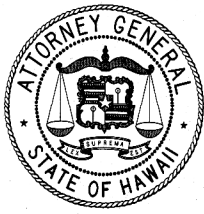




**LATE**

# SB2755

Measure Title:	RELATING TO A LAW ENFORCEMENT EMPLOYMENT STANDARDS AND TRAINING BOARD.
Report Title:	Law Enforcement Employment Standards and Training Board; Establishment; Law Enforcement Officers; Firearms; Law Enforcement Employment Standards and Training Board Special Fund; Appropriation (\$)
Description:	Establishes a law enforcement employment standards and training board responsible for developing statewide standards for employment and training for county and state law enforcement officers who carry firearms and wear a badge. Provides for a public comment period during the development of employment standards and training, with an implementation date of July 31, 2019. Appropriates funds by establishing a special fund.
Companion:	
Package:	None
Current Referral:	PSM/CPH, JDL/WAM
Introducer(s):	ESPERO, BAKER, DELA CRUZ, GALUTERIA, GREEN, HARIMOTO, IHARA, INOUE, KIDANI, NISHIHARA, RUDERMAN, SHIMABUKURO, L. THIELEN, WAKAI, Kim, Kouchi, Riviere



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

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**ON THE FOLLOWING MEASURE:**

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

**BEFORE THE:**

SENATE COMMITTEES ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS AND ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

**DATE:** Thursday, February 11, 2016                      **TIME:** 8:30 a.m.

**LOCATION:** State Capitol, Room 229

**TESTIFIER(S):** Douglas S. Chin, Attorney General, or  
James E. Halvorson, Deputy Attorney General, or  
Jeffrey A. Keating, Deputy Attorney General

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Chairs Nishihara and Baker and Members of the Committees:

The Department of the Attorney General appreciates the intent of this bill, but has concerns about the bill in its current form and offers these comments.

This bill establishes a law enforcement 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 addition of an administrator and support staff may not be adequate to meet the obligations of the board. For an example of scope of this proposed program, we might look to California's Commission on Peace Officer Standards and Training (POST). POST was established to set minimum selection and training standards for California law enforcement. The POST program, however, is voluntary. Participating agencies agree to abide by the POST standards. There is no regulatory component to POST. Information about the POST program can be found at its website, [www.post.ca.gov](http://www.post.ca.gov). POST has more than 130 staff members that operate under an executive director, three assistant executive directors, and eight bureau chiefs for administrative services, computer services, basic training, standards-evaluation and research, training-delivery and compliance, learning technology resources, management counseling and leadership development, and training program services. California is a large state, but as broad as California's program is, POST still does not include an investigator or

regulatory agency to oversee and enforce the mandatory certification program like that proposed by this bill.

Second, this bill authorizes the law enforcement standards board to investigate and deny or revoke the certification of a candidate or law enforcement officer who fails to meet or maintain the minimum standards established by the board or who has been involved in an act of misconduct. The bill does not however, provide for an administrative hearing and appeals process for these decisions and actions.

Third, it may be inconsistent with collective bargaining agreements to create a law enforcement standards board that would take action against law enforcement officers for misconduct. Under collective bargaining agreements, employers have the right to discipline officers for misconduct based on just cause, and unions have the right to grieve such disciplinary actions. Under this bill, though, the law enforcement standards board is not the employer, not a party to the collective bargaining agreement, and not subject to the grievance procedure.

Fourth, section 26H-6, Hawaii Revised Statutes, requires an analysis by the legislative auditor for new regulatory measures that would subject unregulated professions and vocations to licensing or other regulatory controls. Therefore, the auditor must conduct an analysis regarding the certification or licensing of law enforcement officers. It does not appear that the auditor has conducted the required analysis.

Finally, 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 require 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 law enforcement personnel to meet their responsibilities.

Thank you for the opportunity to comment.

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
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No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 2755  
RELATING TO A LAW ENFORCEMENT STANDARDS AND TRAINING BOARD

By  
Nolan P. Espinda, Director

Senate Committee on Public Safety, Intergovernmental Affairs, and Military Affairs  
Senator Clarence K. Nishihara, Chair  
Senator Will Espero, Vice Chair

Senate Committee on Commerce, Consumer Protection, and Health  
Senator Rosalyn H. Baker, Chair  
Senator Michelle N. Kidani, Vice Chair

Thursday, February 11, 2016; 8:30 a.m.  
State Capitol, Conference Room 229

Chairs Nishihara and Baker, Vice Chairs Espero and Kidani, and Members of the Committee:

The Department of Public Safety (PSD) **supports** Senate Bill (SB) 2755, 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 as well as policies and procedures training for our Sherrifs Division, according to 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 who already have outstanding certified training programs.

Thank you for the opportunity to testify on this measure.