

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

ROBERT K. MASUDA
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 Senate Committees on
JUDICIARY
and
WAYS AND MEANS**

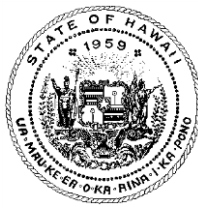
**Thursday, March 29, 2018
10:30 AM
State Capitol, Conference Room 211**

**In consideration of
HOUSE BILL 2071, HOUSE DRAFT 2, SENATE DRAFT 1
RELATING TO LAW ENFORCEMENT**

House Bill 207, House Draft 2, Senate Draft 1 proposes to establish a law enforcement standards board for the certification of county police officers, state public safety officers and employees of the Department of Transportation and Department of Land and Natural Resources (Department) with police powers. **The Department supports this bill, provided that its passage does not replace or adversely impact priorities indicated in the Executive Supplemental Budget request.**

The Department believes that collaboration amongst law enforcement agencies and the other proposed members of this board to create standards pertaining to training and certification of law enforcement officers is a positive step. The Department supports consistency of training and other standards to be employed as a law enforcement officer in Hawaii.

Thank you for the opportunity to testify on this measure.



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

Renee R. Sonobe Hong
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 2071, HOUSE DRAFT 2, SENATE DRAFT 1
RELATING TO LAW ENFORCEMENT

by

Nolan P. Espinda, Director
Department of Public Safety

Senate Committee on Judiciary
Senator Brian T. Taniguchi, Chair
Senator Karl Rhoads, Vice Chair

Senate Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

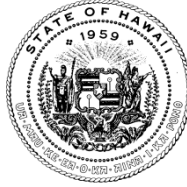
Thursday, March 29, 2018; 10:30 a.m.
State Capitol, Conference Room 211

Chairs Taniguchi and Dela Cruz, Vice Chairs Rhoads and Keith-Agaran, and
Members of the Committee:

The Department of Public Safety (PSD) **supports the intent of House Bill (HB) 2071, House Draft (HD) 2, Senate Draft 1 (SD) 1**, which would establish a law enforcement standards board for the certification of law enforcement officers and training, and further, create a law enforcement standards board special fund. PSD, however, offers comments of concern.

Sections 7 and 8 address revocation or suspension of certifications and investigations. The Department notes that any provisions of this proposed bill should not violate or be inconsistent with the law enforcement officers' collective bargaining agreement, which is BU 13 for Narcotics Enforcement Investigators and Internal Affairs Investigators, under PSD.

Thank you for the opportunity to present this testimony.



Testimony by:
JADE T. BUTAY
DIRECTOR

Deputy Directors
ROY CATALANI
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

March 29, 2018
10:30 a.m.
State Capitol, Room 211

H.B. 2071, H.D. 2, S.D. 1

RELATING TO LAW ENFORCEMENT

Senate Committee on Judiciary
and
Senate Committee on Ways and Means

The Department of Transportation (DOT) **supports** H.B. 2071, H.D. 2, S.D. 1 Relating to Law Enforcement.

The purpose of this bill is to establish a law enforcement standards board for the certification of county police officers, safety public officers, and employees of the department of transportation and land and natural resources with police powers.

The DOT recognizes that the law enforcement profession is currently faced with many complex situations, integrity challenges, and a multitude of new criminal elements (*i.e.*, insider threat, active shooters, terrorism, etc.) and techniques (diversion of law enforcement response teams to determine response time and methods). There are concerns that some law enforcement agencies may rely on outdated standards and certification processes, policies and procedures, rules and regulations and recruitment and training standards to address these new challenges and may not have consistent standards and certifiable.

To review and address such concerns, the DOT agrees that a law enforcement standards board is a proper mechanism to support the development and establishment of comprehensive entry level minimal qualification standards along with congruent certifiable screening of an applicant's knowledge, skills and abilities, testing (physical fitness), evaluation (mental stability), background checks for previous work performance history, administrative misconducts and criminal of all qualified applicants for state law enforcement positions. This board may also systematically review and, where needed, improve internal controls to ensure fair and equitable application of these standards by the various agencies.

The DOT looks forward to being part of the proposed law enforcement working group.

Thank you for the opportunity to provide testimony.



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2018**

ON THE FOLLOWING MEASURE:

H.B. NO. 2071, H.D. 2, S.D. 1, RELATING TO LAW ENFORCEMENT.

BEFORE THE:

SENATE COMMITTEES ON JUDICIARY AND ON WAYS AND MEANS

DATE: Thursday, March 29, 2018 **TIME:** 10:30 a.m.

LOCATION: State Capitol, Room 211

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Lance Goto,
Deputy Attorney General, at 586-1160.)

Chairs Taniguchi and Dela Cruz and Members of the Committees:

The Department of the Attorney General ("the Department") appreciates the intent of this bill, but respectfully recommends the creation of a working group to study and evaluate the development of minimum standards for law enforcement and the establishment of a certification program for law enforcement officers.

The purpose of this bill is to establish an unpaid fourteen-member law enforcement standards board, in the Department, that will be responsible for the following:

- (1) Develop minimum standards for state and county law enforcement officers in this State;
- (2) Establish and maintain curriculum and training programs for the officers;
- (3) Establish and require participation in continuing education programs for the officers; and
- (4) Manage a certification program for the officers that includes certification of officers, enforcement of certification requirements, investigations of officers, conducting revocation proceedings, and revoking certifications.

The Department recognizes the value in establishing minimum standards for law enforcement officers and in making sure that those standards are met. The Department

also recognizes that we have many different types of law enforcement officers in this state who have different functions, duties, and responsibilities.

While the Department greatly appreciates the intent of this bill, the Department is concerned that the law enforcement standards board proposal is inadequate and premature. The issues of law enforcement standards and certification require further study and evaluation. This bill creates an unpaid law enforcement standards board with great responsibilities. In fact, the proposed scope of the functions and responsibilities of the board appears to require the establishment of not just the board, but both training and regulatory agencies, that are not included in the bill. The training entity would work on curriculum requirements. To implement the training for state law enforcement, a state law enforcement training academy may need to be established. A regulatory agency may also need to be established to work on certification requirements and a certification program, and the administration and enforcement of that program.

Section 6 of the bill, on page 12, requires all law enforcement officers in the State to be certified by July 1, 2019. It is an extremely ambitious goal. If all law enforcement officers are not certified by that date, law enforcement agencies may not have adequate personnel to enforce the law and address public safety concerns.

The Department strongly supports the creation of a working group, such as that proposed by Senate Bill No. 2427, S.D. 2, H.D. 1, Relating to Law Enforcement. That working group, administratively attached to the Department, and consisting of representatives of state and county law enforcement, human resources development, and the community, would evaluate the issues of standards and certification and make recommendations to the Legislature.

The Department has concerns about specific provisions in the bill. The Department has some concerns about section -3 of the new chapter in the bill, which begins at the bottom of page 5. This section establishes the powers and duties of the board. But some of the powers and duties are not clearly established. It does not clearly establish the responsibilities to certify all law enforcement officers and to revoke the certification of officers. On page 6, lines 3-5, the bill provides that the board shall establish minimum standards for employment and certification of law enforcement

officers. On page 7, lines 16-18, the bill gives the board the authority to collect fees for certifications. And on page 7, lines 19-20, the bill provides that the board shall establish procedures and criteria for revocation of certifications issued by the board. Section -3, however, does not clearly set out the board duty and authority to certify officers and revoke certifications.

The board's duty and authority regarding training curriculum and training schools and programs are also unclear. On page 6, lines 10-14, the bill provides that the board shall establish minimum criminal justice curriculum requirements for schools training law enforcement officers. This seems to suggest that the board will provide minimum curriculum requirements to the schools. It is not clear that these requirements are mandatory and will be enforced by the board.

On page 6, lines 15-19, the bill provides that the board will "consult and cooperate" with agencies and educational institutions "concerning the development of law enforcement training schools and programs of criminal justice instruction". It is not clear what this means, especially when considering section -5 of the new chapter, on page 8, lines 8-11:

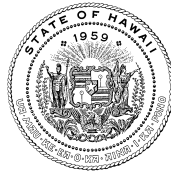
The board shall establish and maintain law enforcement training programs through agencies and institutions deemed appropriate by the board for applications for certification.

It appears that the board is responsible for establishing and maintaining training programs through other agencies and institutions. But it is not clear how that would be accomplished.

On page 7, lines 14-15, the bill provides that the board will establish and require participation in continuing education programs for law enforcement. It appears to require the board to establish and operate these programs, and enforce participation in these programs by law enforcement officers statewide.

The Department appreciates the opportunity to provide comments, and respectfully recommends the creation of a working group to study and evaluate the development of minimum standards for law enforcement and the establishment of a certification program for law enforcement officers.

DAVID Y. IGE
GOVERNOR



LAUREL A. JOHNSTON
DIRECTOR

KEN N. KITAMURA
ACTING DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

**STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE**

P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY

TESTIMONY BY LAUREL A. JOHNSTON
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEES ON JUDICIARY AND WAYS AND MEANS
ON
HOUSE BILL NO. 2071, H.D. 2, S.D. 1

**March 29, 2018
10:30 a.m.
Room 211**

RELATING TO LAW ENFORCEMENT

House Bill No. 2071, H.D. 2, S.D. 1, establishes a Law Enforcement Standards Board (LESB) for certification of law enforcement officers, the LESB Special Fund to defray the expenses of the LESB, appropriates an unspecified amount of general funds for FY 19 to be deposited into the LESB Special Fund, and an unspecified special fund appropriation.

While the Department of Budget and Finance takes no position on the State certification of law enforcement officers, as a matter of general policy, the department does not support the creation of any special fund which does not meet the requirements of Section 37-52.3, HRS. Special funds should: 1) serve a need as demonstrated by the purpose, scope of work and an explanation why the program cannot be implemented successfully under the general fund appropriation process; 2) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries or a clear link between the program and the sources of revenue; 3) provide an appropriate means of financing for the program or activity; and 4) demonstrate the capacity to be financially self-sustaining. With regards to House Bill No. 2071, H.D. 2, S.D. 1, it is difficult to determine whether the special fund will be financially self-sustaining.

Thank you for your consideration of our comments.



Aloha Chairs Taniguchi and Dela Cruz, members of the Senate Committees on the Judiciary, and Ways & Means,

On behalf of the 653 registered members of the Young Progressives Demanding Action (YPDA) Hawaii, I would like to express support for the intent of HB2071 HD2 SD1. We support the concept of collaboration amongst law enforcement agencies and other proposed members of this board to create standards pertaining to training and certification of law enforcement officers. Consistency of training and other standards makes perfect sense for law enforcement in Hawaii. Other forms of standardization administered through such a body could lead to cost-saving policies as well.

We would note that the approach outlined by this bill stands in contrast to SB2909, which seeks to study the feasibility of direct consolidation of certain law-enforcement divisions, which we think is a mistake given the jurisdictions of these divisions. A consolidation of the Department of Land and Natural Resources, Division of Conservation and Resources Enforcement (DOCARE); the Department of Public Safety state law enforcement officers and the narcotics enforcement division; and the Department of Transportation harbors division to a newly created enforcement division of the Office of the Attorney General would be difficult to properly execute, could have unintended consequences, and seems unlikely to save money.

Creating a standardized level of training and professionalism between these agencies and represents a much better approach to saving money and making logistics more simple and direct. But the two approaches cannot exist at the same time.

Major savings in the coming years will not come by consolidating agencies. What is more urgent is to examine how consolidation of law enforcement **support services** can improve the state's allocation of finite resources to achieve the broadest goals. It is in the areas of **capital and technology** that all law enforcement agencies share a common need, and the state stands to gain the most benefit through improved operations and optimized cost.

Every day, data is pulled from law enforcement areas such as court systems, jail records, prison records, driving records, sex offender records, among others; future data sources could include wildlife records and handgun ownership records. A pilot system could provide multiple law enforcement agencies both image and text information so that, as law enforcement officers conduct investigations and/or are actively involved in an immediate law enforcement activity, they will have complete information about individuals from all data sources that might have a bearing on the case.

Such a project could involve a wide range of agencies in the design. This is just one example of a possible initiative where the potential is great for addressing a common problem through consolidated action, while the results can be much more cost-effective than if each agency tried to address it individually.

Many law enforcement agencies, in addition to their recertification training, offer specialized courses that may have applicability across agency lines. Financial crimes, drug diversion, environmental crimes, and gang awareness, are just a few of the kinds of specialized training that could be helpful to other agencies. But, at the present time, there is no systematic way to share information about courses in which others might wish to participate. Designating one agency to be the keeper of such a shared service could be beneficial.

If the state does not have term contracts for law enforcement equipment, such as weapons, personal protective gear and holsters, yet the data shows that the majority of agencies are using a small number of brands, with varying costs, then—without dictating types of weapons and related gear—the state could perform a valuable function by surveying both state and local law enforcement agencies to gather their annual buying requirements and time frames, and issuing solicitations on their behalf. This kind of leveraging could save money at both the state and local level, and would support agencies' current choices in a positive manner.

As previously noted, the efforts to bring together the state law enforcement partners, technologies and experts to assess the needs, develop a comprehensive strategy, and work jointly to carry it out appears to be a good model that holds promise. We therefore recommend that the committees pass this bill, and that the legislature abandon proposals to consolidate diverse and disparate law enforcement agencies within the Attorney General's office.

Mahalo,

Will Caron
Social Justice Action Committee Chair

HB-2071-SD-1

Submitted on: 3/23/2018 9:37:30 PM

Testimony for JDC on 3/29/2018 10:30:00 AM

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

Comments:

HB-2071-SD-1

Submitted on: 3/23/2018 9:12:12 PM

Testimony for JDC on 3/29/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

Comments:

I am a private citizen. We, the public, need htis law desperately.

Please support.

Lynne Matusow

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org

LATE

KIRK CALDWELL
MAYOR



SUSAN BALLARD
CHIEF

JOHN D. MCCARTHY
JONATHON GREMS
DEPUTY CHIEFS

OUR REFERENCE **JM-NC**

March 29, 2018

The Honorable Brian T. Taniguchi, Chair
and Members
Committee on Judiciary
The Honorable Donovan M. Dela Cruz, Chair
and Members
Committee on Ways and Means
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 211
Honolulu, Hawaii 96813

Dear Chairs Taniguchi and Dela Cruz and Members:

SUBJECT: House Bill No. 2071, H.D. 2, S.D. 1, Relating to Law Enforcement

I am John D. McCarthy, Deputy Chief of the Field Operations of the Honolulu Police Department (HPD).

The HPD opposes House Bill No. 2071, H.D. 2, S.D. 1, Relating to Law Enforcement, which would create statewide law enforcement standards.

Currently, the HPD requires that newly hired recruits complete 1,080 hours of training and pass numerous administrative and physical tests prior to graduation. These graduates then participate in a 16-week Field Training and Evaluation Program, which they must pass before receiving their first full-duty assignment. This amount of training is one of the highest in the nation and ensures that the City and County of Honolulu gets the best possible police officers.

Annually, officers receive a minimum of 24 hours training and additional online training and re-certifications. Officers assigned to specialized divisions (such as the Criminal Investigation, Narcotics/Vice, or Traffic Divisions) receive even more training within their specialty.

The Honorable Brian T. Taniguchi, Chair
and Members
The Honorable Donovan M. Dela Cruz, Chair
and Members
March 29, 2018
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The HPD is also accredited by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) with the Law Enforcement Advanced Accreditation Gold Standard, the highest level of accreditation given to law enforcement agencies. Annually, the HPD must meet more than 484 standards set by the CALEA. With the planned addition of our body-worn camera and unmanned aerial vehicle or drone programs, we expect this number to well exceed 500.

Section 2, § -2 of this bill would establish minimum standards for law enforcement officers throughout the State of Hawaii by first creating a law enforcement standards board. The purpose of the board shall be to provide programs and standards for training and certification of law. While the HPD would be a part of this board, we are concerned that we would be under represented considering that we would be impacted hardest by any decisions made by this board. Looking further, the same would be true for the four county police departments considering the fact that we make up the greatest number of law enforcement officers in the state with primary law enforcement duties for our respective counties. Also, in (1) (E) rather than Chiefs of Police of the four counties, it should be changed to Chiefs of Police or their designees. The Chief of the HPD, like other chiefs of police, have demanding jobs that does not necessarily allow them time for this type of assignment. Allowing them to use their discretion, as is often done in law, would still insure the integrity of this board.

Section 2, § -3 would establish the powers and duties of the board. We feel that this section is overly ambitious and not clearly defined. For example, § -3 (4) would establish minimum criminal justice curriculum requirements for basic, specialized, and in-service courses and programs for schools operated by or for the state or county for the specific purpose of training law enforcement officers. As stated earlier, the HPD already does this and has one of the most exhaustive programs.

Without a sizeable full-time staff and facilities, we believe that this cannot be accomplished. Currently, the HPD has a dedicated police academy facility with a staff of 55 full-time personnel assigned to the Training Division. An undertaking such as what is being sought in this bill would require a much larger staff and more resources to accomplish this task.

It is also worthy to note that the HPD is already taking steps to review its training curriculum. We are evaluating shortened training for those recruits that have degrees in criminal justice and/or experience in law enforcement that would make parts of the training redundant and unnecessary. With our current personnel shortage, this would

The Honorable Brian T. Taniguchi, Chair
and Members
The Honorable Donovan M. Dela Cruz, Chair
and Members
March 29, 2018
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do well to speed up the process of filling our more than 150 vacant positions and much needed additional positions. Make no mistake though, the HPD will not sacrifice short cuts for quality and pledges to maintain training at its highest level.

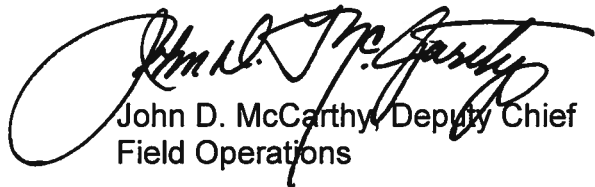
We are concerned that the extra layer of bureaucracy created by this bill will add costs to the HPD and not necessarily serve the needs of the communities on O'ahu. Each of the four county police departments have unique needs and services that they provide. We are in constant communication to share thoughts and seek solutions to common and future problems. We have found that not everything works for all of us, and the methods we employ have to suit our community needs.

This bill seems to fail taking into account that the HPD is one of the highest independently accredited police departments in the nation. We constantly review our practices and procedures to conform to community needs, technology, and modern policing methods.

It is for these reasons that we oppose House Bill No. 2071, H.D. 2, S.D. 1, and urge your committees not to pass this legislation.

Mahalo for allowing the HPD to provide comments on this bill.

Sincerely,


John D. McCarthy, Deputy Chief
Field Operations

APPROVED:


Susan Ballard
Chief of Police