

JAN 19 2018

A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

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

1 SECTION 1. The legislature finds that consistency in
2 recruitment and training are key for state law enforcement
3 agencies. There are no existing statewide standards for
4 recruitment and training for law enforcement personnel within
5 the sheriff's division, harbor police, airport police, and
6 conservation and resources officers. There are also law
7 enforcement personnel in the department of the attorney general
8 and department of taxation who carry guns, wear badges, and have
9 arrest powers. All these types of personnel could benefit from
10 statewide standards.

11 A recent incident within the department of land and natural
12 resources involved a Honolulu police officer who was fired from
13 the county, subsequently hired by the department of land and
14 natural resources, and ultimately charged with sexual assault of
15 a minor. This incident highlights the need to have statewide
16 recruitment and hiring standards. Ongoing training issues for
17 personnel in harbors, airports, and the sheriff's division also



1 suggest the need to consolidate training among state agencies
2 and to provide standards and policies across the board that
3 impact all state law enforcement officers.

4 The legislature further finds that Hawaii is currently one
5 of the few states that has no statewide standards for law
6 enforcement personnel at the county or state level. A
7 certification and de-certification process for state law
8 enforcement officers would be a significant positive step to
9 further professionalize our law enforcement.

10 The intent of the legislature is to create cost savings,
11 efficiencies in operations, and consistency in hiring of law
12 enforcement personnel within state government, as well as
13 establish statewide standards to improve law enforcement
14 personnel. It is also the intent of the legislature to
15 ultimately create a state certification process for state law
16 enforcement personnel.

17 The purpose of this Act is to:

- 18 (1) Require the governor to appoint a law enforcement
19 working group to recommend professional recruitment,
20 hiring, and training standards for all state law



1 enforcement officers who carry firearms and badges and
2 who have arrest authority; and

3 (2) Prohibit a law enforcement officer who has been
4 terminated for misconduct by a state or county
5 department, agency, or office in the capacity of law
6 enforcement from being hired by another state or
7 county law enforcement department, agency, or office.

8 SECTION 2. (a) The governor shall appoint a law
9 enforcement working group to be administratively attached to the
10 department of public safety. The purpose of the working group
11 shall be to recommend a process and minimum requirements for
12 certification and de-certification of all state law enforcement
13 officers by establishing professional recruitment, hiring, and
14 training standards for all state law enforcement officers who
15 carry firearms and badges and who have arrest authority.

16 (b) The law enforcement working group shall consist of the
17 following members:

18 (1) The state sheriff or the state sheriff's designee;

19 (2) A representative of the division of conservation and
20 resources enforcement of the department of land and
21 natural resources;



- 1 (3) A representative of the harbors division of the
2 department of transportation;
- 3 (4) A representative of the airports division of the
4 department of transportation;
- 5 (5) A representative of the department of the attorney
6 general;
- 7 (6) A representative of the compliance division of the
8 department of taxation;
- 9 (7) The director of human resources development or the
10 director's designee; and
- 11 (8) Two community members to be appointed by the governor
12 without regard to section 26-34 and who have at least
13 five years experience in criminal justice, academia,
14 non-profit, or private sector human resource
15 management.
- 16 (c) In addition to subsection (b), the president of the
17 senate and the speaker of the house of representatives shall
18 each appoint to the law enforcement working group one individual
19 with at least ten years of experience in law enforcement at the
20 state, federal, or county level; provided that the individual
21 shall no longer be employed in a law enforcement capacity.



1 (d) The law enforcement working group shall meet at least
2 twice in each quarter of a year. All meetings of the law
3 enforcement working group shall be subject to the requirements
4 of chapters 91 and 92, Hawaii Revised Statutes.

5 (e) The law enforcement working group shall:

6 (1) Make a preliminary report to the legislature by
7 December 1, 2020; provided that prior to the
8 completion of the report, the law enforcement working
9 group shall hold at least two public hearings to
10 receive public testimony and comments on a draft of
11 the report; and

12 (2) Make a final report to the legislature by December 1,
13 2021, which shall include recommendations for
14 statewide recruitment standards, hiring standards, and
15 training standards for all law enforcement officers in
16 order to be certified by the State to serve as a law
17 enforcement officer; provided that at a minimum, all
18 state law enforcement officers shall be required to be
19 high school graduates.

20 (f) The law enforcement working group shall cease to exist
21 on May 31, 2022.



1 SECTION 3. Chapter 28, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§28- Hiring of terminated law enforcement officer
5 prohibited. A law enforcement officer who has been terminated
6 for misconduct by a state or county department, agency, or
7 office in the capacity of law enforcement shall not be hired by
8 another state or county law enforcement department, agency, or
9 office. The department of the attorney general shall be
10 responsible for maintaining a list of all law enforcement
11 officers who have been terminated or forced to resign for
12 misconduct by a state or county department, agency, or office."

13 SECTION 4. New statutory material is underscored.

14 SECTION 5. This Act shall take effect upon its approval.

15

INTRODUCED BY: Clarena K. Michikawa
Will Ezer

S.B. NO. 2427

Report Title:

Law Enforcement; Working Group; Misconduct; Termination

Description:

Creates a temporary law enforcement working group to make recommendations to the legislature on establishing professional recruitment, hiring, and training standards for all state law enforcement officers who carry firearms and badges and who have arrest authority. Prohibits a law enforcement officer who has been terminated for misconduct by a state or county department, agency, or office in the capacity of law enforcement from being hired by another state or county law enforcement department, agency, or office.

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

