



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:

S.B. NO. 151, RELATING TO LAW ENFORCEMENT REFORM.

BEFORE THE:

SENATE COMMITTEE ON PUBLIC SAFETY AND INTERGOVERNMENTAL AND
MILITARY AFFAIRS

DATE: Friday, February 10, 2023

TIME: 3:05 p.m.

LOCATION: State Capitol, Room 225

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Adrian Dhakhwa, Deputy Attorney General

Chair Wakai and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments on the bill.

The bill adds two new sections to chapter 139 of the Hawaii Revised Statutes (HRS) and amends section 139-6, HRS. The first new section proposes mandatory requirements for law enforcement use of force policies. The second new section proposes reporting requirements for incidents involving "use of force" by law enforcement officers. The amendment to section 139-6(a) adds a requirement that no person may be appointed as a law enforcement officer unless the person has received "training designed to minimize the use of force, including but not limited to legal standards, de-escalation techniques, crisis intervention, mental health response, implicit bias, and first aid" (page 7, line 20, to page 8, line 2).

The Department has two concerns with the bill. First, subsection (c) of the first new section on page 5, lines 1-8, provides:

A department or agency's use of force policies and training pursuant to this section may be introduced as evidence in proceedings involving a law enforcement officer's use of force. The policies and training may be considered as a factor in the totality of circumstances in determining whether the officer acted reasonably, but shall not be considered as imposing a legal duty on the officer to act in accordance with such policies and training.

The phrase "proceedings involving a law enforcement officer's use of force" is ambiguous. Such proceedings could be criminal, civil, or administrative, all of which have different standards and burdens of proof, and which could create unjust results. For example, in a criminal case where a law enforcement officer is a witness, the introduction of policies and training may unfairly shift the focus of the trial to the officer instead of the criminal defendant. The question of whether the officer "acted reasonably" would lead to a confusion of the issues for the fact finder and unfairly prejudice the prosecution's case. The Department recommends striking the second sentence in its entirety (page 5, lines 4-8), as existing evidentiary rules already allow for the introduction of a law enforcement officer's department policies and training under appropriate circumstances. The second sentence should be stricken because it creates unnecessary confusion.

The second new section added to chapter 139, HRS, would require a law enforcement officer to notify in writing "the department head" every time the officer sees another officer using "force" (page 5, lines 10-15), which would trigger a subsequent investigation (page 5, lines 16- 19). The Department believes this would generate an exponential amount of unnecessary scrutiny. Instead, the proposed requirement should be invoked only in cases where the officer sees "force that the law enforcement officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, based upon the totality of information actually known to the law enforcement officer" (quoting the proposed requirement in subsection (a)(3) of the first new section on page 2, lines 1-6). In other words, the proposed reporting should only be required in cases of excessive force, not in every case where force is used.

Thank you for the opportunity to provide comments on this bill.

Mitchell D. Roth
Mayor



Benjamin T. Moszkowicz
Police Chief

County of Hawai'i

POLICE DEPARTMENT

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February 9, 2023

Senator Glenn Wakai
Chairperson and Committee Members
Committee on Public Safety and Intergovernmental and Military Affairs
415 South Beretania Street
Honolulu, Hawai'i 96813

RE: SENATE BILL 151, RELATING TO LAW ENFORCEMENT REFORM
HEARING DATE: FEBRUARY 10, 2023
TIME: 3:05 P.M.

Dear Senator Wakai:

While the Hawai'i Police Department (HPD) supports the intent of Senate Bill 151, we **oppose** it in its current form.

Many of the requirements proposed in the first section of the proposed legislation, "Law enforcement use of force policies" have already been adopted by the Hawaii Police Department. However, the use of the words "Clear and specific guidelines" in subsection 4, as well as "Comprehensive and specific guidelines" in subsections 8, 10, and 16 seem contradictory. We would recommend eliminating the word "specific" from each instance. This would convey the same intent without creating a situation in which a policy, cannot possibly cover every possibility and is instead designed to provide a framework to officers in the field, could be construed as an all-encompassing list.

Our General Orders include guidelines when force is allowed and encompasses Section 703-307 of the Hawai'i Revised Statutes, which authorizes a police officer to use force when making an arrest. In addition to classroom training, police recruits are given extensive field training which includes the application of use of force techniques. HPD Officers are trained to utilize de-escalation techniques learned in Verbal Judo training to diffuse volatile situations prior to any force being used. As part of policy and practice, when it is deemed that force is necessary, consistent with existing caselaw, officers may only use a level of force that is objectively reasonable to bring an incident or subject under control. An officer must continuously reassess their response and adjust any use of force based on the resistance encountered. When the subject is fully in police control, the use of force must stop.

Police Recruits receive over 120 hours of classroom and practical training in the use of a department issued firearm, which includes when drawing their firearm is permissible, safety considerations including being aware of their surroundings and potential risks to bystanders before discharging their firearm. Recruits also receive over 150 hours of training in the use of various force disciplines such as arrest control techniques,

baton, conducted electrical weapon (Taser) and pepper spray to assist them in performing their duties if required. Once force is used, personnel are required to render aid and report the incident to their immediate supervisor. Further, HPD's General Orders direct that if an officer observes other personnel engaged in any unreasonable use of force, that they have a duty to intervene and notify the appropriate supervisor. Incidents involving the unnecessary use of force are investigated and any disciplinary action is administered, when appropriate, as a result of this investigation.


Senate Bill 151 would further impose several requirements on the county police commissions. Article VII, Chapter 2 of the Hawai'i County Charter contains a specific list of delineated powers and duties. Passage of Senate Bill 151, as written, may be unconstitutional. This analysis relies on the findings of *HGEA v. County of Maui* 59 Haw. 65, 576 P.2d 1029 (1978) where the court held that provisions of the county charter relate directly to the organization and government of the county and is superior to conflicting statute. The Hawaii County Charter does not require the Police Chief to notify the Police Commission in writing of any investigation involving the use of force. Therefore, this provision would be invalid.

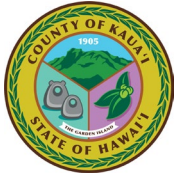
As written, the second portion of Senate Bill 151 would require that "(b) Within fifteen days of receiving written notification, the department head shall complete an investigation pursuant to subsection (c) and notify the chief of police of the respective county of the outcome of the investigation in writing." The bill further defines "department head" in subsection (h) as, "the official or officer having the most managerial or administrative authority in the state department or county agency." This would mean the four police chiefs are also the 'department heads' for their respective departments. This analysis renders subsections (c) and (d) as partially contradictory and seemingly inconsistent. For example, if a report were made to the department head of a county police department (i.e., the police chief) and an investigation found insufficient evidence to support a claim of excessive force, that department head would have to provide him - or herself with a redacted version of their own investigation. Likewise, a report of excessive force from a state agency employee would have no business being reported to a county police commission that has jurisdiction over the state law enforcement agency as required in subsection (d).

Lastly, I would like to point out the Hawaii Police Department, along with all other County Police Departments within the State of Hawai'i, are accredited by the Commission on Accreditation for Law Enforcement Agencies (CALEA). Some of the benefits of accreditation include the requirements for all accredited agencies to have comprehensive and uniform written directives to address, among other things; training, use of force, reporting, documenting and assessing each incident where force has been used. Each accredited department is assessed yearly in order to ensure compliance with these standards, and these standards are regularly updated in order to ensure the highest level of quality and professionalism within each accredited agency.

It is for these reasons, while we support the intent of this bill and already comply with most of its requirements we urge this committee to **oppose** this legislation as written. Thank you for allowing the Hawai'i Police Department to provide comments relating to Senate Bill 151.

Sincerely,


BENJAMIN T. MOSZKOWICZ
POLICE CHIEF



DEREK S.K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

POLICE DEPARTMENT COUNTY OF KAUAI



TODD G. RAYBUCK, CHIEF OF POLICE

Testimony of Todd G. Raybuck
Chief of Police
Kauai Police Department

Before the
Committee on Public Safety and Intergovernmental and Military Affairs
February 10, 2023, 3:05 pm
Conference Room 225 & via Videoconference

In consideration of
Senate Bill 151
Relating to Law Enforcement Reform

Honorable Chair Wakai, Honorable Vice-Chair Elefante, and Committee Members:

I provide the following testimony, as Chief of Police for the Kauai Police Department, regarding Senate Bill 151 Relating Law Enforcement, which seeks to require law enforcement agencies to maintain use of force policies, provide certain training, and require use of force reporting and investigation standards designed to minimize the use of force. Senate Bill 151 is well-intentioned, and the following comments are submitted for the Committee's consideration.

"§139- Law Enforcement Policies"

Subsection (4), related to drawing a firearm: Law enforcement officers face many uncertain situations where the level of danger or risk to personal safety is not clear and the intent and ability of the persons to carry out violence against an officer is unknown. The Kauai Police Department provides training and has established policy on drawing and pointing firearms at persons. However, it is impossible to predict and identify every situation that an officer may encounter where an individual may be armed with a weapon. Officers must have the ability to draw a firearm to the low ready position (indirect show of force) when the circumstances of the encounter indicate there is a potential threat to the safety of the officer or members of the public and it is uncertain if a subject is armed. Furthermore, officers must have the ability to draw a firearm and point it at individuals (direct show of force) when the officer has articulable facts to reasonably believe that an individual, they are interacting with has a weapon and poses a threat. Therefore, establishing "Clear and specific guidelines regarding situations in which law enforcement officers may or may not draw a firearm or point a firearm at a person" may be interpreted overbroadly and creates a standard on a law enforcement agency that is unachievable. Recommend removing "Clear and specific" from the language.



“§139- Reports of use of force by law enforcement officers”

Related to the term “department head”: The Chief of Police is recognized as the department head of the police department within the counties. Additionally, the definition of “department head” within section (h) describes the position of Chief of Police. Therefore, the use of department head as contained in this section is contradictory and may create confusion. Recommend replacing “department head” with, “division head”. Replace definition of “Department head” with, “Division head means the official or officer having the most managerial or administrative authority within a subdivision of the state department or county agency.”

The operations and logistics within the police department and police commission unintentionally create situations that would prevent compliance with the strict timelines provided in this section. Therefore, the following recommendations are made.

Related to Subsection (b): Replace the timeline of “fifteen days” with, “as soon as practicable after receiving written notification.”

Related to Subsection (e): Add language to: “officer shall report directly to the police commission of the respective county as soon as practicable but no later than ~~within~~ seven days of...”

Related to Subsection (f): Replace the timeline for completion of the investigation by the Police Commission from “within fifteen days” to, “as soon as practicable after receiving written notification.”

Preventing future unwarranted and unlawful uses of force by law enforcement officers is essential to protect the sanctity of life, repair relationships between police and communities, and uphold the nobility of the policing profession. It appears the intention of SB 151 is to be a conduit for the aforementioned actions.

The use of force by police to protect others, mitigate violent acts toward officers, and resolve situations without further escalation is necessary in policing. Even when lawful and necessary, the use of force by one person against another is never pretty to witness.

Incidents of police officers that abuse their authority by committing excessive and illegal force and violence against members of the public is offensive, immoral, and intolerable. These acts of violence, committed by a small number of officers across the nation, have destroyed lives, devastated families, and shattered communities. The criminal use of force by an officer erodes the trust and confidence the public has for the hundreds of thousands of professional, honorable, and dedicated men and women in law enforcement that sacrificially serve their communities every day in our state and across America.

The Kauai Police Department is committed to ensuring that force used by officers in the performance of duties is proper, lawful, and necessary. To that end, the Department provides training and has enacted policy and procedures that have established the standards SB 151 sets out to accomplish. The Department’s use of force policies and practices are also in accordance and compliance with accreditation standards set by the Commission on Accreditation for Law Enforcement Agencies and federal mandates for law enforcement organizations that receive federal grant funding.

For the foregoing reasons, the Kauai Police Department supports the intent of Senate Bill 151 and appreciates your time and consideration to the above recommendations.



POLICE DEPARTMENT
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DEPUTY CHIEFS

OUR REFERENCE **MH-SK**

February 10, 2023

The Honorable Glenn Wakai, Chair
and Members
Committee on Public Safety and
Intergovernmental and Military Affairs
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 225
Honolulu, Hawaii 96813

Dear Chair Wakai and Members:

Subject: Senate Bill No. 151, Relating to Law Enforcement Reform

I am Manuel Hernandez, Captain of the Training Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports the intent of Senate Bill No. 151, Relating to Law Enforcement Reform, and submits the following comments and recommendations for your consideration.

The HPD supports Section 139-, Law enforcement use of force policies, and currently has policies and procedures in place that either meet or exceed those proposed in the bill. This includes reasonableness in the use of force, a duty to intervene with regard to unlawful use of force, and use of force training and reporting.

However, the HPD has concerns regarding the language under Section 139-, Reports of use of force by law enforcement officers.

Our first concern is that having an officer submit a written notification upon observing another officer utilizing force may cause an undue delay in determining whether or not the force used was proper and/or justified, based on what the observing officer perceives as the use of force. As an example, the use of force could be perceived as such a minimal action like routine handcuffing or a light touch, making a

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and Members

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determination subjective. If the concern is that the use of force utilized by law enforcement officers is unreasonable or excessive, the bill's language should be updated as such to provide this clarification.

The second concern is the fifteen-day timeline contained in the bill in which a department head is to complete an investigation into the reported use of force incident. Administrative investigations into any use of force incident may be complex, and this timeline is not feasible for a thorough investigation to be completed. The HPD currently has procedures and protocols in place to properly investigate such incidents to ensure that appropriate corrective action is administered in the event that inappropriate or unreasonable use of force was utilized.

The HPD appreciates the committee's consideration of our comments regarding Senate Bill No. 151, Relating to Law Enforcement Reform, and thanks you for the opportunity to testify.

Sincerely,



Manuel Hernandez, Captain
Training Division

APPROVED:


Arthur J. Logan
Chief of Police



STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS
" A Police Organization for Police Officers Only "
Founded 1971

February 8, 2023

VIA ONLINE

The Honorable Glenn Wakai
Chair
The Honorable Brandon J.C. Elefante
Vice-Chair
Senate Committee on Public Safety and Intergovernmental and Military Affairs
Hawaii State Capitol, Rooms 407, 217
415 South Beretania Street
Honolulu, HI 96813

Re: **SB 151 - Relating to Law Enforcement Reform**

Dear Chair Wakai, Vice-Chair Elefante, and Honorable Committee members:

I serve as the President of the State of Hawaii Organization of Police Officers (“SHOPO”) and write to you on behalf of our Union in strong **opposition** to SB 151. This bill seeks to add two new sections of HRS chapter 139 and is another attempt to have government intervene in matters that are the kuleana of the county police departments and their respective police chiefs. The bill does not account for the inherent dangers in our jobs that require split second life and death decisions while under extreme duress, and also ignores the multi-layers of safeguards already in place that hold each and every county police officer accountable for their individual actions and omissions, both administratively and criminally.

This bill requires any department or agency employing a law enforcement officer to maintain a publicly available policy that provides a minimum standard on the use of force with fifteen (15) sub-requirements, allows the use of force policies and training to be considered in legal proceedings involving a law enforcement officer’s use of force, requires a report and investigation of any force used by all law enforcement officer who merely observe the use of force in all circumstances, and requires that law enforcement officers receive training designed to minimize the use of force.

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The Honorable Glenn Wakai, Chair
The Honorable Brandon J.C. Elefante, Vice-Chair
Senate Committee on Public Safety and Intergovernmental and Military Affairs
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Re: SB 151 - Relating to Law Enforcement Reform

SB 151 appears to be an attempt to appease and pacify the minority of people who are anti-police and have asked the legislature to defund the police department. Without our well-trained police officers, society cannot maintain its civility or its rule of law. Our Hawaii citizens understand and appreciate the protection and law enforcement services provided by our dedicated officers. The public's strong support for our three officers charged in the Sykap case was a testament to our community's appreciation of the dangerous work our officers perform each and every day.

As police officers, we have a Code of Ethics:

As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held as long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

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We are by no means perfect and have never claimed to be. We have the same human frailties as our neighbors and we do make mistakes but when such mistakes are made, our officers are no less human than our politicians who have made mistakes in the past, like being arrested for drunk driving or for bribery.

I note that there is no stated purpose included with this bill although it seeks to inject another layer of bureaucracy into the business of professional policing. After the Sykap incident, each of the three officers involved had to answer for their actions with HPD's investigators and commanders, the prosecutor's office, a grand jury, and at the end they stood in judgment in a courtroom before a judge who determined that the officers had acted appropriately and within the boundaries of the law.¹ SB 151 was not needed for this level of accountability and transparency to happen. Despite being exonerated, our officers still face a civil lawsuit that jeopardizes their personal and family's financial security and well-being. That is the life of a police officer and the sacrifices we make to protect our community.

As we bear a tremendous amount of responsibility, we also expect politicians like yourselves to support us in our efforts to protect and make our community safe. The difficulties of hiring new officers combined with our seasoned officers retiring as soon as they become eligible has created a critical mass exodus resulting in a shortage of officers, which compromises public safety. The recent spike in violent crimes is no coincidence.

This bill requires each department or agency employing a law enforcement officer to maintain a policy that provides a "minimum standard" on the use of force, delineates fifteen (15) detailed requirements for such a policy, and mandates that it be made public. It even goes so far as to specify that such a policy may be introduced as evidence in proceedings involving a law enforcement officer's use of force. This bill further adds a section to HRS chapter 139 requiring that any time an officer observes "the use of force" by another officer, he/she must notify the exercising officer's department head in writing. This bill provides that an investigation must occur within specified timelines upon receipt of a written notification and requires the outcome of the investigation to be shared with the police chief and police commission under certain circumstances. This bill also requires all law enforcement officers to receive training "designed to minimize the use of force, including but not limited to legal standards, de-escalation techniques, crisis intervention, mental health response, implicit bias, and first aid." In doing so,

¹ There is also Internal Affairs, Professional Standards Office, police commissions, Department of the Attorney General, FBI, and the Department of Justice that provides accountability and transparency. The civil rights laws provide a further check and balance on the use of force by our officers.

The Honorable Glenn Wakai, Chair
The Honorable Brandon J.C. Elefante, Vice-Chair
Senate Committee on Public Safety and Intergovernmental and Military Affairs
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this bill duplicates procedures, certifications, standards, and law enforcement training already established and managed by the respective county police departments through their training academies. All four (4) county police departments and their respective police academies are accredited by the Commission on Accreditation for Law Enforcement Agencies (“CALEA”).² CALEA is nationally known as the gold standard benchmark in law enforcement and its accreditation seals are internationally recognized as the “Marks of Professional Excellence” for public safety agencies. Our county officers are highly trained, experienced, and investigate the broad range of crimes set forth in the Hawaii penal code as codified in the Hawaii Revised Statutes. Our officers are held to the highest professional standards and are investigated and held accountable for the slightest deviations or infractions. The policies and training of each county police department have much in common, but they also have special provisions and aspects tailored to each island’s unique demands and diverse communities.

Standards on the use of force have already been established over the many years by each respective county in conjunction with their human resources departments. No one has pointed out where any current county police training academy has somehow failed to establish or meet “minimum” use of force standards. Notification of any use of excessive force is already a duty and responsibility of every officer in every county police department. Moreover, every complaint of criminal misconduct is required to be in writing and is fully investigated by the police department’s internal affairs division. The completed investigation is thereafter submitted to the Chief of Police. Thus, the substance of SB 151 is already in place within the county’s departments which need not be disturbed or interfered with by the legislature. In addition, the bill calls for the county police commissions to investigate reports of the use of force in certain circumstances. In addition, this bill appears to conflict with a county’s charter and the powers, duties and functions bestowed on each police commission. For example, the Honolulu Police Commission (“HPC”) is only authorized to investigate charges brought by the public and those findings are submitted to the Chief of Police. In addition, the HPC is prohibited from interfering “in any way with the administrative affairs of the department.” See Revised Charter, Section 6-1606. This bill conflicts with the limited power bestowed upon the HPC which is intended to prevent inference with police operations. The bill further assumes that a police commission has the expertise and that its investigators are trained and experienced to conduct such an investigation as opposed to other agency investigators such as the prosecutor’s office who are

² We also find it highly ironic that this same legislative body is pushing for funding to have DLNR’s conservation and resources enforcement program obtain CALEA certification. See HB 767 and SB 70. By endorsing CALEA certification, this legislative body clearly believes CALEA is a credible and valid accreditation.

The Honorable Glenn Wakai, Chair
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trained for this very purpose, not to mention the conflicts that may arise with witnesses and other aspects of an investigation when two separate agencies are investigating the same incident.

The bill infers that the county police departments and their respective training curriculums are subpar, do not currently incorporate acceptable and reasonable minimum standards of the use of force, and do not have acceptable criminal justice curriculums. We are not aware of a single legislator who has come forward with any evidence that this is true in the slightest. This bill, in essence, will usurp the training curriculum and standards implemented by the respective county police department's training academies, paints with a broad brush, and seeks to add another needless bureaucratic layer at an inopportune time when we are in the midst of a staffing crisis like we have never seen before. Rather than doing something productive to help us recruit and retain police officers, SB 151 makes it that much more difficult for us to recruit and retain an adequate number of police officers to police our communities and unnecessarily burdens our existing police force. For example, as to the bill's mandate of reporting all uses of force to a "department head," which is defined as "the official or officer having the most managerial or administrative authority in the state department or county agency," for our purposes, that person would be one of the police chiefs that heads of each county police departments. That is something that is already required and occurs in our State. Officers who use force to effectuate an arrest must complete a use of force form and a narrative report that explains in detail the level of force that was used, why force was used, and the justification for the force. These reports are provided to, reviewed, and signed by the officer's supervisor. Body worn cameras are also widely used by our officers and further documents events where force was employed. These videos are downloaded and saved as evidence.

Rather than keeping the emphasis on apprehending a criminal suspect, this bill protects a criminal by redirecting the officer's attention away from the suspect and toward the other officers at the scene who must now be fortune tellers and second guess each other as to what they are doing or what they are about to do. This may create a chilling effect and cause an officer to prematurely intervene, thus escalating a situation and making a dangerous situation even more dangerous for the officers involved. Officers will be trying to anticipate what level of force their fellow officers are about to use and whether that anticipated force is reasonable without having all of the relevant information to make such an assessment. Officers will undoubtedly misconstrue what they may believe is excessive force because they are unaware the suspect had earlier brandished a gun or knife before the officer arrived at the scene. In performing their duties, the officer's concentration should be on what they immediately need to do to protect the public and keep everyone safe. Each officer is responsible for their own actions. Assessing a highly charged scene with people running around screaming and reports of deadly weapons requires an officer to quickly determine who the suspects are, what type and how many weapons

The Honorable Glenn Wakai, Chair
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are involved, who may be helping the suspects, the surroundings to determine if it is safe to use a firearm, and to evaluate a host of other considerations. It is often the case that we do not have the luxury of time to figure everything out or carefully prepare a response because we must react instinctively in accordance with our training. That is our reality.

In summary, this bill seems to be telling the police departments what type of arrest and control tactics they should employ or not use to effect an arrest. Our police departments are para-military organizations. I am not aware of anyone on this committee having law enforcement experience or the extensive training our officers receive in the use of force that would allow them to dictate what tactics to use or not use on an armed and/or violent suspect.

Rather than finding ways to make it more difficult to hire and retain officers, we respectfully ask that you please find ways to help replenish our ranks to fight the escalating crime occurring in our community. We are suffering a critical shortage of police officers and it is directly affecting our ability to protect the public. The statistics reflecting the closure and clearance rates of property crimes averages about 6%, and the average clearance rate for violent crimes is a dismal 33.77%. These statistics are downright shameful and embarrassing. In other words, more than half of the people committing violent and property crimes are getting away with it. Those numbers should be alarming for everyone, and this bill does nothing to address this critical problem. Instead, of expending time figuring out how to make it more difficult to serve one's community as a police officer, we should be expending and dedicating that same energy to figuring out how we can recruit and retain officers.

Constructive efforts to support law enforcement is what we need. Subjecting our officers to constant attack by bills such as this which makes their jobs tenuous, dangerous, and exposes them to civil liability, is not what we need. The reality is that this bill discourages women and men in our community from aspiring to be police officers to fill our depleted ranks.

We thank you for allowing us to be heard on this very important issue and we hope your committee will unanimously oppose SB 151.

Respectfully submitted,

ROBERT "BOBBY" CAVACO
SHOPO President

SB-151

Submitted on: 2/7/2023 4:41:43 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Victor K. Ramos	Individual	Oppose	Written Testimony Only

Comments:

OPPOSE: All State of Hawaii police departments are nationally accredited by CALEA. I recommend that our legislature take the time to review the standards that must be met in order to be an accredited agency. You will find, that this proposed bill is not necessary.

SB-151

Submitted on: 2/7/2023 10:46:39 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Alan Urasaki	Individual	Support	Written Testimony Only

Comments:

I stand in support of this measure. Thank you.

SB-151

Submitted on: 2/9/2023 11:37:20 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael EKM Olderr	Individual	Support	Written Testimony Only

Comments:

The constant rise of gun violence threatens the safety of all Americans. The number of gun deaths in America this year warrants this bill. Guns need to be treated with the respect and fear it deserves. Above all, it is a weapon designed to end a person's life and must be treated as such. Using a firearm in such a negligent manner is not protected by the second amendment, and it can be seen as an act of intimidation, threat of death, and terrorism. Therefore, I support this bill, and I hope it gets passed.

SB-151

Submitted on: 2/9/2023 9:10:58 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael EKM Olderr	Individual	Support	Written Testimony Only

Comments:

Police officers do not get to play judge, jury, and executioner; other officers can't be on the sidelines and do nothing. They will be just as guilty. The abuse of power by police officers is systematic. No cop is safe from its misuse and corrosiveness. There can be no trust between the public and the police if the police cannot be answered for their crimes and abuse. There are no good or bad apples because the system promotes bad apples. I support this bill.

SB-151

Submitted on: 2/9/2023 3:18:50 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Valerie Smalley	Individual	Support	Written Testimony Only

Comments:

As a concerned citizen I strongly support this bill. I have the highest respect for the Honolulu Police Department and support this bill to help support them in doing one of the toughest jobs . As a society we have gone through some of the most challenging times in history and are currently dealing with the ramifications that has taken a toll on our communities and individuals. Our police force need the additional support to better address increased substance abuse and its impact on mental health. Also, the fear that many individuals have in regards to being stopped by law enforcement and how police can be trained to deescalate these situations so they do not result in injury and/or death. As a society we need to respect our police but as humans they also need the training and support to better equip them for our changing world.

SB-151

Submitted on: 2/10/2023 2:40:09 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

LATE

Submitted By	Organization	Testifier Position	Testimony
Gabriel Kekauoha	Individual	Support	Written Testimony Only

Comments:

I support this bill.