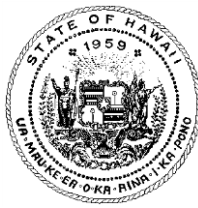


DAVID Y. IGE
GOVERNOR



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 2909, SENATE DRAFT 1
RELATING TO LAW ENFORCEMENT

by
Nolan P. Espinda, Director
Department of Public Safety

LATE

Senate Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Wednesday, February 21, 2018; 10:10 a.m.
State Capitol, Conference Room 211

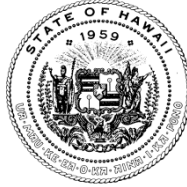
Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee:

The Department of Public Safety (PSD) appreciates the intent of Senate Bill (SB) 2909, Senate Draft (SD) 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



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 21, 2018
10:10 a.m.
State Capitol, Room 211



S.B. 2909, S.D. 1
RELATING TO LAW ENFORCEMENT

Senate Committee on Ways and Means

The Department of Transportation (DOT) opposes S.B. 2909, S.D. 1, Relating to Law Enforcement.

S.B. 2909, S.D. 1 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 is 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 S.B. 2909, S.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.



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
The Senate
Committee on Ways and Means

Testimony by
Hawaii Government Employees Association

February 21, 2018

S.B. 2909, S.D. 1 – RELATING TO LAW ENFORCEMENT

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of S.B. 2909, S.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 S.B. 2909, S.D. 1.

Respectfully submitted,

Randy Perreira
Executive Director

February 20, 2018

Testimony on SB 2909 Relating to Law Enforcement

COMMITTEE ON WAYS AND MEANS
Senator Donovan Dela Cruz, Chair
Senator Gilbert Keith-Agara, 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

SB-2909-SD-1

Submitted on: 2/20/2018 1:42:14 PM
Testimony for WAM on 2/21/2018 10:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Robert	Individual	Support	No

Comments:

Aloha,

I am a State of Hawaii Deputy Sheriff. I was with the State Capitol section for 6 years and with the Airport Section for 5 years. I have had the opportunity to observe different departments attempt to effect law enforcement with no set standards or policies, nor with due diligence. They have not taken the entire judicial process into consideration in their attempts to create their own autonomous law enforcement section. Enforcing the law does not only entail citing infractions and/or arrests. It includes a consideration of the judicial process in its entirety from the moment of probable cause, through the subsequent steps required by the laws of evidence collection, to adjudication.

The Sheriffs department as it stands, and thru jurisdiction already established, is able to accomplish law enforcement that encompasses all the aspects discussed above because they are able to maintain a working relationship with the attorney generals office. In my humble opinion, I believe the law enforcement process effected by the Sheriffs Department would be more efficient and streamlined, with less waste of resources, if able to work closer or under the office of the Attorney General of the State of Hawaii.

Sent from my iPhone