

February 01, 2017

To: Rep. Dee Morikawa, Chair
Rep. Chris Todd, Vice Chair
Members of the Committee Human Services

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

Re: Testimony in Support, HB 681 Relating to Domestic Violence

Thank you for this opportunity to testify in **support of HB 681**. The Hawaii State Coalition Against Domestic Violence (HSCADV) is a statewide partnership of 25 domestic violence programs and shelter providers across our Hawaiian Islands. Our mission is to engage communities and organizations to end domestic violence through education, advocacy, and action for social justice. We would like to thank you all for your ongoing efforts to work towards ensuring victims of domestic violence in Hawaii are safe.

HB 681 would allow victims of officer-involved domestic violence to report allegations without the requirement of a written or notarized statement.

Victims should be granted the ability to file a complaint against their perpetrator without the additional fear of repercussion's based on the employment of said perpetrator. The current requirement may impede the willingness of family members and friends to report alleged abuse. It is common for outside parties with concern for their loved ones to want to remain anonymous in issues regarding domestic violence. Having to be required to provide personal information in writing may lead to fear of retaliation.

Our community should have the confidence and reassurance of their personal safety when reporting acts of domestic violence. It is of great concern that the State keeps the physical and emotional well-being of those reporting instances of domestic violence involving an officer in mind. The additional emotional stress this may cause a victim can be viewed as re-victimization.

Respectfully



Marci Lopes
Executive Director

~ Together we can do amazing things ~

SHOPO



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TO: The Honorable Dee Morikawa, Chair
House Committee on Human Services

The Honorable Chris Todd, Vice-Chair
House Committee on Human Services

Members of the House Committee on Human Services

FROM: Tenari Ma'afala, President 
State of Hawaii Organization of Police Officers

DATE: February 1, 2017

SUBJECT: Testimony on H.B. No. 681, Relating to Domestic Violence

HEARING: Friday, February 3, 2017
9:00 a.m. Conference Room 329

Thank you for the opportunity to provide testimony on this bill. This bill provides that a complaint against a police officer that involves domestic violence does not have to be in writing, nor sworn to. The State of Hawaii Organization of Police Officers ("SHOPO") opposes H.B. 681.

This bill is contrary to the current SHOPO collective bargaining agreement with the four counties which requires all external complaints to be in writing and sworn to by the complainants. The purposes for having complaints in writing and sworn to include:

(1) The complainant's best recall is usually immediately after the incident, and for prosecution and administrative investigations, a written statement carries more credibility later in court and arbitration, than what an investigating officer hears from the complainant and writes down in his/her report. This applies to witnesses, as well.

(2) The written report can be used to refresh the complainant's memory in later proceedings, if necessary, where if nothing is written down, the complainant has nothing to refresh their memory from. This also applies to witnesses, as well.

(3) A written and sworn statement reminds the complainant of the gravity of their allegations. There have been false allegations by spouses in the past when they are experiencing marital issues and the spouse knows the allegations will get the police officer spouse into trouble.

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Further, we ask that you consider the testimony filed by the Department of the Attorney General on this bill on February 12, 2015, that a similar bill, HB 456, violates the Hawaii Constitution, article VIII, section 2. The Hawaii Constitution authorizes the counties to adopt charters, and the county charters have authorized the police commissions to adopt rules. The rules require complaints to be in writing and sworn to.

Thus, not only would this bill be unconstitutional, it may hinder prosecution of a domestic violence case for lack of a writing. It also violates the SHOPO collective bargaining agreement. SHOPO, therefore, opposes this bill.



Hawaii Women's Coalition

COMMITTEE ON HUMAN SERVICES

Rep. Dee Morikawa, Chair

Rep. Chris Todd, Vice Chair

DATE: Friday, February 3, 2017

TIME: 9:00 A.M

PLACE: Conference Room 329

STRONG SUPPORT FOR HB681

Aloha Chair Morikawa, Vice Chair Todd and members,

The Coalition is in strong support of this bill that would allow a **safe mechanism** for citizen complaints against a police officer regarding domestic violence. It is a disgrace to law enforcement that victims of this type of violence against women do not trust their police department enough to even report the crime which is just the first step in getting the help they need.

As the Hawaii State Commission on the Status of Women testified at the HPD informational briefing in September of 2014, the Commission received over thirty complaints from women in the community, alleging inappropriate response to an array of domestic violence incidents. These responses included: responding police officers not taking a report of domestic violence, refusing to arrest an abuser because of his relationship to the police department, ordering a victim to provide her confidential address to the abuser, and making light of officer involved domestic violence allegations. Many of the victims who came forward did so anonymously or through a domestic violence service provider. Most were afraid that their complaints would not be taken seriously, but felt compelled to share their stories.

Currently, citizen complaints must be rendered in person and notarized at a police station. This process can be frightening for victims and witnesses to abuse, and many may fear personal retaliation for submitting a complaint. Additionally, this current procedure acts as a deterrent on future complaints. Victims of domestic violence or any other citizen wishing to make a complaint about an officer should not have to go through such a stringent process with little anonymity or mechanism to prevent retaliation. SB 519 would allow citizens and good Samaritans a mechanism for their voices to be heard, without fear of retaliation.

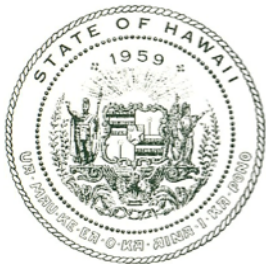
Please pass this important bill out of committee.

Mahalo for the opportunity to testify,

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

Contact: annsfreed@gmail.com Phone: 808-623-5676

HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



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LESLIE WILKINS

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February 2, 2017

To: Representative Dee Morikawa, Chair
Representative Chris Todd, Vice Chair
Members of the House Committee on Human Services

Representative Takashi Ohno, Chair
Representative Isaac W. Choy, Vice Chair
Members of the House Committee on Intrastate Commerce

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

Re: Testimony in Support, HB 681, Relating to Domestic Violence

The Commission supports HB 681, which would allow a safe mechanism for citizen complaints against a police officer regarding domestic violence. As testified to at the HPD informational briefing in September of 2014, the Commission received over thirty complaints from women in the community, alleging inappropriate response to an array of domestic violence incidents. These responses included: responding police officers not taking a report of domestic violence, refusing to arrest an abuser because of his relationship to the police department, ordering a victim to provide her confidential address to the abuser, and making light of officer involved domestic violence allegations. Many of the victims who came forward did so anonymously or through a domestic violence service provider. Most were afraid that their complaints would not be taken seriously, but felt compelled to share their stories.

Currently, citizen complaints must be rendered in person and notarized at a police station. This process can be frightening for victims and witnesses to abuse, and many may fear personal retaliation for submitting a complaint. Additionally, this current procedure acts as a deterrent on future complaints. Victims of domestic violence or any other citizen wishing to make a complaint about an officer should not have to go through such a stringent process with little anonymity or mechanism to prevent retaliation. HB 681 would allow citizens and good samaritans a mechanism for their voices to be heard, without fear of retaliation.

The Commission requests that you pass HB 681. Thank you for your consideration of this important bill.



LATE

TO: Chair Ohno
Vice Chair Choy
Members of the Committee on Intrastate Commerce

FR: Nanci Kreidman, M.A.

RE: HB 681 Support

Aloha and thank you for understanding the importance of strengthening our community's law enforcement response to domestic violence. This Bill is one measure that will help achieve that.

As public servants charged with the critical and life altering role of responding to domestic violence in our community's homes, it is essential that our law enforcement officers are accountable to those they serve in their professional capacity. Minimizing the seriousness of domestic violence committed by police is a serious and dangerous error.

Given the sustained need for community discourse, and improvements to the police response to domestic violence, we support the Bill to eliminate any barriers that may prevent partners of police officers who have suffered harm from abuse from reporting the abuse.

The danger inherent in the lack of knowledge by police about officer involved abuse and the risk to the partner victimized by the abuse is potentially fatal. We cannot allow officers who engage in the behavior themselves to respond to others in need of protection. The bias, potential for responding inappropriately, minimizing the danger present at a scene, or conveying an inappropriate message to those at the scene all have significant consequences.

Thank you for your favorable action on HB 681.

From: mailinglist@capitol.hawaii.gov
To: [HUS testimony](#)
Cc: erinrutherford815@gmail.com
Subject: *Submitted testimony for HB681 on Feb 3, 2017 09:00AM*
Date: Thursday, February 02, 2017 10:36:30 PM



HB681

Submitted on: 2/2/2017

Testimony for HUS on Feb 3, 2017 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Erin Rutherford	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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