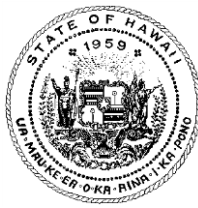


DAVID Y. IGE
GOVERNOR



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 Judiciary
Representative Scott Y. Nishimoto, Chair
Representative Joy A. San Buenaventura, Vice Chair

Tuesday, February 13, 2017; 2:00 p.m.
State Capitol, Conference Room 325

Chair Nishimoto, Vice Chair San Buenaventura, 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.

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
JUDICIARY**

**Tuesday, February 13, 2018
2:00PM
State Capitol, Conference Room 325**

**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.**

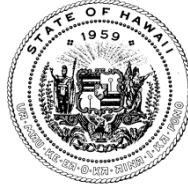
The protection of Hawaii's precious natural resources strongly depends on the collaboration of the Department's various divisions, and other external partners such as federal and county government, private entities, and non-governmental organizations. The synergistic relationship of DOCARE with the Department's 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.

DAVID Y. IGE
GOVERNOR



LATE

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 13, 2018
2:00 p.m.
State Capitol, Room 325

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

House Committee on Judiciary

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).

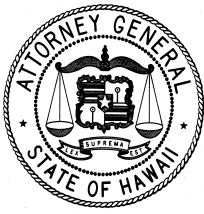
The DOT is responsible for Hawaii's airports, harbors and highways and, as described below, seeks to provide coordinated and complementary security programs for these transportation systems through a unified system of command. Each of our airports is regulated by the U.S. Department of Homeland Security, 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 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.



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

LATE

ON THE FOLLOWING MEASURE:

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

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Tuesday, February 13, 2018 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

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

Chair Nishimoto 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 issue 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.



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 Judiciary
Tuesday, February 13, 2018, 2:00PM, Room 325

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 S.B. 2909 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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Aloha Chair Nishimoto, Vice Chair San Buenaventura and members of the House Committee on Judiciary,

The Young Progressives Demanding Action – Hawai‘i, representing nearly 600 registered members, **opposes** HB2203. After looking at other examples of law-enforcement consolidation proposals, we believe this proposal is not feasible. Beyond that, we have concerns with centralization of policing powers in general.

A consolidation of the Department of Land and Natural Resources, 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 to a newly created enforcement division of the Office of the Attorney General would be difficult to properly execute, could have unintended consequences, and seems unlikely to save money.

Those pushing for the consolidation of law-enforcement agencies typically cite budget shortfalls as the best reason for combining resources to form a consolidated force. But this austerity argument doesn't pass muster.

Take Louisville, Kentucky: Beginning with a referendum in 2000, city administrators began moving toward consolidation, and on January 6, 2003 city police merged with the unincorporated areas of Jefferson County. After reassigning the responsibilities and reassessing needs, the number of patrol divisions was reduced from 10 to eight, and the number of beats fell from 51 to 44. Additionally, key management positions in the new department were taken from officers and given to newly hired civilian employees. Despite this, the merger was a budgetary disaster. The city's former police chief estimated that consolidation cost an extra \$85 million. New communication equipment cost nearly \$70 million and allowances for new healthcare plans and other benefits ended up costing another \$10 million. Hardly a windfall.

The upfront costs of these types of consolidations are usually prohibitive: The one-time cost of new branding, new uniforms, new vehicles, new training manuals, etc. could pay for an expansion of the existing enforcement agencies this bill proposes to consolidate.

Consolidation works best when based on the community's character, composition, size, geographic location, and existing programs. Consolidation efforts must consider disaster planning, emergency preparedness, public demand, local control, efficiency and effectiveness, and anticipated public safety issues. Our government must evaluate its ability to pay for services, potential stressors of the system, and the community's history of natural disasters.

If the goal of this proposal is to optimize resources by increasing the crime prevention presence at no additional cost, few opportunities to do so exist. The statutory missions and the caseloads of the various law enforcement agencies involved in this proposal are dissimilar; their jurisdictions are spread across the state, and not in close geographic proximity to one another. The typical advantages of consolidation—reduced administrative costs through a single management, centralized training coordination and planning, and a single communication center; the ability to broaden coverage by redeploying administrative staffing to law enforcement tasks; and the ability to modify workloads through mutual support by officers having concurrent jurisdiction—do not exist.

For any consolidation to be successful there must be careful proactive planning. There must also be buy-in from all affected parties that such consolidation will result in improved security and professionalism by the law enforcement personnel. If these kinds of benefits are not achieved, then there is a strong likelihood that the effort will fail.

When consolidating agencies with specialized case types, there is also a risk that the donor agencies will receive less attention or coverage of their subject matter investigations. Their cases will simply be more in the general queue of cases within the Attorney General's office. In reviewing research about law enforcement agency consolidation, especially as it applies to consolidating specialized law enforcement, there would need to be very clear and detailed analysis of caseloads, processes, external and internal contacts, resources, data sources, jurisdictional issues and statutory issues, as well as what end result would be achieved that would warrant such a move.

On the basis of the limited information we have from this bill and on the comments earlier about what it takes for a consolidation to be successful, we do not believe this consolidation would be successful. We believe that the proposed agency consolidations will not make a significant change in how law enforcement is performed in this state. The agencies will still require similar small unit/paramilitary structures to ensure proper command and adherence to strict standards, and this will limit the overall savings. The same case types will still require coverage, and the color of one's uniform or shape of the badge will not change that required coverage. There may be new costs that arise as salary structures may have to be aligned, and vehicles, weapons and communication devices are standardized. Thus, the disruption might be more than the value.

Major savings in the coming years will not come by consolidating agencies. What is more urgent is to examine how consolidation of law enforcement support services can improve the state's allocation of finite resources to achieve the broadest goals. It is in the areas of capital and technology that all law enforcement agencies share a common need, and the state stands to gain the most benefit through improved operations and optimized cost.

Every day, data is pulled from law enforcement areas such as court systems, jail records, prison

records, driving records, sex offender records, among others; future data sources could include wildlife records and handgun ownership records. A pilot system could provide multiple law enforcement agencies both image and text information so that, as law enforcement officers conduct investigations and/or are actively involved in an immediate law enforcement activity, they will have complete information about individuals from all data sources that might have a bearing on the case.

Such a project could involve a wide range of agencies in the design. This is just one example of a possible initiative where the potential is great for addressing a common problem through consolidated action, while the results can be much more cost-effective than if each agency tried to address it individually.

Many law enforcement agencies, in addition to their recertification training, offer specialized courses that may have applicability across agency lines. Financial crimes, drug diversion, environmental crimes, and gang awareness, are just a few of the kinds of specialized training that could be helpful to other agencies. But, at the present time, there is no systematic way to share information about courses in which others might wish to participate. Designating one agency to be the keeper of such a shared service could be beneficial.

If the state does not have term contracts for law enforcement equipment, such as weapons, personal protective gear and holsters, yet the data shows that the majority of agencies are using a small number of brands, with varying costs, then—without dictating types of weapons and related gear—the state could perform a valuable function by surveying both state and local law enforcement agencies to gather their annual buying requirements and time frames, and issuing solicitations on their behalf. This kind of leveraging could save money at both the state and local level, and would support agencies' current choices in a positive manner.

As previously noted, the efforts to bring together the state law enforcement partners, technologies and experts to assess the needs, develop a comprehensive strategy, and work jointly to carry it out appears to be a good model that holds promise.

Mahalo,

Will Caron
Social Justice Action Committee Chair
8083874920

LATE

HB-2203-HD-1

Submitted on: 2/12/2018 10:33:15 PM

Testimony for JUD on 2/13/2018 2:00:00 PM

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

Comments:

February 12, 2018

LATE

Testimony on HB 2203 Relating to Law Enforcement

COMMITTEE ON JUDICIARY
Rep. Scott Nishimoto, Chair
Rep. Joy San Buenaventura, 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



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 Judiciary

Testimony by
Hawaii Government Employees Association

February 13, 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,


for Randy Perreira
Executive Director