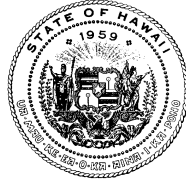




# SB2412

Measure Title:	RELATING TO POLICE.
Report Title:	Police; Persons with Mental Disabilities; Crisis Intervention; Training
Description:	Requires that all police officers receive crisis intervention training related to interaction with persons with mental disabilities.
Companion:	<a href="#">HB2101</a>
Package:	None
Current Referral:	PSM/CPH, WAM
Introducer(s):	KEITH-AGARAN, INOUE, KIDANI, Dela Cruz, English, Gabbard, Kim, Nishihara, Riviere, Shimabukuro, L. Thielen, Wakai



**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**Testimony SUPPORTING SB2412**  
**Relating to Police**

SENATOR CLARENCE K. NISHIHARA, CHAIR  
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND  
MILITARY AFFAIRS

SENATOR ROSALYN H. BAKER, CHAIR  
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH  
Hearing Date: February 11, 2016, 8:30 a.m. Room Number: 229

1 **Fiscal Implications:** Undetermined at this time.

2 **Department Testimony:** The Department of Health (DOH) supports this measure.

3 The purpose of the measure is to require that all police officers receive crisis intervention  
4 training related to interaction with persons with mental disabilities. This proposed legislation  
5 requires a minimum of eight hours of instruction in seven core training topic areas.

6 The Adult Mental Health Division (AMHD) appreciates the intent of this bill to not only  
7 streamline training for all police officers across the state with a minimum training time  
8 requirement but also to streamline core training topic areas.

9 The DOH is the mental health authority for the state, as part of it the AMHD recognizes a  
10 unique role in providing support for mental health training for law enforcement personnel. That  
11 role has been and should continue to be, consultative in regards to content and scope of training  
12 related to interaction with persons with mental disabilities. Individual law enforcement agencies,

1 like any other organization, have the primary responsibility ensure their workers are trained, and  
2 specifically in this area to structure, support, and provide training for their officers at a level  
3 sufficient to meet accreditation standards and to ensure their officers are competent and capable  
4 of carrying out their duties including their ability to respond appropriately to persons with  
5 disabilities who may present in a variety of situations.

6 Thank you for the opportunity to testify.

7 **Offered Amendments:** None.

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**Cc:** [louis@hawaiidisabilityrights.org](mailto:louis@hawaiidisabilityrights.org)  
**Subject:** Submitted testimony for SB2412 on Feb 11, 2016 08:30AM  
**Date:** Tuesday, February 09, 2016 5:05:26 PM

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**SB2412**

Submitted on: 2/9/2016

Testimony for PSM/CPH on Feb 11, 2016 08:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Louis Erteschik	Hawaii Disability Rights Center	Comments Only	No

Comments: We have been aware of several instances where police may have overreacted to encounters with individuals who suffer from mental illness and that in some cases a deadly result ensued. We believe very much that establishing a training program with clear protocols on how to de-escalate situations would be very useful and we would very much support that.

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**Subject:** \*Submitted testimony for SB2412 on Feb 11, 2016 08:30AM\*  
**Date:** Tuesday, February 09, 2016 10:31:47 PM

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**SB2412**

Submitted on: 2/9/2016

Testimony for PSM/CPH on Feb 11, 2016 08:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rachel L. Kailianu	Ho`omana Pono, LLC	Support	Yes

Comments:

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**Subject:** Submitted testimony for SB2412 on Feb 11, 2016 08:30AM  
**Date:** Friday, February 05, 2016 8:03:55 PM

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**SB2412**

Submitted on: 2/5/2016

Testimony for PSM/CPH on Feb 11, 2016 08:30AM 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. Thank you.

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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**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 2412 (Mandatory LEO Mental Health Training).

The lone legislative police reform success in 2015 {Act 030, 5/5/2015 (Gov. Msg. No. 1130)[originally proposed as SB 388 HD1]}, which mandated local police agencies to electronically post their departmental policies online for public review was the first step towards allowing experts (who had sought to aid the legislature in police reform policy creation) access to the data needed in understanding where policy shortcomings existed that have contributed to police service disruptions and problems. Once Honolulu Police allowed public access to the policies that dictate service standards and conduct expectations, the true level of blatant disregard of policy by Honolulu police managers and officers has become apparent.

One variable that is contributing to public perceptions of police service failure is in police services that seek to address homelessness and mental illness. University of Hawaii Human Studies Project (UH-HSP) #23221 sought to analyze the Honolulu Police Department's mental illness policy, training, administration and philosophy with the goal of aiding policy makers and legislators on policy recommendations, as part of the project's overall goal to assess oversight systems. Unfortunately, there is no written policy that aids officers seeking guidance in handling calls for service involving individuals with psychological or mental disabilities, or those that are homeless and coping with mental illness.<sup>1</sup>

Both voids in Honolulu police policy (officers handling homeless and officers handling mentally disabled persons) are direct contributors to public (and expert) perceptions of failures in police management and administration. The reason that Homelessness and Mental Illness are being addressed concurrently in this testimony is due to the overwhelming scientific and sociological data that exists that show an

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<sup>1</sup> (Honolulu Police Department, 2016)

interconnection between the demographics of homeless populations, and police violence and mishandling of individuals with psychological or mental disabilities.<sup>2</sup>

With the rise of awareness (nationally) that people with psychological and mental disabilities are covered by ADA law and thus are entitled to special protections under federal law<sup>3</sup>, governmental bodies are beginning to understand the liability that is interconnected with neglecting federal protections of people with disabilities. Historically, police services have misunderstood people with mental disabilities which have resulted in unwarranted police violence or homicide.<sup>4</sup> Thus this bill fails to address the most egregious of the issues facing the State of Hawaii centering on this ADA issue, the failure of police agencies to have a policy that guides officers in their interactions with 1) Homeless residents, and 2) People with Psychological or Mental Disabilities. This bill (as written) fails to mandate the county police commissions, and other governmental oversight agencies responsible for policy development of law enforcement agencies throughout the state, to develop and institute comprehensive 'best practices' that guide officers based on written policies.

Similarly to domestic violence policies that are constantly in revision towards best practices, a policy that guides officers on their handling of Homeless or Individuals with psychological or mental disabilities must be developed alongside any additional training that is proposed. Training without the re-enforcement of a written (and annually re-trained upon) policy is quickly forgotten by police who are constantly mandated to study and understand new or revised policies.

Based on the four members of the Honolulu community with mental illness that were killed during their encounters with Honolulu police between the years of 2012-2015, this legislation is overdue and needs amending to include policy development by overseeing governmental bodies. Aaron Torres (2012)<sup>5</sup>, Victor Rivera (2013)<sup>6</sup>, Sheldon Haleck (2015)<sup>7</sup>, and Pernell Aio (2015)<sup>8</sup> were all reported as having histories of documented mental disability or illness, but ended up dead after encountering police. In one of the listed cases, the mentally ill person was killed in his backyard as his family plead with police not to harm him, while another escaped from a moving police car only to jump to his death while being chased by his captors. Honolulu police officers have displayed a lack of training and understanding when confronting people with mental disabilities. Given the number of returning veterans that experience Post Traumatic Stress Disorder (PTSD – a mental illness that often causes anger towards authority figures)<sup>9</sup>, conflicts between police and veterans experiencing mental disabilities will most likely continue to result in police violence or homicides (as was reported may have been the case with SPC. Gregory Gordon<sup>10</sup>)

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<sup>2</sup> (Jervis, 2014)

<sup>3</sup> (National Alliance on Mental Illness, 2016)

<sup>4</sup> (Teller, Munetz, & Gil, 2006)

<sup>5</sup> (Grube, The Death of Aaron Torres: 'What's the Big Secret?', 2015 (ATS))

<sup>6</sup> (Gutierrez, 2013)

<sup>7</sup> (Grube, 2015 (SHL))

<sup>8</sup> (Uyeno, 2015)

<sup>9</sup> (McNease, 2012)

<sup>10</sup> (Kakesako, 2013)



A written policy that guides law enforcement service providers on how to apply police services to the homeless or mentally ill must be developed that also includes, additional protocols that must be followed, agencies that can be called upon, additional documentation that may be required, or supervisory directives. Therefore, I support this bill provided it is amended to include the mandate to law enforcement agencies to establish and publish comprehensive policies surrounding homelessness and mental illness.

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Senator Clarence K. Nishihara  
Committee on Public Safety, Intergovernmental, and Military Affairs

Senate Bill 2412

Thursday, February 11, 2016  
8:30 am  
Conference Room 229  
State Capitol  
415 South Beretania Street

Aloha,

My name is Corine Gushikuma. I am a concerned mental and behavioral health practitioner and citizen of the state of Hawaii as well as a soon to be graduate of the University of Hawaii Masters of Social Work program. I am testifying on the bill relating to police that ensures that every full-time police officer receives crisis intervention training in relation to interaction with persons with a mental disability. I am in favor of the proposed required training because it can decrease the likelihood of unfavorable circumstances.

According to the Washington Post who released an analysis of the nearly 1,000 fatal shootings by the police in 2015, they uncovered that approximately one fourth of those deaths involved people undergoing some type of emotional or mental crisis. In many cases, officers utilize tactics that escalate an already volatile situation which result in even more danger. These encounters elicit and often end in unnecessary violence because the police often employ traditional techniques that exert power and force. I have first-hand witnessed a situation in which the police encountered a person with schizophrenia. As a mental and behavioral health professional, I believe the police officers handled the situation very poorly. They got extremely frustrated due to lack of knowledge and failure to understand, which caused the individual to become very agitated and ultimately resulted in violence. Those coping with mental disabilities are already vulnerable and disadvantaged as mental illness is stigmatized and commonly misunderstood.

If all full-time police officers were to receive training, it can prevent aggression, violence, and fatalities. Consequently, I am in support of the mandatory crisis intervention training because a better response by police officers will lead to a better outcome for all involved parties.

Corine Gushikuma

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