
A BILL FOR AN ACT

RELATING TO POLICE DEPARTMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the Honolulu police
2 department has been heavily criticized by lawmakers and the
3 public in the wake of a September 2014 high-profile incident
4 involving an off-duty Honolulu police department sergeant. The
5 sergeant's actions sparked concern about the way police handle
6 domestic violence cases and triggered an informational briefing
7 at the state capitol, where Honolulu's police chief and two of
8 his deputies were intensively questioned about the Honolulu
9 police department's policies regarding domestic violence
10 investigations.

11 The Honolulu police chief and his deputies told lawmakers
12 at the informational briefing that the Honolulu police
13 department has a zero tolerance policy when it comes to domestic
14 violence and other serious offenses. However, the department's
15 record on disciplining officers for domestic violence-related
16 misconduct was called into question by lawmakers at the
17 briefing.



1 Furthermore, the Hawaii state commission on the status of
2 women has noted that they received approximately thirty-eight
3 separate complaints from women who said officers with the
4 Honolulu police department did not respond appropriately to
5 allegations of abuse. The commission believes that the
6 September 2014 incident involving the off-duty sergeant was not
7 an isolated incident, but rather a pattern of inappropriate
8 handling by some police officers in response to allegations of
9 domestic violence.

10 The legislature questions whether the Honolulu police
11 department is minimizing the problem of domestic violence,
12 particularly when incidents involve a police officer. The
13 legislature also questions whether any potential minimization of
14 alleged incidents of domestic violence involving police officers
15 is based on concern over the Lautenberg Amendment, a federal law
16 that forbids anyone, including a police officer, with a
17 misdemeanor domestic violence conviction from owning or
18 possessing a firearm.

19 The legislature additionally finds that the International
20 Association of Chiefs of Police, in collaboration with the
21 United States Department of Justice, Office on Violence Against



1 Women, has created numerous resources on domestic violence and
2 intimate partner crimes, including various model policies for
3 law enforcement agencies. These model policies are available
4 for free on the International Association of Chiefs of Police's
5 website as a public service. In particular, the International
6 Association of Chiefs of Police Domestic Violence by Police
7 Officers Model Policy focuses on early intervention, incident
8 response, and investigation procedures and has served as a
9 foundation for agencies across the country looking to adopt and
10 implement policies to address this problem.

11 The legislature also finds that the public has a right to
12 know how police officers are expected to respond to domestic
13 violence incidents, including domestic violence incidents
14 involving a fellow officer. As the Honolulu police chief noted
15 to reporters after a September meeting with lawmakers, "[W]here
16 you lose the trust and confidence in an organization like your
17 police department, it is because we are not sharing enough
18 information."

19 Requiring county police departments to post their domestic
20 violence policy, officer-involved domestic violence policy, and
21 standards of conduct online will offer assurances to the public



1 that there are policies in place for responding to these
2 incidents. Posting these policies online will bring additional
3 accountability and transparency to the police departments and
4 ensure that police departments properly enforce the State's
5 domestic violence laws, regardless of the identity of the
6 perpetrator. It is also a particularly important step in
7 restoring the public's trust in the Honolulu police department
8 and in the county police departments as a whole.

9 Accordingly, the purpose of this Act is to require each
10 county police department to post its policies relating to
11 domestic violence, officer-involved domestic violence, and
12 standards of conduct on its official website.

13 SECTION 2. Chapter 52D, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§52D- Domestic violence policies; standard of conduct
17 policies. Each county police department shall post its policies
18 relating to domestic violence, officer-involved domestic
19 violence, and standards of conduct on its official website."

20 SECTION 3. New statutory material is underscored.

21

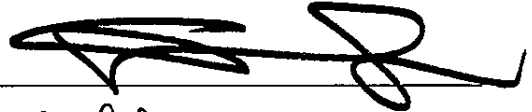


H.B. NO. 449

1 SECTION 4. This Act shall take effect upon its approval.

2

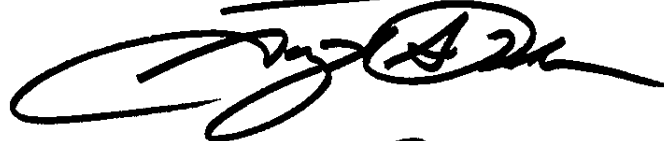
INTRODUCED BY:



Isrdedchigane

Allen A. Riddi

OM



Paul Full Range

Anthony Thier

Miss E. Low

Wale Carroll

Jim Mike Mike

GS

JAN 23 2015



H.B. NO. 449

Report Title:

County Police Departments; Domestic Violence Policies; Standards of Conduct

Description:

Requires each county police department to post its policies relating to domestic violence, officer-involved domestic violence, and standards of conduct on its official website.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



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

February 11, 2015

To: Representative Gregg Takayama, Chair
Representative Kyle T. Yamashita, Vice Chair
Members of the House Committee on Public Safety

Representative Mark M. Nakashima, Chair
Representative Jarrett Keohokalole, Vice Chair
Members of the House Committee on Labor and Public Employment

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

Re: Testimony in Support, HB 449, Relating to Police Departments

The Commission supports HB 449, which would require that all counties post their respective domestic violence policies online, including policies for officer involved domestic violence and standards of conduct.

The challenges within our own Honolulu Police Department (HPD) have been numerous. From the various complaints the Commission office has received, it is clear that internal policies relating to officer involved domestic violence, basic conduct after receiving calls and reports regarding domestic violence, and standardized codes of conduct are not uniform or streamlined. The public should have access to this information. Additionally, the multiple agencies that work with victims of domestic violence would benefit from having the policies online, should they need to refer to them. Finally, posting these policies online is a simple way that HPD can foster community trust in their institution, as it allows for transparency and accountability.

The Commission requests that you pass HB 449. Thank you for your consideration of this important bill.

yamashita1-Marianne

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 4:03 PM
To: pbstestimony
Cc: mlopes@hscadv.org
Subject: Submitted testimony for HB449 on Feb 12, 2015 08:35AM
Attachments: HB 449 Police DV policy online.doc

HB449

Submitted on: 2/9/2015

Testimony for PBS/LAB on Feb 12, 2015 08:35AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Marci Lopes	Hawaii State Coalition Against Domestic Violence	Support	No

Comments: Thank you for your efforts to improve police response for domestic violence victims.

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.

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hscadv



HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

Date: February 9, 2015

To: Rep. Gregg Takayama, Chair
Rep. Kyle T. Yamashita, Vice Chair

COMMITTEE ON PUBLIC SAFETY

From: Marci Lopes, Executive Director
Hawaii State Coalition Against Domestic Violence

RE: HB 449 – STRONG SUPPORT

PLACE: Conference Room 309

DATE and TIME: Thursday, February 12, 2015 8:35 a.m.

The Hawaii State Coalition Against Domestic Violence is a statewide partnership of 21 domestic violence program and domestic violence shelter providers on 6 of our Hawaiian Islands. Our mission is to engage communities and organizations to end domestic violence through education, advocacy, and action for social justice.

HSCADV supports HB 449 and encourages the committee to pass this bill to ensure transparency between the Honolulu police department and the public. HSCADV recognizes that the overwhelming majority of police officers fulfill their job duties and responsibilities in a effective, professional, and caring manner. However, the officers that currently serve on the police force that do not uphold these standards have caused a significant loss of trust in the Honolulu police department's overall response to domestic violence in the community. Notifying the public about the policies of the department and the responsibilities of the officers that are responding to incidents of domestic violence is critical for rebuilding the trust of the public and improving the overall reputation of the police force. Posting domestic violence policies, standards of conduct, and officer involved domestic violence online is critical to improving transparency and accountability of the police department.

Marci Lopes, Executive Director

LATE



February 12, 2015

To: Representative Gregg Takayama, Chair
Representative Kyle Yamashita, Vice Chair and
Members of the Committee on Public Safety

To: Representative Mark Nakashima, Chair
Representative Jarrett Keohokalole, Vice Chair and
Members of the Committee on Labor and Public Employment

From: Jeanne Y. Ohta, Co-Chair

RE: HB 49 Relating to Police Departments
Hearing: Thursday, February 12, 2015, 8:35 a.m., Room 309

Position: SUPPORT

The Hawai'i State Democratic Women's Caucus writes in support of HB 449 Relating to Police Departments which would require each county police department to post its policies relating to domestic violence, officer-involved domestic violence, and standards of conduct on its official website.

Recent events and questions related to those events made apparent the need for transparency of our police departments and for the public to know the policies of police departments relating to domestic violence, and especially those of officer-involved domestic violence. The official websites of the police departments are the logical place to post the policies.

The policies should be available to the public and easy to find. In order to determine if police officers have properly followed policies and procedures, the public must know what they are. Knowing how reports would be handled helps victims know what to expect and whether procedures are being followed.

This measure is a good start to bringing transparency and public confidence in police departments. We respectfully request that the committee pass this measure and we thank the committee for the opportunity to provide testimony.

yamashita1-Marianne

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 06, 2015 9:49 AM
To: pbstestimony
Cc: wusstig@gmail.com
Subject: *Submitted testimony for HB449 on Feb 12, 2015 08:35AM*

HB449

Submitted on: 2/6/2015

Testimony for PBS/LAB on Feb 12, 2015 08:35AM in Conference Room 309

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.

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yamashita1-Marianne

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 04, 2015 2:40 PM
To: pbstestimony
Cc: KarinNomura1@gmail.com
Subject: Submitted testimony for HB449 on Feb 12, 2015 08:35AM
Attachments: HB449 - police officer domestic violence.docx

HB449

Submitted on: 2/4/2015

Testimony for PBS/LAB on Feb 12, 2015 08:35AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Karin Nomura	Individual	Support	No

Comments: I support the bill, but find it limited. This bill should include all cases where abuse of power or actions inappropriate to the uniform or job description should come into play. As, this is not just about "domestic violence", but on how the police are held accountable for their actions on the job and off.

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.

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My issue is not with domestic violence, but how police procedure for a police officer or officer's family seems to differ from those of a "normal person". For 9 yrs. I've had issues with getting the police to assist, been denied an officer sent twice (once when my pipes were dug up and left with a rock on top for over a month, the second time for a parking violation, and told they don't handle civil disputes or contracts.) Spoke to several officers, requesting a police report, only to be told, "you should receive one" and to ask to speak to a supervisor if given the excuse of "I'm only here to handle the issue I was called for, call 911 back again and another officer will come to file the report for you". (This with 3 uniformed officers in front of me.) Requested to speak with a Major or higher, with currently looking to speak to anyone higher than a Captain, with no result. This for over 3 months now.

Having to listen to shouts of "f**k the contract, I'm a police officer" or "we're police family" so, "the police aren't going to help you", etc. Being told that it's not "illegal" for someone to say they are a "police officer", "stand up for yourself and go over there", "if you don't like it then move", "don't call unless there's blood", etc. After reporting a "general" issue with the conduct of officers who come to my location when contacted, have to hear shouts of "this is why nobody reports a police officer", "I'm warning you", "nobody f**ks with the police department", "these are decorated officers, who put a lot back into the community", "do you know how many of us there are", etc.

So, instead of focusing on just "domestic violence" because it's been in the news, hope that the bill will be amended to review all police procedures dealing with other police officers or their family. As, this is not just about how they cover up domestic violence, but other items as well.