

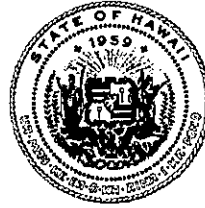
SB 568

RELATING LAW ENFORCEMENT STANDARDS BOARD

Establishes a law enforcement standards board for the certification of county police officers, state public safety officers, and employees of the departments of transportation and land and natural resources with police powers. Beginning on 1/1/2018, prohibits appointment or hiring of these officers unless certified by the law enforcement standards board. Establishes a special fund.

PSM/TRA/WTL, WAM/JDL

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
CARTY S. CHANG
Interim Chairperson

Before the Senate Committees on
PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS
and
TRANSPORTATION
and
WATER AND LAND

Tuesday, February 10, 2015
1:05 PM
State Capitol, Conference Room 229

In consideration of
SENATE BILL 568
RELATING TO LAW ENFORCEMENT

Senate Bill 568 proposes to establish a law enforcement standards board for the certification of county police officers, state public safety officers, and employees of the Departments of Transportation and Land and Natural Resources with police powers. Further beginning on 1/1/2018, this measure would prohibit appointment or hiring of these officers unless certified by the law enforcement standards board and establishes a special fund. **The Department of Land and Natural Resources (Department) offers the following comments.**

Due to the unique nature of conservation and resources law enforcement, the Department already has established training policies and standards in place. These policies and standards address the unique needs of the Department and can be implemented under current budgetary funding. The Department continues to work toward compliance with recognized national standards. Establishing statewide standards may be unnecessary and difficult to implement because of budgetary restrictions.

CARTY S. CHANG
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

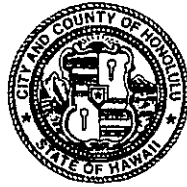
DANIEL S. QUINN
INTERIM FIRST DEPUTY

W. ROY HARDY
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR

LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE **GS-SK**

February 10, 2015

The Honorable Will Espero, Chair
and Members
Committee on Public Safety,
Intergovernmental and Military Affairs
The Honorable Clarence K. Nishihara, Chair
and Members
Committee on Transportation
The Honorable Laura H. Thielen, Chair
and Members
Committee on Water and Land
State Senate
Hawaii State Capitol, Room 229
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Espero, Nishihara, and Thielen and Members:

Subject: Senate Bill No. 568, Relating to a Law Enforcement Standards Board

I am Gordon Shiraishi, Major of the Training Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD strongly opposes the passage of Senate Bill No. 568, Relating to a Law Enforcement Standards Board. We believe that the HPD currently meets the highest standards possible for a law enforcement agency.

Since 2003, the HPD has been accredited by the Commission on Accreditation for Law Enforcement Agencies, Inc. In order to be accredited, the HPD must prove that it follows the best practices of law enforcement agencies throughout the United States, including standards in the area of hiring and training new employees. The HPD must also prove that its employees receive updated certification and training to maintain these standards as law enforcement officers.

The Honorable Will Espero, Chair
and Members
The Honorable Clarence K. Nishihara, Chair
and Members
The Honorable Laura H. Thielen, Chair
and Members
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In addition, Senate Bill No. 568 may also violate the City Charter's, Hawaii Revised Statutes', and the State of Hawaii Organization of Police Officers' (SHOPO) agreements. Such violations may pertain to suspension, removal, and appeals of officers that are made pursuant to the law and the rules and regulations of the department. The powers and duties of the Chief of Police described under the Hawaii Revised Statutes will also be affected. The SHOPO agreement referring to "Recognition" will also be compromised.

Thank you for the opportunity to testify.

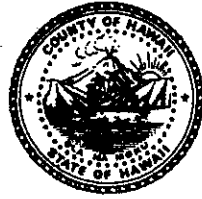
Sincerely,


Gordon Shiraisi, Major
Training Division

APPROVED:


Louis M. Kealoha
Chief of Police

William P. Kenoi
Mayor



Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT

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February 9, 2015

Senator Will Espero
Chair and Committee Members
Committee on Public Safety, Intergovernmental and Military Affairs
Senator Clarence K. Nishihara
Chair and Committee Members
Committee on Transportation
Senator Laura H. Thielen
Chair and Committee Members
Committee on Water and Land
415 South Beretania Street, Room 229
Honolulu, Hawai'i 96813

Re: SENATE BILL 568 RELATING TO A LAW ENFORCEMENT STANDARDS BOARD

Dear Senators Espero/Nishihara/Thielen:

The Hawai'i Police Department opposes Senate Bill 568, with its purpose being to establish a law enforcement standards board for the certification of county police officers, state public safety officers, and employees of the departments of transportation and land and natural resources with police powers.

Our concern is geared toward the view that this extra layer of Bureaucratic oversight is contrary to the notion of Home Rule. Additionally, the premise of comparing past enacted legislation involving the need for training and standards for Security Guards to the need for same regarding County Law Enforcement Agencies is quite a stretch. The mandatory training of security guards as set forth by §463-10.5 of the Hawaii Revised Statutes as amended requires an initial 8 hour course and 4 hours annually thereafter.

First of all, the Hawai'i Police Department is a nationally recognized fully accredited Law Enforcement Agency (LEA) through the Commission on Accreditation for Law Enforcement Agencies (CALEA®). In order for any agency to gain this accreditation, they must conform to prescribed national law enforcement standards and practices with appropriate policies and procedural adherence and provide for proof of adherence during on-site assessments conducted by CALEA. Currently, we are in compliance with all 469 mandatory standards.

These standards cover all aspects of training, which include entry-level recruit training, reserve officer training and specialized training in the area of weapons and tactics used by Special Response Teams and Crisis Negotiators; and use of force training, which include annual reviews of the use of force by the agency to identify needs and recommendations for training

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equipment and to identify future needs for remedial and specialized training. It also includes annual audits and reviews of evidence and property storage, inspections of funding and control funds, annual reviews of agency needs based on quarterly, annual and triennial reports on issues concerning liability, workload assessments and managing of all resources.

Additionally, these standards cover mandates concerning all aspects of criminal report writing, evidence collection and preservation, latent fingerprinting and forensic identity of crime scene evidence; collection, preservation and identification; and mandates placed on Crime Lab evidence and evidence specialists and training concerning DNA evidence and identification; required annual training on use of force, hazard plans, critical incidents, ethics, bias-based profiling and law updates; and annual reviews of policies and procedures that reinforce and improve crime prevention, community involvement and strengthen agency mission and vision statements in an effort to decrease risk and liability.

To ensure conformance, the Hawaii Police Department undergoes an independent onsite assessment by the CALEA every three years. Each year, the Police Chief submits a yearly assessment report that is used in evaluating the agency's commitment to accreditation and to identify future assessment review issues. Having an independent assessment places a high value on the accreditation for the agency as it opens the doors for independent scrutiny. No other commission places such a microscopic evaluation on a law enforcement agency. Being an accredited agency is the difference between professionalism and claiming to be professional.

The Hawai`i Police Department's classroom training for newly-hired sworn personnel consists of 999 hours. For comparative purposes, the Los Angeles Police Department's (LAPD) Police Officer Standards Training (POST) consists of 920 hours; the Los Angeles County Sheriff's Department (LASD) POST classroom training consists of 856 hours; the state of Washington's POST training is set forth by the Washington State Criminal Justice Training Commission (Washington State CJTC) and consists of 720 classroom hours.

The Hawai`i Police Department's training also calls for approximately 672 hours of "On The Job" training (OJT) in which newly-hired sworn officers are paired up with experienced officers and are evaluated during this period and must pass the OJT portion of the training prior to being allowed to work in the field alone as fully commissioned Police Officers.

The act of revoking an officer's certification in Hawai`i is actually stronger than in some other states as once an officer is fired from a County LEA, that officer no longer has police authority in the entire state. Furthermore, the Hawai`i Police Department does not accept direct transfers from other States' Law Enforcement Agencies. Officers who are currently serving in another State and who desire employment with our department are required to undergo our entire Recruit Training process. It should be noted that we do lose officers to other States and that many of these officers do not have to re-start the training process from scratch as our Training and attendant records are widely accepted by other jurisdictions.

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Additionally, we are concerned as language in Section 5 of this proposed legislation seemingly indicates that existing officers as of December 31, 2017, would have two years to ensure compliance with the criteria deemed necessary by the Board. Another concern (which is shared by our County Human Resources) is steeped in the fact that the legislation proposes that those unable to meet the two-year deadline would be "job placed" into other existing civil service positions suffering no loss of pay and/or benefits.

This bill seemingly fails to take into account that all Law Enforcement Agencies in the state are under constant monitoring for conforming to modern methods of policing whether it be through review in criminal courts and/or through civil court filings. Further, the fact that 3 of the 4 County Police Departments have already sought and gained voluntary national accreditation (the 4th County is currently going through the accreditation process), seemingly ensures we are following applicable standards based on sound policies.

It is for these reasons, we urge this committee to not approve this legislation.

Thank you for allowing the Hawai`i Police Department to provide comments relating to Senate Bill 568.

Sincerely,


HARRY S. KUBOJIRI
POLICE CHIEF

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Monday, February 09, 2015 9:05 AM
To: PSMTestimony
Cc: hunger@hawaii.edu
Subject: Submitted testimony for SB568 on Feb 10, 2015 13:05PM

SB568

Submitted on: 2/9/2015

Testimony for PSM/TRA/WTL on Feb 10, 2015 13:05PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Aaron Hunger	Remington College Honolulu C.J. Student Coalition	Support	No

**Region 11 (HAWAII) Public Safety Regional Planning Committee
Regional Public Safety Planning Meeting**

**Testimony on
SB 568
February 10, 2015
1:05 pm**

Thank you to Senator Espero who invited me to speak today, and to the Public Safety Commission for hearing my testimony on this very important bill relating to a Law Enforcement Standards Board.

My name is Aaron Hunger. I am currently an instructor of Criminal Justice at Remington College, a doctoral student at The University of Hawaii at Manoa, and have served as a lecturer periodically at both of the University of Hawaii's campuses at Manoa and West Oahu in Political Science and Public Administration respectively. I was also a police officer for over 16 years before retiring from an industrial accident. During that time, I served the majority as a patrolman, but also served as a traffic officer, diver, marine patrol, special response team (SRT) member, and other numerous specialized task forces.

I was both P.O.S.T. and F.D.L.E. certified for police work in California and Florida, and served as a corrections officer in California and Germany. During the 1990 Gulf War, I also had the honor to be assigned to a military police corrections unit that was responsible for custody and control of military personnel that were sentenced for war crimes, and espionage. I am aware of the unique responsibilities that come with providing care over our citizens, and have worked in departments where community trust building was critical. This is not an easy job, and I would like to begin by commending the men and women who devote themselves to ensuring public safety by doing this, often unrewarding, job.

This brings me to why I would like to provide testimony today. As a police officer that has undergone three certification processes, I see no reason why any law enforcement officer or administrator would stand against better and more training. One of the basic understandings in

criminal justice is that the field is ever-changing. New and improved ideas on how to interact with the public need to be constantly introduced into the criminal justice field as our communities and national priorities change. In my personal experience as a police officer that went through this process each time I joined a new department, it's critical. Having been licensed and certified prior to being empowered by the state to take such important action as to suspend people's constitutional rights, or take their life (if called for), allowed for peace of mind that I had the highest level of professional training in my field.

In addition to a 'Standards Board' providing officers the legitimacy that comes with a state certification/licensing, as is mandatory in all other states, it creates an oversight mechanism that is critical when applying force by the state against its citizens. Law enforcement officers have an immense and often unsupervised ability to take action on behalf of the state and county. To allow such power and control to operate without fear of reprisal for abuses of power, leads to the types of transgressions that have appeared in the past centering on law enforcement officers violating policy and law. In most states a double check-and-balance system is used to oversee all law enforcement officers. This redundant model includes the use of local Police Commissions and State Certification Boards. In other communities nationwide, both the Commissions and the Standards Boards work in cooperation to ensure that police have the proper oversight to maintain, or gain, community trust and accountability.

Nationally, most Police Commissions make final recommendations to the Standards Board and the Police Chief. The police chief may recommend termination based on the transgression, or may suggest another form of discipline. The ultimate decision of whether an officer continues to be licensed to operate in the state, however, is made by the Standards Board alone. This mechanism safeguards the public trust by taking the decision process out of the hands of the individual department, and into the hands of an independent state agency that operates under the state's Attorney General's office.

The fact that Hawaii remains as a lone holdout from this decades old reform model is disturbing. With the exception of internal oversight, that has recently been shown to be ineffective in stopping abuses of power and authority, the police in the state of Hawaii have no oversight. C.A.L.E.A. is an accrediting agency, but has been unable to repair or stop police in Hawaii from failing to follow their departments policy, or ensuring violators are appropriately punished. The media has done a good job at highlighting, as of late, both the problems centering on the amount and type of punishment imposed on police who violate the law, and the unfettered power that police have due to the lack of oversight mechanisms surrounding them.

The model of internal oversight only, as is in place in Hawaii, is not the national norm. Any police officer who claims that this model works, would be ignoring the existing evidence of the systems failure. This includes two civil rights violation investigations, an FBI investigation into unauthorized use of police resources, multiple sex crimes, theft by fraud, an officer that participated in organized crime, and are as recent as February 5th, 2015 (Boylan, 2007) (Crimesider Staff, 2014) (Daysog, 2014) (Fujimori, 2014 (IO)) (Hawaii News Now staff, 2014) (KHON2, 2014) (Kelleher, 2014 (CM)) (News Editor, 2014) (News Staff, 2014) (Wakida, 2015). While Honolulu police may argue that internal mechanisms are sufficient, it is important to stress that no other county law enforcement model in the United States operates with this level of autonomy. The fact that Honolulu police is the 25th largest police agency in the county, and has not published or produced crime statistics for over 2 years, is another reason that a State level agency would be better suited to collect and hold such information (Star Advertiser, 2015).

Most other states began their training and standards boards in the 1950's, understanding that police needed training standards, and professionalism is created by the certification system. Corrections officers and police nationwide understand this. It is the law enforcement officers in Hawaii, SHOPO, and their command staff that continue to argue that no oversight or check-and-balance need be placed on their authority. The evidence simply doesn't support their position. This bill creates that oversight mechanism and relieves the local departments from spending resources and time on non-policing duties. Additionally this bill creates the pathway for academics and other experts to work with a centralized board that can determine unified statewide training standards. Again, this is the national norm, and this bill does not seek to create anything that has not been addressed in 49 other states.

SB568 is the better authored of the two current legislative bills that proposes the creation of this agency. HB1210 also seeks to create this mechanism. HB1210 has major issues contained in section (2), (3), and (7). This bill, in section 2, seeks to empower voices other than those currently making training decisions. HB1210 appoints the four county police chiefs, and the director of the Dept. of Public Safety to the commission board. HB1210 would simply legitimize the model that has brought us to this problem. SB568 seeks to find experts from a diversity of areas to find training solutions. Additional considerations might be given to appointing the Director of the Dept. of Health and Human Services and the Director of the Dept. of Transportation to the board. Both have expertise that covers a range of topics including mental illness, homelessness, and traffic.

Section 3.9 of this bill empowers the board to de-certify or remove a law enforcement officer from duty. In HB1210 this power is omitted, instead calling for a process to be set up. SB568 has language that immediately allows this new agency to act as a community oversight mechanism, and does not leave this critical area unaddressed. SB568 also includes a "transition" clause in section seven (7) that is critical in providing a roadmap for certifying existing officers. One amendment that might be suggested is to include language that allows this Standards Board to oversee all of the individual Police Commissions. If this agency acted to oversee the operation of the Police Commission, directed investigations, and took action on the Commission's recommendation, it would create a statewide model of law enforcement oversight that is complete. By having Police Commissions providing recommendations directly to the State Certification Board who can then take action, we would allow for a disciplinary mechanism that places a real and necessary check-and-balance on policing authority.

I stand in strong support of this bill. This police standards board is long overdue, and seeks only to place Hawaii in line with other criminal justice models in the United States, and not to create something new or unreasonable. As a former police officer, I ask that you certify or license the police in Hawaii for their benefit and the publics.

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SB568

Submitted on: 2/9/2015

Testimony for PSM/TRA/WTL on Feb 10, 2015 13:05PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Justine Fritz	Remington College Honolulu C.J. Student Coalition	Support	Yes

Good morning ladies and gentlemen. My name is Justine Fritz and I was given a wonderful opportunity this morning to discuss the creation of a State level Standards Board in the Senate Bill Number 568. There has been a great deal of problematic situations surrounding both the Honolulu Police Department and the Department of Public Safety. However, I feel if we implement the Standards Board that is proposed in the bill we will be able to eliminate some of the issues that have been brought to our attention. Honolulu Police Department's motto is making Honolulu the safest place to live work and play. With a well understood and respected motto, society has an idea with expectation of the Honolulu Police Department, and double standards of the law is not one of them. If the internal model of the police policy and procedure is problematic and has the ability to be dismissed by the individuals expected to, not only follow the law but uphold it, then how can we believe in the system of the Honolulu Police Department?

Currently we have a model that is in place for the Honolulu Police Department that is flawed. The way it is structured shows the Chief of Police as the final authority pertaining to any actions or misconduct that may arise. Such as, a patrol officer finds his/her self in a domestic violence dispute with their significant other, they could be placed on desk duty with limited powers, or on full active status pending the outcome of an investigation that would take place. Now, our countries legal system was founded on the idea that justice is fair and equal without any prejudice toward an individual, until all facts have been presented in court, thus, the idea innocent until proven guilty. The only issue with this surrounds the public servants of the system. We grant more power and privilege to individuals that serve the public in positions of power, such as the Police Officers and the Sheriffs Deputies. These individuals hold a lot more control over our rights, lively hood, and our freedom. They use individual discretion in every situation they are requested to intervene upon. For instance, whether or not they should arrest someone, or just detain them, who they should focus more attention on, how they are going to handle a situation or to what level of degree the situation is that they are about embark on. This can place a lot of strain on an individual whether they are a police officer, or an average citizen. Occasionally, a police officer make a mistake, in which their actions are dictated and scrutinized over. The reason for this is because we give an officer so much power and control that we have placed higher standards on their actions and decisions.

With that being said, this bill requires incoming candidates to have a higher learning level of education. This should provide the officer with more tools and equipment mentally for the task they are given, along with more experience dealing with, handling and understanding a variety of people. Picture this for a moment, I am fresh out of high school and I don't really know what direction I want my life to head in. I have little to no work experience, but I am physically fit and I have graduated high school with passing grades such as C's and D's which means my GPA is around 1.5-2.0. I decided, one day when I turned 20 years old that I am going to join the Police department. So I put in an application and go through the physical agility requirements, along with the written test, which I barely pass. Now I am accepted into the Honolulu Police Academy. I complete the academy training and all requirements, and

the city of Honolulu gives me a badge and a gun and tells me to protect and serve my community. Would you have faith in me both mentally and physically to uphold our traditions and the State's legal requirements?

The creation of law enforcement standards board would entail 11 voting members all from different backgrounds, experiences, understandings, and education levels. This will ensure a diverse yet well rounded scope of thoughts and ideas for the State level requirements. Still, I am uncertain of what it is meant by "significant" experience. In section 2, subsection 1, part 1 and part 2. It reads "Three members with significant law enforcement experience shall be appointed by the governor, in accordance with section 26-34" and "two members who are educators or personnel at a Hawai'i institution of higher education with significant law enforcement or criminal justice knowledge shall be appointed by the governor, in accordance with section 26-34." Should the people that will hold these positions have connection with the law enforcement? Or should they be bias and impartial? What is the time frame that significant means? Should the people who are required to be licensed by this board be the voting members of this board? Is there a possibility to incorporate the Health and Human Services Department as a voting member on this board? The Attorney General is a key member of this Standards board, however the job description states chief of law enforcement officer and chief of law. This could cause a potential conflict of interest if the Attorney General needs to be licensed by this Standards board as well. Who will this board report to?

Overall, this bill is a good bill and it supports the needs of the people. It will help reduce the amount of mistrust that the community feels and hopefully place faith in its stead. This bill has the potential to reduce the amount of alarming and problematic situations that we have found surrounding our public servants. The creations of a State level Standards Board is a step in the right direction we should implement this bill with minor amendments. Thank you for your time and cooperation.

SB568

Submitted on: 2/9/2015

Testimony for PSM/TRA/WTL on Feb 10, 2015 13:05PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Aisha Gaea	Remington College Honolulu C.J. Student Coalition	Support	No

Senate Bill NO. 568

Creation of law enforcement standards board

The purpose of this bill is to create a law enforcement standards board to oversee and regulate those professions and occupations that have a significant impact on society (i.e. law enforcement officers). This bill is very similar to House Bill NO. 1210 because both are proposing to create a law enforcement standards board, however after analyzing both bills I have found that this bill, S.B. NO. 568, is much stronger regarding the composition of the law enforcement standards board. According to the House bill, the law enforcement standards board, if passed, would consist of 1) all the chiefs of police in the four counties, 2) the director of public safety, 3) the director of transportation, 4) the chairperson of the board of land and natural resources, in addition to 5) one public member, from each of the four counties, who is appointed by the governor. This is concerning because the power that the bill would give to the standards board to oversee the training of the law enforcement officers would remain inside the departments of which this board is to oversee.

I believe that the composition proposed in this bill, S.B. NO. 568, is a much stronger one, nevertheless I do have some areas of concerns I would like to address and suggestions that may resolve them. One concern I have is the fact that this board would be created under the office of the attorney general. The attorney general is the chief legal officer as well as the chief law enforcement officer, and as such it should be required that he also be certified by the board if he is to be considered a "law enforcement officer". If the board is created within the department of the attorney general I believe this would be a conflict of interest because if he is required to be certified by this board, his office cannot, or rather should not oversee it. As a solution I propose that instead of the board being created under the office of the attorney general, the board be created as an entity separate from the any law enforcement agency, and instead of excluding the attorney altogether, we appoint him as one of the voting members in lieu of one of the two members who are required to be a retired judge or retired judicial officer.

Another area of concern I have is that there is no definition of what is considered "significant law enforcement experience" and so I think that should be clarified. Respectively I believe that we should make it required that these three voting members with "significant law enforcement experience" not have any ties to local law enforcement as to avoid any bias or influence. In addition I also believe that the public members to be appointed by the mayors of the four counties should exclude the chiefs of police of the four counties for the same reason stated above, to avoid any bias or influence from the local law enforcement agencies.

Lastly, I would like to propose the consideration of other voting members instead of some of those proposed such as someone from the department of health to input suggestions of basic medical training for officers for first responders, as well as someone from the battered women's shelter to give recommendations of how to handle intimate partner violence calls so as not to victimize the victims more instead of in place of maybe one or two of the three members suggested to have significant law enforcement experience.

Powers

Items 3 and 4 in sub-section 3, the powers of the bill, addresses the training curriculum as far as the minimum, specialized, and in service courses required for training law enforcement officers, as well as consulting and cooperating with academics and others that work in the field of criminal justice in a continuous manner concerning the developments of law enforcement officer training schools and programs. This power, I believe, is one step in the right direction because it allows for the board to get outside help, in setting up law enforcement training schools, from academics, such as myself and my classmates, who have studied many types criminal justice systems, and who may have some insight into creating a system that will be more effective then the system we currently have Item 7, which gives the board the power to establish and require participation in continuing education programs for law enforcement officers, also goes hand in hand with items 3 and 4. I believe that if we get a training program in place using the help of academics, and require the law enforcement officers to continuously participate in learning this and any other future education training programs that may be created, then we can work towards creating a different type of law enforcement officer; one that is up to date on the training for all types of situations, such as domestic violence or dealing with the homeless, and isn't opposed to getting more training to learn how to deal with other situations that arise.

Items 6 and 9 address what is probably going to get the most opposition, but is also what I believe some of highest powers that the board will have, which is the power to investigate law enforcement when a law enforcement officer does not meet the minimum standards for employment, as well as the power to investigate any allegations of wrongdoing, criminal activity, or questionable operations involving any state or county law enforcement agency or law enforcement officer, and in doing so, may subpoena persons, books, records, or documents related to the investigation and require answers in writing under oath. These two powers are the most important because it gives the board the power to investigate officers and also law enforcement agencies. One concern I have with this power is will item 6 allow for the board to subpoena all information relating to the investigation, for example personnel records? Also do these powers include the ability to investigate candidates? I feel that these details should be incorporated into the powers because personnel records have vital information that should be considered when investigating a law enforcement officer. Furthermore candidates are seeking to become law enforcement officers, therefore they the board should have the power to investigate them if any allegations of misconduct arise.

Standards

In sub-section 6, the standards section of the bill, I find that the criterion set forth is very strong. I feel that the ability given to the board to issue certification to not only candidates that completed requirements of subsection (a), but also those who have completed similar programs in another jurisdiction equivalent to the quality required under subsection (a), opens the gate for those who have worked in other law enforcement agencies to be able to transfer here, without having to go through the whole training academy from the beginning, and allow them to give some insight into other methods of policing styles from different states that may help improve ours. Additionally I believe that next to the ability to actually being able to investigate law enforcement agencies and officers, the standard permitting the board to deny or revoke certification of a candidate or law enforcement officer, subsections (c & d), who either fails to meet or maintain the standards required under subsection (a), or who has been involved in an act of criminal misconduct, is the strongest power they will have. However, although I do feel strongly about this standard, I do have a concern. What will be considered an act of criminal misconduct? I suggest that a list be created to name all actions that are and will be considered criminal misconduct so as to not have any confusion or arguments when the board is considering revoking or denying a certification.

In conclusion I support this bill, regarding the creation of a law enforcement standards board, because while it may have some areas of concern that need to be worked on, it has the potential to make the change that is needed in the training of our law enforcement officers here in Hawaii to effectively solve the difficulties that we the people of Hawaii have been having with our law enforcement officers.

SB568

Submitted on: 2/9/2015

Testimony for PSM/TRA/WTL on Feb 10, 2015 13:05PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Candace Hashimoto	Remington College C.J Student Coalition	Support	No

Candace Hashimoto
S.B. NO. 568
2/9/15

Good morning, ladies and gentleman. My name is Candace Hashimoto, and today I would like to thank you all for allowing me to speak regarding Senate Bill 568.

The purpose of Senate Bill 568 is to establish a law enforcement standards board for the certification of county police officers, state public safety officers, and employees at the departments of transportation, public safety, and land and natural resources with police powers. This bill, and House Bill NO. 1210 are very similar because they both propose the creation of a law enforcement standards board. However, after reading through both if the bills, I believe that Senate Bill NO. 568 is stronger in the structure of the bill.

House Bill NO. 1210 have many conflicts of interest. If this bill is passed, the law enforcement standards board will consist of:

1. The chiefs of police of the four counties
2. The director of public safety
3. The director of transportation
4. The chair of the board of land and natural resources
5. In addition to one public member that will be appointed by the governor

This is an area of concern because the power will reside in the hands of those in the departments that would need certification.

Also, in Senate Bill NO. 568, it was proposed to have the Attorney General as the chairperson. I believe the law enforcement standards board should be run by a different party. However, the

Attorney General should not be out of the picture. I believe it is best to have the Attorney General as one of the members mentioned in section -2, number 2, so that democracy can be better served if he was elected as chairperson.

The powers section of the bill is very thorough, and establishing minimum standards, training programs, and criminal justice curriculum requirements is a very good thing.

I support Senate Bill NO. 568. I believe it can change the way these departments are run, and the way society perceives them. Thank you for giving me the time to speak today.

SB568

Submitted on: 2/9/2015

Testimony for PSM/TRAWTL on Feb 10, 2015 13:05PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Shajaira Briones	Remington College C.J. Student coalition	Support	No

Shajaira Briones

Senate Bill NO. 568

Aloha, my name is Shajaira Briones. I am currently a student at Remington College studying for my Bachelor's degree in Criminal Justice and I am speaking in regards of the Senate Bill NO. 568.

As of now, the state of Hawaii does not have a procedure that could revoke a police officer's certification for serious misconduct. There has been countless times where law enforcement officers have failed to meet or maintain the standards of what an officer should be. In this bill, in section -6 Standards, says the board can deny or revoke the certificate of an applicant or law enforcement officer who fails to meet the required standard. The purpose of this bill is to enact a law that certifies law enforcement officers to ensure the highest standards throughout our islands.

The powers of this bill Section -3 has great values to ensure that all officers are to be investigated if there is any reason to believe that they are doing any criminal activity or wrongdoing.

With that being said, I greatly support this bill. I believe this bill will set powerful guidelines for law enforcement officers to make sure to follow procedures, policies, and rules.

SB568

Submitted on: 2/9/2015

Testimony for PSM/TRAWTL on Feb 10, 2015 13:05PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
robert ford	remington college Honolulu C.J. Student Coalition	Support	No

S.B. 568

Good morning ladies and gentlemen, senators of the board, my name is Robert ford (F-O-R-D), I am here today to speak on behalf of bill SB 568. I would first like to talk about the strengths of bill SB 568. This bill, like bill HB1210, has mostly the same language when it comes to the idea of creating a Law Enforcement Standards Board, however, what makes SB 568 stand out as a bill that would best serve democracy AND law enforcement of Honolulu (anyone appointed by the state with the powers to arrest), is the changes that were made in SB 568. Stronger language can be found in SB 568 in contrast to HB 1210.

In section 2, sub-section (a), creates a conflict of interest in SB 568. The attorney general is also a chief LAW ENFORCEMENT OFFICER, law enforcement officers are CERTIFIED by the Board. By creating the board UNDER the attorney general, would not create the proper "checks and balances" when it comes to certification under the board. Democracy would be best served, however, if the attorney general is ON the state board, selected as chairperson, who then can report to the governor as chairperson of the standards board. Creation of law enforcement standards board, significant changes in the bill starts with eleven voting members. Line 9 through 11 is example of one of the major changes from HB 1210 (in which HB 1210 proposed the four police chiefs of the four counties and a sheriff), my area of concern would be the word "significant". This word seems to make a presence in section 2 of SB 568 quite often, the Question is: can we clarify exactly "how long" is significant? my second question would be: Will the three members appointed by the governor have any close ties with local law enforcement in the Honolulu County? As with section 2, line 15to 18, once again, what are the clarifications of "significant" law enforcement knowledge for educators at Hawaii institutions? What institutions would in fact qualify to be appointed by the governor? Will their background include law or will they be separated from law?

Overall, this is a strong bill. The language is stronger because the intent is a strong one. The bill would be stronger with clarifications on the specific positions only with "significant" experience. In contrast of H.B. 1210, I am in support of bill S.B. 568.

SB568

Submitted on: 2/9/2015

Testimony for PSM/TRA/WTL on Feb 10, 2015 13:05PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Lucky Lotu	Remington College Honolulu C.J. Student Coalition	Support	No

Lucky.Lotu

STATE BILL NO.568

Aloha ladies and gentlemen. My name is Lucky Lotu. I am currently a student of Remington College studying for my Bachelor's degree in the Criminal Justice field. I would like to thank you all for being here and allowing me to speak here today regarding the House Bill NO.1210.

Creation of law enforcement standards board; composition

The main objective of this bill is to establish a law enforcement standards board for the certification of county police officers, state public safety officers, and employees of the departments of transportation and land and natural resources with police powers.

Beginning on 1/1/2018, prohibits appointment or hiring of these officers unless certified by the law enforcement standards board. Establishes a special fund. I support this bill hundred percent because it much more sufficient and fundamental compare to the Senate Bill NO.568. To make this standards board effective and significant I believe that we need to insinuate members on this board that are not associated with individual within any of the listed departments. This will prevent individuals from influencing others on the standards board.

According to the composition of the bill, I would need clarity for the term "significant." It does not have any clarification of the required time that one needs to have in order to qualify for the position. In addition, one member appointed by each of the mayors is considered not an appropriate selection if they need to be certified by this board. It will cause a conflict of interest.

I am in full support of this bill that establishes a minimum standards board for all public servants.

SB568

Submitted on: 2/9/2015

Testimony for PSM/TRA/WTL on Feb 10, 2015 13:05PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Paulo Paulo	Remington College Honolulu C.J. Student Coalition	Support	No

Paulo O.J Paulo
02/07/15

S.B. No. 568

Good morning ladies and gentlemen. Thank you for this great and golden opportunity allowing me to speak regarding the S.B 568. Taking responsibilities and being productive is not a small role. It is a very challenging role to play, to be able to oversee other people. Don't take this role for granted. The purpose of this bill is to create an entity to oversee the commission and the chief. Creating this bill will help establish an entity to oversee and manage the inter working of our police department. I support this bill, with a few amendments.

The amendment that will make this bill more successful are as follows:
Amendment 2: is for the chapter 2 section a, subsection 1. It beneficial to clarify the meaning of the "significant." There is no specified requirement of the amount of time an individual has to have in any previous employments. This change in this section will produce applicants that would benefit our purpose. The proposed members of the board that is listed are a good sturdy mixture of individuals that will bring diversity and experience to eliminate any chance of bias and favoritism in the department.

This bill has my full support with some of those amendments and acknowledgements. With this bill to be approved we will have a better police department, good commission, and a great big smile. This panel will play a great role of integrity, perseverance, and pure determination and hopefully not to misuse their powers if granted.

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Saturday, February 07, 2015 10:44 PM
To: PSMTestimony
Cc: aurasaki@hawaiiantel.net
Subject: Submitted testimony for SB568 on Feb 10, 2015 13:05PM

SB568

Submitted on: 2/7/2015

Testimony for PSM/TRAWTL on Feb 10, 2015 13:05PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Urasaki	Individual	Support	No

Comments: In favor of the bill. Thank you.

From: Michael Harvey <kumukoa986@gmail.com>
Sent: Sunday, February 08, 2015 11:36 AM
To: PSMTestimony
Subject: Testimony for SB 568 and related
Attachments: Testimony SB568.pdf

Hi -

Attached is my testimony supporting Senator Espero's bills.

By the way, related to SB199 and body cameras, I always wore a voice recorder on my belt. A body camera would have been even better. It saved my butt many times against false claims.

Thanks for your efforts.

Mike Harvey
285-2637
kumukoa986@gmail.com

Testimony for:
SB568 (Law Enforcement Standards Board; Special Fund; Appropriation) and related Bills

My Background

I was raised on Kauai (Kauai High School) and recently retired from a long career as an electrical engineer (BSEE, UH; MS, UCLA). I also enjoyed 15 years as a California Level-1 Reserve Peace Officer (city police for 10 years, county deputy sheriff for 5). Along with standard patrol duties (one or two 10-hour shifts per week), I was a state certified trainer for defensive tactics (arrest and control), impact weapons and chemical agents. I was lead trainer for three agencies. I taught at the Annual Reserve Peace Officer Conference and published articles in the CRPOA magazine.

Since I lived the dual life as law enforcement officer and civilian, I got a unique perspective of law enforcement. As my full time work would have me travel around the state and country, I would take the opportunity to ride along with other agencies, observed how they did things, and asked how they trained.

I would like to offer my insights gained from this experience.

Training Standards

The California Commission on Peace Officer Standards and Training (POST) specifies training standards for all California peace officers – Highway Patrol, police, sheriff deputies, school police, transportation police, ABC, etc.. We all know that even if an officer does everything absolutely right, he/she can be sued. Often there is a fine line between doing a difficult job and acting within the confines expected of the public one serves. This is why it is critical to have specified training standards. These standards were influenced by law enforcement requirements, politics, case law and law suits.

The county I worked in had eight different policing agencies (not including special offices). We all had the same training standards. One agency may be more politically sensitive and another more “heavy handed”, but all were accountable - chiefs were appointed and the sheriff elected. Major incidents were investigated by an outside agency. It would be very difficult for an agency to go off on its own.

Hawaii's Uniqueness

Hawaii is extremely unique in that we are isolated, with virtually one major law enforcement agency. This has led to what I would call (with no disrespect) an “inbred mindset”. We do it this way because we have always done it this way. We want it this way. The public accepts this. There is no oversight, no accountability, and based on recent events, little respect or humility. HPD has a strong union which makes officers untouchable. There are no other agencies to compare with. Short of case law or law suits, things will never change.

A list of comparative observations might include such peculiarities as:

- Except for emergencies and special events, I have never seen a uniformed officer routinely play flagman. No agency I knew of had the staffing luxury of doing this. We were either on patrol, in court, covering for someone sick or training, or emergencies.
- Our patrol cars were marked and had cages in the back seat. The most used accessory (aside from the radio) was the spotlight. A few under cover cars, but no patrol soccer vans.
- We did not advertise our presence with running lights.
- Unless responding call to call, we were expected to be visible on patrol for prevention and self-initiated activities.
- By law, a citizen complaint must be accepted and responded to.
- Our oath of office pledged our lives to be "unsullied", at home as well as on the job. Higher standards? You bet!

Summary

My objective is for Hawaii residents to feel safe, and for Honolulu Police Department and outer island agencies to be respected and supported by all of us. We have many fine officers who are dedicated to the job - my thanks and utmost respect to them.

Respectfully,

A handwritten signature in black ink that reads "Mike Harvey". The signature is written in a cursive, flowing style.

Mike Harvey
Kaneohe

Kumukoa986@gmail.com