



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

NOLAN P. ESPINDA
DIRECTOR

Cathy Ross
Deputy Director
Administration

Jodie F. Maesaka-Hirata
Deputy Director
Corrections

Renee R. Sonobe Hong
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 2203, HOUSE DRAFT 1
RELATING TO LAW ENFORCEMENT

by

Nolan P. Espinda, Director
Department of Public Safety

House Committee on Finance
Representative Sylvia Luke, Chair
Representative Ty J. Cullen, Vice Chair

Thursday, February 22, 2017; 1:30 p.m.
State Capitol, Conference Room 308

Chair Luke, Vice Chair Cullen, and Members of the Committee:

The Department of Public Safety (PSD) appreciates the intent of House Bill (HB) 2203, House Draft (HD) 1, which would establish an enforcement division in the Department of the Attorney General and transfer to this new enforcement division the law enforcement activities of the Department of Land and Natural Resources, Division of Conservation Resources; the Department of Public Safety, Sheriff Division and Narcotics Enforcement Division; and the Department of Transportation, Harbors Division. PSD, however, requests that this measure be held.

Issues such as infrastructure, training, records management systems, funding, support staff, policies and procedures, duties and responsibilities, federal requirements, administrative and disciplinary processes, and accreditation must be discussed and worked out. PSD's Narcotics Enforcement Division must also continue to comply with its ASCLD (International Association of State Crime Laboratory Directors) accreditation. Support staff must also transfer to support the functions of the various law enforcement agencies, including labor relations for collective bargaining matters. For these reasons, PSD respectfully requests that this measure be held.

Thank you for the opportunity to present this testimony.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2018**

ON THE FOLLOWING MEASURE:

H.B. 2203, H.D. 1 RELATING TO LAW ENFORCEMENT.

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

DATE: Thursday, February 22, 2018 **TIME:** 1:30 p.m.

LOCATION: State Capitol, Room 308

TESTIFIER(S): Russell A. Suzuki, Acting Attorney General, or
Jeffrey A. Keating, Deputy Attorney General

Chair Luke and Members of the Committee:

The Department of the Attorney General ("Department") appreciates the intent of this bill in establishing an enforcement division within the Department and transferring the State law enforcement positions within the Department of Public Safety ("PSD"), Department of Land and Natural Resources ("DLNR"), and the Department of Transportation ("DOT") to this proposed new division within the Department.

However, we oppose this bill because it is contrary to Article V, Section 6 of the State Constitution which provides:

All executive and administrative offices, departments and instrumentalities of the state government and their respective powers and duties shall be allocated by law among and within not more than twenty principal departments in such a manner as to group the same according to common purposes and related functions.

The Department's principle function is to appear for the State, to be the attorneys for the State, see, chapter 28, Hawaii Revised Statutes, and not to take over enforcement matters that are purposely grouped according to related functions of the various departments. The existing placement of these enforcement functions apart from the Department allows the Department to objectively fulfill its responsibilities to defend the State and its officials.

But if this measure is pursued despite the constitutional concern, the Department, along with PSD, DLNR, and DOT, still opposes this bill because we believe

the needs, capabilities, and responsibilities of each of the respective State law enforcement branches must be fully assessed before consolidated under a single department. Issues of infrastructure, funding, jurisdiction, responsibilities, federal mandates, parity, training, CALEA (Commission on Accreditation for Law Enforcement Agencies), policies and procedures, at a minimum, need to be taken into consideration and worked on among the departments.

Further still, the issues of support staff and facilities need to be addressed because the transfer of State law enforcement positions to the Department will also require the transfer of many types of support staff including secretarial, fiscal, human resources, labor relations, and other positions as well as office spaces and facilities.

Finally, the establishment of this consolidated enforcement division within the Department will require funds to accomplish, which are not provided in this bill.

Based on the above, we respectfully request that this measure be held.

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
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

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
FINANCE**

**Thursday, February 22, 2018
1:30PM
State Capitol, Conference Room 308**

**In consideration of
HOUSE BILL 2203, HOUSE DRAFT 1
RELATING TO LAW ENFORCEMENT**

House Bill 2203, House Draft 1 proposes to establish an enforcement division within the Department of the Attorney General (AGs) and transfers to the AGs Enforcement Division, the law enforcement activities of the Department of Land and Natural Resources (Department) - Division of Conservation and Resources Enforcement (DOCARE); the Department of Public Safety - state law enforcement officers and the Narcotics Enforcement Division; and the Department of Transportation - Harbors Division. **The Department opposes this measure.**

The protection of Hawaii's precious natural resources strongly depends on the collaboration of the Department's various divisions, and other external partners such as federal and county government, private entities, and non-governmental organizations. The synergistic relationship of DOCARE with the Department's Divisions and our external partners provides an avenue of strong, meaningful enforcement of Hawaii's natural resource laws.

Over the history of the Department, DOCARE has played an essential role with assessing the enforceability of rules promulgated by other Department divisions. DOCARE has also assisted other Divisions in providing manpower and resources to assist in managing Department lands and facilities, and enforcing their rules.

The Department believes that removing DOCARE from the Department will have a detrimental effect on Hawaii's natural resources. This move will essentially break the important relationships which have been built carefully over many years. For these reasons, the Department is unable to support this measure.

Thank you for the opportunity to comment on this measure.



The Nature Conservancy
Hawai'i Program
923 Nu'uuanu Avenue
Honolulu, HI 96817

Tel(808) 537-4508
Fax(808) 545-2019
nature.org/hawaii

Testimony of The Nature Conservancy of Hawai'i
Opposing HB 2203 HD1 Relating to Law Enforcement
House Committee on Finance
Thursday, February 22, 2018, 1:30PM, Room 308

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of the lands and waters upon which life depends. The Conservancy has helped to protect nearly 200,000 acres of natural lands in Hawai'i. We manage 43,000 acres in 14 preserves and work in 19 coastal communities to help protect the near-shore reefs and waters of the main Hawaiian Islands. We forge partnerships with government, private parties and communities to protect Hawai'i's important watershed forests and coral reefs.

The Nature Conservancy opposes H.B. 2203 HD1, especially its provisions that would transfer the conservation and resources enforcement functions of the Department of Land and Natural Resources (DLNR) to the Department of the Attorney General (AG).

The AG's mission, mandate, and capacity make it entirely ill-equipped to take on the lead role and responsibility for on-the-ground and in-the-water enforcement of laws related to Hawai'i's natural environment, including related habitat, plants and animals. This is not a criticism of the AG, it is just the simple fact that conservation of natural resources is not in the agency's expertise, whereas it is squarely within the mission and expertise of the DLNR.

BOARD OF TRUSTEES

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HB-2203-HD-1

Submitted on: 2/21/2018 12:20:37 PM

Testimony for FIN on 2/22/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Laulani Teale	Ho'opae Pono Peace Project	Oppose	Yes

Comments:

This measure flies in the face of [indigenous rights to self-determination](#).

The Attorney General does not need an enforcement division. The Attorney General needs to align with international (United Nations) standards, and protect sacred sites, waters, and cultural rights so that we do not have to!

The State of Hawai'i is an illegal entity with no du jure power to enforce against the people of the land, many of whom are legally citizens of the occupied Kingdom of Hawai'i. Rather than brutally oppressing those who are working to protect our scarce and sacred resources, particularly the original people of this land, the State of Hawai'i needs to work with the Protectors for peaceful resolution of the problems we all face.

Mahalo nui loa,
Laulani Teale, MPH
Coordinator, Ho'opae Pono Peace Project



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

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

The Twenty-Ninth Legislature, State of Hawaii
House of Representatives
Committee on Finance

Testimony by
Hawaii Government Employees Association

February 22, 2018

H.B. 2203, H.D. 1 – RELATING TO LAW ENFORCEMENT

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of H.B. 2203, H.D. 1, which establishes an enforcement division within the Department of the Attorney General by transferring the law enforcement activities of the Department of Land and Natural Resources – Division of Conservation and Resources Enforcement, the Department of Public Safety state law enforcement officers and narcotics enforcement division, and the Department of Transportation harbors division.

While we understand that this is a significant policy shift from the existing departmental structures, we fully believe it is long overdue and most appropriate to initiate this necessary conversation on how state law enforcement can best serve the public. Since the Attorney General serves as the chief law enforcement officer of the State of Hawaii, it is indisputable and logical that the Department of the Attorney General have a statewide law enforcement division in which the AG can direct. Centralization of our state law enforcement under the Attorney General will ensure consistency in training and uniformity with policies & procedures, as well as create potential opportunities for cross-training and advanced career development. In addition, we anticipate a centralized state law enforcement division will lead to streamlined statewide communications and increased coordinated efforts. Various measures introduced this Legislative Session strengthen the need for a statewide law enforcement division, including the AG's budget request for state security operations and the creation of a Law Enforcement Standards Board.

The current department-specific, and oftentimes division-specific, structure is fractured, inconsistent, and cumbersome. We must do more to create a structured environment where our dedicated law enforcement officers can thrive.

Thank you for the opportunity to testify in strong support of H.B. 2203, H.D. 1.

Respectfully submitted,

Randy Perreira
Executive Director

HB-2203-HD-1

Submitted on: 2/21/2018 12:49:35 PM

Testimony for FIN on 2/22/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Individual	Oppose	Yes

Comments:

They are the lawyers for the State and help the state with Judicial challenges. It is asking the citizens/people of this Aloha State to understand giving an appointment noted public servant absolute power of out law enforcement of these departments. A'ole this is NOT PONO...

February 12, 2018

Testimony on HB 2203 Relating to Law Enforcement

COMMITTEE ON JUDICIARY

Rep. Sylvia Luke, Chair

Rep. Ty Cullen, Vice Chair

I strongly support this bill which would consolidate the various State Law Enforcement officers under the Department of the Attorney General. The Attorney General is the highest State Law Enforcement officer, as such, it makes sense to place all other State Law Enforcement officers and functions under that office.

Removing the law enforcement functions and responsibilities from the Department of Land and Natural Resources, Department of Public Safety, and the Department of Transportation harbors division, would allow those departments to focus on their core functions and responsibilities.

Thank you for the opportunity to testify.
Robin Nagamine

LATE

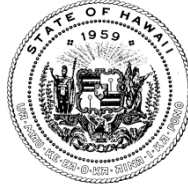
HB-2203-HD-1

Submitted on: 2/21/2018 4:24:27 PM

Testimony for FIN on 2/22/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kimra Volavola	Individual	Oppose	No

Comments:



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 22, 2018
1:30 p.m.
State Capitol, Room 308

H.B. 2203, H.D. 1
RELATING TO LAW ENFORCEMENT

House Committee on Finance

The Department of Transportation (DOT) **opposes** H.B. 2203, H.D. 1, Relating to Law Enforcement.

This bill seeks to amend Chapter 28, Hawaii Revised Statutes (HRS), to establish in the department of the attorney general an enforcement division to engage in law enforcement matters currently exercised by, among others, the Department of Transportation, Harbors Division (DOT-Harbors).

The DOT is responsible for Hawaii's airports, harbors and highways and, as described below, seeks to provide coordinated and complementary security programs for these transportation systems through a unified system of command. Each of our airports is regulated by the U.S. Department of Homeland Security, Transportation Security Administration (TSA) and the DOT is accountable to the TSA for developing and complying 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 of security and introduction of explosive devices and prohibited items into these areas.

Similarly, each of our harbor ports are regulated by (and the DOT is accountable to) the U.S. Coast Guard (USCG) and the TSA. Each such port is required to develop and comply with a Facility Security Plan ("FSP") approved by the USCG, which contains Security Sensitive Information. Each FSP has similar requirements to provide for law enforcement and security services to ensure our harbor ports are safe and secure.

To comply with ASPs and 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.

If H.B. 2203, H.D. 1 is enacted, the department of the attorney general would assume the law enforcement duties currently undertaken by the harbor police at Honolulu Harbor in accordance with DOT-Harbors FSPs. This result would be contrary to (and nullify the work under) the Special Project approved on July 14, 2017 by Governor Ige, under which the Governor (pursuant to the authority provided to him by HRS § 76-11.6) authorized a five (5) year Special Project to establish an Office of Security and Law Enforcement reporting to the Director of DOT, effective as of August 1, 2017 through July 31, 2022. Consistent with and to further the Special Project, S.B. 2829 and H.B. 2402 seek to codify into the Hawaii Revised Statutes the Office of Security and Law Enforcement to (a) improve security and law enforcement under a single program entity to address security, accountability, health, and safety concerns in aviation and maritime and at highway facilities and consolidate these specialized operations under a unified command structure to support, (b) strengthen the DOT's ability comply with state law enforcement and security requirements, and (c) ensure that the DOT complies with such requirements under federal law at airports and harbors (for which the DOT is accountable to the TSA and the USCG).

Thank you for the opportunity to provide testimony.

LATE

HB-2203-HD-1

Submitted on: 2/21/2018 5:07:51 PM

Testimony for FIN on 2/22/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Ward	Individual	Oppose	No

Comments:

I am a Mauna Kea protector, and retired state worker, and a farmer feeding my community. I am PROTECTING *Mauna Kea*, not corporate interests and I am a citizen of this state with first amendment rights. Please do not confuse me with a lawbreaker. I oppose this bill!

LATE

HB-2203-HD-1

Submitted on: 2/21/2018 7:48:10 PM

Testimony for FIN on 2/22/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Claud Sutcliffe	Individual	Oppose	No

Comments:

LATE

HB-2203-HD-1

Submitted on: 2/21/2018 9:25:10 PM

Testimony for FIN on 2/22/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
A Kathleen Lee	Individual	Oppose	No

Comments:

Honorable Representatives of All Citizens of Hawai'i,

Personally, I support the future of the science and observation and discovery that the cosmos can teach us about, via the new telescope on Mauna Kea. If anyone were protecting the Sacred at (the time of the destructive and dangerous to all of us on Hawai'i Island) the creation and installation of the military Striker Force at Pohakuloa, then I'd have a different set of facts to consider...BUT to slide in the back door with this police force for DLNR is suspicious and I feel something is not pono here. We want Order and you are RESPONSIBLE TO MAINTAIN ORDER. By that fact, do NOT vote for this bill. Mahalo in Peace, April Lee; Hawi, HI

HB-2203-HD-1

Submitted on: 2/22/2018 5:19:41 AM

Testimony for FIN on 2/22/2018 1:30:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Freitas Jr.	Individual	Oppose	No

Comments:

I seriously OPPOSE this bill!!!