

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: *Submitted testimony for HB461 on Mar 31, 2017 09:30AM*
Date: Wednesday, March 29, 2017 8:34:21 AM

HB461

Submitted on: 3/29/2017

Testimony for JDL on Mar 31, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Darcia Forester	Office of the Public Defender	Oppose	Yes

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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DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO
PROSECUTING ATTORNEY



CHRISTOPHER D.W. YOUNG
FIRST DEPUTY PROSECUTING ATTORNEY

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

March 31, 2017

RE: H.B. 461, H.D. 1; RELATING TO RESISTING ARREST.

Chair Keith-Agaran, Vice-Chair Rhoads, and members of the Senate Committee on Judiciary and Labor, the Department of the Prosecuting Attorney, City and County of Honolulu (“Department”), submits the following testimony in support of H.B. 461, H.D. 1, with the amendments recommended by the Department of the Attorney General.

The purpose of H.B. 461, H.D. 1, is to create a new offense of resisting arrest in the first degree, where the perpetrator uses or attempts to use force to remove a firearm from the person of a law enforcement officer. The current misdemeanor offense of resisting arrest would then become resisting arrest in the second degree.

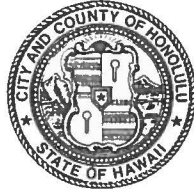
The Department agrees that an individual's attempts to resist arrest become exponentially more dangerous for everyone involved, and for the public, where the individual removes or attempts to remove a law enforcement officer's firearm from its holster. Due to the extreme danger of such a situation—and to strongly discourage such behavior—we agree that this should be a class C felony, and further ask that a conviction for this type of offense be ordered to a mandatory minimum term of imprisonment of 3 years.

We do note that the current language of H.B. 461, H.D. 1, appears to broaden the offense beyond those circumstances that involve an arrest, and recommend that the language be amended to keep this offense within the scope of the bill (and statute) title. We understand the Department of the Attorney General expressed a similar concern, and support their proposed amendments.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports H.B. 461, H.D. 1, with the Department of the Attorney General's proposed amendments. Thank for you the opportunity to testify on this matter.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 • INTERNET: www.honolulu-pd.org



KIRK CALDWELL
MAYOR

COOTS 'M' KEALUHA
CHIEF

CARY OKIMOTO
JERRY INOUE
DEPUTY CHIEFS

OUR REFERENCE **RR-LS**

March 31, 2017

The Honorable Gilbert S. C. Keith-Agaran, Chair
and Members
Committee on Judiciary and Labor
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 016
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran and Members:

SUBJECT: House Bill No. 461, H.D. 1, Relating to Resisting Arrest

I am Richard C. Robinson, Assistant Chief of the Investigative Bureau of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 461, H.D. 1, Relating to Resisting Arrest.

Currently, even in the most egregious cases, the Department of the Prosecuting Attorney has difficulty with successfully prosecuting cases in which a suspect attempts to take a police officer's firearm. This is one of the most dangerous situations a police officer can be in. Sadly, these cases often end with the death of the officer.

Between 2006 and 2015, there have been 24 law enforcement officers who had their firearms taken from them and were fatally shot by the suspect. Hawaii is not immune from these tragedies. Since 1976, three law enforcement officers were shot and killed with their own gun.

House Bill No. 461 will allow for the successful prosecution of these cases. Therefore, the HPD urges you to support House Bill No. 461, H.D. 1, Relating to Resisting Arrest.

The Honorable Gilbert S. C. Keith-Agaran, Chair
and Members
Committee on Judiciary and Labor
March 31, 2017
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Thank you for the opportunity to testify.

Sincerely,



Richard C. Robinson, Assistant Chief
Investigative Bureau

APPROVED:



Cary Okimoto
Acting Chief of Police

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for HB461 on Mar 31, 2017 09:30AM
Date: Friday, March 24, 2017 2:13:29 PM
Attachments: [HB 461.docx](#)

HB461

Submitted on: 3/24/2017

Testimony for JDL on Mar 31, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Karin Nomura	Individual	Oppose	No

Comments: I think before this, faith in police, with every officer that goes on a call with surveillance cameras on, needs to be implemented. Because I support the concept wholeheartedly, but worried about the users of the bill...

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When it comes to law enforcement, I was raised to respect the authority that wearing a badge entails. Though through personal experiences over the years (not as a criminal, but just calling 911 or having to call the police for issues), as well as “high profile” cases that were brought to the media’s eye, feel that until police here are required to wear a video camera with preferably voice recording as the comments made by some have been very unbecoming of someone wearing a badge. (currently just talking about uniformed police officers I’ve interacted with, though have for the past number of years been at trying to find out about the people who claim to be the “Honolulu Police Department”; partied over being “police family” and have been citing the first half of the Miranda Rights, with shouts of “warning you” on several occasions, etc. With a refusal from the department to investigate...this stemming back to property damage...this even after a complaint I submitted that was dropped where the officer arriving said something, then looked up and into the house of my neighbor for verification...or the patrol car that stopped out front and did the same without going up and a male shouting from the house...) Feel that while resisting arrest is def. wrong, and most def. one that requires attention, something that unless it’s captured on video, with again hopefully voice recording, might be abused and used too freely.

While I’d like to support a bill that would protect lives all around - police, bystanders, the party ‘resisting arrest’, etc. my faith in the legal system as it stands currently – not just the police department, has changed from ‘just one bad apple’/‘oh, it’s just a handful...’/‘maybe it’s my area, as it seems others in other neighborhoods are doing it’/etc. making excuses for and denying what’s been a constant to is every officer in my area this way or just the ones coming to my home when I call 911. I already had shouts/raves in my neighborhood of “join us, and you can get away with stuff like this” from males claiming to be “police officer(s)”...The last thing I want to see, is a uniformed police officer being caught at it (especially the ones who have been with the department for a long period of time, supposedly with out any priors, suddenly and inexplicably caught in a “just lost it”, and the claim of “who are they going to believe” a criminal or a long standing police officer...which scarily, I grew up with “rose colored glasses” apparently, because thoughts like this never, ever, crossed my mind before, till all of this occurred...) It becomes just another item that may/could become another ‘get away with stuff like this’...

So, please hold off on this bill until police are required to have video cameras when they go on an arrest or call. Not only will it support a clean arrest, protecting the officer and the opposing party, but bring faith back into the legal system, by proving actions...