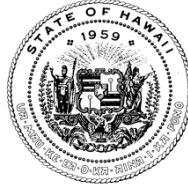


DAVID Y. IGE
GOVERNOR

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 8, 2018
3:00 p.m.
State Capitol, Room 224

S.B. 2909
RELATING TO LAW ENFORCEMENT

Senate Committee on Labor and Public Employment

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

S.B. 2909 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 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

SB-2909

Submitted on: 2/7/2018 5:18:07 PM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Rachel L. Kailianu | Ho`omana Pono, LLC | Oppose | Yes |

Comments:

No one office SHALL have absolute power over many of our law enforcement arms of government.

HAWAII PAROLE, PROBATION, AND CORRECTIONS ASSOCIATION

HPPCA
PO Box 4712
Kaneohe, HI 96744

SUMMARY OF THE ISSUE:

The Hawaii Parole, Probation, and Corrections Association strongly supports an Enforcement Branch established within the Hawaii Attorney General Office that will bring about needed changes to unifying the State Law Enforcement Agencies (LEA). The current system does not appear to meet National Standards. This new format will allow the State LEAs to form, create, and modernize their current infrastructure to support the planning and professional development of their core workforce to readily engage its mission. In addition, it will unify and provide bench marks for various LEAs to standardize their training in meet the National Law Enforcement Officer (LEO) Training requirements. The current LEA structure and State LEO training across the spectrum does not appear to do this. While some State LEA's have extensive law enforcement training, other LEAs have little to none law enforcement training. However, they are charged and expected to carry out the full duties, functions, and responsibilities of a Law Enforcement Agency. The fracture in the current State Law Enforcement System appears to be a systemic problem that places the public, State Government, and the workers at great risk to unforeseen liabilities. Moreover, changes in policy and practices are needed, for cost benefits purpose, to minimize the undue dangers State LEO's, to include Parole, Probation, Pre-Trial, and Furlough Officers, faces every day in their efforts to being mission ready at keeping the public safe through monitoring, conducting complaint investigations, working with other LEAs in the community in intelligence sharing, immediate retake of offenders actively engaged in pro-criminal activities while working with violent offender reintegration.

POSITION:

HPPCA strongly supports the creation of an Enforcement Branch within the Hawaii State Attorney General's Office.

Earl L. Everett



President