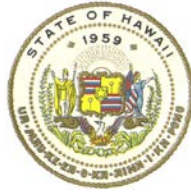


DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA W. KALUHIWA
FIRST DEPUTY

JEFFREY. T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
FINANCE**

**Tuesday, April 5, 2016
2:31 PM
State Capitol, Conference Room 308**

**In consideration of
SENATE BILL 2196, SENATE DRAFT 2, HOUSE DRAFT 1
RELATING TO THE LAW ENFORCEMENT OFFICER
INDEPENDENT REVIEW BOARD**

Senate Bill 2196, Senate Draft 2, House Draft 1 proposes to establish the Law Enforcement Officer Independent Review Board within the Department of the Attorney General to investigate incidents of officer-involved deaths. **The Department of Land and Natural Resources (Department) has no objection to the reporting requirements or review process described in this measure.**

The Department believes that this bill would allow for greater transparency of its law enforcement operations and accountability for law enforcement actions taken by its law enforcement officers. The establishment of a Law Enforcement Officer Independent Review Board would benefit agencies such as our Division of Conservation and Resources Enforcement with an additional layer of independent review of actions taken.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 04, 2016 11:12 AM
To: FINTestimony
Cc: gladys.baisa@mauicounty.us
Subject: *Submitted testimony for SB2196 on Apr 5, 2016 14:31PM*

SB2196

Submitted on: 4/4/2016

Testimony for FIN on Apr 5, 2016 14:31PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Gladys Coelho Baisa	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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Before the House Committee on
FINANCE

Tuesday, April 5, 2016
2:31 PM
State Capitol, Conference Room 308

In consideration of
SENATE BILL 2196-SD2-HD1
RELATING TO THE LAW ENFORCEMENT OFFICER
INDEPENDENT REVIEW BOARD

Thank you for allowing me to testify on behalf of this proposed amendment. My name is Aaron Hunger and I am a doctoral researcher at the University of Hawaii at Manoa, a former police officer in Florida and California, and a criminal justice instructor for a private college in Honolulu. I have been honored to be engaged in doctoral research involving the Honolulu Police Department, and its oversight mechanisms since 2010. Together with my teaching, I have over 24 years of police experience. Currently, I am engaged in research with the University of Hawaii at Manoa that (among other issues) seeks to understand the unique structure of the criminal justice institutions on Oahu. Based on the unique composition of local policing organizations, one of many questions being answered is what effect (if any) does the absence of critical systemic oversight mechanisms (or their dysfunctionality) produce and how often. Based on the work and research that I have been privileged to be a part of, I **support** Senate Bill 2196-SD2-HD1 (Statewide Law Enforcement Officers Independent Review Board).

One aspect of my research involves collecting data on the Honolulu Police Department as part of the University of Hawaii's Human Research Study (UH-HRS) #23221. One of the primary purposes of UH-HRS #23221 (ongoing since APEC's summit (2010)) was to collect data meant to analyze and evaluate the Honolulu Police Department oversight system's administration, management, function, structure, and policies. Among the many of the facts that arose from the data was that shootings (by police) throughout the state of Hawaii are not subjected to external state accountability audits either during or subsequent to the investigation. The evidence has proven that state officials are often unable, or unauthorized to question policing department's investigations of its own personnel.

Four recent cases (involving Honolulu Police between the years of 2012 – 2015) that resulted in police initiated homicides, which have led to accusations of police cover-up and abuse of deadly force and authority (a loss in public trust in governance) include; Gregory Gordon (2012)¹, Richard Nelson (2014)², James Pickard Jr. (2014)³, and Sheldon Haleck (2015)⁴. While other counties in Hawaii may add to these names, these four citizens (alone) provide ample reason as to why SB-2196-SD2-HD1 should be instituted. Three of the four men listed were involved in non-violent traffic crimes when they were

¹ (KITV, 2014)

² (KHON2, 2014)

³ (Kubota, 2015)

⁴ (Grube, 2015 (SHL))

killed by police. One of the men was killed during the commission of a non-violent property crime. Half of these incidents (Gordon and Nelson) appear to have video that criminologists and police experts have pointed to as evidence that casts doubt on the official accounting of the incidents by police.

Multiple cases were exposed between the years of 2012-2015 where federal prosecutors exposed Honolulu Police officers lying on official reports, including the cases involving Honolulu Police Officers: Copeland, Rudolfo, Morre, Becea, Tamayori, Raquino, Furtado, Tojio, Yasue, Zoller, Bernal, Bugarin, Morris, Nishimura, and (currently under federal grand jury investigation) Honolulu Police Chief Kealoha. Because of these cases and law enforcement shootings, public trust in law enforcement is at an all-time low.

This loss of trust is occurring at a point when Hawaiian sovereignty issues are rising. Criminologist and National Security experts agree that a loss in governmental legitimacy combined with a rising indigenous sovereignty movement is a combination that is not conducive to long-term governmental stability, and should be immediately rectified by addressing public trust issues surrounding policing oversight, transparency, and accountability.⁵ With four recent high-profile police-initiated homicides occurring during the same time period as multiple accounts of police falsification of official reports or documents, the idea that Honolulu Police can regain public trust without major reforms from external sources is not realistic.

One method of addressing the public trust involving police use-of-deadly force is by reconfiguring the existing oversight system to ensure multiple (more than one) external agencies investigate police shootings, in-custody deaths, and homicides. The use of independent investigatory bodies that operate concurrently and parallel to the mandated investigatory shooting protocols are becoming a popular remedy of addressing the loss of public confidence in police departments, nationwide.⁶

While most states have the option of utilizing their (state level) Standards and Training Board (as proposed SB2755-SD1-DH1) as the agency empowered to oversee an Independent Review Board, Hawaii remains as a lone hold-out in legislatively enacting this critical law enforcement oversight agency. For this reason the bill should be passed as written, however it is strongly advised that should the state ever reach consensus and enact a state Standards and Training entity, that this board should be repositioned within such an entity. Because of the severity of the police violence in these cases, it is recommended that the state legislature understand that police shooting and gross violence investigations are received as more legitimate by the public the farther that the investigatory body is from the involved agency. For this reason, state government is better equipped and situated to staff and oversee this bureaucratic investigatory police oversight agency.

Ensuring that this body would independently investigate and issue findings and recommendations that were distinct and separate from the agency involved, would greatly improve the ability of the government (as a bureaucracy) to appear legitimate, transparent, and accountable in its oversight of policing services. For all of these reasons, I **support** SB2196-SD2-HD1.

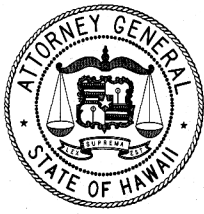
⁵ (Daryl, 2015)

⁶ (Swarts, 2015)

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TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL TWENTY-EIGHTH LEGISLATURE, 2016

ON THE FOLLOWING MEASURE:

S.B. NO. 2196, S.D. 2, H.D. 1, RELATING TO THE LAW ENFORCEMENT OFFICER
INDEPENDENT REVIEW BOARD.

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

LATE

DATE: Tuesday, April 5, 2016

TIME: 2:31 p.m.

LOCATION: State Capitol, Room 308

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Landon M.M. Murata, Deputy Attorney General

Chair Luke and Members of the Committee:

The Department of the Attorney General (“Department”) continues to support the intent of this bill and appreciates the consideration that has been given to the Department’s previous testimony and suggested amendments. At this point, nearly all of the Department’s concerns have been addressed in prior committees. The Department submits the following testimony to highlight its remaining concerns for the Committee’s consideration. These concerns are practical concerns related to the expense and funding of the law enforcement officer independent review board, as opposed to the legality and constitutionality of the bill, and are as follows:

While previous amendments to the bill (e.g., eliminating the board investigator position and limiting the scope of the board’s review to officer involved death) have reduced the potential operating expenses of the board, both the projected operating expenses and the future availability of funds to cover those expenses are currently unknown. At this time, the Department does not have sufficient information regarding the number and frequency of the types of cases the board will be handling. As a result, the resources needed for the board to perform its duties and related expenses cannot be determined. The future availability of funds to pay the board’s expenses is also uncertain as section 2 of the bill provides that the source of the board’s funding shall be the criminal forfeiture fund established in chapter 712A, Hawaii Revised Statutes. There is legislation pending this session (i.e. H.B. No. 1559, H.D. 2) that would make it more difficult to conduct civil asset forfeiture in Hawaii.

Thank you for the opportunity to testify.



LATE

Committee: Committee on Finance
Hearing Date/Time: Tuesday, April 5, 2016, 2:31 p.m.
Place: Conference Room 308
Re: Testimony of the ACLU of Hawaii in **Support** of S.B. 2196, S.D.2, H.D.1,
Relating to the Law Enforcement Officer Independent Review Board

Dear Chair Luke and Members of the Committee on Finance:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support of S.B. 2196, S.D.2, H.D.1, which establishes the law enforcement officer independent review board within the Department of the Attorney General to investigate incidents of officer-involved death.

A growing number of states are considering independent review boards, which may serve as an effective tool to increase law enforcement transparency and accountability. Law enforcement officers, especially those authorized to use deadly force, should be responsive to the communities they serve. Establishing an independent review board could help to improve the public's trust in our officers, thereby making our police force stronger and our communities safer.

Thank you for the opportunity to testify.

Sincerely,

Mandy Finlay
Advocacy Coordinator
ACLU of Hawaii

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for 50 years.

American Civil Liberties Union of Hawaii
P.O. Box 3410
Honolulu, Hawaii 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 04, 2016 6:35 PM
To: FINTestimony
Cc: breaking-the-silence@hotmail.com
Subject: *Submitted testimony for SB2196 on Apr 5, 2016 14:31PM*

SB2196

Submitted on: 4/4/2016

Testimony for FIN on Apr 5, 2016 14:31PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, April 05, 2016 11:00 AM
To: FINTestimony
Cc: victor.ramos@mpd.net
Subject: *Submitted testimony for SB2196 on Apr 5, 2016 14:31PM*

LATE

SB2196

Submitted on: 4/5/2016

Testimony for FIN on Apr 5, 2016 14:31PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Individual	Oppose	No

Comments:

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