

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

TO THE SENATE COMMITTEE ON  
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

TWENTY-NINTH LEGISLATURE  
Regular Session of 2018

Tuesday, March 20, 2018  
1:45 p.m.

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

TO THE HONORABLE CLARENCE K. NISHIHARA, CHAIR, AND MEMBERS OF THE  
COMMITTEE:

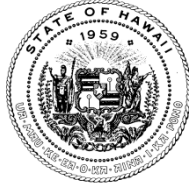
My name is Charlene L. K. Tamanaha, and I am the Executive Officer of the Board of Private Detectives and Guards ("Board"). Thank you for the opportunity to testify in support of H.B. 2061, H.D.1, Relating to Private Detectives and Guards, which is a companion to S.B. 2058.

This measure amends Hawaii Revised Statutes ("HRS") 463-11 by exempting employees commissioned by the Director of Transportation under HRS 261-17 or HRS section 266-24 from HRS chapter 463 and further clarifying that licensees or registrants are prohibited from identifying as law enforcement officers, the police, or police officers.

It has been the Board's longstanding position that employees commissioned by the Department of Transportation are law enforcement officers and therefore not subject to HRS chapter 463. This amendment codifies the Board's position and other amendments that further clarify HRS section 463-11, which the Board supports.

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

DAVID Y. IGE  
GOVERNOR



Testimony for:  
JADE T. BUTAY  
DIRECTOR

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

IN REPLY REFER TO:

**LATE**

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

March 20, 2018  
1:45 p.m.  
State Capitol, Room 229

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

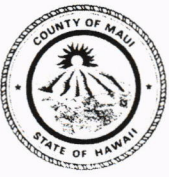
Senate Committee on Public Safety, Intergovernmental and Military Affairs

The Department of Transportation (DOT) offers comments H.B. 2061, H.D. 1, Relating to Private Detectives and Guards.

DOT has no objections to the current form of the bill. DOT notes that it opposed an earlier version of the bill, which included DOT within its provisions. DOT earlier testified that, without an amendment exempting DOT, the bill may impact the DOT's ability to provide for law enforcement and security services at our airports and harbors under DOT jurisdiction. Specifically, 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). Similarly, each of our harbor ports are regulated by the U.S. Department of Homeland Security and the U.S. Coast Guard (USCG), and required to develop and comply with a Facility Security Plan (FSP). To comply with ASPs and the FSPs, the DOT Director has been authorized, under HRS § 261-17 for Airports and HRS §266-24 for Harbors, to commission trained personnel with law enforcement and security powers specific to the designated facility and its premises.

H.D.1 of this bill has addressed DOT's concerns by exempting the DOT from its provisions.

Thank you for the opportunity to provide testimony.



**ALAN M. ARAKAWA**  
MAYOR

OUR REFERENCE  
YOUR REFERENCE

# POLICE DEPARTMENT

## COUNTY OF MAUI

55 MAHALANI STREET  
WAILUKU, HAWAII 96793  
(808) 244-6400  
FAX (808) 244-6411

February 5, 2018



**TIVOLI S. FAAUMU**  
CHIEF OF POLICE

**DEAN M. RICKARD**  
DEPUTY CHIEF OF POLICE

The Honorable Takashi Ohno, Chair  
and Members of the House Committee on Intrastate Commerce  
The Honorable Gregg Takayama, Chair  
And Members of the House Committee on Public Safety  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

RE: House Bill No. 2061, RELATING TO PRIVATE DETECTIVES AND  
GUARDS

Dear Chair Takashi Ohno and Members of the House Committee on Intrastate  
Commerce, Chair Gregg Takayama and the House Committee on Public Safety,  
Committee:

The Maui Police Department SUPPORTS the passage of H.B. No. 2061.

The passage of this bill will help define, through a visual perspective aspect, between  
qualified professional law enforcement officers and it's agencies, and private security  
personnel and their companies.

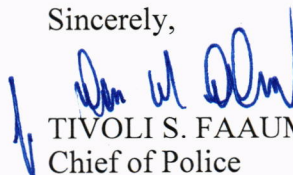
There have been occurrences of varying severities throughout the State, over the years,  
where the conduct or non-action by private security personnel resulted in complaints to  
law enforcement agencies. These complaints, although clearing law enforcement of any  
violations of law and/or policy, creates a cloud of negativity toward law enforcement  
officers. Not to mention the law enforcement resources wasted to clear the employee(s).

Clearly defining through identification the difference between law enforcement and  
private security will not only benefit the government agencies, but also hold the private  
entities to a level of accountability and maintenance of standards.

The Maui Police Department asks that you SUPPORT the passage of H.B. No. 2061.

Thank you for the opportunity to testify.

Sincerely,

  
TIVOLI S. FAAUMU  
Chief of Police

**HB-2061-HD-1**

Submitted on: 3/16/2018 3:24:18 PM

Testimony for PSM on 3/20/2018 1:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alan Urasaki	Individual	Support	No

Comments:

**HB-2061-HD-1**

Submitted on: 3/16/2018 4:48:20 PM

Testimony for PSM on 3/20/2018 1:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lt Michael Oakland	Individual	Support	No

Comments:

Aloha Chair Nishihara, Vice Chair Wakai and members of the committee:

I am Michael Oakland, President of HGEA Collective Bargaining Unit 14, State Law Enforcement, Ocean and Water Safety Officers.

Thank you for allowing me to testify in **STRONG SUPPORT** of this bill. As a law enforcement officer who represents all law enforcement at the state level, I can say that my first hand experience has proven that this bill is an excellent one.

I have seen countless situations the public gets confused when a security officer (guard) arrives on a scene prior to state or county law enforcements arrival and in uniform that looks like police officers with badges giving the impression that they are the authority on scene. Upon the victim/complainant surrendering their personal information for the security officer to do their report, law enforcement arrives on scene and the "victim" or complainant gets frustrated when they realize they need to turn it over again to the state or county agency that has the only ability to take their complaint and or case through to adjudication.

Many times I have seen and heard the public get upset and say "never mind, I don't have time for this" and they leave without having their issue dealt with properly.

There are multiple years and examples that can be given but I think this is enough generic information to make the point.

I believe security should have identifiers that help the public, provide the initial visual deterrent needed for the general publics benefit and to identify the security officer, but nothing even close to that of county and state law enforcement agencies.

Also, any laws on the books that reflect law enforcement powers for security should be eliminated from state law being that none of them can take a criminal case from start to finish. This includes the ability to conduct traffic stops and run emergency lights on public roads being that it is currently illegal for them to do so according to statutes that cover lighting and what agency runs which color lights.

Mahalo Nui Loa for this opportunity again to testify in **STRONG SUPPORT!**

Aloha,

Michael Oakland, President BU-14 HGEA

State PAC Vice Chair, Director for BU-14 Board of Directors, HGEA