



LATE TESTIMONY

Committee: Committee on Public Safety, Intergovernmental and Military Affairs  
Hearing Date/Time: Tuesday, February 10, 2015, 1:15 p.m.  
Place: Conference Room 229  
Re: Testimony of the ACLU of Hawaii **in Support of S.B. 497**, Relating to Police Departments

Dear Chair Espero 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. 497**, Relating to Police Departments. This bill simply seeks to treat law enforcement officers **on equal terms as other government employees**, providing that an employee’s disciplinary information is kept private unless the infraction is so severe that it results in suspension or termination. This bill will help to provide transparency in police department matters, thus promoting public trust of law enforcement in general. The ACLU of Hawaii supports this bill.

Thank you for this opportunity to testify.

Daniel M. Gluck  
Legal Director  
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.*

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WOMEN'S CAUCUS

DEMOCRATIC PARTY OF HAWAII

February 10, 2015

To: Senator Will Espero, Chair  
Senator Rosalyn Baker, Vice Chair and  
Members of the Committee on Public Safety, Intergovernmental and Military Affairs

From: Jeanne Y. Ohta, Co-Chair

RE: SB 497 Relating to Police Departments  
Hearing: Tuesday, February 10, 2015, 1:15 p.m., Room 229

Position: SUPPORT

The Hawai'i State Democratic Women's Caucus writes in support of SB 497 Relating to Police Departments which would repeal the privacy exemption within the Uniform Information Practices Act for county police department officers.

Recent events and questions related to those events made apparent the need for transparency of our police departments and for the public to know how violations of policies and procedures are being enforced by the departments. Many people were surprised at the lack of information available about disciplinary action by the Honolulu Police Department.

Police officers should not be given more privacy rights than other government employees as they are given now. Because of their roles, law enforcement officers are given more trust than other government employees and therefore should be held to the highest standards. When violations occur, it is in the public interest that disciplinary records of the departments are made public. How harshly or even whether officers are disciplined for acts of domestic violence or whether they are disciplined when policies are violated should certainly be within the realm of public information.

This measure is a good start to bringing transparency and public confidence in police departments. We respectfully request that the committee pass this measure and we thank the committee for the opportunity to provide testimony.



## Hawaii Women's Coalition

### COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

Senator Will Espero, Chair

Senator Rosalyn H. Baker, Vice Chair

DATE: Tuesday, February 10, 2015  
TIME: 1:15 p.m.  
PLACE: Conference Room 229

# LATE TESTIMONY

Aloha Chair Espero, Vice Chair Baker and Members

I am in support of SB497 which will repeal the privacy exemption within the Uniform Information Practices Act for county police department officers.

This bill was prompted by a September 2014 video of off-duty officer of Sgt. Darren Cachola punching his ex-girlfriend. It was a graphic display of domestic violence that has raised serious concerns about the public's right to know how the Honolulu Police Department (HPD) handles such matters.

HPD claims that a zero-tolerance policy is in effect for officers involved in cases of domestic dispute, but complaints filed with the Hawaii State Commission on the Status of Women clearly shows this not to be the case. In addition the slap-on-the-wrist, one day to one week suspensions, that most officers receive for physically abusing a women hardly demonstrate zero tolerance.

This lack of seriousness not only sends a message to the general public and victims of domestic abuse that this type of behavior is tolerable, but it establishes this same mindset for police officers as well.

Compare the lack of serious consequences for officer-involved DV with cases of illegal drug use/possession by an officer. In *these* cases lengthy suspensions or outright discharges are the consequences as noted in the 2013 HPD report to the Hawaii State Legislature.

This bill cannot by itself solve the problem, but combined with better training and consistent legislative oversight it can be a beginning.

Mahalo for the opportunity to testify,

Ann S. Freed Co-Chair, Hawai'i Women's Coalition

Contact: [annsreed@gmail.com](mailto:annsreed@gmail.com) Phone: 808-623-5676



## HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

Date: February 9, 2015

To: Senator Will Espero, Chair  
Senator Rosalyn H Baker, Vice-Chair  
COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

From: Marci Lopes, Executive Director  
Hawaii State Coalition Against Domestic Violence

RE: SB 497 – STRONG SUPPORT

PLACE: Conference Room 229

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

The Hawaii State Coalition Against Domestic Violence is a statewide partnership of 21 domestic violence program and domestic violence shelter providers on 6 of our Hawaiian Islands. Our mission is to engage communities and organizations to end domestic violence through education, advocacy, and action for social justice.

HSCADV support SB 497 and the removal of the privacy exemption within the Uniform Information Practices Act of county police department officers. This Act will increase public accountability for police officers who engage in misconduct and experience suspension or termination as a result. They would then be held to the same standards of other government employees. This effort serves to promote transparency and accountability for officer misconduct.

We have heard too many reports of Hawaii officer's engaged in domestic violence incidents, and it appears to the community that these officers are not being held accountable. This sends the wrong message to victims and the community. We need to hold police officers to a higher standard of conduct and accountability. SB 497 will help to restore the public confidence in our police departments.

Marci Lopes, Executive Director



LATE TESTIMONY

Senate Public Safety, Intergovernmental and Military Affairs Committee  
Chair Will Espero, Vice Chair Rosalyn H. Baker

Tuesday 02/10/15 at 1:15PM in Room 229  
SB497 Relating to Police Departments

TESTIMONY OF SUPPORT  
Carmille Lim, Executive Director, Common Cause Hawaii

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Dear Chair Espero, Vice Chair Baker, and members of the Committee:

**Common Cause Hawaii supports SB497** which will repeal the privacy exemption within the Uniform Information Practices Act for county police department officers. In addition to our efforts to increase government transparency and accountability, Common Cause strongly believes that both our elected representatives *and* public servants should be held to the highest ethical standards.

This bill was prompted by a September 2014 video<sup>1</sup> of off-duty officer of Sgt. Darren Cachola punching his ex-girlfriend. It was a graphic display of domestic violence that has raised serious concerns about the public's right to know how the Honolulu Police Department (HPD) handles such matters. As acknowledged in section 1 of SB497, HPD claims that a zero-tolerance policy is in effect for officers involved in cases of domestic dispute, but complaints filed with the Hawaii State Commission on the Status of Women\* clearly shows this not to be the case.

When compared to the zero-tolerance policy that exists in cases of illegal drug use/possession by an officer, as is clearly reflected by lengthy suspensions or outright discharge noted in the 2013 HPD report to the Hawaii State Legislature, this same standard is not upheld in domestic abuse cases. This not only sends a message to the general public and victims of domestic abuse that this type of behavior is tolerable, but it establishes this same mindset for police officers as well.

This is a standard which we simply cannot allow to persist. If we are to move forward together as an equal and open society, then we must send a message in the strongest terms that no one is above the law, especially those whom are tasked to enforce it. In order to meet the increasing public demand for accountability, it is imperative that we change the status quo and remove the exemption which has allowed acts of domestic violence to remain in the shadows outside of public discourse.

**Thank you for the opportunity to testify in support of SB497.**

\*Disclosure: The testifier is a Commissioner with the Hawaii State Commission on the Status of Women.

<sup>1</sup> KHON2: HPD sergeant caught on video assaulting ex-girlfriend, September 10, 2014: <http://khon2.com/2014/09/10/hpd-sergeant-caught-on-video-assaulting-ex-girlfriend/>

LATE TESTIMONY

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 10, 2015 9:11 AM  
**To:** PSMTestimony  
**Cc:** wusstig@gmail.com  
**Subject:** \*Submitted testimony for SB497 on Feb 10, 2015 13:15PM\*

**SB497**

Submitted on: 2/10/2015  
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

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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