

**PRESENTATION OF THE
BOARD OF PRIVATE DETECTIVE AND GUARDS**

TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION AND COMMERCE

TWENTY-NINTH LEGISLATURE
Regular Session of 2018

Wednesday, February 21, 2018
2:00 p.m.

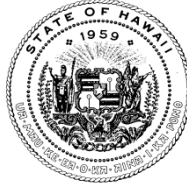
**TESTIMONY ON HOUSE BILL NO. 2061, H.D.1, RELATING TO PRIVATE DETECTIVES
AND GUARDS.**

TO THE HONORABLE ROY M. TAKUMI, CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is Charlene L. K. Tamanaha, and I am the Executive Officer of the Board of Private Detectives and Guards ("Board"). Thank you for the opportunity to testify on H.B. 2061, H.D.1, which is a companion to S.B. 2058. The Board appreciates the intent of the H.D. 1 and offers the following comments.

While the Board has not met on the revisions proposed in the H.D. 1, this measure removes the requirement that the Board review and approve any subsequent changes of all badges, uniforms, forms of identification, emblems and other accoutrements to be worn or used by a licensee or his employee, which the Board noted already exists in Hawaii Administrative Rules section 16-97-14, and was therefore redundant and unnecessary. The remaining amendments further clarify Hawaii Revised Statutes section 463-11 that licensees or registrants are prohibited from identifying as law enforcement officers, the police, or police officers to which the Board is supportive of.

Thank you for the opportunity to testify on H.B. 2061, H.D.1.



Testimony for:
JADE T. BUTAY
INTERIM DIRECTOR

Deputy Directors
ROY CATALANI
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:

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

February 21, 2018
2:00 p.m.
State Capitol, Room 329

H.B. 2061, H.D. 1
RELATING TO PRIVATE DETECTIVES AND GUARDS

House Committee on Finance

The Department of Transportation (DOT) **opposes** H.B. 2061, H.D. 1, Relating to Private Detectives and Guards, but offers to work with this committee to amend the bill to ensure DOT's continuing ability to commission qualified private contract personnel to meet federal security requirements. Without amendment, H.B. 2061, H.D. 1 may impact the DOT's ability to provide for law enforcement and security services at our Airports and Harbors to secure and protect our facilities and the public and to promote freedom of movement for people and commerce.

The DOT is responsible for Hawaii's airports, harbors and highways. Each of our airports are regulated by the U.S. Department of Homeland Security, Transportation Security Administration (TSA) and we are required to develop and comply with an Airport Security Plan (ASP), which contains Security Sensitive Information as defined by federal law (49 C.F.R. Part 1520). The ASP requires law enforcement and security personnel to be assigned to secured and non-secured areas of the airport to prevent breaches and introduction of explosive devices and prohibited items into these areas. Any breach to these secured areas requires the immediate evacuation of all passengers, employees, airlines personnel, concessionaires and tenants to protect lives and property.

Each of our harbor ports are also regulated by the U.S. Coast Guard (USCG) and required to develop and comply with an Facility Security Plan (FSP), which contains Security Sensitive Information. Each FSP has similar security requirements to provide for law enforcement and security services to ensure our harbor ports are safe and secured.

To comply with the provisions of the ASP under 49 C.F.R. 1542 for Airports and with the provisions of the FSP under 33 C.F.R. Subchapter H and the Maritime Transportation Security Act (MTSA) of 2002 under 33 C.F.R. Part 105 for Harbors, the Director has been authorized, under HRS §261-17 for Airports and HRS §266-24 for Harbors, to commission qualified trained private contract security personnel with law enforcement and security powers specific to the designated facility and its premises. Their law enforcement authority, commission, and use of firearms and other related law enforcement equipment is restricted to the premises of the Airports and Harbors, as the case may be, during official work hours.

To this end, if House Bill No. 2061, H.D. 1 is enacted, it may unintentionally terminate (or create confusion regarding) the DOT's authority to commission and administer the oath of office to private contract security personnel as law enforcement officers as required for the DOT's compliance with the ASPs for Airports and FSPs for Harbors. This may result in both decreased security and TSA-imposed civil monetary penalties up to \$13,066 per violation to the DOT as the airport operator.

For these reasons, DOT respectfully requests that the Section 463-11 (a) be amended such that it begins as follows:

"(a) Except for a license or an employee of a licensee commissioned by the director of the department of transportation under HRS § 261-17 or HRS §266.24, [n]o licensee or employee of a licensee shall: ***"

Thank you for the opportunity to provide testimony.



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 21, 2018**

**Re: HB 2061 HD1 RELATING TO PRIVATE DETECTIVES AND
GUARDS**

Good afternoon Chairperson Takumi and members of the House Committee on Consumer Protection and Commerce. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii (RMH) is a statewide not-for-profit trade organization is committed to support the retail industry and business in general in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

We acknowledge the importance of the duties of police officers and the value of private security guards when it comes to ensuring the safety of our employees, customers and the community. While we understand the concerns raised in this bill, the Retail Merchants of Hawaii opposes HB 2061 HD1. Everyday those who are in retail loss prevention confronts people who are shoplifting and doing other illegal activities on store property. Security personnel who are in uniform often deter crimes from just their presence. The public is also able to easily identify who they are.

We are also unsure as to what type of "equipment/ accoutrement" that this bill would prohibit that security and loss prevention officer's use that are associated with police and law enforcement officials. Would this include but not limited to Flashlights? Notepads and pens? Cellphones? Hand Held Radios? Disposable Rubber Gloves? Reflective vests and jackets?

Vehicles are a necessity to get around since some shopping complexes are large and we want to be able to get to the location quickly and efficiently. Vehicles often have the company's logo on the side for identification so that the public know that is it truly security coming to assist. These vehicles include but are not limited to automobiles, bikes and segways. We are unaware of any vehicles being used that includes the words POLICE or LAW ENFORCEMENT by security and loss prevention personnel.

We respectfully ask that you hold this measure. Mahalo again for this opportunity to testify.

LATE

HB-2061-HD-1

Submitted on: 2/20/2018 10:18:20 PM
Testimony for CPC on 2/21/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Ho`omana Pono, LLC	Support	Yes

Comments:



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

LATE

The Twenty-Ninth Legislature, State of Hawaii
House of Representatives
Committee on Consumer Protection and Commerce

Testimony by
Hawaii Government Employees Association

February 21, 2018

H.B. 2061, HD1 – RELATING TO PRIVATE
DETECTIVES AND GUARDS

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of H.B. 2061 which prohibits private detectives and guards from self-identifying as law enforcement officers, police, or police officers and from wearing or using any badge, uniform, equipment, vehicle, or other accoutrement capable of being associated with that of a law enforcement officer employed by a government law enforcement organization. This measure also requires further review and approval of any badge, uniform, equipment, vehicle, or other accoutrement to be used by private detectives or guards by the board of private detectives and guards.

Residents and visitors of the state of Hawaii need assurance that when they are in need of law enforcement services, there is no mistake that it is a legitimate law enforcement officer, police, or police officer coming to their aid. A private detective or guard does not have the same authority as government law enforcement entities and any misperception could have a negative outcome.

Thank you for the opportunity to testify in support of H.B. 2061.

Respectfully submitted,

Randy Perreira
Executive Director