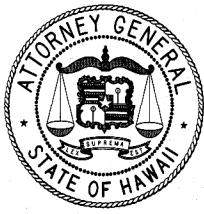




SB2324

Measure Title:	RELATING TO POLICE COMMISSIONS.
Report Title:	County Police Commissions; Police Commissioner; Composition; Requirements
Description:	Amends the composition of the county police commissions to require that there are commissioners on each police commission that have experience or backgrounds in women's issues, civil rights, and law enforcement.
Companion:	
Package:	Women's Legislative Caucus
Current Referral:	PSM, JDL
Introducer(s):	L. THIELEN, BAKER, CHUN OAKLAND, ESPERO, GREEN, IHARA, INOUYE, SHIMABUKURO, Kidani, Kim, Tokuda



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2016**

ON THE FOLLOWING MEASURE:

S.B. NO. 2324, RELATING TO POLICE COMMISSIONS.

BEFORE THE:

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS

DATE: Thursday, February 4, 2016

TIME: 1:15 p.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Erin L.S. Yamashiro

Chair Nishihara and Members of the Committee:

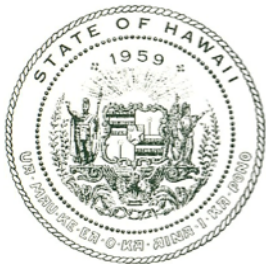
The Department of the Attorney General would like to provide the following comments regarding this bill.

The purpose of this bill is to require that there be commissioners for each county police commission with background or experience in women's issues, civil rights, and law enforcement.

This bill may be subject to constitutional challenge. Article VIII, section 2, of the Hawaii Constitution allows each political subdivision to adopt a charter for its own self-government. With respect to each political subdivision a charter is superior to any statutory provision regarding its structure and organization. The county charters currently provide for the appointment of members to each county police commission by the mayor with the approval of the council pursuant to sections 6-1605 and 13-103 of the Honolulu County Charter, section 7-2.2(a) of the Hawaii County Charter, section 8-12.2 of the Maui County Charter, and section 11.02 of the Kauai County Charter.

The Legislature retains the authority to enact general laws allocating and reallocating powers and functions, but this specific provision may be subject to challenge for the foregoing reasons. Although section 6 of article VIII of the Hawaii Constitution provides that article VIII does not limit the power of the legislature to enact laws of statewide concern, a court may have to rule on whether this bill addresses such a statewide concern.

HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



Chair
LESLIE WILKINS

COMMISSIONERS:

SHERRY CAMPAGNA
CYD HOFFELD
JUDY KERN
MARILYN LEE
AMY MONK
LISA ELLEN SMITH

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Honolulu, HI 96813
Phone: 808-586-5758
FAX: 808-586-5756

February 2, 2016

To: Senator Clarence Nishihara, Chair
Senator Will Espero, Vice Chair
Members of the Senate Committee on Public Safety, Intergovernmental
and Military Affairs

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

Re: Testimony in Support, SB 2324, Relating to Police Commissions

The Commission supports SB 2324, which would amend the composition of county police commissions to require that there are commissioners that have backgrounds in women's rights, civil rights and law enforcement. This is an extremely important policy that would ensure a breadth of diversity and experience on the police commission.

At the informational briefing with the Honolulu Police Department in September of 2014, testimony was provided to this Committee on the role of our police commission and its boundaries in providing critical advice to our police department. From the testimony provided, it is clear that the police commission can be more instrumental in providing insight and advice on internal procedures, citizen complaints, disciplinary methods, and the role of the Chief. This bill would ensure the presence of commissioners with experience and education in vitally important areas, to prevent topical "blind spots" and ethical overreaching by law enforcement.

Intimate partner violence is a public safety as well as a public health issue. The Hawaii State Commission on the Status of Women continues to hear from residents who have experienced intimate partner violence, yet feel silenced and derailed by their dealings with police officers. One way of ensuring victims feel safer in their dealings with law enforcement is to ensure that the police commission is reflective of victims' needs.

The Commission requests that you pass SB 2324. Thank you for your consideration of this important bill.



February 3, 2017

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 2324 RELATING TO THE COMPOSITION OF THE COUNTY POLICE COMMISSIONS

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 to Senate Bill 2324** relating to composition of the county police commissions. As you are aware, there has been a loss of public confidence and trust in the wake of the media coverage on Hawaii's law enforcement response to domestic violence in recent times. Highly publicized incidents have resulted in the public demanding greater accountability by police leaders and other public officials.

At the same time, police leaders are under pressure to implement community and service oriented policing, transforming the very nature of the relationship between law enforcement and the communities they serve. On a national scale, communities are demanding a shift in focus from their law enforcement agencies, toward a more modern approach that emphasizes communication and cooperation with citizens. SB 2324 would create the opportunity to ensure that individuals well-versed in women's issues, civil rights and law enforcement would participate in the County Police Commissions. The perspectives shared by these individuals will impact the commissions in a number of ways, including advocacy for law enforcement agencies to utilize a style of policing that specifically aims at defusing and de-escalating potentially violent confrontations with perpetrators of domestic violence – a crime that represents a significant proportion of all violent crime calls to police. This change may also facilitate building the cooperation and trust between communities and law enforcement required to implement a community policing model.

Thank you for your time.

From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: johnrfigueroa@gmail.com
Subject: Submitted testimony for SB2324 on Feb 4, 2016 13:15PM
Date: Tuesday, February 02, 2016 6:38:02 PM

SB2324

Submitted on: 2/2/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
John Figueroa	Remington College Criminal Justice	Support	No

Comments: Policy 2324 Hello my name is John Figueroa. I've been living in Honolulu for 4 years, and I'm a Criminal Justice academic a Remington College. I fully support this bill because members need to have specific qualifications and experience in law enforcement. The current experts are the ones being watched, making the rules; Police Chief and the police union. It's important to have those with this experience because they can contribute their ideas to problems.

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My name is Jessica Agonias and I am a Criminal Justice academic at Remington College. I have lived on Hawaii for 19 years and on Oahu for eight years. I am in support of bill 2324 because it would bring more opinions and ideas to resolve serious matters. Those positions should be filled by persons related to the field of law enforcement. Including personnel with experience and background help increase the powers of the police commission and bring an end to issues that deter the public's trust. Criminal Justice experts need commission county level oversight mechanisms. The oversight mechanisms must review policy and service delivery. This will require counties to comply. We should be able to know that the county police departments are held accountable for their actions of their officers.

S.B No.2324

Aloha, my name is Paulo O.J Paulo. I am a scholar in the criminal justice field. I've been studying criminal justice in Honolulu for about 3 years now. We've been talking, studying and analyzing the dysfunctional and broken HPD system ever since I came out of high school (2013). These things I wasn't aware of was happening right in front of me, now I'm aware of and have knowledge of the situation. I want to do something to help promote this bill.

I fully support this bill proposal for the better future of our community.

Absence of a standard board for the police department is one of the many issues we stress as criminal justice experts in our in-class discussions. Creating a standard board will help overseeing and managing our police department, and also holding them accountable for their misconduct and misleading actions. Also, adding experts of criminal justice to the standard board will help out with some insight of how criminal justice works. Only state without a standard board in the country.

From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: joyamarshall0416@gmail.com
Subject: *Submitted testimony for SB2324 on Feb 4, 2016 13:15PM*
Date: Monday, February 01, 2016 5:16:20 PM

SB2324

Submitted on: 2/1/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
Joy Marshall	Individual	Support	No

Comments:

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My name is Timothy Baker. I am a criminal justice academic residing in Honolulu, and I've studied Hawaii's criminal justice system for over two years. I fully support bill (SB) 2324. Criminal justice experts are needed in the Police Commission, because the Commission is the county level oversight mechanism. Experts in criminal justice are the most qualified to review policies and service delivery. Currently, SHOPO and police officers are asked as experts. This defeats the purpose of having a Commission, because those that are being watched are governing themselves. Finally, this bill will require counties to comply with having criminal justice experts in the commission, rather than it being optional.

My name is Kenneth Wayne Clark; I am a criminal justice academic in Honolulu. I have studied the unique police oversight and policing model that exists on Oahu. Understanding the current structure of the Police Commission.

I support bill number 2324 because this bill would allow oversight mechanisms to review policies and the service delivery by the Honolulu Police Department. Currently there is no experts in criminal justice so that allows SHOPO to be asked to be the experts. The ones that is being watched by the public is the ones that is making all the rules. This also is to require that all the counties are to comply.

Aloha everyone

My name is William Moore and I am a criminal justice academic. I lived in the Honolulu area for the past five years. I currently study the policies and laws of Hawaii and how those laws impact the people of the state.

SB2324

I am submitting this testimony in an effort to support item SB2324. Passing this bill would bring more opinions and ideas to resolve serious matters, however those positions should be filled by persons related to the field of law enforcement such as criminal academics, retired military police officers, correctional officers, legal advisers, and representatives from communities which can be cycled every 3 to 4 years. Including these type of personnel would help increase the powers of the police commission and bring swift ends to looming issues that deter public trust. This oversight mechanism will allow the commission to balance the police department.

Thank you for your time.

S.B No.2324

Greetings my name is Lucky Lotu and I'm an enrolling student here at Remington College. We have been going through this bill as a class and so far we concluded to add a few adjustments. In fact, it is not a surprise to see that we are the only state that doesn't have any statistics to comply with criminal incidents happening here on the island.

I am in full support of proposing this bill (2324) not only for the better of our community but as well as a greater future for our upcoming younger generation.

First of all, we need criminal justice expert on county commission level oversight mechanism. This can give the opportunity to the county to reply any given statement in accordance to commission expertise. Additionally, the same oversight mechanism must review policy and service delivery as well. At the time, we have no expert at the moment shopo and the police are considered as one of them. For this reason, those are being watched are making rules.

My name is Roy Lovell. I am a Criminal Justice academic in Honolulu. I support SB2324 (Mandates County Commissions have targeted expertise.) Criminal Justice experts needs Commission County level oversight mechanisms. Oversight mechanisms must review policy and service delivery. This requires counties to comply. The police that are being watched are making up rules.

Hawaii State Legislature
Senate Committee on
Public Safety, Intergovernmental and Military Affairs
Testimony

My name is Henry James III, I have lived on this island for 18 years and lived in Kaneohe and Waimanalo. I am an academic student at Remington College for criminal justice. I am writing this testimony in support of proposal:

SB2324

Criminal justice experts are needed in the commission for county level oversight mechanism. Currently, there are no experts in SHOPO and the Honolulu Police are asked as experts. Basically, this means that those being watched are making the rules. Finally, this requires that all county are to comply with this proposal.

SB No. 2324

Greetings, my name is Lorentina Te'i and I am a criminal justice academic residing in Nanakuli. I have been studying the Honolulu criminal justice system for about two years on going at Remington College. Living on the west side of Oahu has its ups and downs. I have been observing the HPD and their interactions with the public as part of my studies, I was not aware of the growth in crime activities on the west side.

I am writing in support of the bill (2324). In hopes to put the police accountable for their misconduct and that the community or residents are aware of it.

We should address this bill by giving criminal justice experts the commission county level oversight mechanism. The oversight mechanisms must review the policy and service delivery. Also there are no experts to oversee them, therefore SHOPO and the police are asked to be experts. Which makes no sense because those being watched are making the rules. If we address this bill, counties are required to comply.

S.B.NO. 2324

Relating to Police Commissions

My name is Leuluniu Otineru I am a criminal justice academic here in Honolulu. I've been studying in Honolulu criminal justice system for about 3 years now. I support this bill because we need three (3) experts to add in the commission with a background that understand women right, privacy civil rights and policing in criminal justice. Commission should take more responsibility in reviewing the department which such as policies, budget, police chief and investigating the police misconduct. This requires counties to comply and by doing all this it will build the relationship between the police officer and the community.

My name is Jared Reyes, as a criminal justice academic and a member of the community. I would like to testify and support purposed bill 2324. I believe that it is important to have members in our committee be well diverse. Times have changed and along with it society. We need these panel of experts to have that proficiency and be experienced with the purposed issues of Women' rights, Civil rights, and Law enforcement. This is no secret, we see some sort of conflict on the news or social media about someone's rights being violated, and in the midst of things. We also see how departments handle the situation. Some handle it well, and some departments flop.

Look there is no way to fully eliminate conflict on any issue, but let's not be the ones dropping the ball if an issue does arise. So you law makers that ask where and if not how can we start preparing ourselves? It starts here and now, by passing bill 2324. Let's build strength in our committee and get these experts that we direly need in those seats and start making positive changes. Mahalo for your time...

**Hawaii State Legislature
Senate Committee on
Public Safety, Intergovernmental and Military Affairs
Testimony**

Aloha Chair Nishihara, Vice Chair Espero, and other distinguished committee members

Thank you for allowing me to testify on behalf of this proposed amendment. My name is Aaron Hunger and I am a doctoral researcher at the University of Hawaii at Manoa, a former police officer in Florida and California, and a criminal justice instructor for a private college in Honolulu. I have been honored to be engaged in doctoral research involving the Honolulu Police Department, and its oversight mechanisms since 2010. Together with my teaching, I have over 24 years of police experience. Currently, I am engaged in research with the University of Hawaii at Manoa that (among other issues) seeks to understand the unique structure of the criminal justice institutions on Oahu. Based on the unique composition of local policing organizations, one of many questions being answered is what effect (if any) does the absence of critical systemic oversight mechanisms (or their dysfunctionality) produce and how often. Based on the work and research that I have been privileged to be a part of, I would support Senate Bill 2324 (Mandates County Police Commission Expertise).

I have been working with local and state legislators in Hawaii for two (2) years, attempting to clarify how the police oversight mechanisms in Hawaii have been (both) purposefully obstructed at the local level (in Honolulu), and entirely overlooked on the state level (with the absence of a state Law Enforcement Standards and Training Certification Agency as proposed in SB2325, and SB2755.) While other states have multiple governmental oversight mechanisms that are responsible for accountability and supervision of policing services, Hawaii remains as a lone hold-out to creating some form of a state certification agency (and process) for police. The effect of this continuous neglect is that multiple federal investigations into police misconduct are occurring statewide, simultaneously. These occurrences of police misconduct have come to reach critical mass in Honolulu County (the largest and most funded of all state or county policing agencies operating in Hawaii), due partly to actions (or lack thereof) of the Honolulu Police Commission. In Honolulu County, the police commission has failed to fulfill their role as the external systemic governmental mechanism overseeing police conduct and policy. Many citizens feel there is no state agency to rely on to intercede on their behalf when problems arise with police service delivery or agents. This breakdown often results in police actors feeling autonomous in their actions and conduct.

Recent accountability audits of terminated Honolulu Police Officers revealed that non-compliance with departmental policies or practices have reached an all-time high (17 officers terminated during 2015 - the highest ever in a single year for the department.) Additionally, several of the terminated Honolulu police officers crimes reached a level requiring federal investigation and prosecution. During this time of crisis, police management (at Honolulu Police) has been ineffective at stemming the increasing number of officer involved disciplinary issues, and have (counterproductively) contributed to a breakdown in public trust by refusing to cooperate with various investigating agencies surrounding

these cases. Aggravating this internal policing problem is the Police Commission's failure to address the (now very public) ongoing legal problems with the Honolulu Police Chief. Problems between police management and other governmental officials have become so contentious, that the Honolulu Police Chief sued the Honolulu County Ethics Commission in an attempt to dissuade them from conducting an investigation into his management and leadership (which consequently is a duty of the County Police Commission.) Although the media has repetitively aired evidence of an ongoing Federal Grand Jury Investigation and Hearing into police actions taken by the Honolulu Police Chief, the Honolulu Police Commission refuses to address what has become public knowledge (that the Chief of Police is undergoing a Federal Grand Jury indictment.) This ongoing Police Commission denial has largely contributed to a loss of public trust in governmental and political actors.

The Honolulu Police Commission has failed to take action by both failing to address policy issues that have contributed to police misconduct and by failing to proactively investigate alleged police management failures. Based on testimony obtained from Police Commission employees during the legislative inquiry into the Honolulu Police management's handling of the Sgt. Darren Cachola case, Honolulu Police Commissioners and Investigators currently understand themselves to be beholden to the agency that they are charged to oversee. In their words, "I work for the Police Chief."

State law-makers continuously failing to pass legislation that creates a State level Law Enforcement Training and Standards Certification agency (whose secondary purpose could assist County Police Commissions with expert advice when disputes over Commissioners' disciplinary recommendations arise.) compounds the problem of S.H.O.P.O.'s obstructionist behavior. S.H.O.P.O has historically been very successful in negotiating contractual clauses that forbid oversight agencies from releasing investigative findings against police employees, or publicizing police manager's justification for failing to carry out recommended punitive action by police commissions. These obstructions render the County Police Commissions powerless to oversee police policy and practices.

Ensuring that County Police Commissions are staffed with technical experts that are versed in 'best police practices' and 'criminology and theory', effectively provides a strong counter to the lobby of police union and police management who have sought to protect their own self-interests, rather than the public trust.

Modern policing involves understanding complex governmental service delivery issues that surround street level bureaucrats. These governmental service agents are focused on justice administration using modern hard and soft technology. Reviewing departmental policies and determining if policing service strategies are consistent with current best practices has been prioritized by several presidential commissions. Criminal Justice oversight model experts generally agree that due to the advances in police technology and service delivery; at least one criminologist's input should be included in civilian oversight boards (such as the Honolulu Police Commission.) This additional criminological expert would be available to aid councilmembers or commissioners whose focus is to oversee police services and ensure professional conduct and compliance by its street level bureaucrats, but who were employed for their expertise outside of policing.

The Honolulu Charter Commission has currently begun to review whether a limited number of targeted experts would improve the performance of the current composition of the Honolulu Police Commission. However, initial reactions appear to be less than receptive to this idea. Some Charter Commissioners mockingly asking “So, exactly what would be considered law enforcement expertise, and what would be the exact requirements?” When none of the commissioners were able to answer this question, the Commission abandoned the idea. To address which categories of academia contribute to justice administration service delivery, this bill may be strengthened by specifying that law enforcement expertise should stem from a Ph.D. level degree in Criminology, Criminalistics, Criminal Justice, Justice Administration, Public Administration, or Political Science. Alternatively, expertise may derive from a protracted period of serving in an educational position, at either an accredited University or College hired as an instructor (or Professor) whose focus is centered on one of the listed areas of academic study (above.)

By mandating all County Commissions to add targeted experts, counties cannot “opt out” and maintain the current model, which has contributed to the growing number of police misconduct cases being federally investigated statewide. As a researcher and criminologist, I cannot recommend this bill strongly enough. This bill will allow law enforcement experts and other targeted experts in police service strategy, to work with representatives from each of the counties police commissions within the state. This cooperation would ensure that local sovereignty is not threatened, while simultaneously strengthening local and state legislative ability to oversee police service delivery and management.

From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: michael.s.oakland@hawaii.gov
Subject: Submitted testimony for SB2324 on Feb 4, 2016 13:15PM
Date: Wednesday, February 03, 2016 4:46:00 PM

SB2324

Submitted on: 2/3/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
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 V.P. and Oahu Island Chairman and I would like to submit my testimony in support of this bill. I believe the more experience and understanding of law enforcement the better served the public will be, but as important the officers and deputies that serve our communities will stand a better chance at being treated fairly. Mahalo Nui Loa for this chance to testify and if you need to contact me please call, 808-722-3913.

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From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: lismarten@hawaii.rr.com
Subject: Submitted testimony for SB2324 on Feb 4, 2016 13:15PM
Date: Wednesday, February 03, 2016 6:24:37 PM

SB2324

Submitted on: 2/3/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Marten	Individual	Support	No

Comments: Please support measures to ensure our police force has the skill to handle domestic violence and other crimes against women based on best practices. Mahalo, Lisa Marten

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To: [PSMTestimony](#)
Cc: annsfreed@gmail.com
Subject: Submitted testimony for SB2324 on Feb 4, 2016 13:15PM
Date: Wednesday, February 03, 2016 8:20:15 PM

SB2324

Submitted on: 2/3/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S Freed	Individual	Support	No

Comments: Headlines in our State and across the country make it clear that there is a disconnect between public perception of the police in how they handle issues of race, gender and LGBT. It can't hurt to have someone on the Commissions who having some type of training in civil rights issues. Mahalo, Ann S. Freed

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