

**HB-2133**

Submitted on: 1/30/2018 3:44:51 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Victor K. Ramos	Maui Police Department	Oppose	No

Comments:

None of the incidents cited occurred in the Maui Police Department, Hawaii Island Police Department and Kaua'i Police Department.

With regard to Honolulu Police Department, give their new leadership a reasonable amount of time to address these issues.

**HB-2133**

Submitted on: 1/31/2018 11:06:51 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Richard K. Minatoya	Maui Department of the Prosecuting Attorney	Oppose	No

Comments:

The Department of the Prosecuting Attorney, County of Maui OPPOSES HB 2133. Sometimes the need for a notarized or sworn written statement is necessary to help avoid false accusations. Eliminating this option may open the door to false allegations against officers. The Department requests that this measure be HELD.

Thank you very much for the opportunity to provide this testimony.

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

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**THE HONORABLE SCOTT Y. NISHIMOTO, CHAIR**  
**HOUSE COMMITTEE ON JUDICIARY**  
**Twenty-Ninth State Legislature**  
**Regular Session of 2018**  
**State of Hawai'i**

February 1, 2018

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

Chair Nishimoto, Vice Chair San Buenaventura, and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu (Department) submits the following testimony for H.B. 2133 expressing concerns.

The purpose of H.B. 2133 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 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, 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. Thank you for the opportunity to testify on this matter.

**HB-2133**

Submitted on: 1/31/2018 11:25:05 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Councilmember Yuki Lei Sugimura	Maui County Council	Support	No

Comments:

**HB-2133**

Submitted on: 1/30/2018 3:28:27 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Benton Kealii Pang, Ph.D.	Hawaiian Civic Club of Honolulu	Support	No

Comments:



TO: Chair Nishimoto  
Vice Chair, San Buenaventura  
Members of the Committee on Judiciary

FR: Nanci Kreidman, M.A.

RE: HB 2133 Support Relating to Police Departments

Aloha and thank you for considering 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 ongoing community discourse, and the efforts necessary to improve police response, 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 2133.

# hscadv



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

DATE: JANUARY 31, 2018

TO: STATE OF HAWAII  
HOUSE COMMITTEE ON JUDICIARY  
REP. SCOTT Y. NISHIMOTO, CHAIR  
RE. JOY A. SAN BUENAVENTURA, VICE CHAIR  
REP TOM BROWER  
REP. GREGG TAKAYAMA  
REP. CHRIS LEE  
REP. BOB MCDERMOTT  
REP. DEE MORIKAWA  
REP. CYNTHIA THIELEN

FROM: STACEY MONIZ, EXECUTIVE DIRECTOR  
HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

RE: TESTIMONY IN SUPPORT FOR HB2133  
RELATING TO DOMESTIC VIOLENCE

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. We ask that there be no additional barriers to safety or to reporting domestic violence.

As stated above, HSCADV supports HB2133.

Thank you for your consideration of our testimony. If you would like to discuss this or have any questions, I can be reached at 808.832.9613x4 or via email at [smoniz@hscadv.org](mailto:smoniz@hscadv.org).

~ Together we can do amazing things ~



February 1, 2018

**LATE**

To: Representative Scott Nishimoto, Chair  
Representative Joy San Buenaventura, Vice Chair and  
Members of the Committee on Judiciary

From: Jeanne Y. Ohta, Co-Chair

RE: HB 2133 Relating to Police Departments  
Hearing: Thursday, February 1, 2018, 2:00 p.m., Room 325

POSITION: Support

The Hawai'i State Democratic Women's Caucus writes in support of HB 2133 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.



**HB-2133**

Submitted on: 1/30/2018 3:14:42 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joy Marshall		Support	No

Comments:

January 30, 2018

TO:           The Honorable Scott Nishimoto, Chair  
              House of Representatives Committee on Judiciary

              The Honorable Joy San Buenaventura, Vice Chair  
              House of Representatives Committee on Judiciary

              Members of the House of Representatives Committee on Judiciary

FROM:        Jesse Guirao

RE:           Testimony in Opposition, HB 2133, Relating to Police Departments

Thank you for the opportunity to provide testimony relating to HB 2133. This bill provides that a complaint against a Police Officer involving Domestic Violence does not have to be made in writing, nor sworn to. I emphatically oppose this bill.

The current State of Hawaii Organization of Police Officers (SHOPO) collective bargaining agreement requires all external complaints be made in writing and notarized, except as provided by law. There have been no exceptions by law to date and there is good reason for that. The reasons for having complainants made in writing and notarized are as follows:

Generally, the complainant's or witness' best recollection is immediately following the alleged altercation. The Police Department would then initiate an Administrative investigation into the allegations hence a written statement would prove to be more credible should the complainant or witness elect to retract. A written and notarized complaint helps the complainant and any witnesses in furtherance of their complaint.

Furthermore, having the complaint made in writing and notarized holds the complainant and witnesses accountable. There have been instances where spouses of Police Officers undergoing marital problems would file a complaint knowing that it would get their Police Officer spouse in trouble.

Lastly, I ask that you consider the testimony filed on February 12, 2015 by the Department of the Attorney General on a similar bill (then HB 456) in the 2015 Session, opining that the bill violates our Hawaii Constitution, article VIII, section 2. The Attorney General further advised that our Hawaii Constitution authorizes our Counties to adopt charters, and the county charters have authorized our Police Commissions to adopt rules, and the Police Commission has rules requiring complaints be made in writing and notarized.

I therefore oppose SB 2133. Thank you for your consideration.

**LATE**

**HB-2133**

Submitted on: 1/31/2018 9:18:40 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Katie Caldwell		Support	No

Comments:

My name is Katie Caldwell and I am a social worker that resides in Honolulu. I worked with domestic violence (DV) victims for over a decade as an advocate and social worker. I have worked with law enforcement in every capacity regarding DV and have done so in 2 countries and in 4 different states. However, HPD has been by far the most difficult. They are ill-equipped and poorly trained to handle DV cases, and it shows. I have seen law enforcement belittle victims, blame victims, chastise, victims, and further batter victims. I have called police in times of dire crisis, only to have the victim be detained and arrested. I also worked with multiple victims here in Hawai'i who were married to police officers. The officers used their status to threaten, harrass, and and keep their victim in a state of fear and powerlessness. To put it bluntly, the officers knew they were untouchable. Sadly, it seems that they were correct.

Law enforcement all over the country are being scrutinized for racism, sexism, and homophobia, and rightfully so. We cannot have the very people we are supposed to trust the most abuse their power in the most horrific ways. HPD has become problematic in many areas concerning women, and it's time we take action.

If victims or bystanders have to swear in testimony or obtain a notary, they are less likely to follow through. Not to mention, there will be more incentive for an officer to further batter or coerce. We should make it as easy as possible for citizens to express their concern about our police officers. The fact that the status quo has remained in tact for so long speaks volumes. We need to do better.

**LATE**

**HB-2133**

Submitted on: 2/1/2018 2:04:31 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	OCC Legislative Priorities	Support	No

Comments: