

HAWAII  
STATE  
COMMISSION  
ON THE  
STATUS  
OF  
WOMEN



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LESLIE WILKINS

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March 13, 2018

To: Sen. Nishihara, Chair  
Sen. Glenn Wakai, Vice Chair  
Honorable Members of the Senate Committee on PSM

From: Khara Jabola-Carolus  
Executive Director  
Hawai`i State Commission on the Status of Women

Re: Testimony in Support, HB2133

Thank you for this opportunity to testify in strong support of HB2133, which would allow a citizen to file a complaint against a police officer without notarization. This legislation represents a critically important step toward a victim-centered response to domestic violence and the threat to public safety by abusive police officers.

The Commission is cognizant that domestic violence has been and continues to be trivialized within the Honolulu Police Department. The problem is pervasive and persistent, and HPD has not demonstrated a commitment in minimizing domestic abuse by officers. One-third of the complaints involving HPD fielded by the Commission involved a police officer as the abuser. Given the heightened power held by police officers and ease with which officers may abuse that power, the Commission believes it essential to remove any obstacles that prevent officers' partners from reporting abuse.

The Commission supports HB2133 and urges the Committee to pass this measure.

Sincerely,

Khara Jabola-Carolus

**LATE**

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

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**THE HONORABLE CLARENCE K. NISHIHARA, CHAIR  
SENATE COMMITTEE ON PUBLIC SAFETY,  
INTERGOVERNMENTAL, AND MILITARY AFFAIRS  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawai`i**

March 13, 2018

**RE: H.B. 2133, H.D. 1; RELATING TO POLICE DEPARTMENTS.**

Chair Nishihara, Vice Chair Wakai and members of the Senate Committee on Public Safety, Intergovernmental, and Military Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu (Department) submits the following testimony for H.B. 2133, H.D. 1, expressing concerns.

The purpose of H.B. 2133, H.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 H.B. 2133 does not directly address criminal complaints, the proposed bill creates the unintended consequence of handicapping potential criminal prosecution.

The Department recognizes that H.B. 2133, H.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 H.B. 2133, H.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 H.B. 2133, H.D. 1. Thank you for the opportunity to testify on this matter.

**HB-2133-HD-1**

Submitted on: 3/12/2018 1:12:25 PM

Testimony for PSM on 3/13/2018 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	Testifying for OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:

**HB-2133-HD-1**

Submitted on: 3/9/2018 3:37:48 PM

Testimony for PSM on 3/13/2018 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
	Testifying for Domestic Violence Action Center	Support	No

Comments:

hscadv



**LATE**

HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE  
1164 Bishop Street, Suite 1609, Honolulu, HI 96813

DATE: March 12, 2018

TO: State of Hawaii  
Senate Committee on Public Safety, Intergovernmental and Military Affairs  
Senator Clarence Nishihara, Chair  
Senator Glenn Wakai, Vice Chair  
Senator Rosalyn Baker  
Senator Laura Thielen  
Senator Les Ihara, Jr.

FROM: Carmen Golay, Hawaii State Coalition Against Domestic Violence

RE: Testimony in Support of HB2133 HD1  
RELATING TO POLICE DEPARTMENTS

Aloha:

On behalf of the Hawaii State Coalition Against Domestic Violence (HSCADV) and our 22 member organizations across the state, I am submitting testimony in SUPPORT of HB2133 which clarifies that citizen complaints against a police officer alleging the officer of domestic violence against a family or household member should not be required to be filed as a notarized or sworn written statement. If you can imagine, reporting any kind of incident against a law enforcement officer is difficult, but it is especially so for reporting domestic violence. Due to high profile incidents in the recent past, we believe there is a lack of public trust in how police officers handle domestic violence cases, especially when another officer is involved. This may prevent victims from reporting and seeking safety. This bill removes one barrier to reporting and we support it.

As stated above, HSCADV supports HB2133.

Thank you for your consideration of our testimony

*Together we can do amazing things*



**LATE**

March 13, 2018

To: Senator Clarence Nishihara, Chair  
Senator Glenn Wakai, Vice Chair and  
Members of the Committee of Public Safety, Intergovernmental and Military Affairs

From: Jeanne Y. Ohta, Co-Chair

RE: HB 2133 HD1 Relating to Police Departments  
Hearing: Tuesday, March 13, 2018, 1:30 p.m., Room 229

POSITION: Support

The Hawai'i State Democratic Women's Caucus writes in support of HB 2133 HD1 Relating to Police Departments which would specify 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.

There have been high profile domestic violence cases involving police officers. These cases make it apparent that new policies need to be implemented when police officers are involved. The requirement that the complaint be in writing or sworn to by the complainant is used to deter victims from filing complaints or the victim is told that she must return when a notary is available to notarize the statement. These requirements re-victimize the victim and make it appear that her complaint will have a higher bar to overcome than those of domestic violence victims whose partners are not police officers. Victims are already reluctant to file complaints against their spouses who are officers.

This measure is a good start to improve how officer-involved domestic violence cases are handled. We respectfully request that the committee pass this measure and we thank the committee for the opportunity to provide testimony.

The Hawai'i State Democratic Women's Caucus is a catalyst for progressive, social, economic, and political change through action on critical issues facing Hawaii's women and girls.