DAVID Y. IGE GOVERNOR OF HAWAII





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

POST OFFICE BOX 621 HONOLULU, HAWAII 96809

Testimony of SUZANNE D. CASE Chairperson

Before the House Committee on JUDICIARY

Tuesday, March 22, 2016 2:00pm **State Capitol, Conference Room 325**

In consideration of **SENATE BILL 2755, SENATE DRAFT 1** RELATING TO A LAW ENFORCEMENT EMPLOYMENT STANDARDS AND TRAINING BOARD

Senate Bill 2755, Senate Draft 1 proposes to establish a Law Enforcement Employment Standards and Training Board. The Department of Land and Natural Resources (Department) supports this measure.

The Department believes that this measure will provide important standards that will provide a common core of knowledge and training for state and county law enforcement officers statewide. The establishment of a Law Enforcement Standards and Training Board will assist in establishing these important standards.

SUZANNE D. CASE

CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

FIRST DEPUTY

JEFFREY, T. PEARSON, P.E.

AQUATIC RESOURCES A QUATIC 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 ENGINEERING

DAVID Y. IGE GOVERNOR





STATE OF HAWAII DEPARTMENT OF PUBLIC SAFETY

919 Ala Moana Boulevard, 4th Floor Honolulu, Hawaii 96814

NOLAN P. ESPINDA DIRECTOR

Cathy Ross
Deputy Director
Administration

Jodie F. Maesaka-Hirata Deputy Director Corrections

Shawn H. Tsuha
Deputy Director
Law Enforcement

No		
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TESTIMONY ON SENATE BILL 2755 SENATE DRAFT 1 RELATING TO A LAW ENFORCEMENT STANDARDS AND TRAINING BOARD.

By Nolan P. Espinda, Director

House Committee on Judiciary Representative Karl Rhoads, Chair Representative Joy A. San Buenaventura, Vice Chair

Tuesday, March 22, 2016; 2:00 p.m. State Capitol, Conference Room 325

Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

The Department of Public Safety (PSD) **supports** Senate Bill (SB) 2755 Senate Draft (SD) 1, which seeks to create a Law Enforcement Standards and Training Board. PSD agrees with this measure's intent to create a recognized and open standard for the training and certification of all law enforcement officers in the State of Hawaii.

For its part, the Department is currently pursuing certified law enforcement and policies and procedures training for our Sheriffs Division, in accordance with national CALEA standards. This is an important component of our strategic objectives and will help to cement a collaborative partnership with our City and County counterparts whose training programs have already been certified at the highest professional law enforcement standards.

Thank you for the opportunity to provide this testimony.

March 22, 2016 State Capitol, Room 325 3pm

TESTIMONY REGARDING SB2755-SD1 A BILL ON LAW ENFORCEMENT STANDARDS AND TRAINING BOARD

Greetings Committee Chair Rhoads and other distinguished members of the House Committee on Judiciary, my name is Robert Ford, and I study criminal justice here in Honolulu. I am writing to **SUPPORT** SB2755-SD1 (Law Enforcement Standards and Training Board). Although I believe that there is a problem with the language in the bill that lists "Standards" when the authority of the board is only suggestions is a problem. The bills language clearly says that these "Standards" are voluntary, as are all recommendation of the board.

Currently the word "Standards" is used in both the title of the entity to be created, and what it is prescribed to determine. However the language in the bill better describes a "Guidance Board."

March 22, 2016 State Capitol, Room 325 3pm

TESTIMONY REGARDING SB2755-SD1 A BILL ON LAW ENFORCEMENT STANDARDS AND TRAINING BOARD

Greetings Committee Chair Rhoads and other distinguished members of the House Committee on Judiciary, my name is Lorentina Te'i and I study criminal justice here in Honolulu. I am writing to SUPPORT SB2755-SD1 (Law Enforcement Standards and Training Board). Although I believe that there is a problem with the language in the bill that lists "Standards" when the authority of the board is only suggestions is a problem. The bills language clearly says that these "Standards" are voluntary, as are all recommendation of the board.

Currently the word "Standards" is used in both the title of the entity to be created, and what it is prescribed to determine. However the language in the bill better describes a "Guidance Board."





Committee: Committee on Judiciary

Hearing Date/Time: Tuesday, March 22, 2016, 2:00 p.m.

Place: Room 325

Re: Testimony of the ACLU of Hawaii in Support of S.B. 2755, S.D.1, Relating

to a Law Enforcement Employment Standards and Training Board

Dear Chair Rhoads and Committee Members:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support of S.B. 2755, S.D.1, which establishes an advisory law enforcement employment standards and training board.

Hawaii is currently the only state in the country without an employment standards and training board. This bill, if enacted, would be consistent with nationwide practices, and would serve 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. The establishment of a statewide standards and training 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.

T: 808-522-5900 F: 808-522-5909

E: office@acluhawaii.org www.acluhawaii.org

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 8:46 AM

To: JUDtestimony

Cc: leuluniuotineru@yahoo.com

Subject: Submitted testimony for SB2755 on Mar 22, 2016 14:00PM

SB2755

Submitted on: 3/21/2016

Testimony for JUD on Mar 22, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
leuluniu otineru	Individual	Support	No

Comments: HOUSE COMMITTEE ON JUDICIARY March 22, 2016 State Capitol, Room 325 3pm TESTIMONY REGARDING SB2755-SD1 A BILL ON LAW ENFORCEMENT STANDARDS AND TRAINING BOARD Greetings Committee Chair Rhoads and other distinguished members of the House Committee on Judiciary, my name is Leuluniu Otineru and I study criminal justice here in Honolulu. I am writing to SUPPORT SB2755-SD1 (Law Enforcement Standards and Training Board). Although I believe that there is a problem with the language in the bill that lists "Standards" when the authority of the board is only suggestions is a problem. The bills language clearly says that these "Standards" are voluntary, as are all recommendation of the board. Currently the word "Standards" is used in both the title of the entity to be created, and what it is prescribed to determine. However the language in the bill better describes a "Guidance Board." Please amend the language in the bill by striking the word "Standards" and replacing it with "Guidance", while simultaneously renaming the entity to be created. A more appropriate name is "LAW ENFORCEMENT GUIDANCE AND TRAINING BOARD", which would reflect that this board does not deal with police standards. I SUPPORT passage of the bill with amendments.

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, 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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 8:46 AM

To: JUDtestimony

Cc: leuluniuotineru@yahoo.com

Subject: Submitted testimony for SB2755 on Mar 22, 2016 14:00PM

SB2755

Submitted on: 3/21/2016

Testimony for JUD on Mar 22, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
leuluniu otineru	Individual	Support	No

Comments: HOUSE COMMITTEE ON JUDICIARY March 22, 2016 State Capitol, Room 325 3pm TESTIMONY REGARDING SB2755-SD1 A BILL ON LAW ENFORCEMENT STANDARDS AND TRAINING BOARD Greetings Committee Chair Rhoads and other distinguished members of the House Committee on Judiciary, my name is Leuluniu Otineru and I study criminal justice here in Honolulu. I am writing to SUPPORT SB2755-SD1 (Law Enforcement Standards and Training Board). Although I believe that there is a problem with the language in the bill that lists "Standards" when the authority of the board is only suggestions is a problem. The bills language clearly says that these "Standards" are voluntary, as are all recommendation of the board. Currently the word "Standards" is used in both the title of the entity to be created, and what it is prescribed to determine. However the language in the bill better describes a "Guidance Board." Please amend the language in the bill by striking the word "Standards" and replacing it with "Guidance", while simultaneously renaming the entity to be created. A more appropriate name is "LAW ENFORCEMENT GUIDANCE AND TRAINING BOARD", which would reflect that this board does not deal with police standards. I SUPPORT passage of the bill with amendments.

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ON JUDICIARY

March 22, 2016 State Capitol, Room 325 3pm

TESTIMONY REGARDING SB2755-SD1 A BILL ON LAW ENFORCEMENT STANDARDS AND TRAINING BOARD

Greetings Committee Chair Rhoads and other distinguished members of the House Committee on Judiciary, my name is Lucky.Lotu and I study criminal justice here in Honolulu. I am writing to SUPPORT SB2755-SD1 (Law Enforcement Standards and Training Board). Although I believe that there is a problem with the language in the bill that lists "Standards" when the authority of the board is only suggestions is a problem. The bills language clearly says that these "Standards" are voluntary, as are all recommendation of the board.

Currently the word "Standards" is used in both the title of the entity to be created, and what it is prescribed to determine. However the language in the bill better describes a "Guidance Board."

ON JUDICIARY

March 22, 2016 State Capitol, Room 325 3pm

TESTIMONY REGARDING SB2755-SD1 A BILL ON LAW ENFORCEMENT STANDARDS AND TRAINING BOARD

Greetings Committee Chair Rhoads and other distinguished members of the House Committee on Judiciary, my name is Roy Lovell and I study criminal justice here in Honolulu. I am writing to SUPPORT SB2755-SD1 (Law Enforcement Standards and Training Board). Although I believe that there is a problem with the language in the bill that lists "Standards" when the authority of the board is only suggestions is a problem. The bills language clearly says that these "Standards" are voluntary, as are all recommendation of the board.

Currently the word "Standards" is used in both the title of the entity to be created, and what it is prescribed to determine. However the language in the bill better describes a "Guidance Board."

Before the House Committee on JUDICIARY

Tuesday, March 22, 2016 2:00 PM State Capitol, Conference Room 325

In consideration of
SENATE BILL 2755-SD1
RELATING TO A LAW ENFORCEMENT EMPLOYMENT
STANDARDS AND TRAINING 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 work and research that I have been privileged to be a part of, I **SUPPORT** passage Senate Bill 2755-SD1 (Statewide Law Enforcement Standards and Training Board), but again strongly recommend amending language within the bill.

As I have previously testified and expressed concern, SB2755-SD1 contains problems between language and purpose. Again, the problem with SB2755-SD1 is that the bill's name promises the community a new state agency that will set policing performance standards through hiring and training guidelines, but the language contained within the bill makes all "standards" voluntary. Despite an impressive title, SB2755-SD1's language was never amended to reflect the limitations of both the authority and scope needed to meet the public's expectation of oversight. SB2755-SD1 fails to create a "standards board" as understood by the public or experts, and which has continuously been pointed to as a necessity in this state by the media. Instead SB 2755-SD1 uses the language "standards" in its title while actually authorizing only voluntary "guidelines." While seeming trite, once again I must emphasize that this is actually a major issue.

Again, "Standards" (as used in criminal justice professional terms) is understood nationally (and internationally) to mean setting a mandate or threshold. For the bill to make the board's recommendations voluntary, does not meet the professional understanding.³ SB 2755-SD1's current language continuously allows all policing managers to disregard this board's recommendations and

¹ (Civil Beat Editorial Board, 2016)(Grube, 2016 (HSB))

² (Bussewitz, 2016)(Blair, 2016)(Cocke, 2016) (Grube, 2016 (PRM))(Kerr, 2016 (GOR))

³ (Department of Justice, 2010)(United Nations Department of PeaceKeeping Operations, 2009)

instead institutionalize currently utilized other models that may fail to meet best practices or ethical standards of conduct.

Again, the recommendation is to simply amendment any language in the bill to strike the any usage of the word "Standards", and replace it with the word "Guidance" As currently written, SB2755-SD1 describes a "Law Enforcement Training and Hiring Guidance Committee," and not a "Police Officers Standards and Certification Board." If the name of the proposed Board was amended within the bills language to reflect a "Training and Hiring Guidance Board," clarity of purpose and transparency of intent would replace the appearance of purposeful subterfuge. While the proposed amendments do not alter the current bill's composition, authority, or scope, the changes would allow SB2755-SD1 to be clear in purpose and intent.

Although in need of amending, I stand in <u>SUPPORT</u> of bill SB2755-SD1 passing forward, but again ask this Committee to amend the bill so that the public may support legislation whose language is clear in purpose and scope.

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- Grube, N. (2016 (PRM), March 1). *Police Reform Bills Forge Ahead In Hawaii Legislature*. Retrieved from Civilbeat.com: http://www.civilbeat.com/2016/03/police-reform-bills-forge-ahead-in-hawaii-legislature/

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 https://www.unodc.org/pdf/criminal_justice/UN_criminal_justice_standards_for_UN_police.pd
 f

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 18, 2016 7:39 PM

To: JUDtestimony

Cc: annsfreed@gmail.com

Subject: Submitted testimony for SB2755 on Mar 22, 2016 14:00PM

SB2755

Submitted on: 3/18/2016

Testimony for JUD on Mar 22, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S Freed	Individual	Support	No

Comments: Aloha Chair Rhoads, Vice Chair San Buenaventura and members, I support the creation of a standards and training board. One would hope that with the many scandals surrounding HPD in particular, that law enforcement would welcome standardization and accreditation for police officers. Mahalo, Ann S. Freed, Mililani

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, 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.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 10:02 AM

To: JUDtestimony

Cc: victor.ramos@mpd.net

Subject: Submitted testimony for SB2755 on Mar 22, 2016 14:00PM

SB2755

Submitted on: 3/21/2016

Testimony for JUD on Mar 22, 2016 14:00PM in Conference Room 325

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

Comments: Training hours for police recruits in all county police departments, by far, exceeds "post training." As the saying goes, "If it aint broke, don't fix it."

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 7:37 PM

To: JUDtestimony

Cc: georgina808@gmail.com

Subject: Submitted testimony for SB2755 on Mar 22, 2016 14:00PM

SB2755

Submitted on: 3/21/2016

Testimony for JUD on Mar 22, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Georgina Mckinley	Individual	Support	No

Comments: I support S.B.2755, S.D.1, which would establish an advisory board to provide guidance and training recommendations in matters relating to law enforcement officers, statewide.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2016 6:17 PM

To: JUDtestimony

Cc: blawaiianlvr@icloud.com

Subject: Submitted testimony for SB2755 on Mar 22, 2016 14:00PM

SB2755

Submitted on: 3/21/2016

Testimony for JUD on Mar 22, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	Yes

Comments: We STRONGLY SUPPORT this bill on the grounds of having checks & balances in law enforcement.

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ON JUDICIARY

March 22, 2016 State Capitol, Room 325 3pm

TESTIMONY REGARDING SB2755-SD1 A BILL ON LAW ENFORCEMENT STANDARDS AND TRAINING BOARD

Greetings Committee Chair Rhoads and other distinguished members of the House Committee on Judiciary, my name is John Figueroa and I study criminal justice here in Honolulu. I am writing to SUPPORT SB2755-SD1 (Law Enforcement Standards and Training Board). Although I believe that there is a problem with the language in the bill that lists "Standards" when the authority of the board is only suggestions is a problem. The bills language clearly says that these "Standards" are voluntary, as are all recommendation of the board.

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March 22, 2016 State Capitol, Room 325 3pm

TESTIMONY REGARDING SB2755-SD1 A BILL ON LAW ENFORCEMENT STANDARDS AND TRAINING BOARD

Greetings Committee Chair Rhoads and other distinguished members of the House Committee on Judiciary, my name is Christina R Badua and I study criminal justice here in Honolulu. I am writing to **SUPPORT** SB2755-SD1 (Law Enforcement Standards and Training Board). Although I believe that there is a problem with the language in the bill that lists "Standards" when the authority of the board is only suggestions is a problem. The bills language clearly says that these "Standards" are voluntary, as are all recommendation of the board.

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March 22, 2016 State Capitol, Room 325 3pm

TESTIMONY REGARDING SB2755-SD1 A BILL ON LAW ENFORCEMENT STANDARDS AND TRAINING BOARD

Greetings Committee Chair Rhoads and other distinguished members of the House Committee on Judiciary, my name is <u>NAME HERE</u> and I study criminal justice here in Honolulu. I am writing to **SUPPORT** SB2755-SD1 (Law Enforcement Standards and Training Board). Although I believe that there is a problem with the language in the bill that lists "Standards" when the authority of the board is only suggestions is a problem. The bills language clearly says that these "Standards" are voluntary, as are all recommendation of the board.

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March 22, 2016 State Capitol, Room 325 3pm

TESTIMONY REGARDING SB2755-SD1 A BILL ON LAW ENFORCEMENT STANDARDS AND TRAINING BOARD

Greetings Committee Chair Rhoads and other distinguished members of the House Committee on Judiciary, my name is Kenneth Clark and I study criminal justice here in Honolulu. I am writing to SUPPORT SB2755-SD1 (Law Enforcement Standards and Training Board). Although I believe that there is a problem with the language in the bill that lists "Standards" when the authority of the board is only suggestions is a problem. The bills language clearly says that these "Standards" are voluntary, as are all recommendation of the board.

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46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Executive Director

TESTIMONY FOR SENATE BILL 2755, SENATE DRAFT 1, RELATING TO A LAW ENFORCEMENT EMPLOYMENT STANDARDS AND TRAINING BOARD

House Committee on Judiciary
Hon. Karl Rhoads, Chair
Hon. Joy A. San Buenaventura, Vice Chair

Tuesday, March 22, 2016, 2:00 AM State Capitol, Conference Room 325

Honorable Chair Rhoads and committee members:

I am Kris Coffield, representing IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 300 local members. On behalf of our members, we offer this testimony <u>in strong support</u> of Senate Bill 2755, SD1, relating to a law enforcement employment standards and training board.

In 2014, the Honolulu Police Department faced three critical credibility challenges. First, during the 2014 legislative session, it was revealed that local law enforcement engaged in sexual penetration during prostitution investigations, a practice that HPD defended before the State Legislature. IMUAlliance drafted and, with the help of lawmakers, passed a bill repealing the statutory exemption allowing that behavior to remain unpunished. Second, in September, Sgt. Darren Cachola was caught on video punching his girlfriend at a Waipahu restaurant. Between May 2013 and September 2014, the Hawaii State Commission on the Status of Women received 38 complaints from women who said officers with the Honolulu Police Department did not respond appropriately to allegations of abuse, approximately one-third of which involved a police officer or a relative of a police officer as the alleged abuser. Finally, in autumn, the theft of HPD Chief Louis Kealoha's mailbox led to allegations of special treatment and impropriety, after crime reduction unit officers were used to arrest the uncle of Kealoha's wife, with whom she was involved in a financial dispute. This incident prompted an FBI investigation.

In 2015, the song has remained the same. In May, HPD officer Vince Morre was charged with violating the civil rights of two men in an unprovoked attack in a Honolulu game room, an incident that occurred the previous September. In March, cell phone video surfaced of HPD officer Siave Seti Jr. slamming a man to the ground in Palolo Valley. Seti can be seen picking up Eric Musrasrik and throwing him onto the concrete, in the video, then attempting to confiscate the cell phone of the person recording video, a clear violation of the individual's First and Fourth Amendment rights. Moreover, throughout the year, IMUAlliance has received complaints about police misconduct toward potential sex trafficking victims, including the continuance of sexual penetration during undercover prostitution stings. Over 50 percent of the 107 sex trafficked victims with whom we worked, in 2015, reported being the subject of police misconduct, including illicit sexual relations and "kickbacks" in which law enforcement officers are paid to turn a blind eye to sexual exploitation, with some victims claiming that such payoffs are frequent and/or regularly scheduled.

As we are seeing throughout the country with movements like "Black Lives Matter," accountability begins at the top. After such an embarrassing biennium for local law enforcement, policymakers must take steps to safeguard the public trust, especially when police departments refuse to take responsibility for themselves. Mahalo for the opportunity to testify <u>in support</u> of this bill.

Sincerely, Kris Coffield Executive Director IMUAlliance





March 22, 2016 State Capitol, Room 325 3pm

TESTIMONY REGARDING SB2755-SD1 A BILL ON LAW ENFORCEMENT STANDARDS AND TRAINING BOARD

Greetings Committee Chair Rhoads and other distinguished members of the House Committee on Judiciary, my name is Henry R. James III I, study criminal justice here in Honolulu. I am writing to SUPPORT SB2755-SD1 (Law Enforcement Standards and Training Board). Although I believe that there is a problem with the language in the bill that lists "Standards" when the authority of the board is only suggestions is a problem. The bills language clearly says that these "Standards" are voluntary, as are all recommendation of the board.

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mailinglist@capitol.hawaii.gov Monday, March 21, 2016 5:31 PM JUDtestimony jagonias21@gmail.com Submitted testimony for SB2755 on Mar 22, 2016 14:00PM image.ipg

SB2755

Submitted on: 3/21/2016

Testimony for JUD on Mar 22, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jessica Agonias	Remington College Criminal Justice	Support	No

Comments:

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