

SB 208

Measure Title:

RELATING TO PUBLIC SAFETY

Report Title:

Public Safety; Deputy Director; Civil Service

Description:

Repeals exemption from civil service of the first and second deputy sheriff.
Effective 01/01/2011.

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

CLAYTON A. FRANK
DIRECTOR

DAVID F. FESTERLING
Deputy Director
Administration

TOMMY JOHNSON
Deputy Director
Corrections

JAMES L. PROPOTNICK
Deputy Director
Law Enforcement

No. _

**TESTIMONY ON SENATE BILL 208
RELATING TO PUBLIC SAFETY**

by
Clayton A. Frank, Director
Department of Public Safety

Senate Committee on Public Safety and Military Affairs
Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair

Tuesday, February 3, 2009; 1:15PM
State Capitol, Conference Room 229

Senator Espero, Senator Bunda, and Members of the Committee:

The Department of Public Safety opposes Senate Bill 208. This bill limits the ability of the Governor and the Director of Public Safety to appoint candidates that would be the most appropriate for the positions in question. It is critical for the successful operation of any department that the leaders and administrators work together as a unit. Therefore it is critical that the Governor and the Director of Public Safety have the opportunity and the capacity to select those administrators that will work well within the current system. For this reason, the Department of Public Safety opposes Senate Bill 208.

Thank you for this opportunity to testify.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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The Twenty-Fifth Legislature, State of Hawaii
Hawaii State Senate
Committee on Public Safety and Military Affairs

Testimony by
Hawaii Government Employees Association
February 3, 2009

S.B. 208 – RELATING TO
PUBLIC SAFETY

The Hawaii Government Employees Association supports S.B. 208, which repeals the exemption under Section 76-16, HRS, for the first and second deputy sheriffs. We believe these positions should be within the civil service system for purposes of stability and continuity.

As a matter of policy, we are opposing the creation of exempt positions and supporting the conversion of those that already exist to civil service. There are fundamental differences between civil service status, which allows for continued employment provided that performance requirements are met, and exempt service which can be subject to political pressures. Civil service status minimizes the likelihood of such influence. Law enforcement positions should be insulated from political pressures as much as possible.

Thank you for the opportunity to testify in support of S.B. 208.

Respectfully submitted,

Nora A. Nomura
Deputy Executive Director

TESTIMONY ON SENATE BILL 208
RELATING TO PUBLIC SAFETY

Senate Committee on Public Safety
Senator Will Espero, Chair

Tuesday, February 3, 2009; 1:15 PM
State Capitol, Conference Room 229

Senator Espero and Members of the Committee:

I would like to take this opportunity to request for your strong support of SB 208, which would repeal exemptions from civil service of the First and Second Deputy Sheriff.

Historically, these exemptions were established when the Office of the Sheriff was under the Judiciary branch of government. The Chief Justice made the appointments to these positions. When the Office of the Sheriff was moved into the newly created Department of Public Safety pursuant to Act 211, SLH 1989, the exemption to civil service of these position were transferred along with newly established Sheriff Division under the Department of Public Safety. While those appointed positions might have been appropriate for the Office of the Sheriff under the Judiciary in the 1980's, it would have a negative impact on the current Sheriff Division organization. In the 1980's, the Office of the Sheriff had authorized positions of approximately 70 deputy sheriffs and related non-uniformed positions. Currently, the Sheriff Division has approximately 320 authorized deputy sheriffs and related non-uniformed positions. Having an appointed First or Second Deputy would have a negative impact on continuity of Sheriff Division operations. As being appointed positions, the persons appointed would inevitably be from outside of the Sheriff Division. This would bring into the Sheriff Division's upper management, persons without the institutional knowledge for effective administrative and operational management of the Division.

Another issue is that maintaining an appointed First and Second Deputy Sheriff may hinder the Sheriff Division's efforts into establishing Deputy Sheriff V (Captain) and Deputy Sheriff VI (Major) within the Sheriff Division. The Division is currently working with the Department of Human Resources Development (DHRD) on the process for expanding the Deputy Sheriff class series to include Captains and Majors. It is my concern that the current exemptions from civil service of the first and second deputy sheriff may be applied by DHRD to the proposed Captain and Major classes.

As reflected in the Sheriff Division organization chart, there are an insufficient number of upper management positions above the operational segments of the Division. Span of control is a crucial principle in the efficient management of any law enforcement organization. The repeal of the exemptions from civil service of the First and Second Deputy Sheriff as well as the successful establishment of Captains and Majors within the Deputy Sheriff class series will address the span of control issues.

Robin Nagamine

TESTIMONY ON SENATE BILL 2008
RELATING TO PUBLIC SAFETY

Senate Committee on Public Safety
Senator Will Espero, Chair

Tuesday, February 3, 2009 / 1:15 PM
State Capitol, Conference Room 229

Senator Espero and members of the Committee:

I would like to take this opportunity to request your favorable support of SB 208, which would repeal exemptions from civil service of the First and Second Deputy Sheriff.

These positions were created while the Sheriff's Division was under the Judicial branch of government, however, the Sheriff Division was subsequently transferred to the Department of Public Safety, pursuant to Act 211, SLH 1989.

With the increase of deputy sheriff and non-uniformed positions, which is estimated to be around 320 personnel, appointment of a First and Second Deputy Sheriff would have a negative impact on our operations. Political appointments from the outside would not be favorable or in the best interest of personnel for one major issue. There is no continuity since those appointed to management positions lack institutional knowledge to be effective administratively and operationally. This has been a trend that I have seen over the past 29 years of service with the Sheriff's Division. Each time there is a change in upper-management, we seem to regress, having to familiarize appointees with operational requirements, and lack span of control.

Another concern is the lack of promotional mobility. The Sheriff Division lacks a chain of command. Currently, we have a sergeant (Working supervisor) and a lieutenant (Section Commander) within our division. Based on the organizational chart, we are deficient in the number of upper-management positions. The Sheriff Division has worked diligently with the Department of Human Resources and Development to expand the Deputy Sheriff class series to include Captains and Majors. Exempting these two positions from civil service will undoubtedly hinder any chances of establishing Captain and Majors in our Deputy Sheriff class series, and will gravely prevent any promotional ambitions some of us wish to pursue.

Albert Cummings

From: PBStestimony
Sent: Monday, February 02, 2009 1:58 PM
To: PSM Testimony
Subject: FW: Senate Bill 208

From: Brandon MOKIAO [mailto:mokiopala@yahoo.com]
Sent: Monday, February 02, 2009 12:53 PM
To: PBStestimony
Subject: Senate Bill 208

Senator ESPERO and Members of the Committee:

I am writing to request your support of SB 208. You'll receive letters stating all kinds of rhetorical facts that some of which I wouldn't understand unless I had a dictionary. My experience within the Department is that with each change of office we get a new appointed Sheriff. So at least every four to eight years, sometimes even sooner, the Sheriffs Department is led in another direction. We are led by an appointed person who is handicapped by the person he was appointed by. Such is politics and such is life, but what I would like to see is a change.

Some of the Deputies come to work just because it's a pay check. Yet the majority of us come to work because we enjoy our job and we want to make an impact as Law Enforcement Officers. What we would like to see is the Sheriffs Department be able to expand and grow. To be able to further assist the community and keep Hawaii safe.

SB 208 will provide the Sheriffs Department with the first step in becoming autonomous. By promoting from within, it will not only keep moral up, but will also provide our Department with upward movement. As it stands now in order to move up or be promoted someone either has to be fired, retire or pass away. SB 208 will allow our Department to move toward the establishment of new positions. The new positions will provide upward management/supervisory movement.

SB 208 will also allow the Department to keep it's own identity and direction. Not the identity of the person who appointed the First or Second Deputy. Our Department like any other has problems that need to be fixed. SB 208 will provide our Department with the opportunity to move forward.

Thank you for time,

Brandon M. MOKIAO, Deputy Sheriff II

TESTIMONY ON SENATE BILL 208
RELATING TO PUBLIC SAFETY

Senate Committee on Public Safety
Senator Will Espero, Chair

Tuesday, February 3, 2009; 1:15 PM
State Capitol, Conference Room 229

Senator Espero and Members of the Committee:

I would like to take this opportunity to request for your strong support of SB 208, which would repeal exemptions from civil service of the First and Second Deputy Sheriff.

Having an appointed First or Second Deputy would have a negative impact on continuity of the Sheriff Division. Having a person appointed from outside the Sheriff Division would bring into the Sheriff Division's upper management, persons without the institutional knowledge for effective administrative and operations management of the Division.

Another issue is that maintaining an appointed First and Second Deputy Sheriff may hinder the Sheriff Division's efforts into establishing Deputy Sheriff V (Captain) and Deputy Sheriff VI (Major) within the Sheriff Division. The Division is currently working with DHRD on expanding the Deputy Sheriff class to include Captains and Majors.

Another issue would be that it increases the chances for deputies to move upward within the ranks of the Deputy Sheriff series. Now deputies can only look forward to moving up in rank to Sergeant or Lieutenant.

As shown in the Sheriff Division organization chart, there are an insufficient number of upper management positions above the operational segments of the Division. Span of control is a crucial principle in the efficient management of any law enforcement organization. The repeal of the exemptions from civil service of the First and Second Deputy Sheriff as well as the successful establishment of Captains and Majors within the Deputy Sheriff class series will address the span of control issues

Michael V. De Cenzo

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Senate Committee on Public Safety
Senator Will Espero, Chair

Tuesday, February 3, 2009; 1:15 PM
State Capitol, Conference Room 229

Senator Espero and Members of the Committee:

I would like to take this opportunity to request your strong support of SB 208, which would repeal exemptions from civil service of the First and Second Deputy Sheriff positions.

Having an appointed First and Second Deputies positions would be very detrimental to the ebb and flow of the Sheriff Division. Having a person appointed from the public, outside of the Sheriff's department, without having come up through the ranks and knowing the inner workings of the Department itself, makes for a very long transitional phase.

The first issue with having an appointed First and Second Deputy Sheriff, hinders the Sheriff Division's efforts in establishing a Deputy Sheriff V (Captain) and Deputy Sheriff VI (Major) within the Sheriff Division. The Sheriff Division is currently working with the Department of Human Resources and Development (DHRD) on expanding the Deputy Sheriff classes to include Captains and Majors.

The second issue would be that in doing away with the First and Second Deputy positions and creating Captain and Majors positions would allow for more promotional opportunities within the ranks of the Deputy Sheriff division. Deputies can look forward in moving up to Sergeants and Lieutenants.

As shown in the Sheriff Divisions organizational chart, there are an insufficient number of upper management positions that are above the operational units of the Division. The repeal of exemptions from civil service of the First and Second Deputy Sheriff as well as the successful establishment of Captains and Majors within the Deputy Sheriff class will address the span of control issues which is a crucial principle in the efficient management of any law enforcement organization.

Christopher S. H. Lee

From: Michael Hirst [mailto:meh_cps@hotmail.com]
Sent: Monday, February 02, 2009 12:14 PM
To: PBStestimony
Subject: Senate Bill 208

TESTIMONY ON SENATE BILL 208
RELATING TO PUBLIC SAFETY

Senate Committee on Public Safety
Senator Will Espero, Chair

Tuesday, February 3, 2009; 1:15 PM
State Capitol, Conference Room 229

Dear Senator Espero and Members of the Committee:

I'd like to take a moment to request the support of you Senator Espero and all the members of the Public Safety Committee with regard to Senate Bill 208.

I feel that having an appointed First or Second Deputy would be extremely detrimental both to the cohesion and morale of the Sheriff Division. Appointing individuals from outside the Sheriff Division creates situations where personnel are being put into positions at a command level who may have no prior knowledge of the inner workings of the Division. Putting someone into a position at that level without any experience within the Sheriff Division is the very definition of "hit the ground running". Placing person(s) in those positions creates both a managerial and leadership gap for what could be months, until the appointee is brought up to speed with the operational and administrative management of the Division.

In additions to the problems cited above, continuing with an appointed First and Second Deputy will impact the Sheriff Division's attempt to create the ranks of Deputy Sheriff V (Captain) and Deputy Sheriff VI (Major) in the Division. This is of great concern as this initiative is ongoing between the Sheriff Division and the Department of Human Resources Development (DHRD). By creating those new ranks within the Deputy Sheriff series it will afford deputies a much greater opportunity for promotional opportunities. As of now deputies are only able to progress to the rank of Sergeant or Lieutenant. Currently, once a deputy has reached the rank of Lieutenant he or she will often hold that rank until retirement. As the Sheriff Division does not have a twenty-five (25) year retirement plan that can mean that positions can be filled for decades with no chance for vertical advancement for the rest of the deputies. These type of situations lead to low morale and the loss of outstanding personnel to other agencies because despite talent and ability, they have no chance to progress in their positions. For some people this isn't an issue, but for the majority of the newer deputies to come into the department it is of significant importance. Due to the sizeable pay differences between the Sheriff Division and both the Honolulu Police Department and the Corrections Division, promotion or working

second jobs are the only way deputies can make a livable wage. By continuing to limit promotional opportunities the Division regularly loses excellent personnel and fails to recruit talented candidates who cannot see a future within the Division as it operates today.

By looking at the organizational chart for the Sheriff Division you'll note that there is a woefully inadequate number of upper management positions above the Division's operational level. Continuing with appointed positions would only exacerbate the ongoing problem. Repealing the exemption from civil service and creating the rank level of Captains and Majors within the Division will be a small but vital step forward to securing the structure and integrity of the division. It will also aid in retaining existing deputies and cultivating new personnel when they see the opportunities available to them within the Division. Thank you for your time and consideration in this matter.

Michael Hirst

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Another concern is the lack of promotional mobility. The Sheriff Division lacks a chain of command. Currently, we have a sergeant (Working supervisor) and a lieutenant (Section Commander) within our division. Based on the organizational chart, we are deficient in the number of upper-management positions. The Sheriff Division has worked diligently with the Department of Human Resources and Development to expand the Deputy Sheriff class series to include Captains and Majors. Exempting these two positions from civil service will undoubtedly hinder any chances of establishing Captain and Majors in our Deputy Sheriff class series, and will gravely prevent any promotional ambitions some of us wish to pursue.

Albert Cummings