

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
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**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
FINANCE**

**Tuesday, April 5, 2016
2:31pm
State Capitol, Conference Room 308**

**In consideration of
SENATE BILL 2755, SENATE DRAFT 1, HOUSE DRAFT 1
RELATING TO A LAW ENFORCEMENT EMPLOYMENT
STANDARDS AND TRAINING BOARD**

Senate Bill 2755, Senate Draft 1, House Draft 1 proposes to establish a temporary advisory Law Enforcement Employment Standards and Training Board. **The Department of Land and Natural Resources (Department) supports this measure.**

The Department believes that this measure will provide important standards that will provide a common core of knowledge and training for state and county law enforcement officers statewide. The establishment of a temporary advisory Law Enforcement Standards and Training Board will assist in establishing these important standards.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA W. KALUHIWA
FIRST DEPUTY

JEFFREY. T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



Committee: Committee on Finance
Hearing Date/Time: Tuesday, April 5, 2016, 2:31 p.m.
Place: Conference Room 308
Re: Testimony of the ACLU of Hawaii in Support of S.B. 2755, S.D.1, H.D.1, Relating to a Law Enforcement Employment Standards and Training Board

Dear Chair Luke and Members of the Committee on Finance:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support of S.B. 2755, S.D.1, H.D.1, which establishes an advisory law enforcement employment standards and training board.

Hawaii is currently the only state in the country without an employment standards and training board. This bill, if enacted, would be consistent with nationwide practices, and would serve to increase law enforcement transparency and accountability. Law enforcement officers, especially those authorized to use deadly force, should be responsive to the communities they serve. The establishment of a statewide standards and training board could help to improve the public’s trust in our officers, thereby making our police force stronger and our communities safer.

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 50 years.

American Civil Liberties Union of Hawaii
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From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 04, 2016 11:13 AM
To: FINTestimony
Cc: gladys.baisa@mauicounty.us
Subject: *Submitted testimony for SB2755 on Apr 5, 2016 14:31PM*

SB2755

Submitted on: 4/4/2016

Testimony for FIN on Apr 5, 2016 14:31PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Gladys Coelho Baisa	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.

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Before the House Committee on
FINANCE

Tuesday, April 5, 2016
2:31 PM
State Capitol, Conference Room 308

In consideration of
SENATE BILL 2755-SD1-HD1
RELATING TO A LAW ENFORCEMENT EMPLOYMENT
STANDARDS AND TRAINING BOARD

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 work and research that I have been privileged to be a part of, I **SUPPORT** passage Senate Bill 2755-SD1-HD1 (Statewide Law Enforcement Standards and Training Board), but again strongly recommend amending specific language within the bill.

As I have previously testified and expressed concern, SB2755-SD1-HD1 contains problems between language and purpose. Again, the problem with SB2755-SD1-HD1 is that the bill's name promises the community a new state agency that will set policing performance standards through hiring and training guidelines, but the language contained within the bill makes all "standards" voluntary. Despite an impressive title, SB2755-SD1-HD1's language was never amended to reflect the limitations of both the authority and scope needed to meet the public's expectation of oversight.¹ SB2755-SD1-HD1 fails to create a "standards board" as understood by the public or experts, and which has continuously been pointed to as a necessity in this state by the media.² Instead SB 2755-SD1-HD1 uses the language "standards" in its title while actually authorizing only voluntary "guidelines." While seeming trite, once again I must emphasize that this is actually a major issue.

Again, "Standards" (as used in criminal justice professional terms) is understood nationally (and internationally) to mean setting a mandate or threshold. For the bill to make the board's recommendations voluntary, does not meet the professional understanding.³ SB 2755-SD1-HD1's current language continuously allows all policing managers to disregard this board's recommendations and instead institutionalize currently utilized other models that may fail to meet best practices or ethical standards of conduct.

¹ (Civil Beat Editorial Board, 2016)(Grube, 2016 (HSB))

² (Bussewitz, 2016)(Blair, 2016)(Cocke, 2016) (Grube, 2016 (PRM))(Kerr, 2016 (GOR))

³ (Department of Justice, 2010)(United Nations Department of PeaceKeeping Operations, 2009)

The recommendation is to simply amend any language in the bill **to strike the any usage of the word “Standards”, and replace it with the word “Guidance”** As currently written, SB2755-SD1-HD1 describes a “**Law Enforcement Training and Hiring Guidance Committee**,” and not a “Police Officers Standards and Certification Board.” If the name of the proposed Board was amended within the bills language to reflect a “**Training and Hiring Guidance Board**,” clarity of purpose and transparency of intent would replace the appearance of purposeful subterfuge. While the proposed amendments do not alter the current bill’s composition, authority, or scope, the changes would allow SB2755-SD1-HD1 to be clear in purpose and intent.

Although in need of amending, I stand in **SUPPORT** of bill SB2755-SD1-HD1 passing forward, but again ask you, and this Committee to amend the bill so that the public may support legislation whose language is clear in purpose and scope.

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United Nations Department of PeaceKeeping Operations. (2009, July 1). *United Nations Criminal Justice Standards for United Nations Police*. Retrieved from UNODC.org:
https://www.unodc.org/pdf/criminal_justice/UN_criminal_justice_standards_for_UN_police.pdf

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LATE

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

No. _____

TESTIMONY ON SENATE BILL 2755, SENATE DRAFT 1, HOUSE DRAFT 1
RELATING TO A LAW ENFORCEMENT EMPLOYMENT STANDARDS AND TRAINING BOARD.

By

Nolan P. Espinda, Director

House Committee on Finance
Representative Sylvia Luke, Chair
Representative Scott Y. Nishimoto, Vice Chair

Tuesday, April 5, 2016; 2:31 p.m.
State Capitol, Conference Room 308

Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

The Department of Public Safety (PSD) **supports** Senate Bill (SB) 2755, Senate Draft (SD) 1, House Draft (HD) 1, which seeks to create a Law Enforcement Employment Standards and Training Board. PSD agrees that the creation of a recognized and open standard for the training and certification of all law enforcement officers in the State of Hawaii would be beneficial.

PSD is currently striving to attain certification for our law enforcement training, with all policies and procedures in place for the Sheriff Division. These would satisfy important strategic objectives and help the Sheriff Division to cement a collaborative relationship with our City and County partners, who already have outstanding certified training programs.

Thank you for the opportunity to testify on this measure.



LATE

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

TESTIMONY FOR SENATE BILL 2755, SENATE DRAFT 1, HOUSE DRAFT 1, RELATING TO A LAW ENFORCEMENT EMPLOYMENT STANDARDS AND TRAINING BOARD

**House Committee on Finance
Hon. Sylvia Luke, Chair
Hon. Scott Y. Nishimoto Vice Chair**

**Tuesday, April 5, 2016, 2:31 PM
State Capitol, Conference Room 308**

Honorable Chair Luke 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 strong support of Senate Bill 2755, SD1, HD1, relating to a law enforcement employment standards and training board.

In 2014, the Honolulu Police Department faced three critical credibility challenges. First, during the 2014 legislative session, it was revealed that local law enforcement engaged in sexual penetration during prostitution investigations, a practice that HPD defended before the State Legislature. IMUAlliance drafted and, with the help of lawmakers, passed a bill repealing the statutory exemption allowing that behavior to remain unpunished. Second, in September, Sgt. Darren Cachola was caught on video punching his girlfriend at a Waipahu restaurant. Between May 2013 and September 2014, the Hawaii State Commission on the Status of Women received 38 complaints from women who said officers with the Honolulu Police Department did not respond appropriately to allegations of abuse, approximately one-third of which involved a police officer or a relative of a police officer as the alleged abuser. Finally, in autumn, the theft of HPD Chief Louis Kealoha's mailbox led to allegations of special treatment and impropriety, after crime reduction unit officers were used to arrest the uncle of Kealoha's wife, with whom she was involved in a financial dispute. This incident prompted an FBI investigation.

In 2015, the song has remained the same. In May, HPD officer Vince Morre was charged with violating the civil rights of two men in an unprovoked attack in a Honolulu game room, an incident that occurred the previous September. In March, cell phone video surfaced of HPD officer Siave Seti Jr. slamming a man to the ground in Palolo Valley. Seti can be seen picking up Eric Musrasrik and throwing him onto the concrete, in the video, then attempting to confiscate the cell phone of the person recording video, a clear violation of the individual's First and Fourth Amendment rights. Moreover, throughout the year, IMUAlliance has received complaints about police misconduct toward potential sex trafficking victims, including the continuance of sexual penetration during undercover prostitution stings. Over 50 percent of the 107 sex trafficked victims with whom we worked, in 2015, reported being the subject of police misconduct, including illicit sexual relations and "kickbacks" in which law enforcement officers are paid to turn a blind eye to sexual exploitation, with some victims claiming that such payoffs are frequent and/or regularly scheduled.

As we are seeing throughout the country with movements like "Black Lives Matter," accountability begins at the top. After such an embarrassing biennium for local law enforcement, policymakers must take steps to safeguard the public trust, especially when police departments refuse to take responsibility for themselves. Mahalo for the opportunity to testify in support of this bill.

Sincerely,
Kris Coffield
Executive Director
IMUAlliance

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 04, 2016 6:37 PM
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Cc: breaking-the-silence@hotmail.com
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SB2755

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Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments:

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SB2755

Submitted on: 4/5/2016

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Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Individual	Oppose	No

Comments: The training standards for Kauai, Honolulu, Maui, Hawaii Police Recruit Training exceeds mainland standards by comparison.

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