

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
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# LATE TESTIMONY

KIRK W. CALDWELL  
MAYOR



LOUIS M. KEALOHA  
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DEPUTY CHIEFS

OUR REFERENCE R/JG-SK

March 12, 2013

The Honorable Will Espero, Chair  
and Members  
Committee on Public Safety,  
Intergovernmental and Military Affairs  
State Senate  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Espero and Members:

Subject: House Bill No. 52, H.D. 1, Relating to Civil Rights

I am William J. Baldwin, Captain of the Training Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports the intent of House Bill No. 52, H.D. 1, Relating to Civil Rights, and recommends amendments to the language.

Section 2 of the bill states that Chapter 353C, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

§353C - Biased-based policing. (a) Neither the department nor any public safety officer shall engage in any of the following:

- (1) Biased-based policing;
- (2) The detainment of an individual based on any noncriminal factor or combination of noncriminal factors, unless pursuant to court order; . . .

While the HPD strictly prohibits biased-based profiling and supports the intent of the bill, we are in opposition to the passage of this bill in its current form. The language, "detainment of an individual based on any noncriminal or combination of noncriminal factors," is problematic as most traffic stops are not crimes but violations as defined by the Hawaii Revised Statutes:

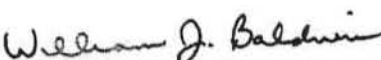
*Serving and Protecting With Aloha*

The Honorable Will Espero, Chair  
and Members  
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Paragraph 701-107 (1), Chapter 701, Hawaii Revised Statutes, reads, "Crimes are of three grades; felonies, misdemeanors and petty misdemeanor." As the law is written, stopping and detaining violators will be an offense.

Thank you for the opportunity to testify.

Sincerely,

  
WILLIAM J. BALDWIN, Captain  
Training Division

Approved:

  
LOUIS M. KEALOHA  
Chief of Police

# LATE TESTIMONY

Kevin Block, J.D.  
Director, Immigrant Services Division  
Department of Housing and Human Concerns  
2200 Main Street, Suite 601  
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Dear committee members:

Thank you for considering my testimony on HB 52 addressing profiling as it relates to immigrants. I am in support of the bill.

The Maui County Immigrant Services Division provides free, direct services to Maui County residents with immigration related matters. We have a main office in Wailuku and additional offices in Lahaina, on Molokai and on Lanai. We assist between 9,000 and 12,000 people per year. The bulk of our services are in three main areas: citizenship applications, family reunification through family-based petitions and employment authorization. We also help with special and complicated cases such as VAWA self petitions, U Visas, Waivers of Inadmissibility, and Requests for Humanitarian Reinstatement. Our office does extensive outreach throughout the community at churches and community events targeting our main immigrant populations which include Filipinos, Tongans, Latinos and COFA migrants. We provide a free citizenship class six times a year that helps prepare applicants to pass the naturalization test and interview and has a 100% success rate. Because we have such numerous contacts with immigrants and their families "on the ground" we are uniquely situated to identify the concerns and policy priorities of the people we serve.

My Division partners with the MPD on many initiatives and we have a good working relationship. I certainly don't want to support anything that would prove arduous or obstructive for the police in carrying out their duty.

On the other hand, I have heard and witnessed many examples of the immigrant community not reporting crimes that they are witnesses or victims of because they are afraid they will be asked for their immigration status. This affects our police in their ability to effectively provide community policing and it places an already vulnerable population at extra risk.

There are many cities including San Francisco, New York and Los Angeles which have statutes in place which prevent first responders from inquiring about the status of victims and witnesses which, in turn, allows them to reach out for help without fear.

Municipalities that have these protections in place feel the public safety benefit of effective community policing which relies on victims and witnesses having a trusting relationship with responders.

I am rushing to submit this testimony so I am going to keep it brief but the committee should feel free to contact me if they have questions or would like more information

Thank you for the opportunity.

Kevin Block

# LATE TESTIMONY

# hscadv



## HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

To: Senator Will Espero, Chair  
Senator Rosalyn H. Baker, Vice Chair  
COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND  
MILITARY AFFAIRS

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

Hearing Date and Time: Tuesday, March 12, 2013, 2:45 p.m.

Place: Conference Room 224

RE: HB52 - SUPPORT

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The Hawaii State Coalition Against Domestic Violence writes in support of HB52, which prohibits biased-based policing by law enforcement agencies and agents and establishes the Department of the Attorney General as the enforcing agency.

Crime victims from marginalized communities are made more vulnerable from bias-based policing practices, which targets individuals on their perceived race, ethnicity, nationality, religion, or immigration status, and not on evidence of criminal activity. Over the past year, a series of community forums brought together members from the Latino community in Maui. At these forums, community members, mostly Spanish-speaking, shared that they did not feel safe calling the police, even when they were victims of crime, for fear of being harassed or detained by law enforcement. This leaves domestic violence survivors in particular, more isolated and vulnerable, and fearful of seeking safety and protection.

For these reasons, we request that the Committee passes HB52. Thank you for your consideration.

Hawaii State Coalition Against Domestic Violence  
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Honolulu, HI 96813  
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# LATE TESTIMONY

**HB52**

Submitted on: 3/11/2013

Testimony for PSM on Mar 12, 2013 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ann S. Freed	Hawai'i Women's Coalition	Support	No

Comments: Aloha Chair Espero, Vice Chair Baker and members, The Hawai'i Women's Coalition is in support of this measure that would prohibit biased-based policing by law enforcement agencies and agents. Profiling by race/ethnicity has been shown to be ineffective. Profiling behavior is the method shown by studies to produce results. Mahalo for allowing me to testify, Ann S. Freed Co-Chair Hawai'i Women's Coalition Mililani, HI 96789

# LATE TESTIMONY

## HB52

Submitted on: 3/11/2013

Testimony for PSM on Mar 12, 2013 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Heather Lusk	Individual	Support	No

Comments: Please prohibit bias-based policing!

# LATE TESTIMONY

## HB52

Submitted on: 3/12/2013

Testimony for PSM on Mar 12, 2013 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shannon Rudolph	Individual	Support	No