
A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1 SECTION 1. The legislature finds that Auditor Report No.
2 10-06, "Audit of the Department of Public Safety, Sheriff
3 Division", dated June 2010, found several operational
4 deficiencies with the sheriff division of the department of
5 public safety.

6 The purpose of this Act is to protect the public safety and
7 security by ensuring that these deficiencies are corrected
8 effectively and efficiently.

9 SECTION 2. Section 353C-2, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§353C-2 Director of public safety; powers and duties.**

12 [+] (a) [+] The director [~~of public safety~~] shall administer the
13 public safety programs of the department [~~of public safety~~] and
14 shall be responsible for the formulation and implementation of
15 state goals and objectives for correctional and law enforcement
16 programs, including ensuring that correctional facilities and
17 correctional services meet the present and future needs of



1 persons committed to the correctional facilities. In the
2 administration of these programs, the director [may]:

3 (1) [~~Preserve~~] Shall preserve the public peace, prevent
4 crime, detect and arrest offenders against the law,
5 protect the rights of persons and property, and
6 enforce and prevent violation of all laws and
7 administrative rules of the State as the director
8 deems to be necessary or desirable [~~or upon request,~~
9 ~~to assist other state officers or agencies that have~~
10 ~~primary administrative responsibility over specific~~
11 ~~subject matters or programs~~];

12 (2) May, upon request, assist other state officers or
13 agencies that have primary administrative
14 responsibility over specific subject matters or
15 programs;

16 [~~(2) Train,~~] (3) Shall train, equip, maintain, and
17 supervise the force of public safety officers,
18 including law enforcement and correctional personnel,
19 and other employees of the department;

20 [~~(3) Serve~~] (4) Shall serve process [~~both~~] in both civil
21 and criminal proceedings;



1 [~~4~~] Perform] (5) Shall perform other duties as may be
2 required by law;
3 [~~5~~] Adopt,] (6) Shall adopt pursuant to chapter 91, rules
4 that are necessary or desirable for the administration
5 of public safety programs; and
6 [~~6~~] Enter] (7) Shall enter into contracts [~~in~~] on behalf
7 of the department and take all actions deemed
8 necessary and appropriate for the proper and efficient
9 administration of the department.

10 [+ (b) +] The department [~~of public safety~~] shall report to
11 the legislature not later than twenty days prior to the
12 [~~commencement~~] convening of the 2008 regular session, and every
13 session thereafter, [~~with~~] its achievements, continuing
14 improvements, and ongoing problems in providing the appropriate
15 mental health care to committed persons under its jurisdiction."

16 SECTION 3. (a) The department of public safety shall
17 develop and implement a comprehensive strategic plan to correct
18 the deficiencies in the sheriff division that were reported in
19 Auditor Report No. 10-06, "Audit of the Department of Public
20 Safety, Sheriff Division", dated June 2010. The plan shall,
21 among other things:



- 1 (1) Pursue accreditation for the sheriff division from the
2 Commission on Accreditation for Law Enforcement
3 Agencies, Inc. to ensure that proper law enforcement
4 policies and procedures are enacted and followed;
- 5 (2) Correct inefficiencies in the warrant process,
6 including:
- 7 (A) Reducing the backlog of warrants to be served by
8 the sheriff division;
- 9 (B) Improving the sheriff division's radio system to
10 provide adequate and reliable communications
11 coverage for on-duty officers in line with
12 applicable law enforcement standards of the
13 Commission on Accreditation for Law Enforcement
14 Agencies, Inc.; and
- 15 (C) Relocating the receiving desk from Halawa
16 correctional facility to address the problem of
17 having to process a defendant in one location and
18 retrieve warrants from another location miles
19 away, and to facilitate the process applicable to
20 persons who are voluntarily turning themselves
21 in; and



1 (3) Address departmental leadership concerns by, among
2 other things, developing and implementing internal
3 controls, in accordance with the Committee of
4 Sponsoring Organizations of the Treadway Commission's
5 internal control-integrated framework, to provide
6 assurance of effectiveness and efficiency of sheriff
7 division operations in meeting the division's goals
8 and objectives.

9 (b) In conjunction with the comprehensive strategic plan,
10 the department shall, among other things:

11 (1) Perform a risk assessment of each section of the
12 sheriff division that, at a minimum, meets the
13 requirements of Act 100, Session Laws of Hawaii 1999,
14 and propose statutory amendments to align the duties
15 and functions of the department and the sheriff
16 division with the findings of the risk assessment; and

17 (2) Adopt rules for the sheriff division, pursuant to
18 chapter 91, Hawaii Revised Statutes, that are
19 necessary to enable the sheriff division to fulfill
20 its duties and functions.

21 (c) The departments of public safety and transportation
22 shall address the concerns raised by the auditor in Auditor



1 Report No. 10-06, dated June 2010, relating to the provision of
2 security for the State's airports under the jurisdiction of the
3 department of transportation. This includes concerns regarding
4 the provision of deputy sheriffs to neighbor island airports,
5 the autonomy of the sheriff division's airports section, and the
6 ability of the sheriff division's airports section to respond to
7 emergencies outside the airport area.

8 (d) No later than twenty days prior to the convening of
9 the regular session of 2012, the department of public safety
10 shall submit to the legislature a report that includes a
11 strategic plan on how it has corrected, or plans to correct, the
12 deficiencies pointed out in Auditor Report No. 10-06 and this
13 section. The report shall include, among other things:

14 (1) A status report of the department of public safety's
15 actions to correct the deficiencies or plan to correct
16 the deficiencies;

17 (2) The department of public safety's comprehensive
18 strategic plan;

19 (3) The cost allocations necessary to meet the goals of
20 the strategic plan; and

21 (4) The department of public safety's findings and
22 recommendations on the scope of functions of the



1 department of public safety, including recommended
2 statutory amendments to be enacted in the regular
3 session of 2012.

4 The report shall also include the cost of each strategic goal,
5 and information required in part II of Act 100, Session Laws of
6 Hawaii 1999, regarding the inclusion of a statement of goals,
7 how each goal will be accomplished, an action plan with an
8 implementation timetable, and a process to measure the
9 performance of the programs and services.

10 SECTION 4. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

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

13



Report Title:

Department of Public Safety; Sheriff Division

Description:

Addresses the operational deficiencies of the sheriff division of the department of public safety that were highlighted in the auditor's audit of the division. (SD1)

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

