

**SB 2427**

**SD-2**

**RELATING TO**

**LAW**

**ENFORCEMENT**

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# A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that consistency in  
2 recruitment and training are key for state and county law  
3 enforcement agencies. There are no existing statewide standards  
4 for recruitment and training for law enforcement personnel  
5 across the sheriff's division, harbor police, airport police,  
6 and conservation and resources officers. There are also law  
7 enforcement personnel in the department of the attorney general  
8 and department of taxation who carry guns, wear badges, and have  
9 arrest powers. All these types of personnel could benefit from  
10 statewide standards.

11           A recent incident within the department of land and natural  
12 resources involved a Honolulu police officer who was fired from  
13 the county, subsequently hired by the department of land and  
14 natural resources, and ultimately charged with sexual assault of  
15 a minor. This incident highlights the need to have statewide  
16 recruitment and hiring standards. Ongoing training issues for  
17 personnel in harbors, airports, and the sheriff's division also



1 suggest the need to consolidate training among state and county  
2 agencies and to provide standards and policies across the board  
3 that impact all state and county law enforcement officers.

4 The legislature further finds that Hawaii is currently one  
5 of the few states that has no statewide standards for law  
6 enforcement personnel at the county or state level. A  
7 certification and de-certification process for state and county  
8 law enforcement officers would be a significant positive step to  
9 further professionalize Hawaii's law enforcement.

10 The intent of the legislature is to create cost savings,  
11 efficiencies in operations, and consistency in hiring of law  
12 enforcement personnel within state and county government, as  
13 well as establish statewide standards to improve law enforcement  
14 personnel. It is also the intent of the legislature to  
15 ultimately create a state certification process for state and  
16 county law enforcement officers.

17 The purpose of this Act is to:

18 (1) Require the governor to appoint a law enforcement  
19 working group to recommend professional recruitment,  
20 hiring, and training standards for all state and



1 county law enforcement officers who carry firearms and  
2 badges and who have arrest authority; and

3 (2) Prohibit a law enforcement officer who has been  
4 terminated for misconduct by a state or county  
5 department, agency, or office in the capacity of law  
6 enforcement from being hired by another state or  
7 county law enforcement department, agency, or office.

8 SECTION 2. (a) The governor shall appoint a law  
9 enforcement working group to be administratively attached to the  
10 department of public safety. The purpose of the working group  
11 shall be to recommend a process and minimum requirements for  
12 certification and de-certification of all state and county law  
13 enforcement officers by establishing professional recruitment,  
14 hiring, and training standards for all state and county law  
15 enforcement officers who carry firearms and badges and who have  
16 arrest authority.

17 (b) The law enforcement working group shall consist of the  
18 following members:

19 (1) The director of public safety or the director's  
20 designee;



- 1           (2) A representative of the division of conservation and  
2           resources enforcement of the department of land and  
3           natural resources;
- 4           (3) A representative of the department of transportation;
- 5           (4) A representative of the department of the attorney  
6           general;
- 7           (5) A representative of the compliance division of the  
8           department of taxation;
- 9           (6) The director of human resources development or the  
10          director's designee;
- 11          (7) The chief of police of each county police department  
12          or the chief's respective designee; and
- 13          (8) Two community members to be appointed by the governor  
14          without regard to section 26-34, Hawaii Revised  
15          Statutes, and who have at least five years of  
16          experience in criminal justice, academia, non-profit,  
17          or private sector human resource management.
- 18          (c) In addition to subsection (b), the president of the  
19          senate and the speaker of the house of representatives shall  
20          each appoint to the law enforcement working group one individual  
21          with at least ten years of experience in law enforcement at the



1 state, federal, or county level; provided that the individual  
2 shall no longer be employed in a law enforcement capacity.

3 (d) The law enforcement working group shall meet at least  
4 twice in each quarter of a year. All meetings of the law  
5 enforcement working group shall be subject to the requirements  
6 of chapters 91 and 92, Hawaii Revised Statutes.

7 (e) The law enforcement working group shall:

- 8 (1) Make a preliminary report to the legislature by  
9 December 1, 2020; provided that prior to the  
10 completion of the report, the law enforcement working  
11 group shall hold at least two public hearings to  
12 receive public testimony and comments on a draft of  
13 the report; and
- 14 (2) Make a final report to the legislature by December 1,  
15 2021, which shall include recommendations for  
16 statewide recruitment standards, hiring standards, and  
17 training standards for all law enforcement officers in  
18 order to be certified by the State to serve as a law  
19 enforcement officer; provided that at a minimum, all  
20 state and county law enforcement officers shall be  
21 required to be high school graduates.



1 (f) The law enforcement working group shall cease to exist  
2 on May 31, 2022.

3 SECTION 3. Chapter 28, Hawaii Revised Statutes, is amended  
4 by adding a new section to be appropriately designated and to  
5 read as follows:

6 "§28- Hiring of terminated law enforcement officer  
7 prohibited. A law enforcement officer who has been terminated  
8 for misconduct by a state or county department, agency, or  
9 office in the capacity of law enforcement shall not be hired by  
10 another state or county law enforcement department, agency, or  
11 office. The department of the attorney general shall be  
12 responsible for maintaining a list of all law enforcement  
13 officers who have been terminated or forced to resign for  
14 misconduct by a state or county department, agency, or office;  
15 provided that law enforcement officers who have been reinstated  
16 shall be removed from the list as soon as reasonably possible."

17 SECTION 4. New statutory material is underscored.

18 SECTION 5. This Act shall take effect on July 1, 2035.

19



**Report Title:**

Law Enforcement Working Group; Misconduct; Termination

**Description:**

Creates a temporary law enforcement working group to make recommendations to the legislature on establishing professional recruitment, hiring, and training standards for all state and county law enforcement officers who carry firearms and badges and who have arrest authority. Prohibits a law enforcement officer who has been terminated for misconduct by a state or county department, agency, or office in the capacity of law enforcement from being hired by another state or county law enforcement department, agency, or office. Effective 7/1/2035.  
(SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*





**SB 2427**

**SD-2**

**TESTIMONY**

DAVID Y. IGE  
GOVERNOR

DOUGLAS S. CHIN  
LIEUTENANT GOVERNOR



LINDA CHU TAKAYAMA  
DIRECTOR

DAMIEN A. ELEFANTE  
DEPUTY DIRECTOR

**STATE OF HAWAII  
DEPARTMENT OF TAXATION**

830 PUNCHBOWL STREET, ROOM 221  
HONOLULU, HAWAII 96813

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Phone: (808) 587-1540 / Fax: (808) 587-1560

Email: Tax.Directors.Office@hawaii.gov

To: The Honorable Aaron Ling Johanson, Chair  
and Members of the House Committee on Labor & Public Employment

Date: Tuesday, March 13, 2018  
Time: 10:30 A.M.  
Place: Conference Room 309, State Capitol

From: Linda Chu Takayama, Director  
Department of Taxation

Re: S.B. 2427, S.D. 2, Relating to Law Enforcement

The Department of Taxation (Department) offers the following comments on S.B. 2427, S.D. 2, for the Committee's consideration.

S.B. 2427, S.D. 2, requires the Governor to appoint a law enforcement working group to recommend state-wide recruitment, hiring, and training standards for law enforcement officers who carry firearms and badges and who have arrest authority. The bill requires the Department's Compliance Division to be represented on the working group. S.B. 2427, S.D. 2, also prohibits a law enforcement officer who has been terminated for misconduct from being hired by another law enforcement agency. S.D. 2 has a defective effective date of July 1, 2035.

The Department defers to other agencies regarding the prohibition on hiring law enforcement officers terminated for misconduct. Regarding the proposed working group, the Department is able and willing to participate in the working group.

Thank you for the opportunity to provide comments.

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  
LABOR & PUBLIC EMPLOYMENT**

**Tuesday, March 13, 2018  
10:30 AM  
State Capitol, Conference Room 309**

**In consideration of  
SENATE BILL 2427, SENATE DRAFT 2  
RELATING TO LAW ENFORCEMENT**

Senate Bill 2427, Senate Draft 2 proposes to create a temporary law enforcement working group to make recommendations to the Legislature on establishing professional recruitment, hiring, and training standards for all state and county law enforcement officers. **The Department of Land and Natural Resources (Department) supports this measure that seeks to improve efficiency in hiring of law enforcement personnel in government.**

The Department believes that collaboration amongst law enforcement agencies to create standards pertaining to recruitment, hiring and training is a positive step.

The Department defers to the Department of Public Safety as to the feasibility of establishing this proposed working group within the Department of Public Safety.

Thank you for the opportunity to testify on this measure.

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 SENATE BILL 2427, SENATE DRAFT 2  
RELATING TO LAW ENFORCEMENT

by

Nolan P. Espinda, Director  
Department of Public Safety

House Committee on Labor and Public Employment  
Representative Aaron Ling Johanson, Chair  
Representative Daniel Holt, Vice Chair

Tuesday, March 13, 2018; 10:30 a.m.  
State Capitol, Conference Room 309

Chair Johanson, Vice Chair Holt, and Members of the Committee:

The Department of Public Safety (PSD) **supports the intent** of Senate Bill (SB) 2427, Senate Draft (SD) 2, which would: 1) create a temporary law enforcement working group to make recommendations to the legislature on recruitment, hiring, and training standards for all law enforcement officers; 2) prohibit law enforcement officers who have been terminated for misconduct by a state or county department, agency, or office, in the capacity of law enforcement, from being hired by another state or county law enforcement department or agency; and 3) mandate that the Department of the Attorney General maintain such a list of all law enforcement officers terminated or forced to resign for such misconduct. PSD offers the following comments.

Any list of law enforcement officers terminated or forced to resign should consider the situation in which a law enforcement officer is reinstated through the collective bargaining or legal process.

PSD is further aware that there is a separate measure proposing to consolidate State law enforcement agencies under the Department of the Attorney General, which our department recommended be deferred. Under SB 2427, SD2, It may be more appropriate for this working group to be attached to the Department of the Attorney General, which would be responsible for maintaining the list of terminated law enforcement officers.

Thank you for the opportunity to present this testimony.

**SB-2427-SD-2**

Submitted on: 3/12/2018 8:35:38 AM

Testimony for LAB on 3/13/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rebeca Zamora	Individual	Support	No

Comments:

**SB-2427-SD-2**

Submitted on: 3/12/2018 10:24:37 AM

Testimony for LAB on 3/13/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:

**SB 2427**

**SD-2**

**LATE**

**TESTIMONY**





Testimony by:  
JADE T. BUTAY  
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

March 13, 2018  
10:30 a.m.  
State Capitol, Room 309

**S.B. 2427, S.D. 2**  
**RELATING TO LAW ENFORCEMENT**

House Committee on Labor and Public Employment

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The Department of Transportation (DOT) **supports** S.B. 2427, S.D. 1, Relating to Law Enforcement.

The DOT agrees with the bill's purpose to create a governor-appointed "law enforcement working group to recommend professional recruitment, hiring, and training standards for all state law enforcement officers who carry firearms and badges and who have arrest authority" and to "prohibit a law enforcement officer who has been terminated for misconduct by a state or county department, agency, or office in the capacity of law enforcement from being hired by another state or county law enforcement department, agency, or office." The DOT acknowledges that "best practices" for the law enforcement occupation requires the development and establishment of comprehensive entry level minimal qualification standards, along with congruent certifiable screening of applicant's knowledge, skills and abilities, testing (physical fitness), evaluation (mental stability), and background checks for previous work performance history, administrative findings of misconduct and criminal convictions.

The DOT notes that, pursuant to Hawaii Revised Statutes, Section 76-11.6, Governor Ige approved a five (5) year Special Project on July 14, 2017 to establish an Office of Security and Law Enforcement reporting to the Director of DOT. This office will, among other things, improve security and law enforcement under a single program entity. The representative from DOT's Office of Security and Law Enforcement will be the subject matter expert to represent the DOT as a member of the law enforcement working group.

Thank you for the opportunity to provide testimony.

**SB-2427-SD-2**

Submitted on: 3/12/2018 10:13:42 PM

Testimony for LAB on 3/13/2018 10:30:00 AM

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

Comments:

**LATE**

**SB-2427-SD-2**

Submitted on: 3/13/2018 4:20:04 AM

Testimony for LAB on 3/13/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rachel L. Kailianu	Individual	Support	Yes

Comments:



**LATE**