

LATE SB 519

RELATING TO DOMESTIC VIOLENCE

Specifies that citizen complaints against a police officer that involve allegations of domestic abuse against a family or household member on the part of the police officer shall not be required to be in writing or sworn to by the complainant.



Hawaii Women's Coalition

COMMITTEE ON JUDICIARY AND LABOR
Senator Gilbert S.C. Keith-Agaran, Chair
Senator Karl Rhoads, Vice Chair

DATE: Friday, February 24, 2017
TIME: 9:15 a.m.
PLACE: Conference Room 016

STRONG SUPPORT FOR

Aloha Chair Keith-Agaran, Vice-Chair Rhoads and members,

The Coalition is in strong support of SB519, which would allow a safe mechanism for citizen complaints against a police officer regarding domestic violence

At an HPD informational hearing held in September of 2014 Coalition members heard the Hawaii State Commission on the Status of Women testify to receiving over thirty complaints from women in the community, alleging inappropriate responses by HPD officers 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.

Coalition members were justifiably outraged along with much of the general public. HPD and neighbor island PDs are entrusted with protecting our communities and yet they are clearly too often failing with respect to violence against women and, we might add, children.

Currently, citizen complaints must be rendered in person and notarized at a police station. This onerous process can be frightening for victims and witnesses, and many justifiably fear personal retaliation for submitting a complaint. The current procedure acts as a deterrent on future complaints, which is quite possibly the intent. 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.

How can our police department(s) maintain credibility, how can good police be protected from the bad apples, how can women and our keiki be safe, if there are not safeguards for those who report bad acts? SB519 would allow citizens and good Samaritans a mechanism for their voices to be heard, without fear of retaliation. It's a best-practice healthy step in the right direction.

Please pass this important bill out of committee.

Mahalo for the opportunity to testify,
Ann S. Freed Co-Chair, Hawai'i Women's Coalition

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
To: [JDL Testimony](#)
Cc:
Subject: Submitted testimony for SB519 on Feb 24, 2017 09:15AM
Date: Thursday, February 23, 2017 3:41:25 PM
Attachments: [SB519 SD2 Testimony for Submission IM.docx](#)

SB519

Submitted on: 2/23/2017

Testimony for JDL on Feb 24, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Ian Maxwell	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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LATE TESTIMONY

DEPARTMENT OF THE PROSECUTING ATTORNEY
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THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR
SENATE COMMITTEE ON JUDICIARY AND LABOR
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawai'i

February 24, 2017

RE: S.B. 519, S.D. 1; RELATING TO DOMESTIC VIOLENCE.

Chair Keith-Agaran, Vice-Chair Rhoads, and members of the Senate Committee on Judiciary and Labor, the Department of the Prosecuting Attorney of the City and County of Honolulu (Department) submits the following testimony for S.B. 519, S.D. 1 expressing concerns.

The purpose of S.B. 519, S.D. 1 is to create a mechanism in which a citizen may file a complaint against a police officer involved in a domestic violence situation that is not memorialized in writing or by a notarized statement. After speaking with various stakeholders, the Department believes that the intent of this bill is to address complaints that arise which are civil in nature. Although S.B. 519, S.D. 1 does not directly address criminal complaints, the proposed bill creates the unintended consequence of handicapping potential criminal prosecution.

The Department recognizes that S.B. 519, S.D. 1 has good intentions, however, in domestic violence cases; recantation is commonplace and presents great difficulty in effective prosecution. The Department can foresee a situation arising where a victim of domestic violence creates an anonymous citizens complaint pursuant to S.B. 519, S.D. 1, which upon investigation rises to the level of a formal criminal charges being pursued. In this situation, the lack of a sworn statement at the onset of the civil citizen's complaint leaves the prosecution little to no evidence of the abuse if the victim subsequently recants.

For the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu expresses concern over the passage of S.B. 519, S.D. 1. Thank you for the opportunity to testify on this matter.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB519 on Feb 24, 2017 09:15AM
Date: Friday, February 24, 2017 8:07:01 AM

SB519

Submitted on: 2/24/2017

Testimony for JDL on Feb 24, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Individual	Support	Yes

Comments: I strongly support this bill. We should not be afraid to stand up and take action with out a negative reaction or retaliation!!!

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From: mailinglist@capitol.hawaii.gov
To: [JDL Testimony](#)
Cc:
Subject: Submitted testimony for SB519 on Feb 24, 2017 09:15AM
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SB519

Submitted on: 2/23/2017

Testimony for JDL on Feb 24, 2017 09:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Joe P. Moss	Individual	Support	No

Comments:

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February 23, 2017

Aloha,

I am strongly in favor of this bill. On Kauai, especially, there would be a fear on behalf of someone being abused by a police officer that there could be many types of repercussions. This bill is necessary to give victimized persons an opportunity to safely get help.

Thank you for your consideration.

/s/ Joe P. Moss