

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

TO THE HOUSE COMMITTEES ON  
INTRASTATE COMMERCE  
AND  
PUBLIC SAFETY

TWENTY-NINTH LEGISLATURE  
Regular Session of 2018

Friday, February 9, 2018  
9:30 a.m.

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

TO THE HONORABLE TAKASHI OHNO, CHAIR, AND THE HONORABLE GREGG  
TAKAYAMA, CHAIR, AND MEMBERS OF THE COMMITTEES:

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

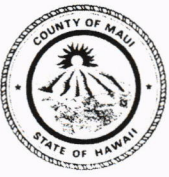
This measure: (1) proposes to clarify that private detectives and guards are prohibited from self-identifying as law enforcement officers, the police, or police officers; and (2) requires periodic review of any insignia used by private detectives or guards to ensure the insignia does not lead to any confusion by the public as to the legal authority of private detectives and guards.

The Board appreciates the intent of this measure, which further clarifies in Hawaii Revised Statutes ("HRS") section 463-11 that licensees or registrants are prohibited from identifying as law enforcement officers, the police, or police officers. However, the proposed requirements that the Board review and approve all badges, uniforms, forms of identification, emblems, and other accoutrements to be worn or used by a licensee or his employee, as well as review and approve any subsequent changes, already exist under section 16-97-14 of the

House Bill No. 2061  
February 9, 2018  
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Board's administrative rules. Therefore, the Board respectfully submits these amendments are redundant and unnecessary.

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



**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.

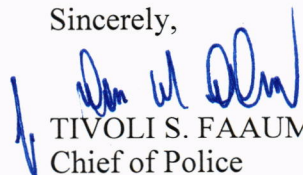
There have been occurrences of varying severities throughout the State, over the years,  
where the conduct or non-action by private security personnel resulted in complaints to  
law enforcement agencies. These complaints, although clearing law enforcement of any  
violations of law and/or policy, creates 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



**TESTIMONY OF TINA YAMAKI  
PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
February 9, 2018**

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

Good morning Chair Ohno and Chair Takayama and members of the House Committee on Intrastate Commerce and the House Committee on Public Safety. 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. Everyday those who are in retail loss prevention confronts people who are shoplifting and doing other illegal activities on store property. We are unaware of any uniforms that mimics that of police officers. Security who are in uniform often deter crimes from just their presence. The public is 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 police do as well – Flashlights? Notepads and pens? Cellphones to call 911? Hand Held Radios? Disposable Rubber Gloves?

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 also very concerned that the review and approval of any changes to uniforms by the Board of Private Detectives and Guards. What are the standards that they will be using to determine what can and cannot be used? Would this also include the type of Aloha Shirts and pants used as uniforms? We also have to be aware that some businesses have corporate standards for their employees that are company and nationwide. It is also our understanding that Board of Private Detectives and Guards are already unable to process Guard Cards expeditiously and business's often have to wait weeks before they receive the cards in which time the guards find other employment. This would just add to their burden.

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



**HB-2061**

Submitted on: 2/7/2018 12:53:16 PM

Testimony for IAC on 2/9/2018 9:30:00 AM

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

Comments:

Please do not let Securitas become the defacto Airport Police. In Support.

**HB-2061**

Submitted on: 2/7/2018 5:22:05 PM

Testimony for IAC on 2/9/2018 9:30:00 AM

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

Comments:

**HB-2061**

Submitted on: 2/8/2018 1:31:59 PM

Testimony for IAC on 2/9/2018 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
cheryl		Comments	No

Comments:

For thought.. will this include "guardians" or "rangers" which have no law enforcement training but are told to act like they do? For example on Mauna Kea (heard this at the last BLNR meeting) and it seems that Mayor Caldwell is looking at rangers for Ala Moana. So asking that you word this carefully.





Testimony for:  
JADE T. BUTAY  
INTERIM 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

February 9, 2018  
9:30 a.m.  
State Capitol, Room 312

**H.B. 2061**  
**RELATING TO PRIVATE DETECTIVES AND GUARDS**

House Committee on Intrastate Commerce  
and  
House Committee on Public Safety

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The Department of Transportation (DOT) **opposes** H.B. 2061, 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 in order to meet federal security requirements. Without amendment, H.B. 2061 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. This will result in the delay of flights, both departures and arrivals, until the areas are inspected and deemed by the TSA to be safe for the movement of people and commerce.

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, firearm, and other related law enforcement equipment is restricted to the premises of the Airports and Harbors during official work hours.

To this end, if House Bill No. 2061 is enacted, it may unintentionally result in the DOT not being able to commission and administer the oath of office to private contract security personnel as law enforcement officers as required to comply 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.