



LATE TESTIMONY

Committee: Committee on Public Safety, Intergovernmental and Military Affairs
Hearing Date/Time: Tuesday, February 10, 2015, 1:15 p.m.
Place: Conference Room 229
Re: Testimony of the ACLU of Hawaii in **Support of S.B. 1335**, Relating to Law Enforcement

Dear Chair Espero and Members of the Committee on Public Safety, Intergovernmental and Military Affairs,

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in **support of S.B. 1335**, Relating to Law Enforcement. This bill will promote public trust of law enforcement officials, and will help to protect the constitutional rights of Hawaii’s residents and visitors.

Thank you for this opportunity to testify.

Daniel M. Gluck
Legal Director
ACLU of Hawaii

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for 50 years.

American Civil Liberties Union of Hawai'i
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LATE TESTIMONY

From: PSMTestimony
To: mailinglist@capitol.hawaii.gov
Subject: RE: Submitted testimony for SB1335 on Feb 10, 2015 13:15PM

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Tuesday, February 10, 2015 10:46 AM
To: PSMTestimony
Cc: stevenkhamel@gmail.com
Subject: Submitted testimony for SB1335 on Feb 10, 2015 13:15PM

SB1335

Submitted on: 2/10/2015
Testimony for PSM on Feb 10, 2015 13:15PM in Conference Room 229

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

Comments:

Senate Bill Number 1335

Good morning ladies and gentlemen. My name is Steven Hamel and I was given the opportunity this morning to discuss the Senate Bill Number 1335, pertaining to Police Officers having sex with individuals during a traffic stop. I am outraged and appalled that someone would take advantage of their status in such a manner.

This bill NEEDS to be passed to ensure that the Police Officers of Honolulu County are not committing such acts in anyway. This will assist our community to place trust and respect into our officers again. I support this bill.

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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Subject: RE: Submitted testimony for SB1335 on Feb 10, 2015 13:15PM

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Tuesday, February 10, 2015 10:47 AM
To: PSMTestimony
Cc: luckylotu@gmail.com
Subject: Submitted testimony for SB1335 on Feb 10, 2015 13:15PM

SB1335

Submitted on: 2/10/2015
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

Comments:

STATE BILL 1335

Good morning ladies and gentlemen, my name is Lucky Lotu. I am a student of Remington College enrolled in the field of criminal justice. Thank you for this amazing opportunity to speak on the behalf of the senate regarding the state bill NO.1335. I stand here today to speak my mind and heart truthfully and honestly.

I am in full support of this bill because it prohibits police officers from having sexual contact on traffic stops. I don't understand why this isn't a mandatory policy for all police officers in the department. I suppose that police should be accountable for their actions and deeds by passing this bill.

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From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Tuesday, February 10, 2015 11:11 AM
To: PSMTestimony
Cc: kawailehua_33@yahoo.com
Subject: Submitted testimony for SB1335 on Feb 10, 2015 13:15PM

SB1335

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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

Comments:

S.B. NO. 1335

In regards to Senate Bill No.1335, pertaining to Police Officers having sex with individuals during a traffic stop. I am furious and disgusted that someone would take advantage of their status in such a manner, especially someone who is meant to protect and keep our community safe. This bill needs to be passed to ensure that the Police Officers of Honolulu County are not committing such acts in anyway. This will assist our community to place trust and respect in our officers again. I support this bill.

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From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Tuesday, February 10, 2015 10:34 AM
To: PSMTestimony
Cc: paulo.pt13@yahoo.com
Subject: Submitted testimony for SB1335 on Feb 10, 2015 13:15PM

SB1335

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

Comments:

S.B No. 1335

Good morning ladies and gentlemen, thank you for this great opportunity allowing me to speak regarding to S.B. No. 1335. I'm in support of this bill. I think this should be a mandatory regulation.

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LATE TESTIMONY

Police Have No Consent to Have Sex With Anyone During a Traffic Stop

Senate Bill Number 1335

Good morning ladies and gentlemen. My name is leuluniu otineru and I was given the opportunity this morning to discuss the Senate Bill Number 1335, pertaining to Police Officers having sex with individuals during a traffic stop. I am outraged and appalled that someone would take advantage of their status in such a manner.

This bill NEEDS to be passed to ensure that the Police Officers of Honolulu County are not committing such acts in anyway. This will assist our community to place trust and respect into our officers again. I support this bill.

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From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Tuesday, February 10, 2015 10:21 AM
To: PSMTestimony
Cc: kauaiopua@googlemail.com
Subject: Submitted testimony for SB1335 on Feb 10, 2015 13:15PM

SB1335

Submitted on: 2/10/2015
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

Comments:

Senate Bill Number 1335

Good morning ladies and gentlemen. My name is Justine Fritz and I was given the opportunity this morning to discuss the Senate Bill Number 1335, pertaining to Police Officers having sex with individuals during a traffic stop. I am outraged and appalled that someone would take advantage of their status in such a manner.

This bill NEEDS to be passed to ensure that the Police Officers of Honolulu County are not committing such acts in anyway. This will assist our community to place trust and respect into our officers again. I support this bill.

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LATE TESTIMONY

46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Executive Director

TESTIMONY FOR SENATE BILL 1335, RELATING TO LAW ENFORCEMENT

Senate Committee on Public Safety, Intergovernmental and Military Affairs

Hon. Will Espero, Chair

Hon. Rosalyn H. Baker, Vice Chair

Tuesday, February 10, 2015, 1:15 PM

State Capitol, Conference Room 229

Honorable Chair Espero and committee members:

I am Kris Coffield, representing IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 300 local members. On behalf of our members, we offer this testimony in support of Senate Bill 1335, relating to law enforcement.

On January 28, Circuit Judge Glenn Kim dismissed a sex assault case brought against Honolulu Police Officer Kramer Aoki, who was accused of groping a teenage girl at a traffic stop. An O'ahu grand jury indicted Aoki last November on a third-degree sexual assault charge, a class C felony punishable by up to five years in prison, saying that on September 6, Aoki, acting as a law enforcement officer, knowingly subjected to sexual contact a teenager in custody. Aoki was accused of placing his hand on the breast of the girl he had pulled over for speeding. After the alleged incident, Aoki let the girl go with a warning. Aoki's defense attorney, Thomas Otake, successfully argued that the girl was not in custody because a traffic stop does not legally constitute "custody" under state law, despite the fact that Aoki had her driver license and vehicle registration when the alleged touching occurred. This bill would prevent future sexual abuses during law enforcement stops by including traffic stops in the definition of "custody" under HRS §707-732.

Mahalo for the opportunity to testify in support of this bill.

Sincerely,
Kris Coffield
Executive Director
IMUAlliance

10th

Testimony re: SB1335 (Public Safety; Law Enforcement Officers; Custody; Sexual Assault in the Third Degree)

Reference definition: "Sexual contact" means any touching, other than acts of "sexual penetration", of the sexual or other intimate parts of a person not married to the actor, or of the sexual or other intimate parts of the actor by the person, whether directly or through the clothing or other material intended to cover the sexual or other intimate parts.

Testimony:

It seems to be obvious that any sexual contact by a law enforcement officer for the purpose of harassment or sexual gratification, especially under the color of authority, should be prosecuted. My concern is that we do not limit police in the bona fide performance of their duties.

Putting hands on any person must be articulated and justified. Three common reasons come to mind:

- Pat Search: Terry v. Ohio, 392 U.S. 1 (1968), was a landmark decision by the United States Supreme Court which held that the Fourth Amendment prohibition on unreasonable searches and seizures is not violated when a police officer stops a suspect on the street and frisks him or her without probable cause to arrest, if the police officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a crime and has a reasonable belief that the person "may be armed and presently dangerous".
- Exigency: The situation may demand immediate action be taken for safety or other reasons.
- Incident to arrest.

Patting down a person of the same or opposite sex necessarily involves what can be considered as sexual contact in order to be safe and effective. When reasonably available and timely, an officer the same gender as the person being searched should do the search. When this is not the case, the officer should perform the search as trained using approved techniques, preferably with another officer as witness. For example, use of a back hand sweep is common, rather than groping.

It is common for California gangs to use their female members to conceal weapons, knowing the reluctance of male officers to frisk them. I suspect Hawaii has the same issues.

It is disappointing to think this Bill is needed, preferring to believe our officers are more professional than that, but if so, we need to write it in such a way that our police are not hampered in doing their jobs and their safety is not impacted. Of course, body cameras would pretty much eliminate any question.

Respectfully,

LATE TESTIMONY

Mike Harvey
Kaneohe
Kumukoa986@gmail.com

My Background

I was raised on Kauai (Kauai High School) and recently retired from a long career as an electrical engineer (BSEE, UH; MS, UCLA). I also enjoyed 15 years as a California Level-1 Reserve Peace Officer (city police for 10 years, county deputy sheriff for 5). Along with standard patrol duties (one or two 10-hour shifts per week), I was a state certified trainer for defensive tactics (arrest and control), impact weapons and chemical agents. I was lead trainer for three agencies. I taught at the Annual Reserve Peace Officer Conference and published articles in the CRPOA magazine.

Since I lived the dual life as law enforcement officer and civilian, I got a unique perspective of law enforcement. As my full time work would have me travel around the state and country, I would take the opportunity to ride along with other agencies, observed how they did things, and asked how they trained.

SB1335

Submitted on: 2/10/2015

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 1335**

**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 Mental Health Training for police.

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 today. As a police officer, I am shocked that this isn't part of the C.A.L.E.A policies in place. But given the recent incident with Honolulu Police Officer Kramer Aoki, whose sexual assault charges against a teenager was dismissed because "*a traffic stop is not considered a form of custody*" (in Hawaii), this bill becomes necessary. Although my training and experience of over 20 years around law

enforcement has taught me that traffic stops are a form of control, Hawaii remains distinct from the rest of the nation. Because of this distinction, this bill is critical to gaining the public's trust. As a police officer, this bill should meet no opposition. This bill, due to recent events, is painfully necessary in rebuilding public confidence in police.

LATE TESTIMONY

SB1335

Submitted on: 2/10/2015

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. 1335

My name is Robert Ford. I am a student of the Remington College criminal justice program. This is a testimony on behalf of bill S.B. 1335. After reviewing the bill, I vote yes in full support of passing this bill. I believe this bill should have in fact been a policy of police misconduct (as it would be in any other workplace including law enforcement), HOWEVER, this bill is very important to begin AND maintain good ethics and professionalism in police officers.

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SB1335

Submitted on: 2/10/2015

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

My name is Candace Hashimoto, and I am from the Remington College C.J. Student Coalition. I

am writing in regards to Senate Bill NO. 1335. I fully support this bill.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 10, 2015 9:13 AM
To: PSMTestimony
Cc: wusstig@gmail.com
Subject: *Submitted testimony for SB1335 on Feb 10, 2015 13:15PM*

SB1335

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

Comments:

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