

IAN 19 2011

A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that auditor report no.
2 10-06, *Audit of the Department of Public Safety, Sheriff*
3 *Division*, dated June 2010, found several operational
4 deficiencies with the sheriff division of the department of
5 public safety.

6 The purpose of this Act is to protect the public safety and
7 security by ensuring that these deficiencies are corrected
8 effectively and efficiently.

9 SECTION 2. Section 353C-2, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§353C-2 Director of public safety; powers and duties.**
12 [+] (a) [+] The director of public safety shall administer the
13 public safety programs of the department of public safety and
14 shall be responsible for the formulation and implementation of
15 state goals and objectives for correctional and law enforcement
16 programs, including ensuring that correctional facilities and
17 correctional services meet the present and future needs of



1 persons committed to the correctional facilities. In the
2 administration of these programs, the director [may]:

3 (1) [~~Preserve~~] Shall preserve the public peace, prevent
4 crime, detect and arrest offenders against the law,
5 protect the rights of persons and property, and
6 enforce and prevent violation of all laws and
7 administrative rules of the State as the director
8 deems to be necessary or desirable [~~or upon request,~~
9 ~~to assist other state officers or agencies that have~~
10 ~~primary administrative responsibility over specific~~
11 ~~subject matters or programs~~];

12 (2) Upon request and at the director's discretion, assist
13 other state officers or agencies that have primary
14 administrative responsibility over specific subject
15 matters or programs;

16 [~~(2) Train,~~] (3) Shall train, equip, maintain, and
17 supervise the force of public safety officers,
18 including law enforcement and correctional personnel,
19 and other employees of the department;

20 [~~(3) Serve~~] (4) Shall serve process both in civil and
21 criminal proceedings;



1 ~~[-(4) Perform]~~ (5) Shall perform other duties as may be
2 required by law;

3 ~~[-(5) Adopt,]~~ (6) Shall adopt pursuant to chapter 91, rules
4 that are necessary or desirable for the administration
5 of public safety programs; and

6 ~~[-(6) Enter]~~ (7) Shall enter into contracts in behalf of
7 the department and take all actions deemed necessary
8 and appropriate for the proper and efficient
9 administration of the department.

10 [+] (b) [+] The department of public safety shall report to
11 the legislature not later than twenty days prior to the
12 commencement of the 2008 regular session, and every session
13 thereafter, with its achievements, continuing improvements, and
14 ongoing problems in providing the appropriate mental health care
15 to committed persons under its jurisdiction."

16 SECTION 3. (a) The department of public safety shall
17 develop and implement a comprehensive strategic plan to correct
18 the deficiencies in the sheriff division that were reported in
19 Auditor Report No. 10-06, *Audit of the Department of Public*
20 *Safety, Sheriff Division*, dated June 2010. The plan shall,
21 among other things:



S.B. NO. 10

- 1 (1) Pursue accreditation for the sheriff division from the
- 2 Commission on Accreditation for Law Enforcement
- 3 Agencies, Inc. to ensure that proper law enforcement
- 4 policies and procedures are enacted and followed; and
- 5 (2) Correct inefficiencies in the warrant process,
- 6 including:
- 7 (A) Reducing the backlog of warrants to be served by
- 8 the sheriff division;
- 9 (B) Improving the sheriff division's radio system to
- 10 provide adequate and reliable communications
- 11 coverage for on-duty officers in line with
- 12 applicable law enforcement standards of the
- 13 Commission on Accreditation for Law Enforcement
- 14 Agencies, Inc.; and
- 15 (C) Relocating the receiving desk from Halawa
- 16 correctional facility to address the problem of
- 17 having to process a defendant in one location and
- 18 retrieve warrants from another location miles
- 19 away, and to facilitate the process applicable to
- 20 persons who are voluntarily turning themselves
- 21 in; and



1 (3) Address departmental leadership concerns by, among
2 other things, developing and implementing internal
3 controls, in accordance with the Committee of
4 Sponsoring Organizations of the Treadway Commission's
5 internal control-integrated framework, to provide
6 assurance of effectiveness and efficiency of sheriff
7 division operations in meeting the division's goals
8 and objectives.

9 (b) In conjunction with the comprehensive strategic plan,
10 the department shall, among other things:

11 (1) Perform a risk assessment of each section of the
12 sheriff division that, at a minimum, meets the
13 requirements of Act 100, Session Laws of Hawaii 2009,
14 and propose statutory amendments to align the duties
15 and functions of the department and the sheriff
16 division with the findings of the risk assessment; and

17 (2) Adopt rules for the sheriff division, pursuant to
18 chapter 91, Hawaii Revised Statutes, that are
19 necessary to enable the sheriff's division to fulfill
20 its duties and functions.

21 (c) The departments of public safety and transportation
22 shall address the concerns raised by the auditor in Auditor



1 Report No. 10-06, dated June 2010, relating to the provision of
2 security for the State's airports under the jurisdiction of the
3 department of transportation. This includes concerns regarding
4 the provision of deputy sheriffs to neighbor island airports,
5 the autonomy of the sheriff division's airports section, and the
6 ability of the sheriff division's airports section to respond to
7 emergencies outside the airport area.

8 (d) No later than twenty days prior to the convening of
9 the regular session of 2012, the department of public safety
10 shall submit to the legislature a report on how it has corrected
11 the deficiencies pointed out in the Auditor Report No. 10-06 and
12 this section. The report shall include, among other things, a
13 status report of the department's actions to correct the
14 deficiencies, the department of public safety's comprehensive
15 strategic plan, and the department's findings and
16 recommendations on the scope of functions of the department of
17 public safety, including recommended statutory amendments to be
18 enacted in the regular session of 2012. The report shall
19 include information required by Act 100, Session Laws of Hawaii
20 1999, regarding the inclusion of a statement of goals, how each
21 goal will be accomplished, an action plan with an implementation



1 timetable, and a process to measure the performance of the
2 programs and services.

3 SECTION 4. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so
5 much thereof as may be necessary for fiscal year 2011-2012 and
6 the same sum or so much thereof as may be necessary for fiscal
7 year 2012-2013 for the sheriff's division for purposes of this
8 Act; provided that none of the moneys appropriated shall be used
9 for the corrections division or for administrative expenses of
10 the department of public safety.

11 The sums appropriated shall be expended by the department
12 of public safety for the purposes of this Act.

13 SECTION 5. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 6. This Act shall take effect upon its approval;
16 provided that section 4 shall take effect on July 1, 2011.

17

INTRODUCED BY: Thomas Chun Oakland

Ma'amae *Will Egan*
Malama from Mike Hubbard



Report Title:

Department of Public Safety; Sheriff's Division; Appropriation

Description:

Addresses the operational deficiencies of the sheriff division of the department of public safety that were highlighted in the auditor's audit of the division. Makes appropriation.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

