

SB 389

RELATING TO POLICE COMMISSIONS

Amends the composition of the county police commissions to require that three commissioners on each police commission have backgrounds, including equality for women, civil rights, and law enforcement, for the benefit of the public.

PSM, JDL



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2015**

ON THE FOLLOWING MEASURE:

S.B. NO. 389, RELATING TO POLICE COMMISSIONS.

BEFORE THE:

**SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND
MILITARY AFFAIRS**

DATE: Tuesday, February 10, 2015 **TIME:** 1:15 p.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Russell A. Suzuki, Attorney General, or
Erin L.S. Yamashiro, Deputy Attorney General

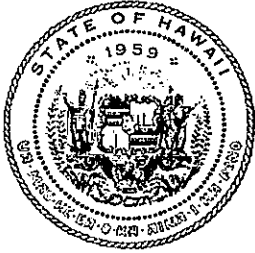
Chair Espero and Members of the Committee:

The Department of the Attorney General appreciates the intent of this bill, but believes that this bill violates the Hawaii Constitution.

The purpose of this bill is to change the composition of each county police commission by requiring that the Executive Director of the State Commission on the Status of Women or a designated member of that commission, and the Executive Director of the Hawaii Civil Rights Commission or a designated member of that commission, to be appointed to the police commission. In addition, this bill is proposing that one of the members have prior experience in the field of law enforcement, but not currently be serving in a law enforcement position.

The Hawaii Constitution, article VIII, section 2, allows each political subdivision to adopt a charter for its own self-government. Although the Legislature has the authority to enact general laws allocating and reallocating powers and functions, a charter, with respect to each political subdivision, 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. Because the composition of each county police commission is controlled by county charter provisions, this bill will violate the Hawaii Constitution, article VIII, section 2.

HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



Chair
LESLIE WILKINS

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February 9, 2015

To: Senator Will Espero, Chair
Senator Rosalyn H. Baker, 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 389, Relating to Police Commissions

The Commission supports SB 389, which would amend the composition of county police commissions to require that at least three commissioners 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.

The Commission requests that you pass SB 389. Thank you for your consideration of this important bill.



TO: Chair Will Espero
Vice Chair, Roz Baker
Members of the Committee on Public Safety

FR: Nanci Kreidman, M.A.

RE: SB 389 Support

Aloha and thank you for evaluating the composition of the Police Commission.

Making changes to the expectations about appropriate membership on the Police Commission is a reasonable step to improve oversight of law enforcement. With a diversity of experience and pertinent professional expertise in the membership there is the increased likelihood that information, insights, and input will meet community needs for a responsive Commission and police departments.

The addition of appointees with the particular expertise described in this Bill is an excellent idea and paves the way for broader community input into effective law enforcement in each of our Counties.

Thank you for your favorable action on this measure.



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COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

Tuesday, February 10, 2015, Room 229
SB 389, RELATING TO POLICE COMMISSIONS
TESTIMONY

Janet Mason, Co-Chair, Legislative Committee, League of Women Voters of Hawaii

Chair Espero, Vice-Chair Baker, and Committee Members:

The League of Women Voters of Hawaii supports SB 389, which would amend the composition of County Police Commissions to require three commissioners who have backgrounds including equality for women, civil rights and law enforcement.

County Police Commissions serve a critical oversight function in our communities, and the League appreciates the dedication of those willing to step forward with this difficult assignment. Having Commissioners with the specific expertise described in the bill goes one step further in making sure someone on each Commission brings equality for women and civil rights perspectives to the table. Having a Commissioner with some law enforcement background will make it easier for citizen Commissioners to understand the complex operation of our police departments.

The League believes this measure supports further acceptance that domestic violence is a crime in the same way that violence against any member of the community is a crime.

We urge you to pass/hold this bill. Thank you for the opportunity to submit testimony.

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Monday, February 09, 2015 9:02 AM
To: PSMTestimony
Cc: hunger@hawaii.edu
Subject: Submitted testimony for SB389 on Feb 10, 2015 13:15PM

SB389

Submitted on: 2/9/2015

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

Submitted By	Organization	Testifier Position	Present at Hearing
Aaron Hunger	Individual	Support	No

Comments: Please note that while I support the bill, the language does not seem to allow a large enough pool in item (b)(1) and (b)(2) to staff the commissions statewide.

**Region 11 (HAWAII) Public Safety Regional Planning Committee
Regional Public Safety Planning Meeting
Testimony on
SB 389**

**February 10, 2015
1:15 pm**

Thank you to Senator Espero who invited my testimony, and to the Public Safety Commission for hearing my testimony on this very important bill relating to empowering the county police commissions.

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 in support of SB389 with amendments. This bill addresses the inability of the police commissions to function as a proper check-and-balance mechanism over the police. The bill focuses on the expertise that is needed to comprise a commission that understands the nuances of policing, budgeting, management, and policy making. This bill seeks to mandate that each county reserve three positions on each of the police commission boards for the purpose of allowing these experts to fill the seats. While I am in support of the idea surrounding the bill, I find that the language in items (b)(1) and (b)(2) are prohibitive from allowing enough experts to fill these positions. In particular the Hawaii civil rights commission. According to information provided by the Hawaii civil rights commission, they have only one executive director and only one director. Both individuals are located on Oahu. Additionally, the State commission on the status of women has only one director on each of the outer islands. This means that the bill seeks to name that individual into the position. This seems counter to the idea that a commission is made up of individuals within each community. While the bill seeks to diversify and empower each of the commissions, the pool from which item (b)(1) and (b)(2) draw from is too small.

While I also concur with the bills reasoning of why these experts would strengthen the county commission, it would be more effective if the pools were broader. Instead of (b)(1) being limited to *“the executive director of the state commission on the status of women, or a designated commissioner of the state commission on the status of women,”* better language might suggest that the expert come from someone that works in the field of female victimization. This would include battered women’s shelter volunteers, domestic violence counselors, rape crisis workers, or one of many other non-profits that is dedicated to working with women in domestic violence situations.

The most problematic area, section (b)(2), reads that the mandated expert must come from: *“The executive director of the Hawaii civil rights commission, or a designated commissioner of the Hawaii civil rights commission.”* The Hawaii civil rights commission lists only two individuals that fit this language. Both of these individuals are listed as being on Oahu. Having commissioners fly to other islands to sit on their commission, again, defeats the intent of having commissions comprised from the communities that they serve. Having this open to non-profits whose focus is civil rights would widen the pool of individuals that meet the requirement, while still having the expertise needed to fit the bills intent.

Although items (b)(1) and (b)(2) prohibit the experts from coming from the communities that they serve, I agree with the diversification of the county commissioners. Having criminal justice, and other, experts serve as police commissioners allows for a level of expertise that is needed to make decisions regarding the issues surrounding policing. SB 389 is necessary given that Hawaii lacks other mechanisms that are in place, nationally, that oversee county police agencies. Without a state board of certification, the police commissions are tasked with “watching the watchers.”

This bill is necessary and critical if the county police commissions are to operate as the community oversight mechanism that they are designed for. SB 389 is the language that is needed to place the county police commissions in Hawaii, on track with other police commissions nationwide by adding expert knowledge onto each panel. If Hawaii was to create a State level Standards Board, SB389 would allow the commissions to work with this new entity in providing total oversight to each county police departmental. This bill is necessary and timely, and I stand in support of this bill.

SB389

Submitted on: 2/9/2015

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

Implement Changes to the Honolulu Police Commission

Senate Bill Number 389

There has been a great deal of problematic situations surrounding both the Honolulu Police Department and the Department of Public Safety. However, I feel if we implement the changes of personnel on the commission that is proposed in the bill we will be able to eliminate some of the issues that have been brought to our attention. This bill is a vital part in correcting the internal problems with in our Police Department. Honolulu Police Department's motto is making Honolulu the safest place to live work and play. With a well understood and respected motto, society has an idea with expectation of the Honolulu Police Department, and double standards of the law is not one of them. If the internal model of the police policy and procedure is problematic and has the ability to be dismissed by the individuals expected to, not only follow the law but uphold it, then how can we believe in the system of the Honolulu Police Department?

Currently we have a model that is in place for the Honolulu Police Department that is flawed. The way it is structured shows the Chief of Police as the final authority pertaining to any actions or misconduct that may arise. Such as, a patrol officer finds his/her self in a domestic violence dispute with their significant other, they could be placed on desk duty with limited powers, or on full active status pending the outcome of an investigation that would take place. Now, our countries legal system was founded on the idea that justice is fair and equal without any prejudice toward an individual, until all facts have been presented in court, thus, the idea innocent until proven guilty. The only issue with this surrounds the public servants of the system. We grant more power and privilege to individuals that serve the public in positions of power, such as the Police Officers. These individuals hold a lot more control over our rights, lively hood, and our freedom. They use individual discretion in every situation they are requested to intervene upon. For instance, whether or not they should arrest someone, or just detain them, who they should focus more attention on, how they are going to handle a situation or to what level of degree the situation is that they are about embark on. This can place a lot of strain on an individual whether they are a police officer, or an average citizen. Occasionally, a police officer make a mistake, in which their actions are dictated and scrutinized over. The reason for this is because we give an officer so much power and control that we have placed higher standards on their actions and decisions.

This bill addresses the need to change people that will be charge of the police commission to coming from different backgrounds, experiences, understandings, and education levels. This will ensure a diverse yet well rounded scope of thoughts and ideas for the State level requirements. Still, I am uncertain if the positions that are being created should be target specific or if we should expand the pool of individuals would strengthen the bill. Should the people that will hold these positions have connection with the law enforcement? Or should they be bias and impartial?

Overall, this bill is a good bill and it supports the needs of the people. It will help reduce the amount of mistrust that the community feels and hopefully place faith in its stead. This bill has the potential to reduce the amount of alarming and problematic situations that we have found surrounding our public servants. The requested changes for the police commission is a step in the

right direction we should implement this bill with minor amendments. Thank you for your time and cooperation.

SB389

Submitted on: 2/9/2015

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

Submitted By	Organization	Testifier Position	Present at Hearing
Shajaira Briones	Remington College C.J. Student coalition	Support	No

Senate Bill NO. 389

Aloha, my name is Shajaira Briones. I am currently a student at Remington College studying for my Bachelor's degree in Criminal Justice and I am speaking in regards of the Senate Bill NO. 389.

Although this is a good bill, I do fully support it. There should be more individuals sitting on the commission board to bring different experiences, knowledge, and backgrounds that can bring diversity into the commission board. Hopefully, this will bring assistance in correcting our current problematic situation surrounding the Honolulu Police Department.

There should be an amendment that provides availability to other individuals instead of just the 3 commissioners that are to be provided for each county police commission because the 3 commissioners that are being chosen do not fit the requirements and standards to be a part of it. I am asking to only revise this bill and change only in widening the commission board.

SB389

Submitted on: 2/9/2015

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. 389

My name is Robert Ford. I am a student at Remington College. I am here on behalf of bill S.B.

389. After reviewing S.B. 389, I give support into the passing of S.B. 389; however my only area of concern is the Attendance pool of the three experts wanted to fill these positions. Out of the four counties, there are NO CANDIDATES to meet the requirements of the Civil Rights Commissions in the Maui, Kauai, and Hawaii counties. Out of the four counties, there are only FOUR candidates in the Honolulu county to meet the requirements of the Commission on Status of Women (to fit a possible four year term), and only ONE in the Maui, Kauai, and Hawaii counties. Overall, the language of the bill is strong, However, the bill would be in fact STRONGER if the bill was amended to "widen the pool" for more candidates to fit these special positions.

SB389

Submitted on: 2/9/2015

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

Candace Hashimoto

S.B. NO. 389

2/9/15

Good morning, ladies and gentleman. My name is Candace Hashimoto, and today I would like to thank you all for allowing me to speak regarding Senate Bill NO. 389.

Senate Bill NO. 389 proposes to have a police commission for the four counties. This bill elaborates on the events that took place in September 2014 involving an off-duty Honolulu police sergeant. The make-up of the police commission described in Senate Bill NO. 389 will allow individuals outside of the department to act as an oversight committee:

1. The executive director of the state commission on the status of women, or a designated commissioner of the state commission on the status of women
2. The executive director of the Hawaii civil rights commission, or a designated commissioner of the Hawaii civil rights commission
3. An individual with prior experience in the field of law enforcement; provided that this individual shall not concurrently serve on a police commission and in a law enforcement position

In conclusion, I support Senate Bill NO. 389. Thank you for allowing me to express my support for this bill.

SB389

Submitted on: 2/9/2015

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

Lucky.Lotu
02/07/15

S.B. NO.389

Aloha and Good morning ladies and gentlemen. Thank you for this great opportunity to speak on behalf of the State Bill NO.389. The main purpose of this bill is the police commission board to change personnel including the equality of women and civil rights within our law enforcement. It is the main reason why I fully support this bill with a single adjustments.

One of my main concern about this bill is that it's more efficient and consistent in solving problems from the origin of the police Department. Therefore we can accomplish changes on the commission board. I am in support of this bill because it's very proficient and beneficial to the general public.

SB389

Submitted on: 2/9/2015

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

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

Paulo O.J Paulo
02/07/15

S.B. No. 389

Good morning ladies and gentlemen. Thank you for this awesome opportunity allowing me to speak regarding the S.B 389. This bill is for changing personnel on the police commission board. I do support this bill, with one adjustment. If we widen the scope of individuals that could meet the requirements of the proposition.

This bill is important and is needed to assist our Police Department with its internal problems. Once we accomplishes the changes on the Police Commissions Board we will be able to assist them in making changes at the lowest level. I am in support of this bill.

SB389

Submitted on: 2/9/2015

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

Senate Bill NO. 389

This bill, relating to the police commission, is addressing the recent criticism of the Honolulu Police department in the wake of the recent high profile September 2014 incident involving the off-duty Honolulu police sergeant, and the way in which the police handled the incident as well as the handling of other domestic violence cases. Intimate partner violence, which accounts for 15 percent of all violent crimes, not including those not reported (known as the “dark figure of crime”), is most common among women between the ages of eighteen and twenty-four. The purpose of this bill is to change the composition of the board to create more transparency. Particularly the bill is proposing that we amend the current composition of the board to require that three of the commissioners have specific backgrounds which include equality for women, civil rights, and law enforcement, for the benefit of the public.

Each of the four counties is to have a police commission of their own, and the appointment, terms of office, staff, powers, duties, and functions of each commission shall be prescribed by the charter of each county. The charter of each county is also in charge of appointing the commissioners, provided that the each of the three commissioners appointed are as follows:

- 1) The executive director of the state commission on the status of women, or a designated commissioner of the state commission on the status of women;
- 2) The executive director of the Hawaii civil rights commission, or a designated commissioner of the Hawaii civil rights commission; and
- 3) An individual with prior experience in the field of law enforcement; provided that this individual shall not concurrently serve on a police commission and in a law enforcement position.

Although I do strongly support this bill and agree that there needs to be a change in the composition of the police commissions, I have found some areas of concern that need to be addressed. While the bill does state that each county charter will prescribe their own commissioners, it also precisely states the requirements one must meet in order to be appointed, and the pool of candidates that actually meet those requirements are so small that there may not even be enough people to fill all the commissions without having some of the commissioners needing to cross over to another county's police commission to fill the spot. This presents another concern, however, because if a commissioner from one county (i.e. Oahu) needs to fill the position for another county commission (i.e. Kauai) that has no one qualified to fill it, the community of Kauai may have a problem with an outsider coming in and telling them what they should do. One suggestion that may resolve both of these concerns is to create a commission on a state level, consisting of three members with the proposed qualifications, as well as any other members that may provide expertise in other areas to ensure more transparency and accountability, to act as an oversight to the four county commissions.

In conclusion, while there are some areas of concern that needs to be addressed before this bill can be effective, I feel that the pros in this bill far outweigh any cons, and that with a little work this bill can create a better police commission that will be more qualified to fulfill their mission and oversee the police and in doing so, ensure the residents of Hawaii that the police are being held accountable for their actions.

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]

Sent: Friday, February 06, 2015 9:56 AM

To: PSMTestimony

Cc: wusstig@gmail.com

Subject: *Submitted testimony for SB389 on Feb 10, 2015 13:15PM*

SB389

Submitted on: 2/6/2015

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

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