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Telephone (808) 241-4188
Fax (808) 241-6349
Email cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Līhu'e, Kaua'i, Hawai'i 96766

February 10, 2015

LATE TESTIMONY

**TESTIMONY OF GARY L. HOOSER
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON**

SB 677, RELATING TO LAW ENFORCEMENT

Senate Committee on Public Safety, Intergovernmental and Military Affairs

Wednesday, February 10, 2015

1:15 p.m.

Conference Room 229

Dear Chair Espero and Members of the Committee:

My name is Gary L. Hooser and I thank you for the opportunity to submit testimony in support of the intent of SB 677, Relating to Law Enforcement. My testimony is submitted in my capacity as the Public Safety Committee Chair and as an individual Councilmember on the Kaua'i County Council.

I support the intent of SB 677 and applaud Senator Espero for tackling this important and difficult issue. As a Councilmember and Public Safety Committee Chair, I see first-hand the inadequacies and challenges of the blurred lines of administrative authority that now exist between the Police Chief, the Mayor, the Police Commission, and the County Council.

Kaua'i has experienced the situation where our Mayor has attempted to exercise his administrative authority over the Police Chief and the results demonstrate clearly the need for systemic reform.

While I was not serving on the Council at the time, my general observations are that the repercussions of that action resulted in confusion among the ranks, placed officers in an untenable position of having to choose between the Mayor and their Chief, and created a potentially very serious lapse of direct leadership in a core responsibility government, which is public safety.

This matter was taken to court which validated the Mayor's action and is now being appealed by the Kaua'i Police Commission, who apparently believes that the Mayor's action encroached upon their jurisdictional responsibilities.

As a Councilmember, I am keenly aware and frequently frustrated by the underlying question of "who is in charge?"

Chair Espero and Members of the Committee
Re: SB 677, Relating to Law Enforcement
February 10, 2015
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SB 677 is a credible effort to resolve an important element of this jurisdictional conundrum and I encourage the Committee to support this effort and move forward this important conversation. Should you have any questions, please feel free to contact me at (808) 241-4188.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gary Hooser", with a stylized, flowing script.

GARY L. HOOSER
Councilmember, Kaua'i County Council

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 3:44 PM
To: PSMTTestimony
Cc: charlieiona@me.com
Subject: Submitted testimony for SB677 on Feb 10, 2015 13:15PM
Attachments: Aloha Chair Espero and Vice Chair Baker.docx

SB677

Submitted on: 2/9/2015

Testimony for PSM on Feb 10, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Iona	Individual	Oppose	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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Aloha Chair Espero and Vice Chair Baker,

My name is Charles Iona and I am writing in opposition relating to Senate Bill 677. At present I am the vice chairman of the Kauai Police Commission. Having powers given to the mayor of the Kauai County is what is at the heart of a present lawsuit filed by the Kauai Police Commission as it relates to the disciplinary actions that was taken by Mayor Bernard Carvalho against Police Chief Darryl Perry. An initial hearing was heard at the 5th Circuit level whereby the judge ruled in favor of the Mayor. The police commission appealed the judge's decision to the State of Hawaii Intermediate Court of Appeals on the grounds that the ruling judge failed to consider or recognize that an employment agreement exists as it was the basis of Police Chief Darryl Perry accepting the position of police chief back in October of 2007. In this agreement it clearly states that the police chief shall answer to the Mayor for purposes of safety related matters and budgetary matters but all other issues shall be brought forth to the police commission. This goes right to the heart of the powers of the police commission over the police chief. The Intermediate Court of Appeals have not rendered a decision as of yet. The law firm of Goodsill Anderson is representing the police commission.

It was also the police commission's view that by giving the Mayor the sole discretion of power over the police chief and eliminating the police commission's powers would eliminate that buffer that would make the top law enforcement official exposed to political positions if the Mayor so chooses to exercise that power. Keeping the present powers to the commissions in place, the police chief would be kept separate and thus the community would be given assurances that politics is not involved. It is conceivable that should a mayor be given the power to hire the police chief that by the elections process a new police chief could be in place every election year. This would not be good for the community especially when the police chief is so well respected in the community.

I pray that you reconsider your position with this issue. I understand that the Honolulu Police Department is under much scrutiny at this time but by introducing this bill it also penalizes the other counties that are operating within the proper parameters.

Sincerely,

Charles Iona



LATE TESTIMONY

HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

Date February 9, 2015

To: Senator Espero, Chair
Senator Baker, Vice-Chair
COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

From: Marci Lopes, Executive Director
Hawaii State Coalition Against Domestic Violence

RE: SB 677 – STRONG SUPPORT

PLACE: Conference Room 229

DATE and TIME: Tuesday, February 10, 2015 1:15 p.m.

The Hawaii State Coalition Against Domestic Violence is a statewide partnership of 21 domestic violence program and domestic violence shelter providers on 6 of our Hawaiian Islands. Our mission is to engage communities and organizations to end domestic violence through education, advocacy, and action for social justice.

HSCADV supports this Act to allow the mayor of each county the authority to remove the county chief of police with good and just cause.

We hope the committee would look to the Hawaii State Coalition Against Domestic Violence membership and our Survivor Action Committee as a resource and source of support for any needed recommendations.

Marci Lopes, Executive Director



LATE TESTIMONY

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

TESTIMONY FOR SENATE BILL 677, RELATING TO LAW ENFORCEMENT

Senate Committee on Public Safety, Intergovernmental and Military Affairs

Hon. Will Espero, Chair

Hon. Rosalyn H. Baker, Vice Chair

Tuesday, February 10, 2015, 1:15 PM

State Capitol, Conference Room 229

Honorable Chair Espero 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 in support of Senate Bill 677, relating to law enforcement.

In 2014, the Honolulu Police Department faced three critical credibility challenges. First, during the 2014 legislative session, it was revealed that local law enforcement were engaging 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.

Accountability begins at the top. After such an embarrassing year, policymakers must take steps to safeguard the public trust in law enforcement by streamlining accountability, especially when departments refuse to take responsibility for themselves. Mahalo for the opportunity to testify in support of this bill.

Sincerely,
Kris Coffield
Executive Director
IMUAlliance

Good morning senators I am Steven Hamel, I am in my bachelors program for criminal justice at Remington College. This morning we will be discussing S.B. Number 568. The part of the bill I will focus on is section 2 and section 3 of the bill.

The first section I would like to start off with is section two sub section one and three. It states in sub section one, "Three members with significant law enforcement experiences shall be appointed by the governor, in accordance with section 26-34.", and in sub section 3 "Two members who are educators or personnel at Hawaii institution of higher education with significant law enforcement or criminal justice knowledge shall be appointed by the governor, in accordance with section 26-34". These two sub sections are confusing because we don't now what the standard for significant experience or significant knowledge is. For example is significant knowledge just some with a associate degree or is someone with a masters degree. Also is significant experience 10 years or can it be 5 years? It is unclear what that standard is but if those parts say specifically states what that is this bill would be even stronger.

The next section I would like to talk about is section 3 subsection 3 which states, "Establish minimum criminal justice curriculum requirements for basic, specialized and in-service courses and programs for schools operated by or for the State or a county for specific purpose of training law enforcement officers" This is really good because this allows the officers to get that training they need to become officers. It allows them to go to school and to be able to get better critical thinking skills and allow them to hold themselves in a higher standard saying that I'm in expert in this because I went to school for this. Also allows smarter cops In conclusion I feel that this bill has strong points in them that will allow this bill to be a strong bill. Even if you leave the bill the way it is, it is still a great stepping stone in improving our criminal justice field. Thank you senators.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 10, 2015 9:10 AM
To: PSMTestimony
Cc: wusstig@gmail.com
Subject: *Submitted testimony for SB677 on Feb 10, 2015 13:15PM*

SB677

Submitted on: 2/10/2015

Testimony for PSM on Feb 10, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Kenny Wusstig	Individual	Support	No

Comments:

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