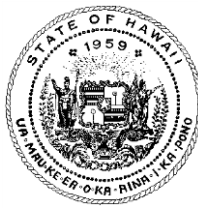




# SB2195

Measure Title:	RELATING TO LAW ENFORCEMENT.
Report Title:	State Sheriff Division; County Police Department; Misconduct Incident Report
Description:	Requires the state sheriff division to submit yearly reports on sheriff and deputy sheriff misconduct to the legislature. Requires county police departments and the state sheriff division to post those reports on their public websites.
Companion:	
Package:	None
Current Referral:	PSM, JDL/WAM
Introducer(s):	ESPERO, NISHIHARA, Baker, Galuteria, Inouye, Shimabukuro

DAVID Y. IGE  
GOVERNOR



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

**NOLAN P. ESPINDA**  
DIRECTOR

**Cathy Ross**  
Deputy Director  
Administration

**Jodie F. Maesaka-Hirata**  
Deputy Director  
Corrections

**Shawn H. Tsuha**  
Deputy Director  
Law Enforcement

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

TESTIMONY ON SENATE BILL 2195  
RELATING TO LAW ENFORCEMENT

By

Nolan P. Espinda, Director

Senate Committee on Public Safety, Intergovernmental, and Military Affairs  
Senator Clarence Nishihara, Chair  
Senator Will Espero, Vice Chair

Thursday, February 4, 2016; 1:15 PM  
State Capitol, Conference Room 229

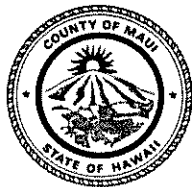
Chair Nishihara, Vice Chair Espero, and Members of the Committee:

The Department of Public Safety (PSD) **supports** Senate Bill (SB) 2195, which seeks to develop an annual reporting to the Legislature related to a misconduct that results in a suspension or discharge of a sheriff or deputy sheriff.

PSD has reviewed the bill in comparison with Hawaii Revised Statutes (HRS) §52D-3.5 Reports to Legislature for County Police Departments. The language of this bill is consistent with the requirements for County Police Departments. The Department would like to encourage your committee to seek equity among all state and county law enforcement entities; therefore any exceptions from current statutes such as HRS §92F-14(b)(4)(B)(v): "The disciplinary action ... provided that this subparagraph (B) shall not apply to a county police department officer except in a case which results in the discharge of the officer" would also be amended to be applicable to sheriffs and deputy sheriffs.

Thank you for the opportunity to testify on this measure.

ALAN M. ARAKAWA  
Mayor



JOHN D. KIM  
Prosecuting Attorney  
ROBERT D. RIVERA  
First Deputy Prosecuting Attorney

DEPARTMENT OF THE PROSECUTING ATTORNEY  
COUNTY OF MAUI  
150 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
PHONE (808) 270-7777 • FAX (808) 270-7625

CONTACT: PETER HANANO  
Deputy Prosecuting Attorney  
Appellate, Asset Forfeiture and Administrative Services Division

TESTIMONY  
ON  
SB 2195 - RELATING TO LAW ENFORCEMENT

February 4, 2016

The Honorable Clarence K. Nishihara  
Chair  
The Honorable Will Espero  
Vice Chair  
and Members  
Senate Committee on Public Safety, Intergovernmental and Military Affairs

Chair Nishihara, Vice Chair Espero, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui, OPPOSES SB 2195 - Relating To Law Enforcement. The bill seeks to require the director of public safety to submit an annual report to the legislature regarding "misconduct incidents" that resulted in the suspension or discharge of a sheriff or deputy sheriff. We have concerns that this bill may directly or indirectly implicate an employee's privacy rights regarding confidential personnel matters. For this reason, the Department of the Prosecuting Attorney, County of Maui, OPPOSES the passage of this bill.

Thank you very much for the opportunity to provide testimony on this bill.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [PSMTestimony](#)  
**Cc:** [blawaiianlvr@icloud.com](mailto:blawaiianlvr@icloud.com)  
**Subject:** Submitted testimony for SB2195 on Feb 4, 2016 13:15PM  
**Date:** Monday, February 01, 2016 12:33:28 PM

---

**SB2195**

Submitted on: 2/1/2016

Testimony for PSM on Feb 4, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	Yes

Comments: We are in FULL SUPPORT of this common sense bill. Pursuant to Governor David Ige's State of the State address & constant theme of his mission, honest, open & transparent government is what is best for our State. No one is above the law & accountability can only occur when there is transparency. This is a good bill. If the Sheriffs Department has nothing to hide & is truly operating with integrity, we cannot see how they would oppose 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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)



Committee: Committee on Public Safety, Intergovernmental, and Military Affairs  
Hearing Date/Time: Thursday, February 04, 2016, 1:15 p.m.  
Place: Room 229  
Re: Testimony of the ACLU of Hawaii in Support of S.B. 2195, Relating to Law Enforcement

Dear Chair Nishihara 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. 2195, which provides for improved reporting to the Legislature of sheriff and deputy sheriff misconduct.

This bill, if enacted, would increase law enforcement transparency and accountability, and thereby help to improve the public’s trust of our police officers. Law enforcement officers should be responsive to the community they serve, and should not be able to shield unlawful behavior from public scrutiny.

Thank you for the opportunity to testify.

Sincerely,

Mandy Finlay  
Advocacy Coordinator  
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 over 45 years.*

American Civil Liberties Union of Hawaii  
P.O. Box 3410  
Honolulu, Hawaii'i 96801  
T: 808-522-5900  
F: 808-522-5909  
E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)

THE CIVIL BEAT  
LAW CENTER FOR THE PUBLIC INTEREST

700 Bishop Street, Suite 1701  
Honolulu, HI 96813

Office: (808) 531-4000  
Fax: (808) 380-3580  
info@civilbeatlawcenter.org

Senate Committee on Public Safety, Intergovernmental, and Military Affairs  
Honorable Clarence K. Nishihara, Chair  
Honorable Will Espero, Vice Chair

**RE: Testimony Supporting S.B. 2195, Relating to Law Enforcement**  
Hearing: February 4, 2016 at 1:15 p.m.

Dear Chair and Members of the Committee:

My name is Brian Black. I am the Executive Director of the Civil Beat Law Center for the Public Interest, a nonprofit organization whose primary mission concerns solutions that promote government transparency. Thank you for the opportunity to submit testimony on S.B. 2195. The Law Center **supports** this bill.

S.B. 2195 will require annual reports of law enforcement misconduct similar to the reports required for all county police departments. Disciplinary information about Department of Public Safety employees is not subject to the same confusion about public access as county police officers – see S.B. 3016 and HRS § 92F-14(b)(4)(B). Final disciplinary suspensions and terminations of PSD law enforcement personnel are public record.

In light of the differences between PSD and the county police departments, this Committee may consider two changes to S.B. 2195. To support these changes, attached is the disciplinary list that KHON2 obtained from PSD last year. KHON2, *Public Safety Department Releases Misconduct Report for Sheriffs, ACOs* (Feb. 10, 2015).

- *Require reporting regarding “employees with police powers” (see HRS § 353C-4). “Sheriff” may not be the only title for employees with police powers, and the PSD report reflects that many disciplinary matters concern a “Adult Corrections Officer.”*
- *Require disclosure of names for employees subject to final disciplinary suspension or discharge. See PSD report.*

Also, in light of the Ethan Ferguson matter (recently arrested DLNR officer), this Committee might consider expanding the reporting requirement to all departments with law enforcement personnel.

Thank you again for the opportunity to testify.

Employee	Position	Division	SUMMARY
AKIMSEU, JASON K	Adult Corrections Officer	Corrections	DUI Arrest - 5 day suspension.
ANDRE, ROSS B	Adult Corrections Officer	Corrections	Late Release of an Inmate - 5 day suspension in Grievance reduced to 3 day suspension.
BORDENKIRCHER, ERIC	Adult Corrections Officer	Corrections	Workplace Violence - 30 day suspension.
BOWERS, LELAND	Adult Corrections Officer	Corrections	Inappropriate conduct related to Social Media - 15 day suspension.
DAMAS, MARK S	Adult Corrections Officer	Corrections	Inappropriate conduct related to the introduction of contraband - Discharge.
GOUVEIA, CHRISTOPHER	Adult Corrections Officer	Corrections	Inappropriate conduct related to the introduction of contraband (cell phone) - 5 day suspension, grievance reduced to 3 day suspension.
INABA, LLOYD S	Adult Corrections Officer	Corrections	DUI Arrest - 5 day suspension.
KILA, CHRISTINA	Adult Corrections Officer	Corrections	Failed to comply with prescription medication requirements - 15 day suspension.
MESTAS, THOMAS E	Adult Corrections Officer	Corrections	Inappropriate conduct related to the introduction of contraband (cell phone) - 5 day suspension mitigated to a 3 day suspension.
NAEOLE, MITCHELL K	Adult Corrections Officer	Corrections	Failed to comply with order to remain for the next Watch - 5 day suspension.
PSD	Deputy Sheriff	Law Enforcement	Assault of an Inmate - Sanction deferred.
PSD	Deputy Sheriff	Law Enforcement	As Supervisor failed to properly manage an incident related to the assault of an inmate - Sanction deferred.
PSD	Adult Corrections Officer	Corrections	Failure to staff essential post - 1 days suspension mitigated to a Written Reprimand.
PSD	Adult Corrections Officer	Corrections	Inappropriate comments on PAS - Written Reprimand.
PULA, STANLEY	Adult Corrections Officer	Corrections	Failed to comply order to remain for the next Watch - 5 day suspension.
SAMPOANG, JOSHUA DK	Adult Corrections Officer	Corrections	Inappropriate conduct related to contraband (tobacco and cell phone) and compliance with directives - 15 day suspension.
SAMSON, FELICIAN G	Adult Corrections Officer	Corrections	Inappropriate conduct related to the introduction of contraband (cell phone) - 5 day suspension.
TATA, MANUMALO	Adult Corrections Officer	Corrections	Inappropriate conduct related to the introduction of contraband (cell phone) - 5 day suspension mitigated to a 3 day suspension.
URIAS, FRANK	Adult Corrections Officer	Corrections	Erroneously release of an inmate - 3 day suspension.
WATANABE, BRYAN K	Adult Corrections Officer	Corrections	Hostile Work Environment - 5 day suspension.

# hscadv



**HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE**

February 3, 2016

To: Senate Committee on Public Safety, Intergovernmental, and Military Affairs  
Senator Clarence K. Nishihara, Chair  
Senator Will Espero, Vice Chair

From: Michelle Rocca, Training and Technical Assistance Director  
Hawaii State Coalition Against Domestic Violence

**Re: Testimony in Support of SB 2195 Relating to Law Enforcement**

Good afternoon Chair Nishihara, Vice Chair Espero, and members of the committee. On behalf of the Hawaii State Coalition Against Domestic Violence we thank you for the opportunity to share our testimony in **support of SB 2195** relating to law enforcement

Domestic violence has gained much attention in recent years both nationally and locally with several high profile incidents. Unfortunately, the Hawaii State Coalition Against Domestic Violence is made aware of cases in which law enforcement officers of various disciplines have had inappropriate and violent contact with their intimate partners on numerous occasions. The action taken by the departments is difficult to find and generally is unavailable for review. Unless action is taken to increase accountability and transparency within the law enforcement systems, it is unlikely that we will see a decrease in the number of incidents shared with our organization.

SB 2195 will ensure that system accountability is a priority. Members of the public trust that those individuals who are privileged to serve the community within this field are held to the highest standards of conduct and that misconduct will be managed in a fair, timely, and appropriate manner. Further, SB 2195 will provide the general public with the opportunity to access information regarding disciplinary action taken in response to misconduct, which holds the system itself accountable to the very people that they serve. Finally, SB 2195 will likely increase public perceptions and overall trust for law enforcement personnel.

We encourage this committee to consider this bill favorably.

Thank you for your consideration and for the opportunity to provide testimony on this matter.



**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [PSMTestimony](#)  
**Cc:** [joyamarshall0416@gmail.com](mailto:joyamarshall0416@gmail.com)  
**Subject:** \*Submitted testimony for SB2195 on Feb 4, 2016 13:15PM\*  
**Date:** Monday, February 01, 2016 5:14:10 PM

---

**SB2195**

Submitted on: 2/1/2016

Testimony for PSM on Feb 4, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joy Marshall	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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [PSMTestimony](#)  
**Cc:** [aurasaki@hawaiiantel.net](mailto:aurasaki@hawaiiantel.net)  
**Subject:** Submitted testimony for SB2195 on Feb 4, 2016 13:15PM  
**Date:** Tuesday, February 02, 2016 12:47:04 AM

---

**SB2195**

Submitted on: 2/2/2016

Testimony for PSM on Feb 4, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alan Urasaki	Individual	Support	No

Comments: Please 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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [PSMTestimony](#)  
**Cc:** [dylanarm@hawaii.edu](mailto:dylanarm@hawaii.edu)  
**Subject:** \*Submitted testimony for SB2195 on Feb 4, 2016 13:15PM\*  
**Date:** Wednesday, February 03, 2016 8:13:48 AM

---

**SB2195**

Submitted on: 2/3/2016

Testimony for PSM on Feb 4, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dylan Armstrong	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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [PSMTestimony](#)  
**Cc:** [barbarapolk@hawaiiantel.net](mailto:barbarapolk@hawaiiantel.net)  
**Subject:** Submitted testimony for SB2195 on Feb 4, 2016 13:15PM  
**Date:** Wednesday, February 03, 2016 10:49:44 AM

---

**SB2195**

Submitted on: 2/3/2016

Testimony for PSM on Feb 4, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Polk	Individual	Support	No

Comments: Aloha Chair Nishihara, Vice Chair Espero and members of the committee: I strongly support SB 2195 which extends reporting requirement of police departments to sheriff departments and requires public posting of all reports. The recent local and national attention to major incidents involving law enforcement officers has substantially decreased public confidence in the internal procedures of police and other law enforcement offices. Reporting and posting such information will help the public understand what is happening in these department and reassure the public that misconduct is not simply ignored. It is my hope that this reporting will help restore confidence in the people we count on to do very difficult jobs. Please support SB 2195. Barbara Polk

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [PSMTestimony](#)  
**Cc:** [michael.s.oakland@hawaii.gov](mailto:michael.s.oakland@hawaii.gov)  
**Subject:** Submitted testimony for SB2195 on Feb 4, 2016 13:15PM  
**Date:** Wednesday, February 03, 2016 4:26:45 PM

---

**SB2195**

Submitted on: 2/3/2016

Testimony for PSM on Feb 4, 2016 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lt Michael Oakland	Individual	Support	No

Comments: Aloha, Chair Nishihara, Vice Chair Espero and members of the committee: I am Lt. Mike Oakland, HGEA, BU-14 State V.P. and Oahu Island Chairman, and I would like to write in support of the intent of this bill but I am concerned about personal information about the individuals being made public and would like that to remain private. Mahalo Nui Loa for this chance to provide my testimony. If you need to speak to me further, please feel free to call me at, (808) 722-3913.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)