIC ABUSE**

by

**Jodie F. Maesaka-Hirata, Director  
Department of Public Safety**

House Committee on Human Services  
Representative John M. Mizuno, Chair  
Representative Jo Jordan, Vice Chair

Monday, January 30, 2012; 08:30 AM  
State Capitol, Room 329

Chair Mizuno, Vice Chair Jordan, and Members of the Committee:

The Department of Public Safety (PSD) appreciates the intent of House Bill 1918 and offers the comments indicated. This measure amends Section 353C-4 Hawaii Revised Statutes, by specifying a disqualification or disciplinary action for public safety officers with powers of police officers, convicted of domestic abuse. This measure also amends Section 52D-6 Hawaii Revised Statutes, for all county police force. As Section 52D-6 is not applicable to PSD, our testimony will be limited to the references to Section 353C-4.

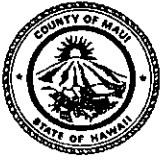
Enacting this measure as submitted will conflict with federal law, under Title 18 U.S.C §922(g)(8); and (9), which is more commonly referred to as the "Lautenberg Amendment" which took effect on September 30, 1996. It is unlawful for any person to possess a firearm, Title 18 U.S.C §922(g)(8) who is subject to a court order that (A) was issued after a hearing of which such person received actual notice and at which such person had an opportunity to

participate; (B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (C) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or Title 18 U.S.C §922(g)(9) who has been convicted in any court of a misdemeanor crime of domestic violence. The exception to the federal law requires that the individual with a domestic violence conviction be pardoned or the conviction was expunged or the conviction was set aside.

PSD recommends that this measure be amended to comply with the federal law by deleting Section 2 on Page 3. It is recommended that Section 3 on Page 3, be amended to comply with PSD's Memorandum of Agreement (MOA) with the Hawaii Government Employees Association (HGEA), dated April 1, 1998. The MOA language states that any domestic violence conviction occurring after April 1, 1998, shall result in the termination of the employee for failing to meet the "Minimum Qualifying Requirements" (MQRs) for the Lautenberg position and the employee will not be entitled to any job placement rights. PSD recommends that your Committee considers the fact that the federal law encompasses a limitation on possessing, shipping, transporting or receiving any firearm or ammunition; this clearly is not limited to an individual with police powers. The federal law also affects individuals in PSD's Adult Corrections Officer series.

PSD appreciates the intent of this measure with the recommended amendments to ensure compliance with Title 18 U.S.C. §922 (g)(8) and (9), and PSD's MOA with HGEA.

Thank you for this opportunity to testify.



**ALAN M. ARAKAWA**  
MAYOR

OUR REFERENCE  
YOUR REFERENCE

# **POLICE DEPARTMENT**

## **COUNTY OF MAUI**

**55 MAHALANI STREET**  
**WAILUKU, HAWAII 96793**  
**(808) 244-6400**  
**FAX (808) 244-6411**



**GARY A. YABUTA**  
CHIEF OF POLICE

**CLAYTON N.Y.W. TOM**  
DEPUTY CHIEF OF POLICE

February 9, 2012

The Honorable John M. Mizuno, Chair  
And Members of the Committee on Human Services  
House of Representatives  
State Capitol  
Honolulu, HI 96813

The Honorable Henry J. C. Aquino, Chair  
And Members of the Committee on Public Safety & Military Affairs  
House of Representative  
State Capitol  
Honolulu, Hawaii 96813

RE: HB No. 1917, RELATING TO DOMESTIC VIOLENCE

Dear Chairs Mizuno and Aquino and Members of the Committees:

The Maui Police Department opposes the passage of HB No. 1917. The passage of this bill requiring law enforcement agencies to adopt and implement a written policy on domestic violence, committed or allegedly committed, by law enforcement officers of the agency by January 1, 2013, would be counterproductive as this initiative would require the police to follow rules and regulations outside of the already established internal rules and regulations.

Our current policies and training are more than adequate, along with our investigative efforts and should not be singled out and required to comply with training and policy development that may be contrary to the best interest of law enforcement. We are already practicing a multi-disciplinary approach to enforce and prevent domestic violence within the Maui Police Department.

I respectfully submit that The Maui Police Department is an advocate against domestic violence. However, this bill unfairly subjects only law enforcement to rules and regulations not subjected to other members of the general public.

The Honorable John M. Mizuno, Chair  
Committee on Human Services

The Honorable Henry J.C. Aquino, Chair  
Committee on Public Safety & Military Affairs

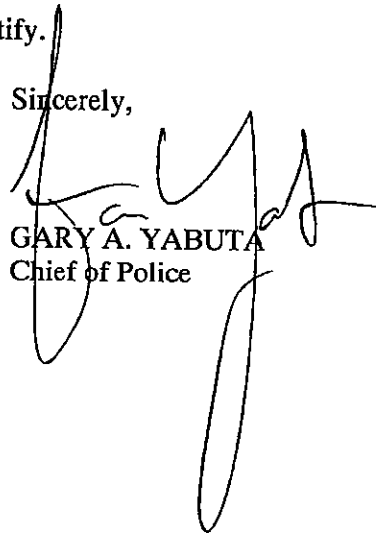
February 8, 2012

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The Maui Police Department asks for your opposition for HB No. 1917.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gary A. Yabuta', is written over the typed name and title. The signature is stylized and cursive.

GARY A. YABUTA  
Chief of Police



To: The Honorable John Mizuno, Chair  
The Honorable Jo Jordan, Vice-Chair  
HOUSE COMMITTEE ON HUMAN SERVICES

The Honorable Henry J.C. Aquino, Chair,  
The Honorable Ty Cullen, Vice Chair  
House Committee on Public Safety & Military Affairs

From: Veronika Geronimo, Executive Director  
Hawaii State Coalition Against Domestic Violence

RE: HB1917 – Comments Only

Hearing Date and Time: Thursday, February 9, 11:30AM

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Good morning Chair Mizuno, Vice-Chair Jordan, and members of House Committee on Human Services; Chair Aquino, Vice-Chair Cullen, and members of the House Committee on Public Safety and Military Affairs. The Hawai'i State Coalition Against Domestic Violence respectfully submits the following testimony for HB1917. As a statewide coalition of domestic violence service providers, our mission is to engage communities and organizations to end domestic violence through education, advocacy, and action for social justice.

The HSCADV takes no position on this bill but offers the following comments:

The problem of domestic violence in the ranks of law enforcement exists at serious levels and deserves careful attention. The rate of domestic violence is estimated to be at least as common as that of the general population and limited research to date indicates the possibility of higher incidence of domestic violence among law enforcement professionals.

Dismissal and disciplinary actions for police officers must be integrated into a broader policy that reflects a continuum of action including: training, early warning and intervention; incident response protocols, victim safety and protection, and post-incident administrative and criminal decisions. These policies must also have strong monitoring and enforcement mechanisms in place. Without these other components in place, victims may be put in jeopardy for retaliation and escalated abuse.

Thank you for your consideration.