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# A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

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

1 Part I

2 SECTION 1. The legislature finds that public trust in law  
3 enforcement is critical to ensuring justice for all under the  
4 law. The legislature further finds that the difficult and often  
5 dangerous job of law enforcement is safer, easier, and more  
6 effectively executed when citizens trust those empowered to  
7 serve and protect them.

8 The purpose of this Act is to enhance the public's trust in  
9 law enforcement and standardize best practices between the  
10 counties by:

11 (1) Amending the law enforcement officer independent  
12 review board to:

13 (A) Require review of any specific incident of  
14 alleged misconduct recommended by certain  
15 officials;

16 (B) Require members to serve four-year terms; and

17 (C) Make it a permanent board; and



1 (2) Amending the membership of the law enforcement  
2 standards board and extending member's terms to four  
3 years.

4 Part II

5 SECTION 2. Section 28-152, Hawaii Revised Statutes, is  
6 amended as follows:

7 1. By amending subsection (a) to read:

8 "(a) There is established a law enforcement officer  
9 independent review board that is placed within the department of  
10 the attorney general for administrative purposes only. The  
11 board shall be responsible for reviewing [~~criminal~~]:

12 (1) Criminal investigations of incidents of officer-  
13 involved death conducted by law enforcement agencies  
14 and issuing recommendations to the prosecuting  
15 attorney of the county in which the incident  
16 occurred[-]; and

17 (2) Any specific incident of alleged misconduct  
18 recommended by one or more of the following officials  
19 as deserving of review:

20 (A) The attorney general;

21 (B) The director of public safety;



- 1           (C) The mayor of the county in which the incident
- 2           occurred;
- 3           (D) The police commission of the county in which the
- 4           incident occurred;
- 5           (E) The chief of police of the county in which the
- 6           incident occurred; or
- 7           (F) A county council member of the district in which
- 8           the incident occurred."

9           2. By amending subsection (e) to read:

10           "(e) The members of the board shall serve without

11 compensation for [~~terms specified by the appointing authority,~~

12 a term of four years, but shall be reimbursed for expenses,

13 including travel expenses, incurred in the performance of their

14 duties."

15           SECTION 3. Act 161, Session Laws of Hawaii 2016, is

16 amended by amending section 7 to read as follows:

17           "SECTION 7. This Act shall take effect on July 1, 2017;

18 provided that:

- 19           (1) Section 4 of this Act shall take effect on July 1,
- 20           2016; and



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1           (2) The sum appropriated by section 4 of this Act shall  
 2           serve as the source of funding for the establishment  
 3           of the law enforcement officer independent review  
 4           board and expenses arising in connection with the  
 5           board[ ~~and~~

6           ~~(3) This Act shall be repealed on June 30, 2022, and~~  
 7           ~~section 712A-16, Hawaii Revised Statutes, shall be~~  
 8           ~~reenacted in the form in which it read on June 30,~~  
 9           ~~2017]."~~

### Part III

11           SECTION 4. Section 139-2, Hawaii Revised Statutes, is  
 12 amended to read as follows:

13           "**[~~§~~139-2~~]~~ Law enforcement standards board;**

14 **establishment.** (a) There is established the law enforcement  
 15 standards board within the department of the attorney general  
 16 for administrative purposes only. The purpose of the board  
 17 shall be to provide programs and standards for training and  
 18 certification of law enforcement officers. The law enforcement  
 19 standards board shall consist of the following voting members:  
 20 nine ex officio individuals[~~, two law enforcement officers,~~] or  
 21 their designees and [~~four~~] five members of the public.



1 (1) The nine ex officio members of the board shall consist  
2 of the:

3 (A) Attorney general[+] or the attorney general's  
4 designee;

5 (B) Director of public safety[+] or the director's  
6 designee;

7 (C) Director of transportation or the director's  
8 designee;

9 (D) Chairperson of the board of land and natural  
10 resources or the chairperson's designee;

11 (E) Director of taxation or the director's designee;  
12 and

13 (F) Chiefs of police of the four counties[+] or the  
14 designees of each of the chiefs of police; and

15 [~~(2)~~] ~~The two law enforcement officers shall each have at~~  
16 ~~least ten years of experience as a law enforcement~~  
17 ~~officer and shall be appointed by the governor; and~~

18 ~~(3)]~~ (2) The [~~four~~] five members of the public shall  
19 consist of one member of the public each from [~~each of~~  
20 ~~the four counties~~] the counties of Hawaii, Maui, and  
21 Kauai and two members of the public from the city and



1           county of Honolulu, and shall be appointed by the  
2           governor. [~~At least two of the four~~] The five members  
3           of the public holding a position on the board at any  
4           given time shall:

5           (A) Possess a master's or doctorate degree related to  
6           criminal justice;

7           (B) Possess a law degree and have experience:

8                 (i) Practicing in Hawaii as a deputy attorney  
9                 general, a deputy prosecutor, deputy public  
10                defender, or private criminal defense  
11                attorney; or

12               (ii) Litigating constitutional law issues in  
13                Hawaii;

14           (C) Be a recognized expert in the field of criminal  
15           justice, policing, or security; or

16           (D) Have work experience in a law enforcement  
17           capacity; provided that experience in a county  
18           police department shall not itself be sufficient  
19           to qualify under this paragraph.

20           (b) The [~~law enforcement officers and the~~] members of the  
21           public on the board shall serve for a term of [~~three~~] four



1 years[~~7~~]; provided that the initial terms shall be staggered, as  
2 determined by the governor.

3 (c) The [~~law enforcement officers and the~~] members of the  
4 public on the board shall receive no salary for their duties as  
5 members of the board, but shall be entitled to reimbursement for  
6 expenses, including travel expenses, necessary for the  
7 performance of their duties as board members."

8 SECTION 5. Section 139-3, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "**§139-3 Powers and duties of the board.** The board shall:

- 11 (1) Adopt rules in accordance with chapter 91 to implement  
12 this chapter;
- 13 (2) Establish minimum standards for employment as a law  
14 enforcement officer and to certify persons to be  
15 qualified as law enforcement officers;
- 16 (3) Establish criteria and standards in which a person who  
17 has been denied certification, whose certification has  
18 been revoked by the board, or whose certification has  
19 lapsed may reapply for certification;
- 20 (4) Establish minimum criminal justice curriculum  
21 requirements for basic, specialized, and in-service



1 courses and programs for schools operated by or for  
2 the State or a county for the specific purpose of  
3 training law enforcement officers;

4 (5) Consult and cooperate with the counties, agencies of  
5 the State, other governmental agencies, universities,  
6 colleges, and other institutions concerning the  
7 development of law enforcement officer training  
8 schools and programs of criminal justice instruction;

9 (6) Employ, subject to chapter 76, an administrator and  
10 other persons necessary to carry out its duties under  
11 this chapter;

12 (7) Investigate when there is reason to believe that a law  
13 enforcement officer does not meet the minimum  
14 standards for employment, and in so doing, may:

15 (A) Subpoena persons, books, records, or documents;

16 (B) Require answers in writing under oath to  
17 questions asked by the board; and

18 (C) Take or cause to be taken depositions as needed  
19 in investigations, hearings, and other  
20 proceedings,

21 related to the investigation;





- 1 (8) Establish and require participation in continuing  
2 education programs for law enforcement officers;
- 3 (9) Have the authority to charge and collect fees for  
4 applications for certification as a law enforcement  
5 officer;
- 6 (10) Establish procedures and criteria for the revocation  
7 of certification issued by the board;
- 8 (11) Have the authority to revoke certifications; [~~and~~]
- 9 (12) Review and recommend statewide policies and procedures  
10 relating to law enforcement, including the use of  
11 force[~~+~~];
- 12 (13) Consider studies relevant to the board's objectives,  
13 including but not limited to the study that examines  
14 consolidating the law enforcement activities and  
15 responsibilities of various state divisions and  
16 agencies under a single, centralized state enforcement  
17 division or agency, conducted pursuant to Act 124,  
18 Session Laws of Hawaii 2018; and
- 19 (14) Conduct its own study to evaluate how to efficiently  
20 and effectively satisfy its duties in accordance with  
21 the law."



1 Part IV

2 SECTION 6. Statutory material to be repealed is bracketed  
3 and stricken. New statutory material is underscored.

4 SECTION 7. This Act shall take effect upon its approval.

5

INTRODUCED BY:



JAN 27 2021



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**Report Title:**

Law Enforcement Officers; Independent Review Board; Standards Board

**Description:**

Amends the law enforcement officer independent review board to include review of any specific incident of alleged misconduct recommended by certain officials and make it a permanent board. Amends the membership of the law enforcement standards board. Amends the term for members of each board to four years.

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