
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 (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 in part II, section 7, of Act 100,
14 Session Laws of Hawaii 1999, and propose statutory
15 amendments to align the duties and functions of the
16 department and the sheriff division with the findings
17 of the risk assessment; and

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



1 (c) The departments of public safety and transportation
2 shall address the concerns raised by the auditor in Auditor
3 Report No. 10-06, dated June 2010, relating to the provision of
4 security for the State's airports under the jurisdiction of the
5 department of transportation. This includes concerns regarding
6 the provision of deputy sheriffs to neighbor island airports,
7 the autonomy of the sheriff division's airports section, and the
8 ability of the sheriff division's airports section to respond to
9 emergencies outside the airport area.

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

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

19 (2) The department of public safety's comprehensive
20 strategic plan;

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



1 (4) The department of public safety's findings and
2 recommendations on the scope of functions of the
3 department of public safety, including recommended
4 statutory amendments to be enacted in the regular
5 session of 2012.

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

12 SECTION 4. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect on July 1, 2117.



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. Effective 7/1/2117. (SD2)

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