



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2016**

ON THE FOLLOWING MEASURE:

S.B. NO. 2755, PROPOSED S.D. 1, RELATING TO A LAW ENFORCEMENT EMPLOYMENT STANDARDS AND TRAINING BOARD.

BEFORE THE:

SENATE COMMITTEES ON JUDICIARY AND LABOR AND ON WAYS AND MEANS

DATE: Tuesday, March 1, 2016

TIME: 10:25 a.m.

LOCATION: State Capitol, Room 211

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Maria C. Cook, Deputy Attorney General, or
Jeffrey A. Keating, Deputy Attorney General

Chairs Keith-Agaran and Tokuda and Members of the Committees:

The Department of the Attorney General appreciates the intent of this bill and notes that the proposed S.D. 1 addressed some of the concerns raised previously by our department.

However, some concerns raised previously, still remain.

This bill establishes a Law Enforcement Employment Standards and Training Board for state and county law enforcement officers in Hawaii. The board would establish minimum statewide standards for law enforcement officers for employment and training.

First, the responsibilities and expectations of this board may exceed the capability of a small, unpaid, part-time board. The board would likely need to add an administrator and support staff to meet the obligations of the board.

For example, the California Commission on Peace Officer Standards and Training (POST) has a staff of approximately 118 staff members and in the year 2015 POST, certified trainers provided training for approximately 98,000 law enforcement officers in the State of California.

The State of Hawaii has a smaller population and lower number of law enforcement officers than the State of California; however, the Law Enforcement Employment Standards and Training Board proposed for the State of Hawaii would likely require at least five staff positions and two administrator positions.

Second, if minimum training requirements and standards are established, then there should be adequate and affordable training resources to meet those requirements, or there will

not be enough qualified law enforcement officers available to enable agencies to meet their law enforcement responsibilities.

Either the agencies will be required to provide the minimum training to new recruits and current officers, or public or private educational institutions will need to establish and provide the minimum training programs and pass on the costs of those programs to the recruits.

In addition to minimum training for law enforcement officers, state law enforcement officers need specialized training in areas of expertise and responsibility. For example, the Department of Land and Natural Resource's Division of Conservation and Resource Enforcement Officers are required to have specific training in land and marine resources and marine enforcement.

The Department of the Attorney General needs specialized training in high technology crimes, financial crimes, environmental crimes, and plant and animal quarantine laws. This additional training carries additional costs.

If the board establishes minimum mandatory law enforcement officer training requirements, but training is not available, agencies may not have sufficient qualified law enforcement personnel to meet their responsibilities.

Third, we would note that the bill provides that the Governor shall "invite" the chief of police of the four counties or their designees to be voting members of the advisory board. We would recommend that the bill expressly provide that the number of members to which the board is entitled for the purposes of a quorum and action do not include the number of police chiefs that decline the invitation.

Thank you for the opportunity to provide comment.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

March 1, 2016
10:25 AM
State Capitol, Room 211

**S.B. 2755, Proposed S.D. 1
RELATING TO A LAW ENFORCEMENT EMPLOYMENT STANDARDS AND
TRAINING BOARD**

Senate Committees on Judiciary and Labor
& Ways and Means

The Department of Transportation (DOT) **supports** the intent of S.B. 2755, proposed S.D. 1 to establish a law enforcement employment standards and training board responsible for developing standards for employment and training for state and county law enforcement officers who carry firearms and wear a badge.

However, the DOT has some concerns regarding the possible requirement of having private, government vendors or contractors having to comply with the same type of employment standards and training requirements for law enforcement officers. Standards that shall include, but not limited to, age requirements, physical ability tests, and other areas necessary to become a law enforcement officer, should not apply to private contractors who often hire previously trained and qualified law enforcement officers.

Standards and training requirements placed on private, government vendors would place a hardship on their recruitment process and may jeopardize their ability to fulfill the contract requirements with DOT.

We would also recommend that each Department Director should have the discretion to recommend the implementation of these standards and training recommendations.

Thank you for the opportunity to provide testimony.

LATE TESTIMONY

Testimony by:
FORD N. FUCHIGAMI
DIRECTOR

Deputy Directors
JADE T. BUTAY
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:

DAVID Y. IGE
GOVERNOR



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

LATE TESTIMONY

NOLAN P. ESPINDA
DIRECTOR

Cathy Ross
Deputy Director
Administration

Jodie F. Maesaka-Hirata
Deputy Director
Corrections

Shawn H. Tsuha
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL 2755, SENATE DRAFT 1 (PROPOSED)
RELATING TO A LAW ENFORCEMENT STANDARDS AND TRAINING BOARD

By

Nolan P. Espinda, Director

Senate Committee on Judiciary and Labor
Senator Gilbert S.C. Keith-Agaran, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

Senate Committee on Ways and Means
Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz, Vice Chair

Tuesday, March 1, 2016; 10:25 a.m.
State Capitol, Conference Room 211

Chairs Keith-Agaran and Tokuda, Vice Chairs Shimabukuro and Dela Cruz, and Members of the Committees:

The Department of Public Safety (PSD) **supports** Senate Bill (SB) 2755, Senate Draft (SD) 1 [Proposed], which seeks to create a Law Enforcement Standards and Training Board. PSD agrees that the public and the State would be well served with the institution of a recognized and open standard for the training and certification of law enforcement officers in all jurisdictions statewide.

It should be noted that the Department is currently pursuing certified law enforcement and policies and procedures training for our Sheriffs Division, in accordance with national CALEA standards. This is an important component of our strategic objectives and will help to cement a collaborative partnership with our City and County counterparts whose training programs have already been certified at the highest professional law enforcement standards.

Thank you for the opportunity to testify on this measure.

Justin F. Kollar
Prosecuting Attorney

Jennifer S. Winn
First Deputy



LATE TESTIMONY

Rebecca A. Vogt
Second Deputy

Diana Gausepohl-White
Victim/Witness Program Director

OFFICE OF THE PROSECUTING ATTORNEY

County of Kaua'i, State of Hawai'i

3990 Ka'ana Street, Suite 210, Lihu'e, Hawai'i 96766
808-241-1888 ~ FAX 808-241-1758
Victim/Witness Program 808-241-1898 or 800-668-5734

TESTIMONY IN SUPPORT
SB 2755 – RELATING TO A LAW ENFORCEMENT EMPLOYMENT STANDARDS
AND TRAINING BOARD

Justin F. Kollar, Prosecuting Attorney
County of Kaua'i

Senate Committee on Judiciary & Labor
March 1, 2016, 10:25 a.m., Conference Room 211

Chair Keith-Agaran, Vice Chair Shimabukuro, and Members of the Committee:

The County of Kaua'i, Office of the Prosecuting Attorney, SUPPORTS SB 2755 – Relating to a Law Enforcement Employment Standards and Training Board.

Our Office employs several sworn investigators that, pursuant to County Charter, have all the powers and duties of police officers. They wear badges and are authorized to carry firearms. Although all our current investigative staff are retired law enforcement agents from other agencies, there is no law or binding standard to enforce uniformity in standards across the many agencies conducting law enforcement operations in Hawai'i. Creating statewide standards can have only a salutary effect and would help to create consistency for comparatively small agencies like ours.

Accordingly, we SUPPORT SB 2755. We request that your Committee PASS the Bill.

Thank you very much for the opportunity to provide testimony on this Bill.



LATE TESTIMONY

Committee: Committee on Judiciary and Labor and
Committee on Ways and Means
Hearing Date/Time: Tuesday, March 1, 2016, 10:25 a.m.
Place: Room 211
Re: Testimony of the ACLU of Hawaii in Support of S.B. 2755, Proposed
S.D.1, Relating to a Law Enforcement Employment Standards and
Training Board

Dear Chair Keith-Agaran, Chair Tokuda, and Committee Members:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support of S.B. 2755, proposed S.D.1, which establishes an advisory law enforcement employment standards and training board.

Hawaii is currently the only state in the country without an employment standards and training board. This bill, if enacted, would be consistent with nationwide practices, and would serve to increase law enforcement transparency and accountability. Law enforcement officers, especially those authorized to use deadly force, should be responsive to the communities they serve. The establishment of a statewide review board could help to improve the public’s trust in our officers, thereby making our police force better and our communities safer.

Thank you for the opportunity to testify.

Sincerely,

Mandy Finlay
Advocacy Coordinator
ACLU of Hawaii

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for 50 years.

American Civil Liberties Union of Hawai'i
P.O. Box 3410
Honolulu, Hawai'i 96801
T: 808-522-5900
F: 808-522-5909
E: office@acluhawaii.org
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46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Executive Director

**TESTIMONY FOR SENATE BILL 2755, RELATING TO A LAW
ENFORCEMENT EMPLOYMENT STANDARDS AND TRAINING BOARD**

Senate Committee on Judiciary and Labor
Hon. Wilbert S.C. Keith-Agaran, Chair
Hon. Maile S.L. Shimabukuro, Vice Chair

Senate Committee on Ways and Means
Hon. Jill N. Tokuda, Chair
Hon. Donovan M. Dela Cruz, Vice Chair

Tuesday, March 1, 2016, 10:25 AM
State Capitol, Conference Room 211

Honorable Chair Keith-Agaran, Chair Tokuda, and committee members:

I am Kris Coffield, representing IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 300 local members. On behalf of our members, we offer this testimony in strong support of Senate Bill 2755, relating to a law enforcement employment standards and training board.

In 2014, the Honolulu Police Department faced three critical credibility challenges. First, during the 2014 legislative session, it was revealed that local law enforcement engaged in sexual penetration during prostitution investigations, a practice that HPD defended before the State Legislature. IMUAlliance drafted and, with the help of lawmakers, passed a bill repealing the statutory exemption allowing that behavior to remain unpunished. Second, in September, Sgt. Darren Cachola was caught on video punching his girlfriend at a Waipahu restaurant. Between May 2013 and September 2014, the Hawaii State Commission on the Status of Women received 38 complaints from women who said officers with the Honolulu Police Department did not respond appropriately to allegations of abuse, approximately one-third of which involved a police officer or a relative of a police officer as the alleged abuser. Finally, in autumn, the theft of HPD Chief Louis Kealoha's mailbox led to allegations of special treatment and impropriety, after crime reduction unit officers were used to arrest the uncle of Kealoha's wife, with

whom she was involved in a financial dispute. This incident prompted an FBI investigation.

In 2015, the song has remained the same. In May, HPD officer Vince Morre was charged with violating the civil rights of two men in an unprovoked attack in a Honolulu game room, an incident that occurred the previous September. In March, cell phone video surfaced of HPD officer Siave Seti Jr. slamming a man to the ground in Palolo Valley. Seti can be seen picking up Eric Musrasrik and throwing him onto the concrete, in the video, then attempting to confiscate the cell phone of the person recording video, a clear violation of the individual's First and Fourth Amendment rights. Moreover, throughout the year, IMUAlliance has received complaints about police misconduct toward potential sex trafficking victims, including the continuance of sexual penetration during undercover prostitution stings. Over 50 percent of the 107 sex trafficked victims with whom we worked, in 2015, reported being the subject of police misconduct, including illicit sexual relations and "kickbacks" in which law enforcement officers are paid to turn a blind eye to sexual exploitation, with some victims claiming that such payoffs are frequent and/or regularly scheduled.

As we are seeing throughout the country with movements like "Black Lives Matter," accountability begins at the top. After such an embarrassing biennium for local law enforcement, policymakers must take steps to safeguard the public trust, especially when police departments refuse to take responsibility for themselves. Mahalo for the opportunity to testify in support of this bill.

Sincerely,
Kris Coffield
Executive Director
IMUAlliance

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 29, 2016 5:54 PM
To: JDLTestimony
Cc:
Subject: Submitted testimony for SB2755 on Mar 1, 2016 10:25AM

SB2755

Submitted on: 2/29/2016

Testimony for JDL/WAM on Mar 1, 2016 10:25AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
andrew burgess	Individual	Oppose	No

Comments: My name is Andrew Burgess I am a Remington college criminal justice student. I oppose the bill, because I believe the language is bad. Please take standard out of the name.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 29, 2016 5:36 PM
To: JDLTestimony
Cc:
Subject: *Submitted testimony for SB2755 on Mar 1, 2016 10:25AM*

SB2755

Submitted on: 2/29/2016

Testimony for JDL/WAM on Mar 1, 2016 10:25AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments:

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From: DeMONT Conner < >
Sent: Tuesday, March 01, 2016 6:52 AM
To: JDLTestimony
Subject: SB2755 (Law Enforcement Standards Training Board)

We FULLY SUPPORT this common sense bill. Accountability & safety is what this bill offers.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 01, 2016 4:19 AM
To: JDLEstimony
Cc:
Subject: Submitted testimony for SB2755 on Mar 1, 2016 10:25AM

SB2755

Submitted on: 3/1/2016

Testimony for JDLE/WAM on Mar 1, 2016 10:25AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Felicia Cowden	Individual	Support	No

Comments: I SUPPORT a training standards board for law enforcement. Citizen abuse can easily become problematic in law enforcement. Providing Police Chief and Commissions a broader level of support and agreement based on the experiences from other islands helps to keep the police officers and communities more safe. Conflict situations can escalate. A clear standard on conduct helps.
Felicia Cowden Kilauea, Kauai

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Hawaii State Legislature
Senate Committee on
Public Safety, Intergovernmental and Military Affairs
Testimony

My name is Henry James III, I have lived on this island for 18 years and lived in Kaneohe and Waimanalo. I am an academic student at Remington College for criminal justice. I am writing this testimony in oppose to the proposal:

SB2755

Due to Amending of SB 2755's Language, I must OPPOSE this bill. This bill does not create "Standards" as understood in the police profession SB2755 creates "guidelines" that are not enforceable. In addition, SB2755 (as written) also puts the same officials in charge that are responsible for the current weed of oversight. Unless the word "standards" is replaced by a more accurate title (such as "guidance committee"). I must oppose SB2755.

Policy 2755

Hello my name is John Figueroa. I've been living in Honolulu for 4 years, and I'm a Criminal Justice academic at Remington College. Due to Amending of SB 2755's language, I must oppose this bill. This bill does not create "Standards" as understood in the police profession SB2755 creates "guidelines" that are not enforceable. In addition, SB2755 (as written) also puts the same officials in charge that are responsible for the current weed for oversight. Unless the word "standards" is replaced by a more accurate title (such as "guidance committee") I must oppose SB2755.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 29, 2016 7:12 PM
To: JDLEstimony
Cc:
Subject: *Submitted testimony for SB2755 on Mar 1, 2016 10:25AM*

SB2755

Submitted on: 2/29/2016

Testimony for JDL/WAM on Mar 1, 2016 10:25AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Joy Marshall	Individual	Support	No

Comments:

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My name is Kenneth Wayne Clark; I am a criminal justice academic in Honolulu. I have studied the unique police oversight and policing model that exists on Oahu. Understanding the current structure of the Police Commission on Oahu.

I oppose SB2755- Law Enforcement Standards and Training Language; I must oppose this bill. This bill does not create “Standards” as understood in the police profession. SB2755 creates guidelines that are not enforceable in addition, SB 2755(as written) also puts the same officials in charge that are reasonable for the current need for oversight.

Unless the word “standards” is replaced by a more accurate title(such as “guidelines committee”) I must oppose SB2755.

From: Michael Harvey
Sent: Monday, February 29, 2016 5:46 PM
To: JDLTestimony
Subject: SB2755 (Law Enforcement Standards Training Board)

Hello:

I am a retired peace officer from California. And having been raised in Hawaii, I also understand the history and mentality in my home state. It is inconceivable to me that Hawaii does not have a commission on Peace Officer Standards and Training (POST). The county I worked for (one of 58 in CA) has 8 law enforcement agencies, not including state and other agencies. Some are tiny, others very large. We all work by the same standards and tactics. If we are in compliance with established and approved POST standards, we are in as good a shape as we can be. It keeps us all accountable to approved standards established in accordance with codified and case law, court opinions and public input. Sheriffs are elected and chiefs are appointed – they come and go. POST standards, on the other hand, are well established. Major incidents are investigated by an outside agency. There is a high degree of accountability.

For lack of a better way to state it, and at the risk of sounding rude, Hawaii law enforcement is way too inbred. There is no accountability. HPD is the only game in town. Run by them and for them. This is unheard of in our country. And the person above the chief is the union boss. WOW! The tail wagging the dog. No wonder we have so many problems.

I strongly support this bill to establish a POST-like commission, based on successes of our other states.

Thank you

Mike Harvey
Kaneohe, Hawaii
Kumukoa986@gmail.com

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 29, 2016 8:16 PM
To: JDLTestimony
Cc:
Subject: Submitted testimony for SB2755 on Mar 1, 2016 10:25AM

SB2755

Submitted on: 2/29/2016

Testimony for JDL/WAM on Mar 1, 2016 10:25AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Rocca	Hawaii State Coalition Against Domestic Violence	Support	No

Comments: The Hawaii State Coalition Against Domestic Violence supports SB 2755 as it would establish a training board responsible for statewide standards for law enforcement officers. The responsibility of law enforcement officers to protect and serve their communities is substantial. The Coalition believes that a training board will assist these professionals in achieving training and education standards that will allow law enforcement personnel to provide their service to the people of Hawaii with great competence and confidence.

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LATE TESTIMONY

Aloha everyone,

My name is William Moore and I lived in Hawaii for 6 years. I study criminal justice at Remington College. As an expert in the field of criminal justice I strongly oppose SB2755 because the parts of this bill that creates the standards board for the police department, it creates guidelines that are not enforceable. This changes nothing and will not allow any oversight.

Thank you

Due to the amending of SB2755's language, I Jessica Agonias, must oppose this bill.

This bill does not create "standards" as understood in the police procession. SB2755 creates "guidelines" that are not enforceable. In addition, SB2755 (as written) also puts the same officers in charge that are responsible for the current need for oversight. Unless the word "standards" is replaced by a more accurate title (such as "guidance committee) I must oppose SB2755.