



LATE

SB2196

Measure Title:	RELATING TO THE LAW ENFORCEMENT OFFICER INDEPENDENT REVIEW BOARD.
Report Title:	Law Enforcement Officer Independent Review Board; Establishment; Law Enforcement Officer; Law Enforcement Agency; Department of the Attorney General; Appropriation (\$)
Description:	Establishes the law enforcement officer independent review board within the department of the attorney general to investigate deaths while in law enforcement custody and shootings involving a law enforcement officer where an individual is injured. Appropriates funds.
Companion:	
Package:	None
Current Referral:	PSM/JDL, WAM
Introducer(s):	ESPERO, L. THIELEN, Baker, Shimabukuro

February 9, 2016

TO: Chair Clarence Nishihara, Vice-Chairs Will Espero and Members
Senate Committee on Public Safety, Intergovernmental, and Military Affairs

Chair Gilbert Keith-Agaran, Vice-Chair Maile Shimabukuro and Members
Senate Committee on Judiciary and Labor

FROM: Barbara Polk

SUBJECT: **Support for SB2196 Law Enforcement Officer Independent Review Board
Suggestions for Amendments**

I encourage the Committees to approve SB 2196 to establish a Law Enforcement Officer Independent Review Board. I recognize that law enforcement is a high stress, sometimes dangerous occupation and have sympathy with officers who must sometimes make split-second decisions. However, the lack of transparency within the law enforcement community and a number of incidents in which police officers have killed or injured people while in their custody or during an arrest attempt, has unfortunately resulted in a steep decline in public trust of law enforcement officers. This is a problem for the entire community, since we depend on these people to protect us and need to be able to trust them.

Hawaii does not have capital punishment. However, in recent years police officers have killed members of the public for not obeying police orders, for driving away from a traffic stop, and for other reasons which would never carry the death penalty, even if the state had one. In one recent year, Honolulu was reported as having one of the highest “kill” rates in the country! Whether true or not, in the public eye, these officers have not been held accountable for these deaths. Names are withheld and the public has no knowledge of punishment that may have been imposed. More importantly, those responsible have only rarely been charged with a crime and come before the law to be judged guilty or not-guilty, as are members of the general public.

SB2196 alone will not solve all these problems. However, setting up an independent review board with the power to refer officers to the Attorney General for possible prosecution will go a long way toward reassuring the public that law enforcement officers are not above the law. At the same time, it may go a long way toward restraining over-reactions in tense situations by reminding officers that they serve the public and are also subject to the law.

I suggest two amendments to this bill:

1. Amend, throughout the bill, the phrase “deaths while in custody” by adding “or in the course of any law enforcement action.” The current wording seems to exempt deaths that occur during the arrest process or during actions surrounding attempted arrests.
2. Clarify who “an independent review board investigator” is [28-C (c)]. A single member of the Board? Someone appointed by the Board? If appointed, what the qualifications of this person must have?

I urge you to support SB2196.

From: [Kenneth Lawson](#)
To: [PSMTestimony](#)
Subject: SB2196
Date: Wednesday, February 10, 2016 5:10:06 AM

Please accept this email as my written testimony in support of SB2196. Having represented over 50 victims of police misconduct in civil rights law suits on the mainland, I have seen how effective a Law Enforcement Independent Review Board can be. Not only will this review board rebuild the public's trust in our police department, but it will make our department better and our police officers more professional.

Kenneth Lawson
Associate Faculty Specialist, William S. Richardson School of Law and Interim Co-Director
of the Hawaii Innocence Project
808-542-7978

From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: ndavlantes@aol.com
Subject: Submitted testimony for SB2196 on Feb 16, 2016 10:00AM
Date: Thursday, February 11, 2016 9:55:38 PM

SB2196

Submitted on: 2/11/2016

Testimony for PSM/JDL on Feb 16, 2016 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Davlantes	Individual	Support	No

Comments: Creating an Independent Review Board to audit incidences involving death/shootings and law enforcement is a step toward improved oversight and accountability to Hawaii's law enforcement officers, elements that have been sorely lacking for far too long

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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From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: hawaiiifishingfanatic@gmail.com
Subject: *Submitted testimony for SB2196 on Feb 16, 2016 10:00AM*
Date: Monday, February 15, 2016 10:45:37 PM

SB2196

Submitted on: 2/15/2016

Testimony for PSM/JDL on Feb 16, 2016 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Don Aweau	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: rkailianu57@gmail.com
Subject: *Submitted testimony for SB2196 on Feb 16, 2016 10:00AM*
Date: Tuesday, February 16, 2016 6:29:47 PM

SB2196

Submitted on: 2/16/2016

Testimony for PSM/JDL on Feb 16, 2016 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Ho`omana Pono, LLC	Oppose	Yes

Comments:

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