

SB 109

RELATING TO POLICE

Provides that county police commissions shall have the duty to establish procedures regarding the suspension, removal from a specified duty for disciplinary reasons, or termination of any police officer.

PSM, JDL

SB109

Submitted on: 2/9/2015

Testimony for PSM on Feb 10, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Aaron Hunger	Remington College Honolulu C.J. Student Coalition	Support	No

**Region 11 (HAWAII) Public Safety Regional Planning Committee
Regional Public Safety Planning Meeting**

**Testimony on
SB 109
February 10, 2015
1:15 pm**

Thank you to Senator Espero who invited me to speak today, and to the Public Safety Commission for hearing my testimony on this very important bill relating to empowering the county police commissions.

My name is Aaron Hunger. I am currently an instructor of Criminal Justice at Remington College, a doctoral student at The University of Hawaii at Manoa, and have served as a lecturer periodically at both of the University of Hawaii's campuses at Manoa and West Oahu in Political Science and Public Administration respectively. I was also a police officer for over 16 years before retiring from an industrial accident. During that time, I served the majority as a patrolman, but also served as a traffic officer, diver, marine patrol, special response team (SRT) member, and other numerous specialized task forces.

I was both P.O.S.T. and F.D.L.E. certified for police work in California and Florida, and served as a corrections officer in California and Germany. During the 1990 Gulf War, I also had the honor to be assigned to a military police corrections unit that was responsible for custody and control of military personnel that were sentenced for war crimes, and espionage. I am aware of the unique responsibilities that come with providing care over our citizens, and have worked in departments where community trust building was critical. This is not an easy job, and I would like to begin by commending the men and women who devote themselves to ensuring public safety by doing this, often unrewarding, job.

This brings me to why I would like to provide testimony in support of SB109 today. SB 109 is a bill that seeks to empower the County Police Commissions with the ability to take action against police officers that are found in violation of law or policy after an independent commission investigation. The language that SB 109 adds to Subsection 52D-1 is critical in allowing the Police Commissions the ability to perform as a check-and-balance mechanism over police.

In most states a double check-and-balance system is used to oversee all law enforcement officers. This redundant model includes the use of local Police Commissions and State Certification Boards. In other communities nationwide, both the Commissions and the Standards

Boards work in cooperation to ensure that police have the proper oversight to maintain, or gain, community trust and accountability.

Nationally, most Police Commissions make final recommendations to the Standards Board and the Police Chief. The police chief may recommend termination based on the transgression, or may suggest another form of discipline. The ultimate decision of whether an officer continues to be licensed to operate in the state, however, is made by the Standards Board alone. Because Hawaii remains as a state without a Standards Board, this ability for the commission to take action is critical. This mechanism safeguards the public trust by taking the decision process out of the hands of the individual department, and into the hands of an independent agency.

The fact that Hawaii remains as a lone holdout from this decades old reform model is disturbing. With the exception of internal oversight, that has recently been shown to be ineffective in stopping abuses of power and authority, the police in the state of Hawaii have no oversight. C.A.L.E.A. is an accrediting agency, but has been unable to repair or stop police in Hawaii from failing to follow their departments policy, or ensuring violators are appropriately punished. The media has done a good job at highlighting, as of late, both the problems centering on the amount and type of punishment imposed on police that violate the law, and with the unfettered power that police have due to the lack of oversight mechanisms surrounding them.

The model of internal oversight only, as is in place in Hawaii, is not the national norm. Any police officer that claims that this model works would be ignoring the evidence and proof that exists that is evidence of the system's failure. This includes two civil rights violation investigations, an FBI investigation into unauthorized use of police resources, multiple sex crimes, theft by fraud, an officer that participated in organized crime, and are as recent as February 5th, 2015 (Boylan, 2007) (Crimesider Staff, 2014) (Daysog, 2014) (Fujimori, 2014 (IO)) (Hawaii News Now staff, 2014) (KHON2, 2014) (Kelleher, 2014 (CM)) (News Editor, 2014) (News Staff, 2014) (Wakida, 2015). While Honolulu police may argue that internal mechanisms are sufficient, it is important to stress that no other county law enforcement model in the United States operates with this level of autonomy. The fact that Honolulu police is the 25th largest police agency in the county, and has not published or produced crime statistics for over 2 years is another reason that a mechanism is needed that oversees police management and conduct (Star Advertiser, 2015).

This bill is necessary and critical if the county police commissions are to operate as the community oversight mechanism that they are designed for. Currently the commission recommends action to the chief, who then sends the file to the internal mechanism for 'reinvestigation' by police. Because citizens are often repelled by police, the "reinvestigations" often are 'unsustained.' The Chief then has justification to dismiss the complaint (Gilmartin, 2014). With the current loss of public trust that police departments are incurring, nationwide, the empowering of Police Commissions as a community trust building mechanism is becoming more popular.

SB 109 is the language that is needed to place the county police commissions in Hawaii, on track with other police commissions nationwide. If Hawaii was to ever create a State level Standards Board, SB 109 would allow the commissions to work with this new entity in providing total departmental oversight. This bill is necessary and timely, and I stand in support of this bill.

Works Cited

- Boylan, P. (2007, October 8). *Honolulu settled police lawsuits for 1.1 million*. Retrieved from honolulustaradvertiser.com:
<http://the.honoluluadvertiser.com/article/2007/Oct/08/In/hawaii710080341.html>
- Crimesider Staff. (2014, September 11). *Hawaii off-duty cop accused of punching ex-girlfriend*. Retrieved from CBS news: <http://www.cbsnews.com/news/hawaii-off-duty-cop-accused-of-punching-ex-girlfriend/>
- Daysog, R. (2014, June 09). *Exclusive: HPD sued over violent arrest caught on tape*. Retrieved from Hawaii News Now: <http://www.hawaiinewsnow.com/story/25734706/exclusive-police-beating-caught-on-video>
- Fujimori, L. (2014 (IO), September 14). Critics propose independent HPD oversight. *The Honolulu Star Advertiser*, A16.
- Gilmartin, G. (2014, September 30). The Role of the Honolulu Police Commission. (I. a. Hawaii Legislative Panel on Public Safety, Interviewer)
- Hawaii News Now staff. (2014, December 15). *Police officer pleads not guilty to sexual assault*. Retrieved from HawaiiNewsNow.com: <http://www.hawaiinewsnow.com/story/27640475/police-officer-pleads-not-guilty-to-sexual-assault>
- Kelleher, J. S. (2014 (CM), December 05). *Honolulu Police Chief Causes Mistrial After His Mailbox Is Stolen, Raises Allegations Of Misconduct*. Retrieved from Huffingtonpost.com:
http://www.huffingtonpost.com/2014/12/05/honolulu-police-chief-mistrial_n_6279160.html
- KHON2. (2014, 06 26). *Former HPD officer indicted for alleged extortion, theft operations*. Retrieved from KHON2.com: <http://khon2.com/2014/06/26/former-hpd-officer-indicted-for-alleged-extortion-theft-operations/>
- News Editor. (2014, May 10). *Mentally unstable man seeks help, police suffocate him in his driveway*. Retrieved from Police State USA .com: <http://www.policestateusa.com/2014/aaron-torres/>
- News Staff. (2014, November 7). *Honolulu police officer pleads not guilty to sex assault*. Retrieved from khon2.com: <http://khon2.com/2014/11/07/honolulu-police-officer-pleads-not-guilty-to-sex-assault/>
- Star Advertiser. (2015, February 6). *HPD Crime Data Lapse Unacceptable*. Retrieved from Honolulu Star Advertiser.com: <http://www.staradvertiser.com/s?action=login&f=y&id=291021271>
- Wakida, C. (2015, February 5). *Honolulu police officer indicted on assault, theft charges*. Retrieved from KITV.com: <http://www.kitv.com/news/honolulu-police-officer-indicted-on-assault-theft-charges/31117078>

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]

Sent: Monday, February 09, 2015 8:35 AM

To: PSMTestimony

Cc: kauaiopua@googlemail.com

Subject: Submitted testimony for SB109 on Feb 10, 2015 13:15PM

SB109

Submitted on: 2/9/2015

Testimony for PSM on Feb 10, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Justine Fritz	Remington College Honolulu C.J. Student Coalition	Support	No

Good morning ladies and gentlemen. My name is Justine Fritz and I was given the opportunity this morning to discuss the changes that would be implemented within the Honolulu Police Commission in the Senate Bill Number 109. There has been a great deal of problematic situations surrounding both the Honolulu Police Department. With this proposition in the bill we will be able to eliminate some of the issues that have been brought to our attention. Honolulu Police Department's motto is making Honolulu the safest place to live work and play. With a well understood and respected motto, society has an idea with expectation of the Honolulu Police Department, and double standards of the law is not one of them. If the internal model of the police policy and procedure is problematic and has the ability to be dismissed by the individuals expected to not only follow the law but uphold it, then how can we believe in the system of the Honolulu Police Department?

This bill will allow our commission to act in the manner in which it was created. The original thought behind a Police Commission is to ensure the Honolulu Police Department is conducting its self in a manner that is appropriate. We are in need of changes to the current structure and I support this bill with the hopes that it provides those needed changes. This will assist our communities and our police officers of all counties are being heard and supported. It will also allow our community to place trust and respect into our officers again. I support this bill.

SB109

Submitted on: 2/9/2015

Testimony for PSM on Feb 10, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Aisha Gaea	Remington College Honolulu C.J. Student Coalition	Support	No

Senate Bill NO. 109

This bill S.B. 109 is somewhat addressing the same issue as S.B. 389, which are the police commissions of the four counties. It is being revised to state that each of the four counties have their own commission, the members of which are to be appointed by the charter of each county, as long as the duties include the establishment of procedures regarding the suspension, removal from a specified duty for disciplinary reasons, or termination of any police officer.

The power that this bill will give the commissions, is very important, because it will give the commission the power to suspend or fire any officer, who has done wrong, rather than just recommending it to the police chief. This bill, if passed along with Senate bill 389, gives the people of Hawaii some power regarding the punishment police are to receive because the commission is to be made up of people from the community, three of which are specified in S.B. 389. If passed, this bill will allow for an entity that is separate from the police, to act as an oversight to the law enforcement agencies in Hawaii, with the power, if needed, to suspend, remove from duty, or even terminate officers that have acted less than appropriately but have not been properly reprimanded by the law enforcement agencies that they respectively work for.

In conclusion I support this bill, S.B NO. 109, and also would like to recommend the approval of S.B. NO. 389 which I believe gives strengthens this bill.

SB109

Submitted on: 2/9/2015

Testimony for PSM on Feb 10, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
robert ford	remington college Honolulu C.J. Student Coalition	Support	No

S.B. 109

My name is Robert Ford. I am a student of Remington College. After reviewing bill S.B. 109, I believe the police Commissions should have ALWAYS had the authority that this bill in fact grants. With that being said I am in FULL SUPPORT of bill S.B. 109. The language and intent of this bill is strong, the powers this bill will deliver to the police commissions, I believe, will in fact be a stepping stone in the changes and reconstruction yet to come.

SB109

Submitted on: 2/9/2015

Testimony for PSM on Feb 10, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Candace Hashimoto	Remington College C.J Student Coalition	Support	No

Candace Hashimoto

S.B. NO. 109

2/9/15

Good morning, ladies and gentleman. My name is Candace Hashimoto, and today I would like to thank you all for allowing me to speak regarding Senate Bill NO. 109

Senate Bill NO. 109 proposes to have a police commission for the four counties. It is very similar to Senate Bill NO. 389, which elaborates on the events that took place in September 2014. Senate Bill NO. 109 would allow the commission to hire, fire, suspend, etc. The make-up of the police commission described in Senate Bill NO. 389 will allow individuals outside of the department to act as an oversight committee.

In conclusion, I support Senate Bill NO. 109, and I believe the approval of Senate Bill NO. 389 will give strength to the bill.

SB109

Submitted on: 2/9/2015

Testimony for PSM on Feb 10, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Lucky Lotu	Remington College Honolulu C.J. Student Coalition	Support	No

Lucky.Lotu

STATE BILL NO.109

Good morning ladies and gentlemen. My name is Lucky Lotu. I am currently enrolled as a student of Remington College studying for my Bachelor's degree in the field of criminal justice. It is a great honor and privilege standing here before you today speaking on the behalf of the State Bill No. 109.

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

The main purpose of this bill is that it provides that the county police commissions shall have the duty to establish procedures regarding the suspension, removal from a specified duty for disciplinary reasons, or termination of any police officer. I truly support this idea because the enhancement of setting procedures will then set standards for the Honolulu police Department. It is also stated in the section 52D-1 Hawaii Revised Statutes, as for the police commission is created for each of the counties. The composition, appointment, terms of office, staff, powers, duties, and functions of each police commission shall be prescribed by the charter of each county. I believe that this will support the foundation of the police commission related to the fact that each county be held responsible and accountable of ones actions and deeds. On the contrary, Section 2 states that this act will not affect rights and duties that matured, penalties that were incurred (unpleasant), and proceedings that were begun before its effective date. The real question comes to mind what if it does affect the rights and duties, because it seems that this section contradicts the bill itself. In addition, I think that this bill is more effective because there has been many criticisms bombarding the police department, however, this bill gives power to police commission to hire and fire. Therefore, I agree to support this act for a better (cj)system.

SB109

Submitted on: 2/9/2015

Testimony for PSM on Feb 10, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Paulo Paulo	Remington College Honolulu C.J. Student Coalition	Support	No

Paulo O.J Paulo
02/07/15

S.B. No. 109

Good morning ladies and gentlemen. Thank you for this great and golden opportunity allowing me to speak regarding the S.B 109. "You are not entitled to your opinion. You are entitled to your *informed* opinion. No one is entitled to be ignorant." Harlan Ellison. Truth be told, the truth burns and you definitely won't want to hear it.

The purpose of this bill, gives the commission the power to hire any new recruit that may be a better fit for any vacancy, and the ability to fire any police officer that may commit any serious felony violation. I believe that this bill will help enforce our law a bit more strict than ever before. It will also help maintain the peoples' respect for our police officers, because it is given that they are to be held at very high standards. This is a perfect start to a solution that deteriorates, and hopefully enacts requirements from any police officer to reframe from committing any crimes that will make our department look bad and untrusted.

Many people have been and is still criticizing our service officers, all because of these small issues we couldn't help solve, but to earn back their (the people) trust goes a long way, and we must use this bill as a stepping stone toward getting their trust back. Little by little we solve these issues and overcome these challenges through this bill. To success we approve this bill, and to better future we pass it as a law.

I support this bill with all of my heart, because I believe it's for the good and the better future of our generation. So that there will be no bad perception of police like the one we have today. Passing this bill to become a law will not only help us in the short run, but also the long run as well. People don't lie because they want to. They lie because it's something you've been expecting to hear. Getting rid of all these bad seeds will make the milk more fresher and last longer. This will be a major positive influence to our police department and to the people we pledge to serve and protect.

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]

Sent: Friday, February 06, 2015 10:03 AM

To: PSMTestimony

Cc: wusstig@gmail.com

Subject: *Submitted testimony for SB109 on Feb 10, 2015 13:15PM*

SB109

Submitted on: 2/6/2015

Testimony for PSM on Feb 10, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Kenny Wusstig	Individual	Support	No

SB109

Submitted on: 2/9/2015

Testimony for PSM on Feb 10, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Shajaira Briones	Individual	Support	No

Senate Bill NO. 109

Aloha, my name is Shajaira Briones. I am currently a student at Remington College studying for my Bachelor's degree in Criminal Justice and I am speaking in regards of the Senate Bill NO. 109.

I strongly support this bill because it will allow our commission to act in the suspension, removal, or termination of a police officer if the officer caused any serious or minor misconduct. The bill will help in eliminating officers who do not follow guidelines. I believe this bill is strict but will provide a great change for police officers and the community.