



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

ON THE FOLLOWING MEASURE:

S.B. 2909, RELATING TO LAW ENFORCEMENT.

BEFORE THE:

SENATE COMMITTEE ON GOVERNMENT OPERATIONS AND ON JUDICIARY
AND ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

DATE: Thursday, February 8, 2018 **TIME:** 3:00 p.m.

LOCATION: State Capitol, Room 224

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

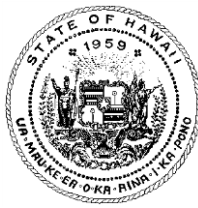
Chairs Kim, Taniguchi, and Nishihara and Members of the Committee:

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 believe that the bill should be held to better assess the needs, capabilities, and responsibilities of each of the respective State law enforcement positions which is why we, as well as PSD, DLNR, and DOT oppose the current bill. The departments believe that issues of infrastructure, funding, jurisdiction, responsibilities, federal mandates (i.e., related to airports, harbors, and oceans), 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, the issue of support staff needs 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.

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



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
RELATING TO LAW ENFORCEMENT

by

Nolan P. Espinda, Director
Department of Public Safety

Senate Committee on Government Operations
Senator Donna Mercado Kim, Chair
Senator Russell E. Ruderman, Vice Chair

Senate Committee on Judiciary
Senator Brian T. Taniguchi, Chair
Senator Karl Rhoads, Vice Chair

Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair

Thursday, February 8, 2017; 3:00 p.m.
State Capitol, Conference Room 224

Chairs Kim, Taniguchi, and Nishihara, Vice Chairs Ruderman, Rhoads, and Wakai,
and Members of the Committees:

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

Testimony on SB 2909
Senate Committee on Government Operations
Senate Committee on Judiciary
Senate Committee on Public Safety,
Intergovernmental, and Military Affairs
February 8, 2018
Page 2

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 Senate Committees on
GOVERNMENTAL OPERATIONS
and
JUDICIARY
and
PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS**

**Thursday, February 8, 2018
3:00PM
State Capitol, Conference Room 224**

**In consideration of
SENATE BILL 2909
RELATING TO LAW ENFORCEMENT**

Senate Bill 2909 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.



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
The Senate
Committee on Government Operations
Committee on Judiciary
Committee on Public Safety, Intergovernmental, and Military Affairs

Testimony by
Hawaii Government Employees Association

February 8, 2018

S.B. 2909 – RELATING TO LAW ENFORCEMENT

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

Respectfully submitted,

Randy Perreira
Executive Director



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 S.B. 2909 Relating to Law Enforcement
Senate Committee on Government Operations
Senate Committee on Judiciary
Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Thursday, February 8, 2018, 3:00PM, Room 224

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 40,000 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, 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

Mark E. Agne Paul D. Alston Dr. C. Tana Burkert Anne S. Carter Richard A. Cooke III
Brian J. Doyle Dr. Alan M. Friedlander James J.C. Haynes III Sean A. Hehir Kris N. Kobayashi Eiichiro Kuwana
Brett MacNaughton Kathy M. Matsui James C. Polk Dustin E. Sellers Nathan E. Smith (Chair) Peter K. Tomozawa Richard N. Zwern

Ihupani Advisory Council: Christopher J. Benjamin Kenton T. Eldridge Duncan MacNaughton Jean E. Rolles Crystal K. Rose

Founders: Samuel A. Cooke Herbert C. Cornuelle



Aloha Chairs Kim, Taniguchi and Nishihara,

On behalf of the nearly 600 registered members of the Young Progressives Demanding Action – Hawai‘i, I would like to express **opposition** to SB2909. 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 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—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—more 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 of the 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 others, 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
Young Progressives Demanding Action – Hawai'i
8083874920

From: [Michael Oakland](#)
To: [Nancy Bernal](#)
Subject: TESTIMONY IN STRONG SUPPORT FOR SB2909
Date: Friday, February 2, 2018 4:37:04 PM

Aloha Chairs, Vice Chairs and committee members:

I am Michael Oakland, State President of Collective Bargaining Unit-14 (state law enforcement and ocean/water safety officers), Vice Chair of the State PAC and one of the Directors' on the board of HGEA.

I am writing in STRONG SUPPORT of this bill and am grateful that this bill is being heard as I firmly believe that moving all of state law enforcement under the AG's Office which is the number one (1) law enforcement agency in the state is a much better fit then all the departments we are currently in now.

Currently the state departments of Transportation, Public Safety and Land and Natural Resources cannot properly run the law enforcement organizations they currently have the responsibility for because they do not properly support through training, resources or even a basic understanding of law enforcement.

The departments of Transportation, Public Safety (Corrections), and Land and Natural Resources have a hard enough time fulfilling their main responsibilities and definitely the law enforcement functions that seem more of a small side responsibility rather than an important part of their departments.

Because of some of the previously stated reasons are reasons why the AG's Office is a better fit. I would like to ask that if this does pass that language be added to allow for a degree of autonomy so that the law enforcement function can be made less political so law enforcement can be much more effective.

Also, I would ask that being the State Sheriffs' are the oldest law enforcement agency in these islands, being created 169 years ago by King Kamehameha III in 1846, that the State Sheriff be at the deputy director level and the current sheriff position become the Under Sheriff allowing for a "chief and deputy chief".

When an eventual transfer of these state law enforcement assets take place I also think it would make sense to place everyone under one badge and uniform performing all functions of each collectively.

Mahalo Nui Loa for allowing me to testify today and I am always available to clarify anything I have said and can add more of a plan to whomever would like me to.

Aloha, Michael Oakland, State President BU-14,
State PAC Vice Chair and Director on the Board, HGEA

SB-2909

Submitted on: 2/1/2018 12:17:18 PM

Testimony for GVO on 2/8/2018 3:00:00 PM

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

Comments:

in support.

SB-2909

Submitted on: 2/2/2018 1:26:24 PM

Testimony for GVO on 2/8/2018 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kenneth Wall		Support	No

Comments:

I am in support of this bill SB 2909.

Please pass it and make Hawaii a safer place to live with an organized State Law enforcement Department with Law Enforcement as it's main goal. As it is now, the Department of Public Safety has too many obligations to focus on and it appears that the Department of Corrections is the priority and Law Enforcment is last on its mind. Mahalo for you time.

Aloha and God Bless You All, Kenneth J. WALL

SB-2909

Submitted on: 2/4/2018 10:04:53 AM

Testimony for GVO on 2/8/2018 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez		Oppose	No

Comments:

February 6, 2018

Testimony on SB 2909 Relating to Law Enforcement

COMMITTEE ON GOVERNMENT OPERATIONS

Senator Donna Mercado Kim, Chair

Senator Russell Ruderman, Vice Chair

COMMITTEE ON JUDICIARY

Senator Brian Taniguchi, Chair

Senator Karl Rhoads, Vice Chair

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Senator Clarence Nishihara, Chair

Senator Glenn Wakai, 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

Senators:

I am asking for your support of Senate Bill SB 2909. This bill is significant to me because I am a spouse of a Deputy Sheriff who has been with the state for a few years. Because of this, I know of the myriad of politics, changes and challenges involved in his job and the Sheriff Division.

SB 2909 would transfer the law enforcement and security functions of the Department of Public Safety to the Department of Attorney General. This step would help increase the professionalism of our state law enforcement branch by extending the capabilities of the Sheriff Division by adding an investigative branch and allowing a path for deputies and other sworn law enforcement officer's to be trained in investigations.

Second, this would consolidate all the different state law enforcement agency under one entity. This allows for better command and control of law enforcement, its training, operations, logistics, resources and could save the state money by not needing to duplicate services and equipment for each individual state law enforcement entity.

Also, this would help move the State of Hawaii inline with the rest of the nation, where the state usually takes care of state interests when it comes to criminal investigations on state land and property.

Next, this would not be new for the Sheriff, as the Sheriff Division previously was under the Attorney General.

Finally, very few individuals are capable of running a prison system and law enforcement branch at the same time like the Department of Public Safety. Each has its own requirements and dynamics that require unique training and experience. This important transfer would put the law enforcement branches back where they belong, under a state law enforcement investigative branch.

The Sheriff Division has a long and proud history here in the islands that go back to 1845. However, more importantly, the Sheriff Division has had a history of working under the Attorney General's office since 1965.

- 1965- Attorney General's Department- Title 4: Chapter 31. Sheriff- 1963 legislative revision of Sheriff and Police statutes.
- 1968- Hawaii Revised Statutes- Part II. Sheriff, Section 28. Sheriff is continued under the authority of the Attorney General.
- 1975- Session Laws of Hawaii- 8th State Legislature, Regular Session of 1975. Section 601 transferred the Office of the Sheriff from the Attorney General of the Executive branch to the Judiciary.
- 1990- Act 211- The office of the Sheriff's courts branch of the Judiciary is transferred to the Executive Branch of state government to the newly created Department of Public Safety of July 1989. Under the Deputy Director of Law Enforcement the

Sheriff “Administrator” and the deputies continue as a subordinate enforcement unit to be called the Sheriff Division. Sharing enforcement duties under the Law Enforcement Branch are the Marine Patrol Division, Harbor Police, Protective Services Division, The Executive Protection unit and the Narcotics Enforcement Division.

1999- Full service law enforcement functions for the Department of Transportation, Airports Division at the Honolulu International Airport, Barbers Point (NAS) Kalaeloa and Dillingham Airfield at Mokeia.

Thank you for your time and consideration of this bill.

Sincerely,

Janina Springer