



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

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**The Twenty-Fifth Legislature, State of Hawaii
House of Representatives
Committee on Water, Land, & Ocean Resources**

**Testimony by
Hawaii Government Employees Association
March 13, 2009**

**H.C.R. 103 and H.R. 83 –
REQUESTING THE DIVISION OF
CONSERVATION AND RESOURCES
ENFORCEMENT TO APPLY FOR
ACCREDITATION WITH THE
COMMISSION ON ACCREDITATION
FOR LAW ENFORCEMENT
AGENCIES, INC.**

The Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO, supports the purpose and intent of H.C.R. 103 and H.R. 83, which would allow for application into the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA).

In today's litigious environment, state and local governments are increasingly being sued and held liable for actions committed by public employees. Activities involving public safety personnel are the source of a significant percentage of these lawsuits. This can be particularly worrisome for public safety agencies that are operating under out-dated or non-existent policies and procedures.

The adoption of performance standards, which serve to reduce risk exposures associated with these activities, is strongly encouraged. One of the best defenses against lawsuits brought against a public safety agency is that the agency was acting properly, in accordance with established, written policies that meet CALEA Standards.

The importance of clearly written and legal policies and procedures as a tool for stating management expectation and performance standards cannot be overestimated. Directives establish a specific code of acceptable behavior, as well as guide the officer in decision making. Directives also serve as an official notice of the intent of management on specific issues. With a properly established policy and procedure directive system, controversy about official department policy on critical and sensitive issues will decrease.

Hawaii State House of Representatives, Committee on Water, Land & Ocean
Resources
Re: H.C.R. 103 and H.R. 83
March 13, 2009
Page 2

A comprehensive policy and procedures directive system should address: patrol operation, criminal investigations, vehicle pursuit, vehicle operations, deadly force, non-deadly force, firearms, property and evidence control, communications, vice and drug enforcement, juvenile operations, records, training, fiscal management, organizational structure, mutual aid, special operations, crime prevention, community relations, internal affairs, public information, traffic enforcement, accident investigation, victim/witness assistance, prisoner transportation, holding facility operations, court security, and others.

Agencies that seek accreditation are required to comply only with those standards that are specifically applicable to them. Applicability is based on two factors: DOCARE's size and its functions. Applicable standards are categorized as mandatory or other-than-mandatory. If an agency cannot comply with a standard because of legislation, labor agreements, court orders, or case law, waivers can be sought from CALEA

The standards prescribe "what" agencies should be doing, not "how" they should be doing it.

Thank you for the opportunity to testify in support of H.C.R. 103 and H.R. 83.

Respectfully submitted,



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Deputy Executive Director