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DEPT. COMM. NO. 386



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January 31, 2019

The Honorable Ronald D. Kouchi
Senate President
415 South Beretania Street
Hawaii State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki
Speaker, House of Representatives
415 South Beretania Street
Hawaii State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi and Speaker Saiki:

Subject: *Joining Forces? Potential Consolidation of State Law Enforcement Duties in Hawaii*

We are pleased to inform you that an electronic copy of the Bureau's latest publication: *Joining Forces? Potential Consolidation of State Law Enforcement Duties in Hawaii*, which was prepared in response to Act 124, Session Laws of Hawaii (2018), has been transmitted to you via the Legislature's web-based application. An electronic copy of the report may also be accessed on the Bureau's Library website at:

<http://lrbhawaii.org/reports/legrpts/lrb/2019/19-01.pdf>

A limited number of printed copies will be available shortly from the Bureau's Library.

We hope this publication will be of assistance to you and your staff. If you have any questions or require further assistance, please contact Wayne Scott by phone at 587-0674 or by email at w.scott@capitol.hawaii.gov.

Very truly yours,

A handwritten signature in blue ink that reads "Charlotte A. Carter-Yamauchi".

Charlotte A. Carter-Yamauchi
Director

db

ec: Senators
Representatives

JOINING FORCES? POTENTIAL CONSOLIDATION OF STATE LAW ENFORCEMENT DUTIES IN HAWAII

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Report No. 1, 2019

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This report has been cataloged as follows:

Scott, Wayne + Brannon, Johnny

Joining forces? Potential consolidation of state law enforcement duties in Hawaii.
Honolulu, HI: Legislative Reference Bureau, January 2019.

1. Law enforcement – Hawaii. 2. Executive departments – Hawaii.
KFH421.5 L35 A25 19-1

FOREWORD

This report was prepared by the Legislative Reference Bureau ("Bureau") pursuant to Act 124, Session Laws of Hawaii 2018, which directed the Bureau to conduct a study examining the consolidation of law enforcement activities and responsibilities that are currently divided among various state divisions and agencies.

The Bureau requested information from various potentially affected state agencies and departments, as well as the Department of Budget and Finance and the Department of Human Resources Development. The Bureau extends its appreciation to the many entities that generously provided information and assistance in the preparation of this report.

Charlotte A. Carter-Yamauchi
Director

January 2019

ENTITY ACRONYMS

AG	Department of the Attorney General
B&F	Department of Budget and Finance
BREG	Department of Commerce and Consumer Affairs, Business Registration Division
Bureau	Legislative Reference Bureau
DAGS	Department of Accounting and General Services
DCCA	Department of Commerce and Consumer Affairs
DHRD	Department of Human Resources Development
DHS	Department of Human Services
DLNR	Department of Land and Natural Resources
DOCARE	Department of Land and Natural Resources, Division of Conservation and Resources Enforcement
DOD	Department of Defense
DOH	Department of Health
DOT	Department of Transportation
DOTAX	Department of Taxation
DOTH	Department of Transportation, Harbors Division
HICAC	Department of the Attorney General, Hawaii Internet Crimes Against Children Task Force
IFIB	Department of Commerce and Consumer Affairs, Insurance Division, Insurance Fraud Investigation Branch
INS	Department of Commerce and Consumer Affairs, Insurance Division
INVO	Department of Human Services, Benefit, Employment and Support Services Division, Investigations Office
MFCU	Department of the Attorney General, Criminal Justice Division, Medicaid Fraud Control Unit
NED	Department of Public Safety, Law Enforcement Division, Narcotics Enforcement Division
OCP	Department of Commerce and Consumer Affairs, Office of Consumer Protection
PSD	Department of Public Safety
RICO	Department of Commerce and Consumer Affairs, Regulated Industries Complaints Office
SD	Department of Public Safety, Law Enforcement Division, Sheriffs Division
SEB	Department of Commerce and Consumer Affairs, Business Registration Division, Securities Enforcement Branch
USDOJ	United States Department of Justice

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EXECUTIVE SUMMARY

This report was prepared by the Legislative Reference Bureau (Bureau) pursuant to Act 124, Session Laws of Hawaii 2018 (Act 124), which directed the Bureau to conduct a study examining the consolidation of law enforcement activities and responsibilities that are currently divided among various state divisions and agencies. In particular, Act 124 instructed the Bureau to examine a potential consolidation's start-up and other costs; cost-savings; regulatory efficiencies; structure; and operational, administrative, financial, personnel, legal, and other issues. The Bureau sought information via a Survey of State Departments and Agencies Regarding Law Enforcement Consolidation (Pursuant to Act 124) that was distributed to certain state departments and agencies that the Hawaii Revised Statutes has authorized to exercise police powers. The responses to the survey have been compiled herein.

Potential Structure of Consolidation

The Bureau asked respondents to identify possible structures of a centralized state law enforcement agency. However, numerous respondents used the opportunity to suggest either that their respective agencies should be excluded from a potential consolidation, or that the Legislature should abandon any plans for a consolidation. Nevertheless, some respondents suggested that a potential centralized agency could be placed within the Department of the Attorney General (AG) or the Department of Public Safety (PSD), could have a "linear structure" or a "single unified chain of command structure," and should allow for specialized units.

Start-Up Requirements

The Bureau also asked respondents to list possible start-up requirements and costs for a potential centralized agency. Although responses were diverse and wide-ranging, common start-up requirements listed were education, training, and certification; equipment and supplies (e.g., firearms, badges, uniforms, electronic hardware and software, and vehicles); facilities (e.g., offices, secure evidence rooms, training facilities, a forensic laboratory, and a harbor police facility); administrative and support functions and personnel; various statutory amendments (e.g., amendments to determine funding; employment status; and standardized policies, processes, and procedures); a common mission; and various regulatory compliance measures. Respondents also discussed the transfer of existing facilities, equipment, vehicles, communications, policies and procedures, and personnel to a new centralized agency.

In addition to start-up requirements, the Bureau also asked respondents to discuss possible timelines for a potential consolidation. Although responses were varied, a shared opinion was that a potential consolidation could take years and require a tremendous amount of planning.

Potential Operating Costs and Cost-Savings

The Bureau requested that the potentially affected departments and agencies and the Department of Budget and Finance (B&F) examine potential operating costs and cost-savings associated with a consolidation of state law enforcement activities and responsibilities. Some respondents provided the Bureau with their current operating costs in an effort to identify possible operating costs that could be incurred if their agency is collapsed into a centralized agency. Additionally, B&F noted that, although there may be cost-savings, because of both the diverse geographical assignments hindering the potential for substantial facility savings and the need for specialized training, these savings may not be substantial. Finally, although the Bureau did not directly ask for this information, various respondents offered numerous specific consolidation issues that could create costs, such as administrative and support staff, annual professional dues, salaries and benefits, neighbor island travel, etc.

Labor, Employment, and Personnel Issues

Respondents, including the Department of Human Resources Development, identified numerous labor, employment, and personnel issues. In particular, some respondents discussed potentially necessary changes to various employment position descriptions. According to respondents, these potential changes could lead to law enforcement personnel no longer satisfying the qualifications for their positions, possibly resulting in transfers to new collective bargaining units. Respondents were also asked to examine the effect that a potential consolidation could have on collective bargaining agreements, with many respondents suggesting that agreements may need amendment, which in turn, may require negotiations with the applicable collective bargaining units. Some responses also included recommendations that administrative and support staff be included in a consolidation and to evaluate the resulting impact on Employees' Retirement System and other employee benefit programs.

Operational and Regulatory Efficiencies

The Bureau asked respondents to examine possible operational and regulatory efficiencies that could be gained or lost as a result of a potential consolidation. Although some respondents noted some efficiencies that could be gained by a consolidation (e.g., standardized training and certification; and improved procurement, policies and procedures, information and resource sharing, public access, and communications), other responses focused on the efficiencies that could be lost as a result of consolidation (e.g., a possible reallocation of resources and loss of interdepartmental information sharing). In particular, respondents appeared to be particularly concerned about the possibility of losing specialized knowledge and missions as a result of a consolidation.

Other Issues

In addition to the primary issues discussed above, respondents also provided information regarding administration, funding, the overall effect on the responding agency or department, the physical location of a potential centralized agency, potential difficulties associated with standardizing training and certification requirements, and non-law enforcement activities performed by law enforcement personnel.

Several respondents expressed concerns regarding a potential centralized agency's ability to comply with the restrictions and requirements tied to the respective respondents' use of funds by a particular funding source (e.g., the United States, Office of the Inspector General requiring that the AG, Criminal Justice Division, Medicaid Fraud Control Unit be a single, identifiable agency within the AG in order to receive federal funding; the Department of Transportation, Harbors Division's Harbor Enforcement Officers being funded by a harbor special fund that can only be expended by the Department of Transportation; etc.). Many of the affected respondents also provided suggestions that would enable a potential centralized agency to comply with funding restrictions and requirements (e.g., exclusion from a consolidation, statutory revisions, etc.).

Additionally, a few respondents discussed the possible relocation of their respective neighbor island offices. Some respondents also noted that careful consideration should be given to the physical location of a potential centralized agency, taking into account geographic assignments and the availability of space within existing state facilities.

Although respondents did not specifically suggest that standardizing training and certification requirements would be particularly difficult, the diversity of each agency's respective training and certification requirements seemed to indicate that standardization may be a challenge.

Recommendations

Although the respondents did not come to a consensus on the issues discussed herein, underscoring many of the responses was an inability to provide full, detailed answers to many of the questions due to a lack of available information. Accordingly, the following parameters for a potential consolidation should be clearly defined:

- (1) The goals of a potential consolidation;
- (2) The scope of a potential consolidation; and
- (3) The desired levels of standardization in a potential centralized agency.

Defining these parameters may inform other important determinations regarding a potential consolidation (e.g., the agencies, activities, and responsibilities to include; the structure of a potential centralized agency; the timeline and requirements for a potential consolidation;

EXECUTIVE SUMMARY

potential labor and employment requirements; etc.). The affected agencies and applicable subject matter experts should also be consulted in order to develop a comprehensive consolidation plan.

Chapter 1

INTRODUCTION

A. Background

This study was prepared pursuant to Act 124, Session Laws of Hawaii 2018 (Act 124),¹ which the Legislature adopted during the Regular Session of 2018 to address the Legislature's concern "that the distribution of duties between multiple state agencies for the purposes of law enforcement is unnecessary and inefficient."² Act 124 required the Legislative Reference Bureau (Bureau) to "conduct a study that examines consolidating the law enforcement activities and responsibilities of various state divisions and agencies under a single, centralized state enforcement division or agency."³

B. Scope and Methodology

Act 124 requires that this study examine the following issues in relation to a consolidation of law enforcement activities and responsibilities:

- "(1) Start-up and other costs;
- (2) Cost-savings;
- (3) Regulatory efficiencies;
- (4) Structure of consolidation; and
- (5) Operational, administrative, financial, personnel, legal, and other issues associated with consolidation."⁴

Accordingly, the Bureau sent surveys with questions meant to elicit responses related to the issues listed in Act 124 to various state departments and agencies.⁵ The various surveys that the Bureau distributed contained questions that, depending on the survey recipient,⁶ pertained to the effect that the responding agency's inclusion in a potential consolidation could have on the responding agency; the effect that the responding agency's inclusion could have on the consolidation as a whole; and the overall effect that a consolidation could have on the State's structural, financial, and employee benefit/collective bargaining situation.

Survey questions seeking information about the effect of a potential consolidation on the responding department or agency were divided into two parts: Part I asked about the respondent's law enforcement activities and responsibilities and its certification requirements; and Part II asked questions related to a potential consolidation of law enforcement activities and responsibilities. The questions in Part II asked the respondent to provide the following information, if available, regarding a potential consolidation:

- (1) Start-up requirements and costs that could be expected as a result of including the respondent;
- (2) Other general start-up requirements and costs that could be expected;
- (3) The respondent's neighbor island operations, if any, that could be affected;
- (4) The most desirable structure of a new, centralized law enforcement division or agency;
- (5) A possible timeline for a successful transition of the respondent's law enforcement activities and responsibilities to a new, centralized law enforcement division or agency;
- (6) The regulatory efficiencies that may be achieved or lost;
- (7) The effect on the respondent as a whole;
- (8) The number of employees that could be affected;
- (9) The effect on relevant collective bargaining units;
- (10) The effect on relevant collective bargaining agreements; and
- (11) Any benefits or issues not otherwise mentioned in the responses.

In order to obtain information relating to a potential consolidation's overall effect on the State, the Bureau asked the Department of Budget and Finance and the Department of Accounting and General Services questions relating to a potential consolidation's financial effects, while the Bureau also asked the Department of Human Resources Development (DHRD) and the Department of the Attorney General (AG) questions regarding potential labor- and employment-related effects.⁷ The questions related to possible financial issues associated with a consolidation requested information including:

- (1) Cost savings;
- (2) Start-up costs;
- (3) One-time or recurring costs;
- (4) Financial benefits;
- (5) Financial challenges; and
- (6) Any other financial reasons whether or not to proceed with a consolidation.

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Similarly, DHRD and the AG were asked to provide the following information regarding a potential consolidation:

- (1) The number of employees that could be affected;
- (2) The potential effect on affected departments and agencies' collective bargaining units and collective bargaining agreements; and
- (3) Any other labor or employment benefits not already discussed in the responses.

As Act 124 does not specify all law enforcement activities and responsibilities that could be included in a consolidation,⁸ the Bureau sought applicable information from various state executive branch⁹ law enforcement agencies, and those agencies' respective divisions, that could potentially be included in a consolidation. The Hawaii Revised Statutes (HRS) includes multiple definitions of "law enforcement agency"¹⁰ and "law enforcement officer,"¹¹ and the definitions vary slightly in scope. However, many of the definitions describe a "law enforcement agency" as an agency that employs "law enforcement officers,"¹² whom the HRS typically defines as persons who exercise certain police powers, including, for example, the power to arrest persons and execute warrants.¹³ Accordingly, this study includes responses from various state executive branch departments and agencies¹⁴ that are authorized to exercise police powers, either by statute or at the direction of another agency.¹⁵

C. Organization of the Report

The remaining chapters of this report are organized as follows:¹⁶

Chapter 2 provides a brief overview of various state divisions and agencies that could potentially be included in a consolidation, with a focus on law enforcement activities and responsibilities of those divisions and agencies. The chapter also provides background information on the respective departments that include these divisions and agencies.

Chapter 3 explores possible structures of a consolidation.

Chapter 4 identifies possible start-up costs and requirements for a new, centralized law enforcement division or agency, including timelines for completion.

Chapter 5 examines the possible costs of a consolidation and any potential cost savings that the consolidation might provide the State.

Chapter 6 analyzes various labor, employment, and personnel issues associated with a potential consolidation of law enforcement activities and responsibilities.

Chapter 7 considers possible operational and regulatory efficiencies that might be achieved or lost as a result of a potential consolidation.

Chapter 8 discusses remaining funding, location, training and certification, and other issues associated with a possible consolidation.

Chapter 9 presents the Bureau's recommendations regarding a possible consolidation.

Endnotes

1. Act 124, Session Laws of Hawaii 2018 (Act 124), is attached as Appendix A.
2. Conf. Comm. Rep. No. 131-18 for S.B. No. 2909, S.D. 2, H.D. 1, C.D. 1 (2018) at: https://www.capitol.hawaii.gov/session2018/CommReports/SB2909_CD1_CCR131-18_.htm.
3. Act 124, section 1. *See also* Conf. Comm. Rep. No. 131-18 (" . . . your Committee on Conference finds that the Legislative Reference Bureau [(Bureau)] should conduct a study to examine the logistics and efficiencies of consolidating the law enforcement activities and responsibilities of various state divisions and agencies under a single, centralized state enforcement division or agency. ").
4. Act 124, section 1.
5. All survey responses have been attached as Appendix B, and are grouped into two categories: departments and agencies specifically named in Act 124, and departments and agencies not named in Act 124. Within each category, the survey responses are arranged alphabetically.
6. Note: The Bureau distributed surveys to three categories of survey respondents: (1) departments or agencies with personnel who authorized to exercise police powers; (2) departments that do not have any personnel who are authorized to exercise police powers (i.e., will not be affected by a potential consolidation), but can provide information regarding the effect of a potential consolidation on the State; and (3) departments with personnel who are authorized to exercise police powers that can also provide information regarding the effect of a consolidation on the State. Accordingly, the Bureau tailored the surveys based on these categories and, for respondents commenting on the effect of a consolidation on the State, the respondent's respective subject matter expertise.
7. Note, because the Department of Accounting and General Services (DAGS) and the Department of the Attorney General (AG) could be affected by a consolidation of law enforcement activities and responsibilities, the departments were both asked questions relating to a potential consolidation's effects on the departments themselves, in addition to questions relating to a consolidation's overall effect on the State.
8. *See* Act 124, section 1 (" . . . the law enforcement activities and responsibilities of *various* state divisions and agencies . . . ") (emphasis added).
9. Act 124 requires the Bureau to "seek input from the following departments and divisions, including the [AG]; department of land and natural resources [(DLNR)] division of conservation and resources enforcement [(DOCARE)]; department of public safety [(PSD)] narcotics enforcement division [(NED)]; and department of transportation [(DOT)] harbors division [(DOTH)]." (Act 124, section 1). However, because a consolidation of law enforcement activities and responsibilities could potentially include any state law enforcement agency, in addition to this illustrative list of state departments and agencies that the Bureau is required to contact, the Bureau sought information from additional state departments and agencies not specified in Act 124, including other non-law enforcement agencies that may otherwise provide valuable information. Further, because departments and agencies specified in Act 124 include only

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executive branch departments and agencies, the Bureau limited distribution of the Survey of State Departments and Agencies Regarding Law Enforcement Consolidation (Pursuant to Act 124, Session Laws of Hawaii 2018) to the executive branch.

10. See sections 28-151, 78-52, and 334D-5, Hawaii Revised Statutes (HRS).
11. See sections 291E-1, 701-118, 710-1000, 712A-1, 803-41, and 852-1, HRS.
12. See section 28-151, HRS (defining "law enforcement agency" as a "public body that employs law enforcement officers").
13. See section 701-118, HRS (defining "law enforcement officer" as a "public servant . . . vested by law with a duty to maintain public order or, *to make arrests for offenses* or to enforce the criminal laws . . .") (emphasis added).
14. The Bureau sent surveys to the following departments and agencies: DAGS, including the Stadium Authority's Stadium Security Officer, Stadium Manager, and Events Manager; the Department of Agriculture; the AG; the Department of Budget and Finance; the Department of Commerce and Consumer Affairs (DCCA); the Department of Defense (DOD); the Department of Health (DOH); the Department of Human Resources Development; the Department of Human Services (DHS); DLNR, including DOCARE and the Division of State Parks; the Department of Public Safety (PSD), including the Law Enforcement Division, NED and Sheriffs Division; the Department of Taxation; and DOT, including DOTH. However, the following recipients responded to the survey request by stating that their respective departments or agencies do not perform any law enforcement activities and accordingly should not be included in the survey: DAGS, Automotive Services Division; the Department of Agriculture; DCCA, Public Utilities Commission; DOD; DOH; various divisions within DHS, including the Hawaii Public Housing Authority and the Office of Youth Services; and DLNR, Division of State Parks.
15. See sections 6K-4, 28-11, 107-11(d), 109-5, 121-9, 150A-11, 159-54(b), 161-49(b), 184-5(f), 195-5(b), 195D-7(a), 199-4(a), 231-4.3, 261-17(a), 266-24(a), 291-39(a), 326-38, 329-51, 346-4.5(a), 346-368(b), 353C-4(a), 356D-64(d), 356D-94(d), 431:2-402(f), 487-10, and 576D-18(a), HRS.
16. Each issue in this study is organized to focus on those entities specifically named in section 2 of Act 124, SLH 2018, (i.e., the AG, DOCARE, NED, and DOTH responses precede all other responses). The Bureau has also consulted with agencies that could be included, and their responses have also been included.

Chapter 2

POTENTIALLY AFFECTED AGENCIES AND DEPARTMENTS

This chapter will provide a brief overview of each executive branch department or agency that could be affected by a consolidation of law enforcement activities and responsibilities¹ and that the Legislative Reference Bureau thus surveyed for this study.² This chapter will describe those entities specifically named in section 2 of Act 124, Session Laws of Hawaii 2018 (Act 124), before also detailing entities that, although not named in Act 124, could potentially be affected by a consolidation.

A. Departments and Agencies Named in Act 124, Session Laws of Hawaii 2018

1. Department of the Attorney General

The Department of the Attorney General (AG) furnishes legal services to the State, including providing written legal opinions to the Governor, the Legislature, and other state departments and officers at the Governor's direction; represents the State in all civil actions in which the State is a party; approves the legality and form of all documents concerning the acquisition of land or interests by the State; and prosecutes certain cases involving the violation of state laws. The Investigations Division, the Medicaid Fraud Control Unit, and the Hawaii Internet Crimes Against Children Task Force are sub-units within the department that handle law enforcement matters on behalf of the AG.³

i. Investigations Division

The Investigations Division "is the preeminent law enforcement investigative agency in the State" ⁴ As part of its law enforcement efforts, the Division "conducts investigations into criminal, administrative, civil, and certain regulatory matters" ⁵ including, but not limited to:

government corruption, complex white collar crimes, career criminal suppression, public safety and homeland security, sex offenders and sex offender registration violations, child sexual exploitation, Internet crimes against children, high technology computer crimes, identity thefts and other crimes against property rights, drug nuisances . . . , environmental crimes, tobacco tax enforcement, cold case homicides, [and] crimes within correctional facilities⁶

In addition to investigations, the Division also:

provides public safety services during emergency mobilization in response to hurricanes [and] tsunamis[, and] coordinates with the State Law Enforcement Coalition to address civil unrest and other critical events. The division provides essential law enforcement

services to protect the community, prevent crime and bring criminals to justice, [and] provide a deterrent to child predators and other serious criminal elements⁷

Special Agents within the Division "are sworn, armed law enforcement officers with the authority to investigate all crimes, arrest criminal suspects and execute search warrants and warrants of arrest."⁸ Many of these Special Agents are hired to fulfill the AG's Memoranda of Agreement or Memoranda of Understanding with other state departments, including the Department of Public Safety, the Department of Transportation, the Department of Agriculture, the Department of Human Services, the Department of Health, and the Hawaii Health Systems Corporation.⁹

ii. Criminal Justice Division, Medicaid Fraud Control Unit

The Criminal Justice Division, one of the AG's legal services divisions, handles criminal prosecution on behalf of the State for crimes that involve a state agency, employee, or official; crimes that have statewide impacts or implications; crimes that are committed in more than one county within the State; and crimes in which a county prosecutor either has a conflict of interest or is otherwise unable or unwilling to prosecute a case. The Division's Medicaid Fraud Control Unit (MFCU) "investigates and prosecutes financial fraud committed against the federal Medicaid program, as well as abuse[,] neglect[,] and financial exploitation of elderly persons within a facility."¹⁰ MFCU also prepares and serves "demand letters and subpoenas, prepares and executes search warrants, interviews witnesses and suspects, and makes arrests."¹¹

iii. Hawaii Internet Crimes Against Children Task Force

The Hawaii Internet Crimes Against Children Task Force (HICAC) is a statewide task force "dedicated to protecting children in the online environment" by providing "internet education and safety programs and information to Hawaii's children, teachers, and parents."¹² HICAC also "investigates and prosecutes crimes against children, child sex trafficking, child sex enticement, and child pornography" throughout Hawaii, Guam, and the Commonwealth of the Northern Mariana Islands.¹³

2. Department of Land and Natural Resources

The Department of Land and Natural Resources (DLNR) manages the State's public lands and its water and mineral resources, aquatic life and wildlife resources, forest reserves, state parks, and small boat harbors. DLNR is also in charge of managing the State's conservation districts; administering the State's endangered species, natural area reserves, boating and ocean recreation, and historic preservation programs; developing and enforcing rules related to conservation and resources; and providing a central repository for all instruments and conveyances. The Division of Conservation and Resources Enforcement handles all law enforcement matters for DLNR.

i. Division of Conservation and Resources Enforcement

The Division of Conservation and Resources Enforcement (DOCARE) is the enforcement arm of the Department and was established through a consolidation of law enforcement activities and responsibilities within DLNR. DOCARE utilizes full police powers to enforce all state laws and rules "with respect to all state lands, including public lands, state parks, forest reserves, forests, aquatic life and wildlife areas, Kaho‘olawe island reserve, and any other lands and waters within the State" ¹⁴

3. Department of Public Safety

The Department of Public Safety (PSD) provides correctional and law enforcement services to the State through the formulation and implementation of state policies and objectives in the areas of correctional, security, law enforcement, and public safety; managing and maintaining all public or private correctional facilities and services; serving process; and securing state buildings. The Law Enforcement Division, comprising the Narcotics Enforcement Division and the Sheriffs Division, is responsible for all of PSD's law enforcement functions, including preserving the peace, protecting the public in certain areas (e.g., state property and facilities), and enforcing laws and administrative rules intended to prevent and control crime.

i. Law Enforcement Division, Narcotics Enforcement Division

The Narcotics Enforcement Division (NED) regulates controlled substances in the State by enforcing Chapter 329, Hawaii Revised Statutes (HRS). ¹⁵ NED's efforts to enforce Chapter 329, HRS, include issuing "controlled substances registration licenses to various persons and businesses involved in the controlled substances industry"; investigating violations of Chapter 329, HRS; administering the State's Prescription Drug Monitoring Program; ¹⁶ and "regularly drafting new legislation as required in section 329-11, HRS, to amend the various schedules of controlled substances in the State of Hawaii to be consistent with federal law." ¹⁷

NED also enforces Chapter 712, HRS, by investigating "criminal drug offenses that occur within the jurisdiction of State government, including airports, correctional facilities, courthouses, and state buildings and grounds"; and operating a forensic drug analysis laboratory that provides drug analysis services to the Kauai Police Department, the Maui Police Department, and several smaller state and federal law enforcement agencies. ¹⁸

Finally, although NED focuses primarily on regulating controlled substances, Chapter 353C, HRS, requires NED investigators to provide other "law enforcement services as directed by the Director of Public Safety" ¹⁹

4. Department of Transportation

The Department of Transportation (DOT) is in charge of establishing, maintaining, and operating the State's transportation facilities, including the State's airports, harbors, and highways. Accordingly, DOT comprises the Airports Division, Harbors Division, and Highways Division, each of which has its own unique law enforcement requirements and activities. ²⁰

i. Harbors Division

The Harbors Division (DOTH) directs, coordinates, and maintains the State's Commercial Harbors Program's operations. To that end, DOTH provides for, equips, and regulates the State's system of harbors and related facilities. In response to the September 11, 2001, terrorist attacks, the Maritime Security Transportation Act of 2002 requires that each harbor in the State have a Facility Security Plan that is reviewed by the United States Coast Guard to ensure the presence of law enforcement or security personnel, or both.²¹ In the Oahu District, DOTH employs seventeen sworn, uniformed, and armed law enforcement officers who are commissioned with law enforcement authority pursuant to section 266-24, HRS.²² DOTH has also entered into a Memorandum of Understanding with the AG's Investigations Division to conduct criminal felony investigations and background checks for DOTH's properties located on Oahu, and to provide recall training to law enforcement officers within DOTH.²³ For neighbor island harbor facilities, DOTH "has issued separate contracts to provide security services."²⁴

B. Departments and Agencies Not Named in Act 124, Session Laws of Hawaii 2018

1. Department of Accounting and General Services, Stadium Authority

The Department of Accounting and General Services (DAGS) has a wide-ranging set of responsibilities including, but not limited to, managing the State's centralized accounting and auditing system, maintaining and operating various state buildings and facilities, controlling parking at state buildings, and administering centralized office leasing services.

The Stadium Authority is an agency administratively attached to DAGS that handles the maintenance, operations, and management of Aloha Stadium and its related facilities. DAGS' sole source of law enforcement activities and responsibilities is the Stadium Authority's Stadium Security Management Branch.²⁵ The Stadium Authority's Security Management Branch manages "a comprehensive security program which includes homeland security, crime prevention, law enforcement, protection of life and property, power of arrest, issuing citations, crowd control, investigations, and emergency and disaster preparedness and evacuations."²⁶ The Security Management Branch is supervised by the Stadium Security Officer who, pursuant to section 109-5, Hawaii Revised Statutes (HRS), is authorized to exercise "all of the powers of police officers, including the power of arrest . . ."²⁷ Furthermore, during events at the stadium, Special Duty Law Enforcement Officers from the Honolulu Police Department and the Department of Public Safety's Sheriffs Division provide additional law enforcement services for the Stadium Authority.²⁸

2. Department of Commerce and Consumer Affairs

The Department of Commerce and Consumer Affairs (DCCA) regulates various facets of commerce and professional licensing in the State to protect the interests of consumers,

depositors, and investors. To that end, the Business Registration Division's Securities Enforcement Branch, the Office of Consumer Protection, the Regulated Industries Complaints Office, and the Insurance Division's Insurance Fraud Investigation Branch all perform law enforcement activities on behalf of the Department.

i. Business Registration Division, Securities Enforcement Branch

The Business Registration Division (BREG) serves three primary function areas: business registration, business action centers, and securities compliance and enforcement. BREG's Securities Enforcement Branch (SEB) exercises substantive regulatory oversight over various areas of the State's securities industry. Although SEB lacks criminal enforcement authority, it conducts regulatory law enforcement activities within the State, including investigating and prosecuting violations of the State's securities laws.²⁹

ii. Office of Consumer Protection

The Office of Consumer Protection (OCP) is "the primary law enforcement authority in Hawaii involving consumer protection laws."³⁰ OCP's law enforcement responsibilities include the review, investigation, and prosecution of allegations of unfair or deceptive trade practices in consumer transactions.

iii. Regulated Industries Complaints Office

The Regulated Industries Complaints Office (RICO) is "the enforcement arm for the various professions and vocations that are licensed in the State."³¹ RICO's responsibilities include investigating allegations of professional misconduct by licensees; investigating possible unlicensed activity in the State; investigating complaints from consumers, licensing authorities, and anonymous sources; initiating "cases based on referrals from other law enforcement agencies and professional associations"; conducting compliance checks and sweep-and-sting operations; investigating complaints involving allegations of poor workmanship, negligence, or unlicensed activity; and investigating "conduct involving sexual contact with patients or clients, criminal convictions, and misappropriation of funds."³²

iv. Insurance Division, Insurance Fraud Investigation Branch

The Insurance Division (INS) oversees the State's insurance industry (e.g., insurance companies, insurance agents, self-insurers, and captive insurance companies) to ensure that consumers receive insurance services that meet acceptable standards of quality, equity, and dependability at fair rates. The Insurance Fraud Investigation Branch (IFIB) is the INS's enforcement branch and conducts a statewide program that prevents, investigates, and prosecutes insurance fraud cases and violations of applicable state laws relating to insurance fraud. Investigators within IFIB conduct "criminal investigations into crimes related to insurance fraud and theft"; gather "evidence, information, and documents to prove criminal intent of the violation"; interview witnesses and suspects; serve subpoenas and search warrants; appear as witnesses in criminal proceedings; assist attorneys in the preparation of evidence for trial; and

use "law enforcement powers and tactics for bench warrant service, arrests, and processing of suspects."³³

3. Department of Human Services

The Department of Human Services (DHS) provides various services, programs, and benefits that support DHS's mission of encouraging self-sufficiency and supporting the well-being of individuals, families, and communities within the State. The sole law enforcement agency within DHS is the Benefit, Employment and Support Services Division's Investigations Office.

i. Benefit, Employment and Support Services Division, Investigations Office

The Benefit, Employment and Support Services Division provides its clients with monthly benefits to assist with essentials such as food, clothing, shelter, emergency assistance, child care, and work. Within the Division, the Investigations Office "investigates allegations of fraud committed in state and federal public assistance programs, civil rights violations, and employee fraud . . . or misconduct", or both; assists "Law Enforcement Agencies in locating missing persons, fleeing felons[, and] individuals with outstanding warrants"; and assists the AG and the prosecutor's offices of the various counties "in preparing cases for prosecution by collecting, organizing[,] and cataloguing evidence."³⁴

4. Department of Public Safety

In addition to NED, PSD's Sheriffs Division also handles law enforcement matters on behalf of PSD.

i. Law Enforcement Division, Sheriffs Division

The Sheriffs Division (SD) provides law enforcement services statewide, primarily in state facilities (e.g., facilities under the control of the Judiciary, the Daniel K. Inouye International Airport, the Hawaii State Capitol, and all state buildings in the Civic Center Complex).³⁵ SD handles various aspects of law enforcement activities, including arresting and processing offenders; securing, escorting, and transporting adult inmates and juveniles from correctional, detention, and Department of Health facilities for court proceedings within the State or court proceedings that require mainland extraditions; patrolling and providing "a law enforcement presence in the court buildings"; providing "the daily executive protection services of the Governor, Lieutenant Governor, their families, and other dignitaries on occasion"; providing "security protection at the Hawaii State Capitol and the Civic Center Complex"; providing "security or law enforcement services to homeless operations"; serving "various types of warrants and court documents"; executing evictions; conducting criminal investigations; preparing for and responding to major events and natural disasters in the State; and providing law enforcement services at certain events in the State.³⁶

Various sections within SD also perform specific law enforcement activities:

- (1) The Special Operations Section "performs a wide range of functions including fugitive apprehension; executing search and arrest warrants; [using canines to detect] narcotics, currency, and explosives; performing evictions; and transporting inmates under strict security measures";
- (2) The Airport Section "provides law enforcement services at the Daniel K. Inouye International Airport"; and
- (3) The Court Sections on all islands move "inmate custodies to and from correctional facilities to the courthouse, then to individual courtrooms for criminal proceedings."³⁷

5. Department of Taxation

The Department of Taxation (DOTAX) administers and enforces the State's tax laws, which includes assessing taxes and collecting tax revenues. Within DOTAX, the Fraud Unit, Special Enforcement Section, and Criminal Investigation Section all perform various types of law enforcement activities.

i. Fraud Unit

The Fraud Unit is an ad hoc unit within DOTAX composed of positions from other sections and divisions within DOTAX.³⁸ The Unit's primary purpose "is to review tax returns to discover identity theft, prevent the issuance of fraudulent refund request[s], identify questionable tax return preparers, and identify areas of non-compliance with tax laws."³⁹

ii. Special Enforcement Section

The Special Enforcement Section conducts civil⁴⁰ investigations of possible violations of the State's tax laws. Although investigators in the Special Enforcement Section are not authorized to possess the powers of police officers, they are authorized to serve process, apply for and execute search warrants and writs of entry, and impose civil penalties and fines.⁴¹

iii. Criminal Investigation Section

The Criminal Investigation Section is DOTAX's *criminal* law enforcement agency, and it handles the criminal investigations related to possible violations of the State's tax laws.⁴² Investigators in the Criminal Investigations Section are authorized to "exercise general police powers and authority and have the same privileges of a police officer or deputy sheriff, including the power to arrest while and within the actual performance of their duties."⁴³

6. Department of Transportation

In addition to the Harbors Division, DOT's Airports Division and Highways Division also possess law enforcement responsibilities.

i. Airports Division

The Airports Division administers the statewide airports program by planning, designing, constructing, maintaining, and operating public airports and providing airport facilities that accommodate the safe, organized, and efficient movement of aircrafts, vehicles, and air passengers. As a result of September 11, 2001, terrorist attacks, airports "are required under Title 49 Code of Federal Regulations (CFR) 1542 (Airport Security) to have individual Airport Security Plans . . . for each certificated airport in the State of Hawaii."⁴⁴ Further, title 49 CFR 1542 requires that each Airport Security Plan "be reviewed and approved by the Transportation Security Administration . . . to ensure the physical presence of law enforcement and security personnel."⁴⁵ Accordingly, DOT has executed Memoranda of Agreement with PSD and the AG to provide law enforcement personnel at the Daniel K. Inouye International Airport.⁴⁶ In 2015, DOT also "awarded Securitas . . . a five (5) year contract (three (3) years with two (2) additional one-year extensions) to provide both law enforcement and security services at all certificated airports in the State of Hawaii as required under Title 49 CFR 1542."⁴⁷ Further, section 261-17, HRS, authorizes applicable persons under contract with DOT (e.g., Securitas) to exercise the powers of police officers.⁴⁸

ii. Highways Division

The Highways Division is tasked with planning, designing, constructing, and maintaining the State Highway System. The Highways Division employs twenty-two Motor Carrier Safety Officers in the districts of Oahu, Maui, and Hawaii, all of whom are authorized to enforce sections 291-33 to 291-36, HRS.⁴⁹ However, for all other criminal offenses, the Highways Division relies on responses from Deputy Sheriffs and County Police Departments.⁵⁰ The Highways Division has also entered into a Memorandum of Understanding with the AG's Investigations Division "to conduct administrative investigations of employee misconduct and other issues involving Highways Division."⁵¹

Endnotes

1. The descriptions in this chapter are generally based on responses to the Survey of State Departments and Agencies Regarding Law Enforcement Consolidation (Pursuant to Act 124, Session Laws of Hawaii 2018) (Law Enforcement Consolidation Survey) and the Legislative Reference Bureau's 2013 Guide to Government (Legislative Reference Bureau, Guide to Government in Hawaii (2013), <http://lrbhawaii.org/gd/gd.govhi.pdf>).
2. As "law enforcement activities and responsibilities" is not defined in Act 124, Session Laws of Hawaii 2018 (Act 124), the Legislative Reference Bureau (Bureau) has included every agency

that was mentioned in the survey responses in this report, regardless of the individual agency's authority to exercise police powers.

3. See Email sent from the First Deputy Attorney General to the Bureau (Sept. 12, 2018).
4. *Id.*
5. *Id.*
6. AG Response to Survey, Part I, Question 1 addendum.
7. *Id.*
8. *Id.*; see also section 28-11(a), Hawaii Revised Statutes (HRS) ("The [AG] shall appoint and commission one or more investigators as the exigencies of the public service may require. Persons appointed and commissioned under this section shall have and may exercise all of the powers and authority and the benefits and privileges of a police officer or of a deputy sheriff. These investigators shall consist of personnel whose primary duty will be to conduct investigations as directed by the [AG].").
9. AG Response to Survey, Part I, Question 1 addendum.
10. Email sent from the First Deputy Attorney General to the Bureau (Sept. 12, 2018).
11. *Id.*
12. *Id.*
13. *Id.*
14. Section 199-3, HRS; see also section 199-4, HRS.
15. See Department of Public Safety, Law Enforcement Division, Narcotics Enforcement Division Response to Survey, Part I, Question 1.
16. See *id.* ("The [Prescription Drug Monitoring Program] database is the State's database of controlled substances dispensing activity and has been identified as an important component in the State's effort to combat the nationwide opioid problem.").
17. *Id.*
18. *Id.*
19. *Id.*
20. Act 124 specifically names the Department of Transportation (DOT), Harbors Division, but does not name the Airports Division or the Highways Division. Accordingly, the Airports Division and the Highways Division will be discussed in Part B of this Chapter.
21. See DOT Response to Survey, Part I, Question 1.
22. *Id.*; see also section 266-24(a), HRS ("For the purpose of the enforcement of this chapter and of all rules adopted pursuant to this chapter, the powers of police officers are conferred upon the director of transportation and any officer, employee, or representative of the department of transportation.").
23. DOT Response to Survey, Part I, Question 1.
24. *Id.*
25. The Stadium Authority provided a comprehensive response to the Law Enforcement Consolidation Survey. In particular, the Stadium Authority noted that careful consideration

should be given to the advisability of whether to include "operational outlier" law enforcement agencies such as the Stadium Authority in a potential consolidation. The Stadium Authority also discussed the potential for a consolidation to increase the number of law enforcement officers from which it can acquire law enforcement services. While the Bureau sincerely appreciates the considerable time and effort that the Stadium Authority put into responding to the Law Enforcement Consolidation Survey, due to its limited law enforcement scope, and its recommendation that the Stadium Security Officer be excluded from a potential consolidation, the Stadium Authority's survey responses will not be detailed further in this report (*see* Stadium Authority Response to Survey, Part II, Question 4 (stating that the Stadium Authority "believe[s] that there should be careful consideration given to outlier programs such as the Aloha Stadium's security and event operation" and "that oversight, management, and operational control of the [Stadium Security Officer] should . . . remain vested with the Stadium Manager."), Question 13 ("While we have no reservations on the consolidation of statewide law enforcement activities and responsibilities that share similar duties, we believe the Stadium Manager should retain operational control of the Stadium Security Officer and the Assistant Stadium Security Officers."), and Question 14 (stating that "consolidation of activities is not conducive nor applicable to the Stadium Security Officer position", and that "the Stadium is an outlier with functions unique to a [Stadium Security Officer] that cannot be compared to an institutional state" law enforcement officer)). However, because the Legislature may find the Stadium Authority's response beneficial, the entire survey response has been attached to this report in Appendix B, pages 142 to 150.

26. Stadium Authority Response to Survey, Part I, Question 1.
27. Section 109-5, HRS; *see also* Stadium Authority Response to Survey, Part I, Question 1 (citing section 109-5, HRS).
28. *See* Stadium Authority Response to Survey, Part I, Question 1 ("During events, the provision of law enforcement services is handled by Special Duty Law Enforcement Officers . . . from either Honolulu Police Department or the State Sheriff's Division of Public Safety with resource coordination handled by the Aloha Stadium. The Stadium Security Officer works collaboratively with Special Duty Officers who would exercise their police powers to issue citations, trespass warnings, make arrests, conduct evictions, etc. If there were no Special Duty Officers on Stadium property, a call for assistance would be made via the 911 system.").
29. *See* Department of Commerce and Consumer Affairs Response to Survey, Part I, Question 1.
30. *Id.*
31. *Id.*
32. *Id.*
33. *Id.*
34. Department of Human Services, Benefit, Employment and Support Services Division, Investigations Office Response to Survey, Part I, Question 1.
35. *See* Department of Public Safety, Law Enforcement Division, Sheriffs Division Response to Survey, Part I, Question 1.
36. *Id.*
37. *Id.*
38. *See* Department of Taxation Response to Survey, Part I, Question 1.

39. *Id.*
40. *See id.* (Stating that the Special Enforcement Section "does not conduct criminal investigations and does not have authority to enforce any criminal laws.").
41. *See id.*
42. *See id.*
43. *Id.*; *see also* section 231-4.3, HRS (Investigators "appointed and commissioned under this section shall have and may exercise all of the powers and authority and the benefits and privileges of a police officer or of a deputy sheriff, including the power to arrest . . .").
44. DOT Response to Survey, Part I, Question 1; *see also* 49 Code of Federal Regulations (CFR) 1542.
45. DOT Response to Survey, Part I, Question 1; *see also* 49 CFR 1542.
46. *See* DOT Response to Survey, Part I, Question 1.
47. *Id.*
48. *See id.* *See also* section 261-17(a), HRS ("In aid of the enforcement of this chapter, the rules and orders issued pursuant thereto, and all other laws of the State, the powers of police officers are conferred upon the director, and such of the officers, employees, agents, and representatives of the department as may be designated by the director to exercise such powers, including the power to serve and execute warrants and arrest offenders, and the power to serve notices and orders. For the purposes of this subsection the term 'agents and representatives' includes persons performing services at airports under contract with the department.").
49. *See* DOT Response to Survey, Part I, Question 1. *See also* section 291-39, HRS.
50. DOT Response to Survey, Part I, Question 1.
51. *Id.*

Chapter 3

POTENTIAL STRUCTURE OF CONSOLIDATION

In the Survey of State Departments and Agencies Regarding Law Enforcement Consolidation (Pursuant to Act 124, Session Laws of Hawaii 2018) (Law Enforcement Consolidation Survey), the Legislative Reference Bureau asked respondents to describe the most desirable structure of a potential new centralized state law enforcement division or agency. Responses included suggestions that the State should not consolidate law enforcement activities and responsibilities, requests that certain potentially affected agencies be excluded from a possible consolidation, proposals on the placement of a centralized law enforcement agency, and recommended organizational structures for a centralized law enforcement agency.

A. **Opposing a Single, Centralized Law Enforcement Agency**

The Department of the Attorney General (AG); the Department of Commerce and Consumer Affairs (DCCA); the Department of Land and Natural Resources, Division of Conservation and Resources Enforcement (DOCARE); and the Department of Transportation, Harbors Division (DOTH) all appeared to suggest that the State should not proceed with statewide law enforcement consolidation efforts, with the AG, DOCARE, and DOTH, in particular, suggesting alternatives to a consolidation of law enforcement activities and responsibilities.

DCCA suggested that from the Office of Consumer Protection's (OCP) perspective, "it is unnecessary to create a new centralized state law enforcement division or agency" as the office "presently has good relationships with other state law enforcement entities, which readily share and exchange information."¹

According to the AG, "[b]ecause the law enforcement agencies have widely varied functions/responsibilities, the current organization which groups each agency with the department that is most closely related to law enforcement's functions, is preferable."² Additionally, the AG, citing the work of the State Law Enforcement Coalition,³ further recommended that instead of a single, centralized law enforcement agency, each law enforcement division or agency should retain its respective identity and specialized functions, while also enabling "consolidation during periods of need."⁴

Several respondents suggested that in lieu of proceeding with a consolidation, a more beneficial alternative would be to focus on standardizing training or standards, or both, for all law enforcement personnel. While not specifically stating that the State should not proceed with a consolidation, DOCARE suggested that "[t]he best course of action for standardization of Hawaii law enforcement is the formation of a Peace Officer Standards of Training" commission.⁵ DOCARE reasoned that a Peace Officer Standards of Training commission would ensure that "a variety of standards are met by all law enforcement agencies," including but not limited to

"training requirements, background investigation guidelines, and agency certification and oversight."⁶

Similarly, DOTH responded that "[t]he most desirable new, centralized state law enforcement division or agency is a state law enforcement academy" with the included agencies retaining operational control.⁷ DOTH also recommended that the State create a state law enforcement academy that "would centralize state law enforcement recruitment, training . . . and standards of conduct," while allowing each department to keep operational control of its respective law enforcement agencies.⁸ DOTH reasoned that

[a] single entity approach for the recruitment, training, and standards of conduct would provide a consistent training curriculum and uniformed policies and procedures[;] will provide opportunities for cross-training and advanced career development[;] will streamline communications, radio equipment, and tactics for effective coordinated efforts[; and] may also correct law enforcement classifications, recognizing rank responsibilities and expectations, which allows for the clear appearance of the chain of command.⁹

To further support this recommendation, DOTH suggested that the State follow the United States Department of Justice's (USDOJ) model. According to DOTH, "[w]hile the agencies of the USDOJ have different roles in law enforcement, the USDOJ conducts basic law enforcement recruitment, provides for a training center," and ensures that all included agencies "follow similar standards of conduct."¹⁰

B. Requesting Exclusion from Consolidation

If the State proceeds with a consolidation of state law enforcement activities and responsibilities, the AG and the Department of Public Safety, Law Enforcement Division, Narcotics Enforcement Division (NED) requested that the State exclude their respective agencies from the consolidation.¹¹ To support the exclusion of its investigators, the AG reasoned that "[i]t is critical to keep the investigators in the Department of the Attorney General separate from other law enforcement agencies" because the AG's investigators "are tasked with the administrative, criminal, or civil investigations of all state employees' and entities' actions, including other law enforcement agencies and the departments they assist."¹² Further, the AG stated that because the United States Office of the Inspector General requires that the Criminal Justice Division, Medicaid Fraud Control Unit (MFCU) "be a single, identifiable entity in its own contiguous space within the office of the State Attorney General" in order to receive federal funding, the MFCU should also be excluded.¹³

Other respondents, including DCCA; the Department of Public Safety, Law Enforcement Division, Sheriffs Division (SD); and the Department of Taxation (DOTAX), also requested exclusion from a potential consolidation.¹⁴ DOTAX in particular recommended that the Legislature exclude its Fraud Unit, the Special Enforcement Section, and the Criminal Investigation Section from a consolidation "because of the confidentiality of tax return information that is established on the state and federal level" and because "the coordination of activities and resources would be a challenge."¹⁵ Regarding the issue of confidential tax return

information, DOTAX noted that the Fraud Unit, the Special Enforcement Section, and the Criminal Investigation Section "investigations involve taxpayer information and returns that are statutorily deemed confidential and are only accessible to DOTAX employees."¹⁶ Further, the federal tax information that DOTAX receives "from the IRS . . . can only be used for tax purposes."¹⁷

C. Structures of the New Agency

1. Departmental Placement within the Department of the Attorney General and the Department of Public Safety

Although DOTH did not provide any suggestions regarding the organizational structure of a new agency, it appeared to suggest that a new agency should, to some extent, be placed within the AG. According to DOTH, "[b]y placing all state law enforcement training to law enforcement policies, tactics, and conduct[ing] missions under the Department of the Attorney General, the State will have an existing model where best management practices can be adopted."¹⁸ Similarly, while not specifically stating that the entire agency be placed within the AG, DCCA argued that, for the Insurance Fraud Investigation Branch (IFIB), "the most desirable structure would include IFIB as part of the Attorney General's office, as IFIB attorneys are already appointed as Special Deputy Attorneys General."¹⁹

Conversely, the Department of Defense (DOD)²⁰ seemed to suggest that the Legislature establish a new position within PSD: "a commissioner of public safety that oversees the overarching policies and training of all law enforcement and corrections agencies" and who would "likely become a member of the [Governor's] Cabinet."²¹

2. Organizational Structures Suggested by Executive Agencies

Two apparently separate organizational structures were suggested by the Department of Human Services, Benefit, Employment and Support Services Division, Investigations Office (INVO) and the Department of Transportation (DOT). INVO suggested that "[t]he most desirable structure of a new, centralized state law enforcement division would be a linear structure."²² According to INVO, under a linear structure, law enforcement agencies may "continue providing support to their respective state departments while allowing the top staff to maintain accountability and oversight."²³ INVO also noted that a linear structure would prevent "intermingling of roles and responsibilities for each state law enforcement branch" (e.g., INVO having "access to information other law enforcement agencies do not have for the safety and security of individual's personally identifiable information").²⁴

DOT alternatively suggested using "a single focused full service law enforcement organization with a single unified chain of command structure" that would "be responsible for providing all law enforcement and security services for all of the State's statewide facilities and properties and any action or inaction of its personnel."²⁵

3. Use of Specialized Units

DCCA appeared to suggest that a new agency include specialized units; however, DCCA does not directly extend this suggestion beyond the use of a "specific unit that would be able to respond to and be trained in not only investigating techniques, but licensing standards, working with experts, and an overall understanding of licensing industries and practices."²⁶ DCCA's rationale is that the Regulated Industries Complaints Office (RICO) "enforcement of professional and vocational licensing laws is unique and many licensing laws [are] subjective."²⁷ To reinforce this point, DCCA included the following examples in its response:

For example, an investigation into a physician who allegedly failed to meet the standard of practice will require an investigator to determine if the licensee's actions violate a hazardous negligence standard. An investigation will require the investigator to be familiar with medical records, be familiar with the standard involved, and be able to meet with and retain a medical expert who may be able to assist with an investigation. An investigation into allegations that a roofing contractor has met workmanship standards may require an investigator to inspect a roof and again, work with an expert.²⁸

D. Conclusion

In addition to the responses recommending exclusion from or cessation of a potential consolidation, only five of the twenty entities surveyed provided recommendations related to the structure and placement of a potential, centralized agency. Given the limited response and the variation among the suggested approaches to consolidation, it would seem that the goals of a potential consolidation and the agencies to be included should be clearly identified prior to the State going forward with any consolidation efforts. By making this determination, subject matter experts and the affected parties may be able to provide more detailed suggestions for a centralized state law enforcement agency's structure and departmental placement.

Endnotes

1. Department of Commerce and Consumer Affairs (DCCA) Response to Survey, Part II, Question 4. *See also* DCCA Response to Survey, Part II, Question 13 ("OCP believes consolidation is unnecessary . . .").
2. Department of the Attorney General (AG) Response to Survey, Part II, Question 4.
3. *See* AG Response to Survey, Part II, Question 6 (referencing the State Law Enforcement Coalition, a coalition of various state law enforcement agencies that "works together to respond to emergencies, major events, civil disturbances and other challenges that confront the state and require coordination of multiple agencies.").
4. *Id.*
5. Department of Land and Natural Resources, Division of Conservation and Resources Enforcement (DOCARE) Response to Survey, Part II, Question 4.

6. *Id.*
7. DOTH Response to Survey, Part II, Question 4.
8. *Id.* See also DOTH Response to Survey, Part II, Question 7 ("Consolidation of recruitment, training to law enforcement policies, tactics, and conduct, is the most desirable for a new centralized state law enforcement division or agency. Operational control should remain with the various agencies such as [the AGs, the Department of Land and Natural Resources (DLNR), the Department of Transportation (DOT), the Department of Public Safety (PSD), the Department of Health (DOH)], and others."); Question 12 ("Consolidation of law enforcement should be with recruitment, training, tactics, and uniform standards of conduct."); and Question 14 (suggesting that consolidation of law enforcement training and creating a state law enforcement academy would be the State's best first step towards consolidation, and that standardized training would result in more standardized policies and operating procedures).
9. DOTH Response to Survey, Part II, Question 4.
10. *Id.*
11. See AG Response to Survey, Part II, Question 1 ("Therefore, [the Criminal Justice Division, Medicaid Fraud Control Unit (MFCU)] investigators would have to be exempt from this consolidation or risk losing funding.") and Question 6 ("It is critical to keep the investigators in the Department of the Attorney General separate from other law enforcement agencies to enable effective enforcement against other agencies and departments."); PSD, Law Enforcement Division, Narcotics Enforcement Division (NED) Response to Survey, Part II, Question 4 ("The most desirable structure for NED would be to leave the agency currently as it exists in [PSD]. NED manages the State's narcotics enforcement program and can devote one hundred percent of its efforts to ensuring the success of the program."). See also *infra* Chapter 8, note 30 and accompanying text.
12. AG Response to Survey, Part II, Question 6. See also AG Response to Survey, Part II, Question 7 ("consolidation will strip the Investigations Division of the independence and separation needed to check and balance the actions of the various agencies of the State.").
13. AG Response to Survey, Part II, Question 1:

The Office of the Inspector General (OIG) has federal oversight over the Medicaid Fraud Control Unit (MFCU). The MFCU receives 75% of its funding from the federal government with the remaining 25% coming from the MFCU's special fund. The MFCU has been a self-sufficient entity. In order to be eligible for federal function, the MFCU must be a single, identifiable entity in its own contiguous space within the office of the State Attorney General. This includes, attorneys, investigators, auditors and staff all housed together within a unit. Therefore, MFCU investigators would have to be exempt from this consolidation or risk losing funding.
14. See DCCA Response to Survey, Part II, Question 4 (stating that the Business Registration Division (BREG) "does not agree with the idea of [the Securities Enforcement Branch] becoming part of a new, centralized state law enforcement agency. The type of work done in [the Securities Enforcement Branch] is highly specialized, and the cases [that the Securities Enforcement Branch] handles are complex."); DOTAX Response to Survey, Part II, Question 4; and PSD, Law Enforcement Division, Sheriffs Division (SD) Response to Survey, Part II, Question 4 ("The most desirable structure for SD would be to leave the agency currently as it exists in [PSD]. . . . Such a collaborative and cooperative working relationship under one PSD Director within the same department should not be disrupted.") and Question 12 ("The most desirable structure for SD

would be to leave SD within [PSD]. . . . Such a collaborative and cooperative working relationship under one PSD Director within the same department should not be disrupted.").

15. Department of Taxation (DOTAX) Response to Survey, Part II, Question 4. *See infra* Chapter 7, notes 16 and 17 and accompanying text.
16. DOTAX Response to Survey, Part II, Question 1.
17. *Id.*
18. DOTH Response to Survey, Part II, Question 4.
19. DCCA Response to Survey, Part II, Question 4.
20. Department of Defense (DOD) requested to be excluded from the Survey due to a lack of law enforcement activities and responsibilities. Nevertheless, DOD offered limited responses to the Survey.
21. DOD Response to Survey, Part II, Question 4.
22. Department of Human Services, Benefit, Employment and Support Services Division, Investigations Office (INVO) Response to Survey, Part II, Question 4.
23. *Id.*
24. *Id.*
25. DOT Response to Survey, Part II, Question 4.
26. DCCA Response to Survey, Part II, Question 4.
27. *Id.*
28. *Id.*

Chapter 4

START-UP REQUIREMENTS AND TIMELINE

The Legislative Reference Bureau asked respondents to the Survey of State Departments and Agencies Regarding Law Enforcement Consolidation to list possible start-up requirements and associated costs¹ for a centralized state law enforcement agency, as well as possible implementation timelines.

A. Start-Up Requirements: Training, Equipment, and Facilities

Respondents generally suggested the following categories of start-up requirements: education, training, and certification; equipment and supplies; facilities; personnel; administration and support; infrastructure; statutory amendments; policies, processes, and procedures; mission;² mission statement;³ and regulatory compliance measures.⁴

1. Education, Training, and Certification

The Department of the Attorney General (AG); the Department of Public Safety, Law Enforcement Division, Narcotics Enforcement Division (NED);⁵ and the Department of Transportation, Harbors Division (DOTH) all responded that the law enforcement personnel in a new, centralized state law enforcement agency would require some degree of education, training, and certification. The AG suggested that other law enforcement personnel should "be trained to conduct administrative, civil, or criminal investigations into political and public corruption, money laundering, racketeering, computer crimes and forensics, complex financial manipulation schemes, law enforcement corruption, hostile work environment, terroristic threatening, administrative civil rights violations, securities fraud, [and] unlicensed activities."⁶

Additionally, in lieu of providing an estimate for education, training, or certification, DOTH noted that it currently has a Memorandum of Understanding with the AG to provide DOTH with training and assistance with criminal and administrative investigations for \$86,779.72 annually.⁷ However, depending on the relationship between the AG and the new entity, this cost could change.

Other agencies that responded to the survey suggested that a potential centralized agency would require education, training, and certification.⁸ The Department of Commerce and Consumer Affairs (DCCA) and the Department of Taxation (DOTAX) both discussed the necessity of including their respective specialized areas of law enforcement education, training, or certification requirements for a new, centralized state law enforcement agency's law enforcement personnel. DCCA stated that a new, centralized state law enforcement agency would require "[t]raining in [the DCCA, Regulated Industries Complaints Office (RICO)] policies for working with licensees and familiarization with various licensing laws and rules"⁹ DOTAX similarly recommended that all investigators should possess knowledge of

tax laws, financial information, documents and tax returns, and evidentiary standards for tax cases.¹⁰

Additionally, DCCA and the Department of Human Services, Benefit, Employment and Support Services Division, Investigations Office (INVO) both discussed the possible costs associated with any education, training, or certification required for start-up, but neither DCCA nor INVO provided any dollar amounts. DCCA indicated that as "[t]raining is handled in-house and varies according to an investigator's individual skills and experience . . . it is difficult to quantify potential costs to the agency."¹¹ INVO stated that "[t]he cost would depend on who would be providing the training."¹² INVO elaborated that, because the Department of Public Safety's (PSD) Training Directorate currently "provides training for most state law enforcement agencies, . . . [i]f training were to be provided in the same manner, there would be no additional costs other than the current costs to train state law enforcement officers."¹³

2. Equipment and Supplies

Respondents to the survey listed a wide array of equipment and supplies needed for the start-up of a new, centralized state law enforcement agency.¹⁴ Items commonly mentioned included firearms,¹⁵ badges,¹⁶ uniforms,¹⁷ vehicles,¹⁸ and electronic hardware and software.

In particular, the AG and NED both suggested that a new, centralized state law enforcement agency would require new information technology infrastructure and systems for data processing, case management, evidence storage and management, records management, inventory, and communications.¹⁹ In regards to communications, NED discussed the "need to continue to maintain radio and dispatch communications with" NED, the PSD, Law Enforcement Division, Sheriffs Division (SD), the Honolulu Police Department, and "any other agency which would be consolidated into a larger department or agency."²⁰

DOTH and NED also provided estimated start-up costs associated with those law enforcement activities and responsibilities currently performed by DOTH and NED, respectively. DOTH indicated that outfitting its officers with a uniform and gear would cost \$3,529.54 per officer.²¹ DOTH also estimated additional costs to replace its automobiles, water craft, and trailers, totaling \$1,206,994.50.²² Additionally, although NED did not provide a specific amount, NED suggested that "the costs could run in excess of hundreds of thousands to consolidate just the [information technology] and communications system."²³

Other agencies that responded to the survey discussed a potential centralized agency's various start-up requirements and associated costs.²⁴ In particular, SD stated that it would need to maintain communications with any other agency included in a consolidation, including "any camera security system that would be incorporated into the Capitol Dispatch system"²⁵

DCCA and INVO both discussed vehicle requirements and provided estimated start-up costs for all equipment and supplies.²⁶ Additionally, DCCA stated that if it were to become a part of a new law enforcement agency, the DCCA, Business Registration Division (BREG) investigators would either need vehicles "to be provided and/or parking for their personal vehicles to be used as needed" because BREG "[i]nvestigators periodically go out into the field

to interview witnesses, serve subpoenas, etc."²⁷ INVO also responded that its investigators would require unmarked vehicles to conduct undercover and surveillance operations and to meet with witnesses and confidential informants.²⁸

3. Facilities

Survey responses included different types of facilities in their start-up requirements (e.g., offices, secure evidence rooms, etc.), and agencies estimated substantial costs. The AG²⁹ and the Department of Land and Natural Resources, Division of Conservation and Resources Enforcement's (DOCARE) respective discussions of start-up requirements included the provision or relocation of offices. In particular, DOCARE discussed the need for its current, respective neighbor island offices to be relocated or otherwise changed.³⁰ The AG³¹ and NED also discussed the need for a new agency to have secure evidence rooms. NED noted that for those law enforcement functions transferred from NED to a new, centralized state law enforcement agency, the agency would require a "[s]ecure evidence room, including secure storage for medications and controlled substances collected from the Drug Enforcement Agency's National Drug Take Back days"³² Additionally, DOTH noted that it is currently using special funds to construct a new Harbor Police facility at a cost of \$2,800,000.³³ DOTH added that "the new entity occupying the facility may be required to pay rent to [DOTH] or reimburse . . . DOTH for the cost of the facility."³⁴

The AG further responded that a "consolidated law enforcement agency would require a centralized training facility to properly train all state law enforcement."³⁵ According to the AG, this training facility would comprise "a building for classrooms and offices, firing range, automobiles and automobile facility, water vessels, etc.", and would require "a large expenditure of funds (in the millions of dollars) to construct and man the facility and years to establish."³⁶ The AG also responded that a "consolidated law enforcement agency would also require a forensic laboratory to analyze controlled substance, suspect documents, DNA, computer evidence, polygraph results, psychological evaluations, blood splatter, firearms, and other scientific forensic needs."³⁷ The AG estimated that such a forensic laboratory "would also require millions to construct and years to establish."³⁸

Other agencies also included facilities in their respective lists of start-up requirements. INVO and DOTAX, in particular, explained the need for offices for a potential centralized agency,³⁹ while SD stated that a potential centralized agency would require secure evidence rooms.⁴⁰

4. Miscellaneous Requirements

Numerous respondents stated that a potential centralized agency would require some degree of administration and support. In its list of start-up requirements, NED included "[p]ersonnel management, including recruitment, recruit training, and promotion," and "[f]iscal procedures and management, including asset forfeiture accounts"⁴¹ Other respondents also suggested that administration and support, including administrative and support personnel, would be required for start-up of a potential centralized agency. In its discussion of a possible timeline for consolidation, INVO advised that "[t]he reassignment to a new centralized state law

enforcement division or agency would require the revision of certain agreements as well as transferring administrative responsibility," including "human resources and financial management responsibilities, bargaining unit negotiations and logistical support."⁴² DCCA noted that in addition to professional staff (e.g., investigators and attorneys), a potential centralized agency would also need legal support staff.⁴³

Another start-up requirement that respondents discussed was possible amendments to existing statutes. DOCARE suggested that a transition of its current activities and responsibilities to a potential centralized agency "may require enabling legislation for cross jurisdictional authorities to be in place."⁴⁴ Many other responding agencies also suggested that establishing a new, centralized state law enforcement agency would require various statutory amendments.⁴⁵ In particular, DOTAX listed the following necessary statutory amendments: "amendments to establish a 'chain of command' to establish the relationship of DOTAX to the centralized state law enforcement division",⁴⁶ amendments related to funding,⁴⁷ and "amendments to determine employment status."⁴⁸

The AG, NED,⁴⁹ and DOCARE all recommended revising or developing new policies, procedures, and processes.⁵⁰ In particular, DOCARE cautioned that, because of the inconsistency between all of the potentially affected agencies' current policies and procedures, "[v]irtually all policies and procedures would need significant review to determine a standardized approach."⁵¹ Additionally, NED suggested that "[p]olicies and procedures, especially those specific to NED's mission and function, including those necessary to maintain international forensic laboratory certification and clandestine lab training. . . ."⁵²

Other agencies discussed the need to revise existing policies, procedures, and processes.⁵³ For example, DOTAX specifically recommended the establishment of "a process or procedure to collect restitution and tax payments."⁵⁴

5. Transfer of Existing Supplies, Equipment, Facilities, Policies, Procedures, Personnel, and Agreements

Various respondents recommended transferring existing supplies, equipment, facilities, policies, procedures, personnel, and agreements to a potential centralized agency. In particular, NED recommended transferring "[e]xisting agreements, contracts, memorandums of agreement and/or understanding, including any contract to maintain the interface with user registration" and the Hawaii prescription drug monitoring program.⁵⁵

Other respondents suggested that certain items, policies, procedures, personnel, etc., should transfer to a new, centralized state law enforcement agency along with the respective respondent.⁵⁶ SD responded that if it were "transferred to a centralized law enforcement agency, SD would minimally need all existing facilities, equipment, vehicles, communications, policies and procedures, memorandum of agreements, and personnel to carry out their law enforcement activities."⁵⁷ Additionally, the Department of Transportation (DOT) mentioned that in addition to transferring law enforcement activities and responsibilities as part of a consolidation, full-time equivalent law enforcement personnel and criminal investigators from PSD, the AG, and DOTH

would also need to be transferred.⁵⁸ DOT also provided the following costs associated with DOT's full-time law enforcement personnel: \$808,000 for DOT's law enforcement officers on Oahu and \$1,000,000 for the Highways Division's motor carrier safety officers throughout the State.⁵⁹

B. Timeline for Start-Up

The survey asked respondents to provide estimated timelines for the start-up of a new, centralized state law enforcement agency. While some respondents noted that they lacked the information necessary to produce the requested timeline estimates,⁶⁰ numerous respondents provided estimated consolidation timeframes or milestones, or both.

The AG suggested that because of the need for forensics laboratory and training facilities,⁶¹ "a centralized law enforcement agency would take many years and significant funds to establish."⁶² On the other hand, NED and DOCARE both seemed to provide estimates for their respective law enforcement activities and responsibilities to be transferred to a new, centralized state law enforcement agency. Specifically, NED mentioned that "[i]t would take at least several years to successfully integrate NED into a new, consolidated law enforcement agency."⁶³ On the other hand, DOCARE estimated that "[t]ransitioning from [its] current structure to a new Department or agency would require significant planning" and "may take in excess of 5 years."⁶⁴ According to DOCARE, this timeline would need to "include integrating command staff duties[,] outlining a clear chain of command between functions," and further expressed that "integrating various policies and procedures would require a large effort between agencies and labor unions."⁶⁵ DOCARE also suggested that "[m]oving to a general law enforcement approach will also require a re-tooling of our authority and will require significant legal analysis to understand [from] where our authority will be derived."⁶⁶

Other agencies that responded to the survey provided estimated consolidation timeframes or milestones, or both. DCCA advised that the DCCA, Insurance Division, Insurance Fraud Investigation Branch's "investigators would need approximately four weeks [to] undergo training for firearms certification and to learn internal departmental policies and procedures."⁶⁷

Additionally, DOT estimated that a consolidation could include twelve to twenty-four months for the following: (1) to convene a meeting between the impacted departments and agencies and applicable federal regulatory agencies to ensure that the establishment of a new, centralized state law enforcement agency is compliant with existing regulations; (2) to establish an action plan for a consolidation that includes providing notification, developing procedures for the transfers and transitions, amending or cancelling existing agreements, and transferring funding sources or obtaining new funding; and (3) to notify the Legislature; DOT's workforce; various other governmental organizations (e.g., the Offices of the United States Attorneys, the Department of Human Resources Development, the Department of Budget and Finance, the AG, county police departments, prosecutor's offices, and emergency responders); affected contractors, vendors, and customers; and the general public.⁶⁸

Finally, in lieu of a timeframe estimate, INVO provided a detailed four-phase timeline.⁶⁹ According to INVO, a potential timeline would include addressing various personnel issues (which could take three to six months); physically relocating the affected parties; ensuring that certification and training requirements and standards are met (with a possible three months to one year required for additional training); and acquiring necessary equipment, such as personal and office equipment.⁷⁰

C. Conclusion

The survey responses discussed in this chapter should not be considered a definitive inventory of start-up requirements, costs, and timelines. Instead, the preceding information should be used to guide further discussions regarding the required time and resources needed to establish a new, centralized state law enforcement agency without any interruptions in law enforcement coverage for the State.

Endnotes

1. Although some respondents were able to provide start-up requirement cost estimates, the Department of Commerce and Consumer Affairs (DCCA) and the Department of Taxation (DOTAX) both noted that they would be unable to provide cost estimates without additional information. *See* DCCA Response to Survey, Part II, Question 1 ("[DCCA, Office of Consumer Protection (OCP)] does not have sufficient information to provide cost estimates."); and DOTAX Response to Survey, Part II, Question 1 ("The costs associated with [the start-up requirements provided by DOTAX] are unknown at this time.").
2. *See* Department of Public Safety (PSD), Law Enforcement Division, Narcotics Enforcement Division (NED) Response to Survey, Part II, Question 2, and PSD, Law Enforcement Division, Sheriffs Division (SD) Response to Survey, Part II, Question 2 (note: nearly identical language was used in both NED and SD's Survey Responses):

The most important principle for success of a new consolidated agency is an agreed upon mission with obtainable goals and objectives. This may be particularly challenging because the new consolidated agency would address wide and varying missions (e.g. conservation of natural resources, executive protection security, controlled substance regulation, judicial security, tax violations, harbors enforcement, etc.).
3. *See* Department of Human Resources Development (DHRD) Response to Survey, Question 5 ("A common mission statement for this enforcement division would need to be developed as each separate law enforcement unit is now likely performing functions that specifically support the mission of their respective departments (i.e. Land and Natural Resources, Public Safety and Transportation) which may not overlap with one another.").
4. *See* Department of Transportation (DOT) Response to Survey, Part II, Question 2:

[T]here are specific Federal Requirements ([Transportation Security Administration, Federal Aviation Administration, United States Coast Guard, United States Department of Human Services,] Federal Highways Administration, etc.,) that are specific to each facility and their activities that must be satisfied outside of the normal start up law

START-UP REQUIREMENTS AND TIMELINE

enforcement and security requirements. Estimated costs will be dependent upon each specific requirement and normal law enforcement start up requirements.

See also DOT Response to Survey, Part II, Question 1 ("Consolidation of state law enforcement and responsibilities under a new division or agency will standardize all general law enforcement processes, policies and procedures, and certification processes for specific equipment, uniform, and vehicles to comply with Federal requirements specific to each facility (Airport, Harbors or Highways).").

5. *See* NED Response to Survey, Part II, Question 1 (including "initial, in-service, and specialty" training in its list of start-up requirements) and Question 13 ("A new consolidated agency would have to create entirely new structures and systems, including records management, communications and dispatch, evidence collection and storage, training, policies and procedures, and more.").
6. Department of the Attorney General (AG) Response to Survey, Part II, Question 1.
7. *See* DOT, Harbors Division (DOTH) Response to Survey, Part II, Question 1 ("As stated prior, we have a Memorandum of Understanding (MOU) with the Department of the Attorney General to provide our unit with training. Included in the agreement, along with the training, is a requirement that they assist with criminal investigations and administrative investigations. The costs for these services are \$86,779.72 annually.").
8. *See* Department of Human Services (DHS), Benefit, Employment and Support Services Division, Investigations Office (INVO) Response to Survey, Part II, Question 1 ("However in order to meet state law enforcement standards, additional training and certification may be required."); and SD Response to Survey, Part II, Question 1 (including "initial, in-service, and specialty" training in its list of start-up requirements) and Question 13 ("a new consolidated agency would have to create entirely new structures and systems, including records management, communications and dispatch, evidence collection and storage, training, policies and procedures, and more."). *See also* the Department of Budget and Finance (B&F) Response to Survey, Question 2 ("There may be increased costs to centralize administrative, training and support staff, and to standardize vehicles markings, equipment and uniforms."); DCCA Response to Survey, Part II, Question 1 (listing firearms certification training in DCCA, Insurance Division, Insurance Fraud Investigation Branch's (IFIB) list of start-up requirements) and Question 5 (including training in its proposed timeline: "IFIB investigators would need approximately four weeks [to] undergo training for firearms certification and to learn internal departmental policies and procedures."); DHRD Response to Survey, Question 5 ("Issues such as training, records management systems, funding, federal requirements would have to be researched, analyzed, and addressed."); and INVO Response to Survey, Part II, Question 5 (including training in its proposed timeline: "In order to meet agency requirements and standards, a review of personnel certifications and training would be required. Any additional training requirements would have to be completed in order to be in compliance. The completion of training could take anywhere from three months to [a] year.").
9. DCCA Response to Survey, Part II, Question 1.
10. *See* DOTAX Response to Survey, Part II, Question 1 ("All Investigators should be knowledgeable with tax laws, financial information, and documents and tax returns. . . . Knowledge of evidentiary standards for tax cases.").
11. DCCA Response to Survey, Part II, Question 1. *See also* DCCA Response to Survey, Part II, Question 2 ("For [the DCCA, Regulated Industries Complaints Office (RICO)], training may be provided in specific licensing areas (e.g., medicine, mortgage, real estate appraisal). Costs for out-of-state training vary and depend on the programs available at the time.").

12. INVO Response to Survey, Part II, Question 1.
13. *Id.*
14. *See* NED Response to Survey, Part II, Question 1 (listed "Firearms/Equipment/Uniforms/Badges" as requirements for NED personnel to effectively perform their duties in a new, centralized state law enforcement agency).
15. *See id.*
16. *See id.*
17. *See id.*; and *infra* Chapter 4, note 21. *But see* the Department of Land and Natural Resources, Division of Conservation and Resources Enforcement (DOCARE) Response to Survey, Part II, Question 1 (stating that DOCARE's "uniforms are unique and would not be standardized to other law enforcement agencies.").
18. *See infra* Chapter 4, note 22 and accompanying text.
19. *See* AG Response to Survey, Part II, Question 2 (including computer systems and telephones in its list of start-up requirements); and NED Response to Survey, Part II, Question 1 (including "Information Technology Infrastructure to maintain the following NED databases: case management, evidence management, laboratory records, and controlled substance laboratory standards inventory" in its list of start-up requirements). *See also supra* Chapter 4, note 5 (citing NED Response to Survey, Part II, Question 13: "A new consolidated agency would have to create entirely new structures and systems, including records management, communications and dispatch, evidence collection and storage, training, policies and procedures, and more.").
20. NED Response to Survey, Part II, Question 1.
21. *See* DOTH Response to Survey, Part II, Question 1 ("The cost to outfit one of our officers, uniform and gear is \$3,529.54. Our unit consists of 19 personnel, with 18 being commissioned harbor police officers with full police powers and 1 being a noncommissioned homeland security specialist.").
22. *See id.* (identifying the vehicles in DOTH's fleet of enforcement vehicles and watercraft and provided the cost of each vehicle).
23. NED Response to Survey, Part II, Question 1 ("This study should include the cost of rebuilding and maintaining all of the infrastructure to consolidate NED with other agencies. It is estimated that the costs could run in excess of hundreds of thousands to consolidate just the [information technology (IT)] and communications system.").
24. *See, e.g.*, DCCA Response to Survey, Part II, Question 1 (stated that if "OCP was fully incorporated in a new centralized enforcement division . . . Data processing systems, including complaints processing and case management, would also need to be modified.", and included Sig Sauer P229 Nitron Compact firearms in IFIB's list of start-up requirements); DOTAX Response to Survey, Part II, Question 1 (included "Funding and logistics for equipment" in a list of possible start-up issues); DOT Response to Survey, Part II, Question 1 (included firearms in its list of start-up requirements); SD Response to Survey, Part II, Question 1 (included "Information Technology Infrastructure to maintain our records management system, taking in account that [Commission on Accreditation for Law Enforcement Agencies (CALEA)] accreditation will require evidence storage and management as well" and "Firearms/Equipment/Uniforms/Badges" in its list of start-up requirements; and stated that "This study should include the cost of rebuilding and maintaining all of the infrastructure to consolidate SD with other agencies. It is

estimated that the costs could run in excess of hundreds of thousands to consolidate just the IT and communications system."); and *supra* Chapter 4, note 8 (citing B&F Response to Survey, Question 2). *See also supra* Chapter 4, note 8 (citing DHRD Response to Survey, Question 5); and *infra* Chapter 4, note 26 (citing INVO Response to Survey, Part II, Question 1).

25. SD Response to Survey, Part II, Question 1.
26. *See* DCCA Response to Survey, Part II, Question 1 (estimating that law enforcement equipment costs would amount to \$85,518.54, based on numerous items and quantities of personal law enforcement equipment); and INVO Response to Survey, Part II, Question 1 (stating that because "DHS Investigators utilize various types of equipment and technology during the course of their duties", and because "DHS Investigations currently does not have any Law Enforcement Equipment", DHS Investigators that are transferred to a potential centralized agency would require unmarked vehicles, standard office equipment, storage for data and documents, personal protective and utility equipment, communication devices, and computer equipment).
27. DCCA Response to Survey, Part II, Question 1.
28. *See supra* Chapter 4, note 26 (citing INVO Response to Survey, Part II, Question 1's discussion of unmarked vehicles).
29. *See* AG Response to Survey, Part II, Question 2 (including offices in a list of start-up requirements).
30. *See* DOCARE Response to Survey, Part II, Question 1 ("The Division has several satellite offices and is also co-located with other Department assets. These locations would need to be re-negotiated in terms of leasing, equipment, and available space."). *See also infra* Chapter 8, note 43 (citing DOCARE Response to Survey, Part II, Question 3) and accompanying text.
31. *See* AG Response to Survey, Part II, Question 2 ("law enforcement needs such as evidence rooms, etc.").
32. NED Response to Survey, Part II, Question 1.
33. *See* DOTM Response to Survey, Part II, Question 2.
34. *Id.*
35. AG Response to Survey, Part II, Question 1.
36. *Id.*
37. *Id.*
38. *Id.*
39. *See* DOTAX Response to Survey, Part II, Questions 1 and 2 (discussing offices as a start-up requirement); and INVO Response to Survey, Part II, Question 1 (estimated that the cost to relocate its leased neighbor island offices "would be approximately \$5000 . . . per office" with other offices preferably relocating to or remaining in state buildings to reduce costs).
40. *See* SD Response to Survey, Part II, Question 1 (including a secure evidence room in its list of start-up requirements).
41. NED Response to Survey, Part II, Question 1. *See also* SD Response to Survey, Part II, Question 1 (including identical language).
42. INVO Response to Survey, Part II, Question 5.

43. See DCCA Response to Survey, Part II, Question 1. See also SD Response to Survey, Part II, Question 2 (including "special and general funded positions," and "personnel recruitment and promotions" in its list of start-up requirements).
44. DOCARE Response to Survey, Part II, Question 5.
45. See, e.g., DCCA Response to Survey, Part II, Question 1 ("For OCP, the primary changes would involve statutory amendments."); and DOT Response to Survey, Part II, Question 1 ("If the State of Hawaii were to consolidate state law enforcement activities and responsibilities under a new centralized state law enforcement division or agency, it would have to develop the entire spectrum of statutory provisions, policies, procedures, rules, regulations . . .").
46. DOTAX Response to Survey, Part II, Question 1.
47. *Id.* ("Statutory amendments to a special fund. [The Special Enforcement Section] is funded by a special fund based on tax collections on completed investigations.").
48. *Id.* ("Statutory amendments to determine employment status. Currently, the Fraud Unit is comprised of civil service employees and [the Special Enforcement Section] and [the Criminal Investigation Section] are comprised of exempt employees.").
49. NED Response to Survey, Part II, Question 2, and SD Response to Survey, Part II, Question 2 (note: identical language was used in both NED and SD's Survey Responses):

Essentially, consolidation amounts to the creation and construction of an entirely new law enforcement department, which would require common policies and procedures, forms, receipt and security of evidence, dispatch and communication platforms, information and technology support, fiscal practices and management, maintaining asset forfeiture accounts, special and general funded positions, personnel recruitment and promotions, training, and interagency contracts and memoranda of agreements between federal, state, and county agencies.
50. See AG Response to Survey, Part II, Question 2 ("a consolidated law enforcement agency would require the difficult task of standardizing procedures, goals, and objectives for very diverse enforcement functions."); *supra* Chapter 4, note 5 (citing NED Response to Survey, Part II, Question 13: "A new consolidated agency would have to create entirely new structures and systems, including records management, communications and dispatch, evidence collection and storage, training, policies and procedures, and more."); and *infra* Chapter 4, notes 64 and 65 and accompanying text.
51. DOCARE Response to Survey, Part II, Question 1 ("The primary mission of the Division is significantly different than all other agencies within the State. Virtually all policies and procedures would need significant review to determine a standardized approach."). See also DOCARE Response to Survey, Part II, Question 5 ("Officer duties may be similar in some regard, but integrating various policies and procedures would require a large effort between agencies and labor unions.").
52. NED Response to Survey, Part II, Question 1.
53. See INVO Response to Survey, Part II, Question 3 ("The DHS Investigations Office conducts statewide investigations and has offices in Oahu, Hawaii, Maui, and Kauai. Under state wide consolidation, some policies and procedures would change in order to meet requirements."); SD Response to Survey, Part II, Question 1 ("Policies and procedures, especially those specific to SD's mission and function, including those necessary for services provided to the Judiciary and the Department of Transportation at the Daniel K. Inouye International Airport"); DHRD

Response to Survey, Question 5 ("Policies and procedures developed to address the operational issues of this newly formed enforcement division may not be consistent with existing policies that currently provide specific guidance to these groups of employees."); and *supra* Chapter 4, note 45 (citing DOT Response to Survey, Part II, Question 1).

54. DOTAX Response to Survey, Part II, Question 1.
55. NED Response to Survey, Part II, Question 1.
56. *See* DCCA Response to Survey, Part II, Question 1 ("If OCP was fully incorporated in a new centralized enforcement division, it is unclear whether any processes, equipment, etc. would require adjustments."); and SD Response to Survey, Part II, Question 1 ("Existing agreements, contracts, memorandums of understanding, including those with the Judiciary, State Department of Transportation, and United States Drug Enforcement Agency.").
57. SD Response to Survey, Part II, Question 1.
58. *See* DOT Response to Survey, Part II, Question 2 ("In addition, the transfer of [full-time equivalent employees] (law enforcement and criminal investigators) from PSD, AG, and Harbors will be part of the start up requirements").
59. *See* DOT Response to Survey, Part I, Question 1.
60. *See* DOTH Response to Survey, Part II, Question 5 ("A timeline cannot be provided. The DOTH needs additional information about the resources that will be assigned or appropriated to the DOTH to perform law enforcement, security, and environmental compliance services."); DCCA Response to Survey, Part II, Question 5 ("[DCCA, Business Registration Division] and OCP lack sufficient information or data to render a supposition. Nevertheless, the biggest challenges would involve data and complaint processing."); and DOTAX Response to Survey, Part II, Question 5:
[The] time for transition is unknown. Each of the issues that are raised would need to be addressed for a successful transition. Also, the overall structure and any transition plan for the proposed centralized law enforcement division/agency is unknown; thus we cannot make an accurate determination of a timeline.
See also DCCA Response to Survey, Part II, Question 5 ("It is difficult for RICO to estimate the extent of training required to integrate RICO personnel. The extent of training would also depend on the number of additional duties required and the scope of licensing matters.").
61. *See supra* Chapter 4, notes 35, 36, and 37 and accompanying text.
62. AG Response to Survey, Part II, Question 5.
63. NED Response to Survey, Part II, Question 5.
64. DOCARE Response to Survey, Part II, Question 5.
65. *Id.*
66. DOCARE Response to Survey, Part II, Question 14.
67. DCCA Response to Survey, Part II, Question 5.
68. *See* DOT Response to Survey, Part II, Question 5.
69. *See* INVO Response to Survey, Part II, Question 5.
70. *Id.*

Chapter 5

POTENTIAL OPERATING COSTS AND COST SAVINGS

Act 124, Session Laws of Hawaii 2018, required the Legislative Reference Bureau (Bureau) to examine potential costs and cost savings related to a consolidation of state law enforcement activities and responsibilities.¹ Since the Bureau lacks the inherent budgetary expertise to provide such an analysis of Executive Branch fiscal needs, the Bureau asked the Department of Budget and Finance (B&F) to provide insight into the potential costs and cost savings of a consolidation. The Bureau also received responses from potentially affected agencies detailing estimated costs not related to start-up, as well as issues that could lead to incurred costs. The costs described in this chapter should not be considered exhaustive or conclusive.

A. Costs

The Bureau received responses from various agencies discussing the potential costs that a new, centralized state law enforcement agency could incur. However, in lieu of directly providing cost estimates, the Department of Land and Natural Resources, Division of Conservation and Resources Enforcement (DOCARE) responded by stating that the "costs associated with running the DOCARE Division would include the annual budget of \$9,955,151 of General Funds."² Similarly, the Department of Taxation (DOTAX) responded by providing the following FY2018 operating costs for its three potentially affected units: \$180,630.69 for the Fraud Unit, \$580,436.73 for the Special Enforcement Section, and \$489,710.79 for the Criminal Investigation Section.³

The Bureau also received estimates for specific costs that could be incurred as a result of including the responding agency's respective law enforcement activities and responsibilities in a consolidation. The Department of Transportation, Harbors Division estimated substantial annual costs to maintain, repair, and fuel its fleet of enforcement vehicles and watercraft.⁴ Similarly, the Department of Human Services, Benefit, Employment and Support Services Division, Investigations Office estimated that it would cost approximately \$5,000 per vehicle for annual travel and maintenance costs associated with its recommended unmarked vehicles.⁵

B. Cost Savings

Although some respondents believed that a consolidation of law enforcement agencies could increase costs,⁶ B&F noted that:

There may be some savings from consolidation (such as administrative overhead and general training costs). However, it may not be possible to realize substantial facility savings because of diverse geographical assignments. Further, certain departmental law enforcement functions require specialized training (such as [Department of the Attorney

General] investigators and [Department of Land and Natural Resources] DOCARE officers) beyond generic law enforcement training.⁷

B&F further noted that "[t]here may some savings but it may not be substantial."⁸

C. Potential Cost-Incurring Issues

In addition to providing cost estimates, DOCARE also discussed potential issues that could produce additional costs. According to DOCARE:

In addition to the annual budget for the Division there are several associated costs that may be hard to determine. DOCARE relies on the Department of Land and Natural Resources to provide administrative support for payroll, budget, facilities management and maintenance, personnel services, procurement, and legislative guidance. Some of these costs are substantial and would need to be accounted for in any reorganization plan. DOCARE also relies on specific subject matter experts when conducting complex investigations regarding natural and cultural resource violations. There is significant [Department of Land and Natural Resources] staff time involved in many of our investigations. That time is not currently billed, but it would be a significant cost in completing our primary mission.⁹

Other agencies that responded to the survey, including B&F, the Department of Commerce and Consumer Affairs (DCCA), and DOTAX, also discussed potential cost-bearing issues. B&F suggested that specialized support staff and retirement benefits could be required and may create additional costs.¹⁰ DCCA stated that a potential consolidation would produce costs for BREG relating to ongoing training for professional staff on the mainland, annual professional dues, and research database subscriptions.¹¹ DCCA also advised that because its "[i]nvestigators periodically go out into the field to interview witnesses, serve subpoenas, etc., . . . vehicles would need to be provided and/or parking for their personal vehicles to be used as needed."¹² Finally, DOTAX listed the following potential cost-incurring requirements and issues: "the location of the centralized office",¹³ "support staff,"¹⁴ "[c]hain of command and interaction/coordination of the agency responsible for the specialty area",¹⁵ "[c]oordination of the collection of restitution and tax payments",¹⁶ "[f]unding for the positions and equipment",¹⁷ "[t]ravel to neighbor islands",¹⁸ and "salaries and benefits."¹⁹

D. Conclusion

Responses to the survey revealed a variety of concerns about the potential costs of a consolidation. In order to more clearly determine the scope, logistics, and benefits of a consolidation of law enforcement activities and responsibilities, B&F and the potentially affected agencies should be consulted to determine other costs that a new, centralized state law enforcement agency could incur, as well as any cost savings that the State may recognize as a result of a consolidation.

Endnotes

1. For a discussion of start-up requirements and costs, see Chapter 4.
2. Department of Land and Natural Resources, Division of Conservation and Resources Enforcement (DOCARE) Response to Survey, Part II, Question 1.
3. *See* Department of Taxation (DOTAX) Response to Survey, Part II, Question 1.
4. Department of Transportation, Harbors Division Response to Survey, Part II, Question 1:
The estimated annual cost to maintain our vehicles, repair and fuel, is \$10,000.00 per [vehicle] (\$150,000.00 approx.). The estimated annual cost to maintain our boats, repair and fuel, is \$15,000.00 per [boat] (\$30,000.00 approx.). The estimated cost to maintain our jet skis, repair and fuel, is \$2,000.00 per [jet ski] (\$4,000.00 approx.).
5. Department of Human Services, Benefit, Employment and Support Services Division, Investigations Office (INVO) Response to Survey, Part II, Question 1. *See supra* Chapter 4, notes 26 (citing INVO Response to Survey, Part II, Question 1) and 28 and accompanying text.
6. *See* Department of Defense Response to Survey, Part II, Question 6 ("would add more costs to the Executive Branch."); and Department of Commerce and Consumer Affairs (DCCA) Response to Survey, Part II, Question 13 (stating that DCCA, Office of Consumer Protection believes that consolidation "will create a new bureaucracy that will create increased costs.").
7. Department of Budget and Finance (B&F) Response to Survey, Question 1. Note: B&F provided the foregoing in response to a question asking whether B&F foresaw a potential consolidation producing any cost savings to the State.
8. B&F Response to Survey, Question 4.
9. DOCARE Response to Survey, Part II, Question 1.
10. *See* B&F Response to Survey, Question 3 ("If the centralized organization is going to be an attached agency then specialized support staff (administrative, fiscal and personnel staff) may be necessary.") and Question 5 ("The biggest potential cost increase could be if the centralized law enforcement agency results in the law enforcement being given police//fire retirement benefits.").
11. *See* Department of Commerce and Consumer Affairs Response to Survey, Part II, Question 1.
12. *Id.*
13. DOTAX Response to Survey, Part II, Question 2.
14. *Id.*
15. *Id.*
16. *Id.*
17. *Id.*
18. DOTAX Response to Survey, Part II, Question 1.
19. *Id.*

Chapter 6

LABOR, EMPLOYMENT, AND PERSONNEL ISSUES

Act 124, Session Laws of Hawaii 2018 (Act 124) required the Legislative Reference Bureau (Bureau) to examine any potential personnel issues associated with a consolidation of state law enforcement activities and responsibilities. Therefore, in addition to the agencies and departments that could be directly affected by a consolidation, the Bureau also asked the Department of Human Resources Development (DHRD) for information regarding any potential labor, employment, and personnel issues that a consolidation may cause. According to the various survey responses, consolidation could affect hundreds of state employees¹ and raise numerous labor, employment, and personnel issues that are important to consider prior to initiating a consolidation.

A. Position Descriptions and Collective Bargaining Units

According to the Department of Public Safety, Law Enforcement Division, Narcotics Enforcement Division (NED) and Sheriffs Division (SD), because "all of the different state law enforcement position descriptions have varying levels of education, work experience, physical qualifications, and training requirements," position requirements and titles under a potential consolidated agency would have to be determined.² Additionally, DHRD noted that if consolidation results in changes in position descriptions and responsibilities, existing employees may no longer meet the minimum qualifications for their positions.³ Additionally, the Department of Transportation (DOT) recommended that "the current functional statements and position . . . descriptions of non-law enforcement civil service personnel who provide either direct or in-direct management" would need to be reviewed, as would compensation.⁴

The Department of the Attorney General (AG) stated that "if the consolidation changed the classification of various current law enforcement officers, it could affect the bargaining unit they are assigned to."⁵ Further, the Department of Human Services, Benefit, Employment and Support Services Division, Investigations Office noted that although the major impacts of a consolidation would be difficult to determine, "[c]hanges in position descriptions and responsibilities would have a significant impact on collective bargaining units."⁶ Accordingly, the AG, the Department of Land and Natural Resources, Division of Conservation and Resources Enforcement, NED, and DOT, Harbors Division (DOTH) stated that the following bargaining units (and employees who are excluded from collective bargaining, but are attached to the affected bargaining units) could be affected by a consolidation: 3, 10, 13, and 14.⁷ Other agencies that responded to the survey indicated that bargaining unit 4 could also be affected by a consolidation.⁸

B. Effect on Collective Bargaining Agreements

Various respondents suggested that certain labor, employment, and personnel issues related to a consolidation of state law enforcement activities and responsibilities could require consulting with the affected unions⁹ and negotiating changes in collective bargaining agreements.¹⁰ According to the survey responses, changes to the following could require negotiating collective bargaining agreements: requirements and responsibilities;¹¹ positions;¹² working environment;¹³ uniforms, equipment and vehicles;¹⁴ working conditions;¹⁵ and salary and benefits.¹⁶ The AG, in discussing the issue of salary and benefits, elaborated that although "[i]t is difficult to anticipate all the possible structural permutations of a consolidation and therefore difficult to identify collective bargaining implications," a consolidation resulting in any particular group experiencing a pay cut "could result in some serious 'impairment of contract' issues."¹⁷ Additionally, DOTH provided the following example:

For example, conservation officers are classified and have higher salary range assignments than Sheriffs and Harbor Enforcement Officers, therefore classification and equal pay for equal work issues need to be resolved through DHRD and the unions. Classifications that are assigned a salary range (SR) and the differences in SRs affects seniority rights and layoff rights, have to be discussed of Harbor Enforcement Officers and other law enforcement officers and negotiated.¹⁸

DOTH also stated that the following issues would require negotiations and consultation: "temporary promotions and pay to vacant positions, or when the supervisor is on leave"; determining the law enforcement officer from the appropriate agency to have "priority to assignments, desired work units (executive protection), maritime, airport, etc."; establishing authorizations to make assignments, assign overtime, discipline employees, and set management performance standards; determining whether a law enforcement officer is performing satisfactorily or meeting qualifications;¹⁹ and deciding the appropriate office or agency to perform any required training.²⁰

C. Other Personnel and Employment Issues

In addition to issues affecting collective bargaining agreements and bargaining units, various respondents identified the following personnel issues: seniority,²¹ reduction in force,²² inclusion of administrative and support staff, and the Employees' Retirement System and other employee programs.

1. Administrative and Support Staff

Although Act 124 directs the Bureau to examine "consolidating the law enforcement activities and responsibilities of various state divisions and agencies",²³ administrative and support staff may need to be included in a consolidation. When asked how many employees could be affected by a consolidation, the AG, NED, DHRD, SD, and DOT all included administrative and support staff in their respective responses.²⁴ Additionally, NED suggested that support staff would need to be transferred to a new, centralized state law enforcement agency.²⁵

2. Employees' Retirement System and Other Employee Programs

Another personnel issue, mentioned by DHRD, NED, and SD, is that of the Employees' Retirement System and other employee programs. DHRD suggested that other employee programs, like the Employees' Retirement System, "would need to be assessed to determine what impact, if any, this consolidation may have on the benefits these employees would receive under such programs."²⁶ Likewise, both NED and SD recommended that the Employees' Retirement System "would need to be evaluated as some positions are statutorily covered under" section 88-74, Hawaii Revised Statutes.²⁷

D. Conclusion

Regardless of the agencies included in a consolidation, personnel and staffing will be a major consideration. Accordingly, collective bargaining agreements may need to be addressed and, if necessary, renegotiated. The agencies that would be directly affected, DHRD, and the applicable labor unions should be consulted with to determine the most effective way to transfer personnel to a new, centralized state law enforcement agency while preserving the employment benefits to which those employees are entitled.

Endnotes

1. *See, e.g.*, Department of the Attorney General (AG) Response to Survey, Part II, Question 8 (63 full-time equivalent employees (FTE), including investigators and staff could be affected); Department of Land and Natural Resources, Division of Conservation and Resources Enforcement (DOCARE) Response to Survey, Part II, Question 8 (130 sworn positions and 20 non-sworn positions could be affected); Department of Public Safety (PSD), Law Enforcement Division, Narcotics Enforcement Division (NED) Response to Survey, Part II, Question 8 (18 FTE "including armed investigators as well as support staff" could be affected); Department of Transportation (DOT), Harbors Division (DOTH) Response to Survey, Part II, Question 8 ("18 commissioned with police powers" and 1 noncommissioned specialist could be affected); Department of Commerce and Consumer Affairs (DCCA) Response to Survey, Part II, Question 8 (19 FTE from DCCA, Business Registration Division, approximately 20 DCCA, Regulated Industries Complaints Office positions, 35 full-time investigators from DCCA, Regulated Industries Complaints Office, and 10 FTE from DCCA, Insurance Division, Insurance Fraud Investigation Branch could be affected); Department of Human Resources Development (DHRD) Response to Survey, Question 1 (providing a list of nearly 500 positions from DOCARE, NED, and DOTH that could be affected by a consolidation); PSD, Sheriffs Division (SD) Response to Survey, Part II, Question 8 (317 FTE "including armed, uniformed deputy sheriffs as well as support staff" could be affected); Department of Taxation (DOTAX) Response to Survey, Part II, Question 8 (the Fraud Unit has 3 FTE from other sections, the Special Enforcement Section has 13 FTE, and the Criminal Investigation Section has 5 FTE that could be affected); and DOT Response to Survey, Part II, Question 8 (22 motor carrier safety officers from the Highways Division could be affected; additionally, although not DOT employees, 57 Deputy Sheriffs, 2 administrative support personnel from PSD, 1 special Deputy Attorney General and 7 Criminal Investigators from the AG's Investigative Division could also be affected). *See also* Department

- of Human Services (DHS), Benefit, Employment and Support Services Division, Investigations Office (INVO) Response to Survey, Part II, Question 8 ("DHS Investigations consists of all FTE employees. As long as DHS Investigations remains intact there would be little to no impact on FTE employees. DHS Investigations does not have any part-time, contract, or volunteer positions.").
2. NED and SD Responses to Surveys, Part II, Question 2 (note: NED and SD provided identical responses). *See also* NED and SD Responses to Surveys, Part II, Question 13 ("consolidation may result in changes to existing job descriptions and/or minimum qualifications. It is unclear how this would affect current employees."); and DCCA Response to Survey, Part II, Question 10 ("At a minimum, existing job descriptions are tied to division functions and would need to be amended to expand or modify responsibilities.").
 3. *See* DHRD Response to Survey, Question 5 ("Consolidation may result in changes/revisions to existing job descriptions and/or minimum qualifications for these law enforcement positions and could result in existing employees not meeting the minimum qualifications for their newly described positions. Would need to determine how to reconcile such a situation for existing employees.").
 4. DOT Response to Survey, Part II, Question 6.
 5. AG Response to Survey, Part II, Question 10.
 6. INVO Response to Survey, Part II, Question 9.
 7. *See* AG Response to Survey, Part II, Question 9 (bargaining unit 13 and its excluded counterpart could be affected) and Question 10 (bargaining units 3, 10, 13, and 14 could be affected); DOCARE Response to Survey, Part II, Question 9 (bargaining units 3 and 14 could be affected); NED Response to Survey, Part II, Question 9 (bargaining units 3 for NED support staff; 13 for NED investigators; and 14 for DOCARE officers, Deputy Sheriffs, and DOT Harbor Patrol Officers could also be affected); and DOTH Response to Survey, Part II, Question 9 (bargaining units 13 and 14 could be affected). *See also* DCCA Response to Survey, Part II, Question 9 (bargaining units 3 and 13 and their excluded counterparts could be affected); DHRD Response to Survey, Question 2 (bargaining units 3 for support staff, and 13 and 14 for law enforcement personnel, could be affected); SD Response to Survey, Part II, Question 9 (bargaining units 3, 13, and 14, with Deputy Sheriffs being members of bargaining unit 14, could be affected); DOT Response to Survey, Part II, Question 9 (bargaining unit 3 and its excluded counterpart for the Highways Division, and bargaining unit 14 for the Airports Division, could be affected); and DOTAX Response to Survey, Part II, Question 9 (bargaining unit 13 for the Fraud Unit could be affected).
 8. *See* DHRD Response to Survey, Question 2 (bargaining unit 4 for support staff could be affected); SD Response to Survey, Part II, Question 9 (bargaining unit 4 could be affected); and DOT Response to Survey, Part II, Question 9 (bargaining unit 4 for the Highways Division could be affected).
 9. *See* NED Response to Survey, Part II, Question 9 (stating that because NED investigators are in a different bargaining unit than other law enforcement personnel from other agencies, "there would have to be significant union and [s]tate employer discussions."); DOTH Response to Survey, Part II, Question 10 ("There are provisions of the collective bargaining agreement that affect both the new entity and the various agencies. The new entity and the various agencies have to consult with the [Hawaii Government Employees Association] regarding personnel policy changes; and, there are provisions of the contract that will and may require negotiations."); DOTAX Response to Survey, Part II, Question 10 ("If the civil service position in the Fraud Unit were transferred to

the centralized law enforcement agency/division the process would involve participation from the Union. The bargaining agreement would need to be addressed for these employees."); and DOT Response to Survey, Part II, Question 10 (Consolidation "[w]ould require consultation with Hawaii Government Employee[s] Association on reassignment of [bargaining unit] 14 members from PSD at Airports and Harbors Division as well as United Public Workers for Highways Motor Safety Carriers Officers [bargaining units 3 and 4 and their affected excluded counterparts] to a new statewide law enforcement division or agency.").

10. See AG Response to Survey, Part II, Question 10 ("If changes in the collective bargaining agreements are needed, this would require negotiations."). See also DOCARE Response to Survey, Part II, Question 10 ("There are already significant differences in policy and procedure among all potential agencies. Integrating contract language (most are in [bargaining unit] 14) and applying that consistently may become an issue. Currently there is some flexibility from the Union for each member in [bargaining unit] 14, but consolidation may change that significantly.")
11. See INVO Response to Survey, Part II, Question 11 ("Bargaining agreements would need to be renegotiated because of the additional requirements and responsibilities for key positions, and the changes to positions that will be made under the consolidation.").
12. See *id.*
13. See DOT, Part II, Question 11 ("There exist a possibility of renegotiation on the change of working environment (operational activities), change of uniforms, equipment and vehicles for the [bargaining unit] 14 members assigned to the Harbors Division as well as PSD at Airports as well as [bargaining units 63, 3, and 4] for Highways Division.").
14. See *id.*
15. See AG Response to Survey, Part II, Question 10 ("Currently, each department that employs law enforcement officers has their own operating system, which includes scheduling and other working conditions. If the consolidation requires modification of these working conditions, there would have to be extensive consultation."); and NED and SD Responses to Surveys, Part II, Question 10 ("If consolidation affects employees' wages or other conditions of work, the Union and State employer would need to consult and/or negotiate the impact of such changes")(note: NED and SD provided identical responses). See also DOCARE Response to Survey, Part II, Question 11 (stating that each agency's policies "and procedures differ dramatically. In addition, the affected agencies['] working conditions vary. For instance, Sheriff Deputies generally work within a defined facility. Conservation Officers rarely come to a centralized location and their hours and work location can change daily.").
16. See *id.* (citing NED and SD Responses to Surveys, Part II, Question 10); and DHRD Response to Survey, Question 3:

Generally, a consolidation of statewide law enforcement activities should not impact the existing collective bargaining agreements, as these agreements would continue to apply to employees assigned to perform functions other than law enforcement.

However, if the consolidation affects employees' wages, hours of work or other conditions of employment, the Employer and the Union would need to consult and/or negotiate the impact of any such changes in accordance with [Hawaii Revised Statutes (HRS)] Chapter 89.
17. AG Response to Survey, Part II, Question 10.
18. DOTH Response to Survey, Part II, Question 10.

19. *See id.* ("For example, Sheriffs has a SWAT team and a canine unit where special qualifications and training is required. Harbor Enforcement officers are required to pass a swim test as they are assigned to work on the police boat.").
20. *See id.* ("Law enforcement officers enforce laws of the agencies that they are assigned. Training of those laws and policies is required. Who performs the training.")
21. *See* AG Response to Survey, Part II, Question 10 ("Seniority among officers would also have to be addressed if the consolidation treated the current officers as fungible for duty assignments.").
22. *See* DHRD, Question 5 ("If the consolidation results in a reduced need for positions, analysis and impact of a Reduction in Force would be necessary.").
23. Act 124, section 1, Session Laws of Hawaii 2018.
24. *See supra* Chapter 6, note 1.
25. *See* NED and SD Responses to Surveys, Part II, Question 13 ("support staff must be transferred from one agency to the proposed consolidated agency. It is unknown if such a consolidation would require more staffing or result in a reduction in force.")(note: both NED and SD provided identical responses). *See also* DHRD Response to Survey, Question 5 ("Support staff must also be transferred to support the functions of the various law enforcement agencies."); and *supra* Chapter 6, note 4 and accompanying text.
26. DHRD Response to Survey, Question 5.
27. NED and SD Responses to Surveys, Part II, Question 13 (note: both NED and SD provided identical responses). *See also* section 88-74, HRS (providing retirement allowance calculations for certain "investigator[s] of the department of the attorney general, narcotics enforcement investigator[s], [and] public safety investigations staff investigator[s] . . .").

Chapter 7

OPERATIONAL AND REGULATORY EFFICIENCIES

The Legislative Reference Bureau (Bureau) received numerous survey responses from law enforcement agencies that noted various regulatory and operational efficiencies that could be gained or lost as a result of a consolidation of law enforcement activities and responsibilities. The Bureau also received responses stating that, due to a lack of information, it was impossible to specifically identify efficiencies that would likely be gained or lost.¹

A. Efficiencies Achieved

The Department of Land and Natural Resources, Division of Conservation and Resources Enforcement (DOCARE) and the Department of Transportation, Harbors Division (DOTH) noted that a consolidation could lead to improved efficiencies in procurement² and training and certification.³

Other agencies responding to the survey also identified the following areas where efficiencies could be achieved as a result of a consolidation: information and resource sharing,⁴ public access, communications, and grouping of law enforcement entities.⁵

B. Efficiencies Lost

Although numerous respondents stated that a consolidation of state law enforcement activities and responsibilities may create regulatory and operational efficiencies, various respondents also noted that a potential consolidation could result in the loss of regulatory and operational efficiencies. DOTH, in particular, stated that because of the differences between the potentially affected law enforcement agencies, "[t]here does not appear to be any regulatory efficiency that can be achieved."⁶ Respondents also raised the following issues: loss of specialized knowledge and mission, reallocation of resources, and loss of interdepartmental information sharing.

1. Loss of Specialized Knowledge and Mission

In its response, DOCARE stated that "[b]ecause of the diversity of law enforcement functions, especially for an agency like DOCARE, one law enforcement division would dilute the primary mission and may result in displaced priorities."⁷ DOCARE also cautioned that consolidation could "create a loss of subject matter expertise and a more 'generic' approach to law enforcement."⁸

Certain survey respondents noted that, due to the relationship between law enforcement and public safety, the loss of specialized knowledge resulting from a consolidation could impact

the public. The Department of Public Safety (PSD), Law Enforcement Division, Narcotics Enforcement Division (NED) warned that it would be detrimental to distract NED from its focus on controlled substances (e.g., monitoring controlled substances, administering the State's Prescription Drug Monitoring Program, "assisting with implementation of Governor Ige's opioid response plan," and issuing controlled substances registrations) "by requiring NED to patrol the harbors, roadways, or even conduct fish and game enforcement like mainland state police agencies do."⁹ Similarly, the PSD, Law Enforcement Division, Sheriffs Division (SD) cautioned that "[i]f SD were consolidated with other agencies, it would be detrimental to our community to distract SD from its collaborative and critical operations with the correction facilities, all under the PSD Director, regarding inmates and custodies transported to and from court for judicial proceedings."¹⁰

Additionally, the Department of Commerce and Consumer Affairs (DCCA) advised that "[i]f the centralized agency is not familiar with the State's securities laws," Business Registration Division "cases may take longer to investigate and prosecute, and criminals could go unpunished if the centralized agency is unable to identify and articulate violations."¹¹ This, according to DCCA, "could lead to thousands of dollars being lost to fraud."¹²

2. Other Efficiencies Lost

Other agencies responding to the survey identified efficiencies that could be lost as a result of a consolidation, including a reallocation of resources and a loss of interdepartmental information sharing. The Department of Human Services (DHS), Benefit, Employment and Support Services Division, Investigations Office (INVO) suggested that the reallocation, misuse, or misallocation of resources could result in the loss of "[r]egulatory efficiencies associated with public assistance investigations"¹³ According to INVO, any reallocation of resources could result in DHS losing investigative support, and any misuse or misallocation of resources could impact the State's efforts to enforce federal and state public assistance laws.¹⁴

Additionally, although the Department of Taxation (DOTAX) stated that it was unable to "make an accurate determination of what may be achieved or lost,"¹⁵ it did note that the Fraud Unit, the Special Enforcement Section, and the Criminal Investigation Section all require access to federal and state tax information and other resources provided to DOTAX's Compliance Division.¹⁶ According to DOTAX, removing the Fraud Unit, the Special Enforcement Section, and the Criminal Investigation Section from DOTAX would result in those agencies losing readily available access to this tax information, further leading to tax case referrals no longer being "immediate and direct."¹⁷

C. Conclusion

The regulatory and operational efficiencies that the Legislature seeks to achieve from consolidation, as well as those efficiencies considered too valuable to lose as a result of consolidation, should be identified prior to or, at the very least, early in the consolidation process. This identification and analysis presumably would further efforts to identify, among

other things, the agencies to be included in a consolidation; the process of consolidation; and the structure, processes, procedures, etc., of a new, centralized state law enforcement agency.

Endnotes

1. See Department of Transportation (DOT), Harbors Division (DOTH) Response to Survey, Part II, Question 6 ("The DOTH needs additional information about the resources that will be assigned or appropriated to the DOTH to perform law enforcement, security, and environmental compliance services"). See also Department of Taxation (DOTAX) Response to Survey, Part II, Question 6 ("The overall structure of the proposed centralized law enforcement division/agency is unknown; thus we cannot make an accurate determination of what may be achieved or lost.").
2. See Department of Land and Natural Resources, Division of Conservation and Resources Enforcement (DOCARE) Response to Survey, Part II, Question 6 ("Potential benefits may include enhanced procurement options.").
3. See DOTH Response to Survey, Part II, Question 6 ("the efficiencies will be in the recruitment, training, tactics, performance standards and conduct."). See also *infra* Chapter 7, note 4 (citing DCCA Response to Survey, Part II, Question 6) and accompanying text; Department of Defense Response to Survey, Part II, Question 12 ("would ensure that all law enforcement agencies have a base line of training."); and DOT Response to Survey, Part II, Question 6 ("You would have a workforce that would be trained, certified, and [accredited] in meeting all existing and newly established applicable regulatory requirements. They would become familiar with their operational environment, activities, and their surroundings (similar to the existing policy of having assigned beats and shifts for law enforcement officers)").
4. See Department of Commerce and Consumer Affairs (DCCA) Response to Survey, Part II, Question 6 (stating that [DCCA, Insurance Division, Insurance Fraud Investigation Branch (IFIB)] believes "the efficiencies achieved by consolidation would be the sharing of case information, resources, and a standardized training that is consistent across all departments."); and Department of Human Services (DHS), Benefit, Employment and Support Services Division, Investigations Office (INVO) Response to Survey, Part II, Question 12 (stating that a consolidation could increase information sharing and corroborations, that "[i]ncreasing information sharing and corroboration would increase efficiency and overall effectiveness of State Law Enforcement", and that consolidation may provide for "easier access to more personnel/resources during an operation targeting welfare fraud.").
5. See DCCA Response to Survey, Part II, Question 12 ("The public or victims would be able to work with a singular agency for all complaints, reports of fraud, etc., regardless of the type of complaint or crime involved. In addition, a singular agency would enhance communication and efficiencies. IFIB would also be with an agency aligned with law enforcement.").
6. DOTH Response to Survey, Part II, Question 6 ("There does not appear to be any regulatory efficiency that can be achieved. Each agency has its own mission and the qualifications and abilities of personnel are different As discussed below, there are management challenges and inefficiencies of consolidating operational control to one entity.").
7. DOCARE Response to Survey, Part II, Question 4. See also DOCARE Response to Survey, Part II, Question 6 ("DOCARE is unique in its jurisdictional responsibility. The outcome of consolidation may be a dilution of coverage and displaced priorities. It will result in a loss of specialization and expertise in the Division.") and Question 14 ("We derive our organic enforcement authority from the Board of Land and Natural Resources. Severing that connection

and putting us in a 'general' law enforcement category will dilute our primary mission and jeopardize the natural and cultural resources that we are mandated to protect."). *See also* DOCARE Response to Survey, Part II, Question 7 ("As stated, DOCARE's mission is unique and requires a degree of specialization not found in general law enforcement."); and DCCA Response to Survey Question 6 (DCCA, Regulated Industries Complaints Office "investigators are already tasked with enforcing over 50 different areas. Specialization and familiarization with licensing industries is critical. Adding responsibilities would further dilute investigators who are already tasked with numerous statutes and rules to enforce.") and Question 13 (stating that for DCCA, Business Registration Division (BREG), "securities regulation requires highly specialized knowledge").

8. DOCARE Response to Survey, Part II, Question 7.
9. Department of Public Safety (PSD), Law Enforcement Division, Narcotics Enforcement Division (NED) Response to Survey, Part II, Question 6. *See also id.* ("If NED were consolidated, careful consideration must be given to avoid impacting the close relationships that NED has with healthcare. Any impact could affect patient care and the treatment of illness or disease in the community.), and NED Response to Survey, Part II, Question 7 ("Presently, NED maintains a 100 percent focus on controlled substances regulation. If NED were placed in a consolidated agency with a larger and wider mission, the focus on controlled substances must not be lost among the competing resources and widely varied missions of the many different agencies.").
10. PSD, Law Enforcement Division, Sheriffs Division Response to Survey, Part II, Question 6.
11. DCCA Response to Survey, Part II, Question 6. *See also* DCCA Response to Survey, Part II, Question 13 ("For BREG, securities regulation requires highly specialized knowledge. By consolidating statewide law enforcement activities and responsibilities, staff might not be as well versed in securities law, and this could negatively affect how cases are investigated and prosecuted.").
12. DCCA Response to Survey, Part II, Question 6.
13. INVO Response to Survey, Part II, Question 6.
14. *See id.*:

If the director or head of the agency were to reallocate all resources towards other areas of interest requiring law enforcement, DHS would then lose investigative support. In addition, misuse or misallocation would have a significant impact on the state in meeting its obligations to enforcing public assistance federal and state laws.

But see INVO Response to Survey, Part II, Question 7 ("As a whole, a potential consolidation of statewide law enforcement would affect DHS Investigations by providing additional resources, support to various initiatives, corroboration and cooperation amongst state law enforcement agencies.").

15. DOTAX Response to Survey, Part II, Question 6.
16. *See id.*
17. *See id.*

Chapter 8

OTHER ISSUES

In addition to the issues discussed in Chapters 3 through 7 of this report, Act 124, Session Laws of Hawaii 2018 (Act 124), required the Legislative Reference Bureau (Bureau) to examine various other issues that may be associated with a potential consolidation of state law enforcement activities and responsibilities. Survey respondents identified the following additional issues: administrative issues,¹ funding issues, the overall effect of a consolidation on the responding agency or department, the physical location of a new agency, the diversity of certification and training requirements, and the inclusion of non-law enforcement activities performed by law enforcement personnel.

A. Funding Issues

Various survey responses highlighted the issue of funding.² According to the Department of Public Safety (PSD), Law Enforcement Division, Narcotics Enforcement Division (NED) and the Sheriffs Division (SD), because various affected positions might be "funded by special funds, grants, or federal monies, . . . [s]uch positions must be used according to the funding source."³ Further, although various respondents indicated that they receive federal or special⁴ funding, the Department of the Attorney General (AG);⁵ NED;⁶ the Department of Land and Natural Resources (DLNR); Division of Conservation and Resources Enforcement (DOCARE);⁷ the Department of Transportation (DOT);⁸ and SD,⁹ in particular, noted that their respective agencies receive funding from multiple sources. Numerous respondents also discussed issues relating to funding compliance and diversion of funds.

1. Funding Compliance

Unlike other funding compliance issues discussed in the survey responses, the AG noted that in order for the AG, Criminal Justice Division, Medicaid Fraud Control Unit (MFCU) to be eligible for federal funding, all of MFCU's attorneys, investigators, and auditors must be housed in "a single, identifiable entity in its own contiguous space within the office of the State Attorney General."¹⁰ Accordingly, "MFCU investigators would have to be exempt from this consolidation or risk losing funding."¹¹ Conversely, DOCARE's federal funds "are tied to specific mandates and activities such as Marine Mammal Enforcement and Hunter Education activity" rather than DOCARE's departmental placement.¹²

2. Diversion of Funds

Various respondents noted possible restrictions on the diversion of funds to a new, centralized state law enforcement agency. According to NED, some "positions are specially funded by registration fees collected from practitioners who must obtain a registration to do business."¹³ These "special funded positions are entirely devoted to supporting law enforcement and regulatory efforts that support controlled substances regulation" and thus "cannot be used for

general policing activities."¹⁴ Similarly, the Department of Commerce and Consumer Affairs (DCCA) noted that "as a specially funded agency, [the DCCA, Regulated Industries Complaints Office (RICO)] receives funding from licensing fees paid by professional and vocational licensees."¹⁵ However, DCCA added that it "believes a discussion on the use of licensing fees to pay for services outside of RICO's current function is necessary."¹⁶

DOT, Harbors Division (DOTH) discussed the issue of diverting funds from DOT to a new, centralized state law enforcement agency. According to DOTH,

the legislature should be aware that there may be a restriction in funding Harbor Enforcement Officers consolidated into the new entity from enterprise funds. [Section 266-19, Hawaii Revised Statutes] creates a harbor special fund to be expended by the department of transportation for the statewide system of harbors for any purpose within the jurisdiction, powers, duties, and functions of the department of transportation related to the statewide system of harbors. There may be legal restrictions for the DOT to fund the "new entity" with the transfer of equipment and personnel funded by special funded agencies.¹⁷

DOTH further cautioned that the Legislature should also consider that financial markets could "view the transfer of positions as a 'raid' of the Harbor special funds."¹⁸ DOTH elaborated that "the funding support of the Harbor Enforcement Officers to a new entity without management control, [may be] viewed as a raid and affect our bond rating making [it] costlier for bond financing of needed harbor improvements."¹⁹

DOT also discussed diversion of funds, stating that "[u]nder 49 Code of Federal Regulations Sections 47107(b) and 47133, . . . an airport owner or operator receiving Federal financial assistance will use airport revenues only for purposes related to airports, and all request for funding for Goods and Services shall not violate these provisions."²⁰ DOT added that "[v]iolations of diversion of goods and services could result in termination" of Federal Aviation Administration funds.²¹ DOT cautioned that "the entire costs for law enforcement and contract security activities are funded by airport revenues," which could create a "new \$50 million cost to the State . . ."²² However, DOT seemed to suggest that if "the law enforcement positions and related activities were strictly confined to the airport," a centralized state law enforcement agency may be able to "use airport revenues to fund those services . . ."²³

B. Overall Effect on the Responding Agency or Department

The Bureau asked respondents to describe the effect that a consolidation could have on the agencies and departments from which law enforcement activities and responsibilities are transferred to a new, centralized state law enforcement agency. The Bureau received a wide range of responses, with DOT noting potential beneficial effects²⁴ and other respondents indicating potential challenges and additional obligations. DCCA noted that for the Insurance Fraud Investigation Branch (IFIB) of DCCA's Insurance Division (INS), "the majority of activities would remain the same, aside from arresting suspects after the warrant is issued."²⁵

DOTH and DOCARE both identified challenges and additional obligations of a consolidation on their respective agencies and departments. DOTH cautioned that "[t]he potential consolidation of statewide law enforcement operational activities and responsibilities will negatively affect our agency as a whole."²⁶ According to DOTH, "[i]f the Harbors Division will not have management control of the Harbor Enforcement Officers, then there may be a cost to replace its officers in meeting its 24/7/365 mission to keep the commercial harbors secure and safe."²⁷ DOTH further noted that "[t]he cost of replacing these services will be similar to the costs of transferring the Harbor Enforcement Officers to the new entity."²⁸

DOCARE noted that its inclusion in a consolidation would cause DLNR to "lose its enforcement arm and the capability to directly enforce rules and regulations that are critical to environmental protection."²⁹ Although not specifically recommending that DOCARE remain attached to DLNR, DOCARE elaborated that because of the unique nature of DOCARE's "mission and jurisdictional responsibility, . . . [i]t is essential for DOCARE to remain closely affiliated with DLNR and to focus on our mandated priorities."³⁰ Further, DOCARE stated that because DOCARE is singularly focused on law enforcement, it "relies on support from [DLNR] for a variety of administrative functions and overall leadership."³¹ Accordingly, the "[l]oss of a significant portion of [DLNR's] workforce may affect a number of employees not directly assigned to" DOCARE.³²

Other agencies that responded to the survey also discussed the effect of a consolidation on their respective agencies and departments. While discussing why the Legislature may not wish to include the Department of Human Services (DHS), Benefit, Employment and Support Services Division, Investigations Office (INVO) in a consolidation, INVO noted that doing so could result in "the reduction or loss of law enforcement support to DHS."³³ However, INVO suggested that if INVO "was included in the law enforcement consolidation but remained as the DHS State Law Enforcement Branch, including [INVO] in the consolidation would be possible."³⁴

DCCA, SD, and the Department of Taxation³⁵ all discussed the loss of interdepartmental synergy as a result of losing their respective law enforcement activities and responsibilities. DCCA noted that because of RICO's close relationship with DCCA's Professional and Vocational Licensing Division, "[s]eparating the two agencies would result in delays in investigations and prosecutions."³⁶ DCCA also responded that a consolidation would also interfere with IFIB's relationship with INS, which could affect the agency's ability to combat insurance fraud.³⁷ Similarly, SD emphasized its close working relationship with NED on cases involving illicit drugs on state lands and prison contraband cases,³⁸ and with "PSD's jails and prisons to maintain effective operations regarding the inmates and custodies transported to and from court for judicial proceedings."³⁹

C. Physical Location of a New Agency

Respondents identified three issues relating to the physical location of a new, centralized state law enforcement agency: relocation of neighbor island offices, location of mission requirements, and lack of available space within state facilities.⁴⁰

The Bureau asked each respondent to describe its respective neighbor island operations. While some respondents discussed outsourcing of their respective neighbor island operations⁴¹ or stated that the respondent's neighbor island operations only consist of Oahu personnel traveling to neighbor islands as necessary,⁴² numerous respondents discussed having offices on the neighbor islands.⁴³ DCCA in particular stated that because RICO's neighbor island offices also serve as department liaisons and often handle questions about professional licensing, "[m]aintaining local presence is critical to DCCA's mission."⁴⁴

According to the Department of Accounting and General Services (DAGS), another issue to consider in relation to the physical location of a potential centralized agency is the agency's mission requirements. In its response, DAGS stated that "[d]ue to the variation in enforcement activities, consolidation among all departments may not be practical."⁴⁵ DAGS reasoned that "[a]gencies in State facilities or leases tend to be located as close as possible to their mission requirements (e.g. PSD security of the State Capitol, Washington Place, courtroom facilities, etc.; geographic locations for DLNR/DOCARE; in field for PSD/Narcotics, AG/Tobacco Enforcement Unit, etc.)" and that treating "all law enforcement as one 'flavor'" and placing them in consolidated facilities "may create operational challenges that would compromise their effectiveness and missions."⁴⁶

D. Diversity of Certification and Training Requirements⁴⁷

The Bureau received numerous responses stating that one potential benefit of consolidating state law enforcement activities and responsibilities would be the standardization of law enforcement training for state law enforcement personnel.⁴⁸ The Bureau asked each respondent to discuss its respective training and certification requirements. The responses to this question highlight the diversity and discrepancies in training and certification requirements for all of the potentially affected law enforcement personnel.⁴⁹ Accordingly, it may not be practical to standardize the training and certification requirements for all law enforcement personnel that will be included in a new, centralized state law enforcement agency.

E. Non-Law Enforcement Activities

Act 124 discussed a consolidation of "law enforcement activities and responsibilities." However, many responses to the survey included descriptions of possible non-law enforcement activities and responsibilities that are performed by law enforcement personnel.⁵⁰ For example, DCCA responded that because RICO's mission involves educating licensees "so that they can avoid potential pitfalls and comply with licensing laws . . . [i]n addition to being able to conduct a traditional investigation, an investigator must also be able to work cooperatively with licensees in the field in appropriate situations."⁵¹

Although none of the respondents directly suggested that the non-law enforcement activities and responsibilities of potentially affected law enforcement personnel should be included in a consolidation, such an inclusion may be necessary.

F. Conclusion

In addition to those issues identified in Act 124 and addressed in chapters 3 through 7 of this report, survey respondents suggested that the following issues should also be considered: funding, including sources of funding and restrictions on the use and diversion of funds; the overall effect of a consolidation on an affected agency or department; the physical location of a potential centralized agency; the challenges associated with standardizing certification and training requirements for a potential centralized law enforcement agency; and the possible inclusion of non-law enforcement activities and responsibilities that are currently performed by law enforcement personnel. Consideration of these issues could help to better determine the feasibility of a consolidation, possible entities that should be excluded from a consolidation, and any additional steps that may be necessary in the consolidation process.

Endnotes

1. See Department of Budget and Finance Response to Survey, Question 6 ("The biggest administrative obstacle will be developing an acceptable command and control balance between the centralized law enforcement agency and the specialized enforcement requirements of the various departments. This has caused problems in the past and undermined previous consolidation efforts.").
2. See Department of Human Resources Development Response to Survey, Question 5 (stating that the issue of funding "would have to be researched, analyzed, and addressed.").
3. Department of Public Safety (PSD), Law Enforcement Division, Narcotics Enforcement Division (NED) and Sheriffs Division (SD) Responses to Surveys, Part II, Question 13 (note: both NED and SD provided substantially similar responses).
4. See *infra* Chapter 8, notes 15 and 17 and accompanying text.
5. See Department of the Attorney General (AG) Response to Survey, Part II, Question 1 ("The [AG, Criminal Justice Division, Medicaid Fraud Control Unit (MFCU)] receives 75% of its funding from the federal government with the remaining 25% coming from the MFCU's special fund.")
6. See NED Response to Survey, Part II, Question 1 ("NED is both general and special funded. It is special funded through controlled substance registration fees.")
7. See Department of Land and Natural Resources (DLNR), Division of Conservation and Resources Enforcement (DOCARE) Response to Survey, Part II, Question 1:

All costs associated with running the Division of Conservation and Resources Enforcement (DOCARE) Division would include the annual budget of \$9,955,151 of General Funds.

The Division also receives monies in the form of federally funded programmatic tasking

The Division also benefits from several special funding sources related to its mission, such as Boating Safety and Marijuana Eradication.

8. *See infra* Chapter 8, note 20 and accompanying text.
9. *See* SD Response to Survey, Part II, Question 13 ("while many SD positions are general funded, SD Airport Section's positions are specially funded by the Department of Transportation.").
10. AG Response to Survey, Part II, Question 1.
11. *Id.*
12. DOCARE Response to Survey, Part II, Question 1.
13. NED Response to Survey, Part II, Question 13.
14. *Id.*
15. Department of Commerce and Consumer Affairs (DCCA) Response to Survey, Part II, Question 14.
16. *Id.* (citing *Hawaii Insurers Council v. Lingle*, 120 Haw. 51, 201 P.3d 564 (2008)).
17. Department of Transportation (DOT), Harbors Division (DOTH) Response to Survey, Part II, Question 1 (citing *Hawaii Insurers Council v. Lingle*, 120 Haw. 51, 201 P.3d 564 (2008)).
18. DOTH Response to Survey, Part II, Question 2.
19. *Id.*
20. DOT Response to Survey, Part I, Question 1. *See also* DOTH, Part II, Question 2 ("Unlike the Airports Division that has federal government oversight to prevent the diversion of revenues . . ."); and DOT Response to Survey, Part II, Question 2 ("For airports we do have the [Federal Aviation Administration] restriction on diversion of funds and services as cited in our response in PART I.").
21. Email from the DOT, Highways Division Administrative Services Officer to the Legislative Reference Bureau (Sept. 5, 2018).
22. *Id.*
23. *Id.*
24. DOT Response to Survey, Part II, Question 7 (suggested that a consolidation of state law enforcement activities and responsibilities could have a positive effect on DOT's "abilities to comply with regulatory requirements . . ."). *See also* DOT Response to Survey, Part II, Question 6 ("By consolidating, centralizing, and accrediting all State law enforcement and security personnel and functions under one department, it will enhance our ability to manage and adhere to regulatory efficiencies.").
25. DCCA Response to Survey, Part II, Question 7 (stating that although a potential consolidation would negatively affect DCCA in general, the DCCA, Insurance Division, Insurance Fraud Investigation Branch's (IFIB) activities would be unaffected).
26. DOTH Response to Survey, Part II, Question 7.
27. DOTH Response to Survey, Part II, Question 2.
28. *Id.*
29. DOCARE Response to Survey, Part II, Question 7.
30. DOCARE Response to Survey, Part II, Question 13. *See also id.*:

The DOCARE Division and the duties associated with our mission are significantly different than all other law enforcement jurisdictions. This is true in Hawaii and it is true nationwide. The majority of national jurisdictions apply a separation of conservation or fish and wildlife agency enforcement agencies from general law enforcement. There is cooperation for training and a standardization of minimum requirements, but agencies are affiliated with the management function and not corralled by a general law enforcement approach.

31. DOCARE Response to Survey, Part II, Question 8.
32. *Id.*
33. Department of Human Services, Benefit, Employment and Support Services Division, Investigations Office (INVO) Response to Survey, Part II, Question 14.
34. *Id.*
35. *See supra* Chapter 7, notes 16 and 17 and accompanying text.
36. DCCA Response to Survey, Part II, Question 7.
37. DCCA Response to Survey, Part II, Question 13. *See also* DCCA Response to Survey, Part II, Question 14 ("Finally, for IFIB, consolidation may lead to a decrease in insurer referrals to IFIB.").
38. *See* SD Response to Survey, Part II, Question 12 ("SD works closely with NED for all illicit drug cases on state lands as well as prison contraband cases. Corrections, NED, and the Sheriff Division are currently under one authority under the Director of the Department of Public Safety").
39. *Id.*
40. *See* Department of Accounting and General Services (DAGS), Part II, Question 12 ("Secondary is that physical consolidation within State facilities may be a challenge due to the lack of available appropriate space.").
41. *See* DOT Response to Survey, Part II, Question 3 ("Currently our neighbor islands facilities and [activities] are [dependent] upon agreed law enforcement responses from respective County Police Departments and depend on security services under separate contract.").
42. *See* AG Response to Survey, Part II, Question 3 ("There are two Special Agents assigned to Hawaii Island. If assistance is needed on the other islands, Special Agents from Oahu are dispatched to conduct the necessary investigations."); DOTH Response to Survey, Part II, Question 3 ("Harbor Enforcement Officers may be deployed to a Harbor District [for] the duration of an event."); DCCA Response to Survey, Part II, Question 3 (BREG's Security Enforcement Branch "is located on Oahu. Investigators and attorneys may travel to the neighbor islands as needed. [The branch] may also fly in witnesses for hearings, as needed."); and Department of Taxation (DOTAX) Response to Survey, Part II, Question 3 ("DOTAX does not have any facilities, but has neighbor island operations that are conducted by [the Special Enforcement Section] and [the Criminal Investigation Section] investigators located on Oahu.").
43. *See id.* (citing AG Response to Survey, Part II, Question 3); DOCARE Response to Survey, Part II, Question 3 ("Yes, we operate on all islands . . ."); NED Response to Survey, Part II, Question 3 ("NED presently has one office in Hilo, Hawaii."); DOTH Response to Survey, Part II, Question 3 (stating that DOTH has ten commercial ports located in the Oahu District, Kauai District, Maui District, and Hawaii District); *supra* Chapter 4, note 53 (citing INVO Response to

Survey, Part II, Question 3); DCCA Response to Survey, Part I, Question 1 ("[The DCCA, Regulated Industries Complaints Office] has offices located on Oahu, Maui, Kauai, and in Kona and Hilo and conducts investigations throughout the State.") and Part II, Question 3 ("[The DCCA, Office of Consumer Protection] has neighbor island offices on Maui and Hawaii Island."); and SD Response to Survey, Part II, Question 3 ("SD has sections on all neighbor islands tasked with law enforcement duties and security presence at all Judiciary courthouses . . ."). *See also* DOCARE Response to Survey, Part II, Question 1 ("The Division has several satellite offices and is also co-located with other Department assets. These locations would need to be re-negotiated in terms of leasing, equipment, and available space.")

44. DCCA Response to Survey, Part II, Question 3.
45. DAGS Response to Survey, Part II, Question 12.
46. *Id.*
47. Note: For a discussion on other training and certification issues, see Chapters 4 and 7. Additionally, this discussion only includes the training and certification requirements for state agencies and state employees, not the training and certification requirements for private contractors (*see* DOT Response to Survey, Part I, Question 2, discussing the training and certification requirements for Securitas personnel).
48. *See supra* Chapter 3, notes 5, 6, 7, and 8, and accompanying text; and *supra* Chapter 7, note 3 (citing DOTH Response to Survey, Part II, Question 6 and DOD Response to Survey, Part II, Question 12) and accompanying text.
49. *See* AG Response to Survey, Part I, Question 2 (The AG notes that certain law enforcement personnel in the Investigations Division receive one or more of the following: computer and cellphone forensics training, personal property appraiser training, training in the usage of a polygraph instrument, training in the usage of tasers, forensic analysis of mobile devices certifications, Certified Public Accountant certifications from DCCA's Professional and Vocational Licensing Division, Certified Fraud Examiners certifications from the Association of Certified Fraud Examiners, Certified Economic Crime Forensic Examiner certification from the National White Collar Crime Center, polygraph certification from the Argenbright International Institute of Polygraph, Taser Conducted Electrical Weapon instructor certification from the Axon Academy, firearms instructors certification from the National Rifle Association or other firearms certification, with some personnel also passing the AG's notary examination. The AG further notes that MFCU personnel receive the following training and certification: Firearms Instructor Certification by the National Rifle Association, Glock Armorer Certification by Glock Firearms, and National Crime Information Center and National Law Enforcement Telecommunications System by the National Crime Information Center). *See also* DOCARE Response to Survey, Part I, Question 2 (indicating that while there are no mandated requirements, DOCARE "requires both Firearms qualification and Arrest and Control qualification."); NED Response to Survey, Part I, Question 2 ("The NED laboratory investigators must annually meet professional training, performance, and administrative and continuing education standards" and "maintain on going professional scientific certifications to conduct forensic analyses." Additionally, "all NED investigators must meet the required basic in-service and ongoing training requirements as established by PSD, including such topics as firearms training, use of force, crisis intervention, first aid, CPR, defensive tactics, blood borne pathogens, and much more." Finally, "NED investigators must meet Occupational Safety and Health Administration . . . standards for hazardous waste operations and respiratory protection," which requires NED investigators to "attend a 40 hour basic training course and maintain certification by attending an 8 hour refresher course each year."); DOTH Response to Survey, Part I, Question 2 (stating that DOTH has an

OTHER ISSUES

Memorandum of Agreement with the AG "to provide law enforcement training, and recall training," along with classroom training "which illustrates case law/study, court decisions/rulings, powers of arrest, search and seizure, scenarios" Also stating that "[a]nnual firearm and PPTC recertification is conducted by Harbor Enforcement Officers. Harbor Enforcement Officers also obtain operational licenses to operate the harbor police vessel."); DCCA Response to Survey, Part I, Question 2 ("BREG staff attends training specializing in securities regulation and financial fraud, but there are no certification requirements besides the requirement that attorneys be admitted to practice law in the State."); SD Response to Survey, Part I, Question 2 ("Deputy Sheriff recruits must successfully complete 960 hours (approximately six months) of law enforcement recruit training through the Department of Public Safety, Training and Staff Development."); and DOT Response to Survey, Part I, Question 2 (discussed training and certification requirements for the AG investigators assigned to the Airports Division, DOT, and the Highways Division).

50. *See e.g., supra* Chapter 2, notes 7 (stating that the AG, Investigations Division provides public safety services during emergencies), 11 (stating that MFCU prepares and serves demand letters and subpoenas), 12 (stating that the AG, Hawaii Internet Crimes Against Children Task Force provides internet education and safety programs and education to children, teachers, and parents), 16 and 17 (stating that NED issues controlled substances registration licenses, administers the State's Prescription Drug Monitoring Program, and drafts legislation) and accompanying text.
51. DCCA Response to Survey, Part II, Question 13.

Chapter 9

FINDINGS AND RECOMMENDATIONS

A. Findings

Act 124, Session Laws of Hawaii 2018 (Act 124), directed the Legislative Reference Bureau (Bureau) to conduct a study that examined "consolidating the law enforcement activities and responsibilities of various state divisions and agencies under a single, centralized state enforcement division or agency."¹ Act 124 further instructed the Bureau to examine various issues related to consolidation by seeking information from the appropriate entities. Accordingly, the Bureau distributed a survey to various departments and agencies, the responses to which are compiled herein. Although the Bureau could not identify a clear consensus among the respondents concerning any of the specific issues discussed in this study, many respondents appeared to be in agreement that Act 124 did not provide enough information for the respondents to properly address all of the issues associated with the envisioned consolidation.

B. Recommendations

While the Bureau makes no specific recommendation concerning the advisability of a consolidation of state law enforcement activities and responsibilities, given the limited information currently available to the Bureau and the lack of clearly defined goals of a consolidation, it is not clear that a consolidation would be either desirable or beneficial. To reasonably assess the potential of a consolidation of state law enforcement activities and responsibilities, it would first be necessary to establish (1) the goals of a consolidation; (2) the intended scope of the consolidation; and (3) the extent of standardization to be established within a centralized state law enforcement agency.²

Further, due to the limits of information available to the Bureau and the respondents to the survey, it is not possible to identify and address every conceivable issue associated with a potential consolidation (e.g., identification of all potential costs; additional labor, employment, and personnel issues; etc.). Proponents of a consolidation may wish to consider conducting detailed discussions with the potentially-affected departments and agencies, as well as the Department of Accounting and General Services, the Department of Budget and Finance, and the Department of Human Resources Development to identify any issues not addressed in this report and to determine the most effective procedure for consolidating state law enforcement activities and responsibilities to avoid any interruptions of services.

1. Goals of a Potential Law Enforcement Consolidation

Act 124 is silent on the purpose of a potential law enforcement consolidation. In order to determine the scope, timeline, and feasibility of a potential consolidation, it is necessary to clearly establish the goals of a consolidation, which would also help to clarify the relative importance of the various issues discussed in this report. For example, if the primary goal of a

consolidation is to decrease costs, then issues relating to costs may outweigh other issues. Conversely, if the primary goal is to increase operational or regulatory efficiencies, then issues relating to costs may be less important.

2. Scope of a Potential Law Enforcement Consolidation

The limited information concerning the scope of a potential consolidation envisioned by Act 124 hampered the ability of many respondents to respond to certain questions in the survey. Act 124 did not clearly identify or explain the agencies, duties, or types of personnel to be included in a potential consolidation, the department in which a centralized agency would be placed, etc.³ For example, although Act 124 discussed consolidating "law enforcement activities and responsibilities," neither "law enforcement" nor "law enforcement activities and responsibilities" are defined within the Act. Accordingly, the Bureau distributed copies of the Survey of State Departments and Agencies Regarding Law Enforcement Consolidation (Pursuant to Act 124) based on each recipient's authority to exercise police powers. However, the responses the Bureau received discussed entities that, while not necessarily satisfying certain Hawaii Revised Statutes definitions of "law enforcement agency,"⁴ could be considered to be "law enforcement agencies," or agencies that enforce the law. More clearly defining what is envisioned as "law enforcement activities and responsibilities" could help determine the scope of a consolidation (e.g., the personnel, duties, agencies, etc. to be included in a consolidation) and the structure of a potential centralized agency.

Additionally, in order to more precisely define the scope of a potential consolidation, it would be important to ascertain: (1) whether a transfer of law enforcement activities and responsibilities to a potential centralized agency would also include personnel, equipment, supplies, facilities, policies, procedures, etc.; (2) whether a potential consolidation would include administrative and support functions;⁵ and (3) whether law enforcement personnel would also perform any non-law enforcement activities and responsibilities.⁶ These clarifications could further help establish the timeline, requirements, and costs associated with start-up; possible labor, employment, and personnel issues; required statutory amendments; and the structure of a potential centralized agency.

3. Desired Levels of Standardization

Various respondents discussed the possible benefits and detriments associated with standardization. However, it is unclear what, if anything, the proponents of a consolidation intend to standardize. Accordingly, the Legislature may wish to clarify the extent to which the following would be standardized: authority, powers, duties, training, certification, uniforms, equipment, supplies, policies, and procedures. In particular, determining whether to standardize law enforcement authority and police powers may aid the Legislature in making further determinations regarding the structure, start-up requirements and costs, operational costs of a potential centralized agency, timeline for a potential consolidation, training and certification requirements, etc.

In addition to deciding whether to standardize certification requirements among all of a centralized agency's law enforcement personnel, a decision on whether to exclude incumbent law

enforcement officers from any standardized certification requirements is also necessary. Further, if the Legislature decides not to exclude any incumbent law enforcement officers, or decides to only exclude certain incumbent law enforcement officers, a deadline will need to be fixed for the applicable incumbent law enforcement officers to complete their certification requirements.

Generally, identifying what to standardize and the extent of standardization may inform other determinations, such as start-up requirements and costs (including what may be transferred from an existing agency to a potential centralized agency), structure, and operating costs of a potential centralized agency; collective bargaining requirements; etc. The agencies to be consolidated, as well as the Department of Accounting and General Services, the Department of Budget and Finance, and the Department of Human Resources Development should be consulted for their guidance on these issues. Additionally, due to the potential impact that a consolidation of law enforcement activities and responsibilities could have on public safety, all affected agencies should be consulted prior to making any decisions that could funnel highly specialized law enforcement duties and skills into a more generalized law enforcement strategy.

Endnotes

1. Act 124, section 1, Session Laws of Hawaii 2018.
2. See PSD, Law Enforcement Division, Narcotics Enforcement Division (NED) and Sheriffs Division (SD) (note: both NED and SD provided substantially similar language):

If State agencies were consolidated into a single consolidated agency, then great thought, research, and vigorous planning are required. Extremely important issues such as structure, chain of command, policies and procedures, records management systems, communication and dispatch, funding issues, and fiscal and personnel systems must be well planned for [a] smooth transition to occur, taking into account collective bargaining agreements. Anything short would fail, leaving our community and the public safety at risk.
3. See, e.g., Department of Taxation (DOTAX) Response to Survey, Part II, Question 1 ("Based on Act 124, [Session Laws of Hawaii 2018 (Act 124)], it is unknown to what extent the activities of DOTAX's Fraud Unit, [Special Enforcement Section], or [Criminal Investigation Section] would be considered law enforcement given that the Act 124 only requires input from" the Department of the Attorney General, Department of Land and Natural Resources, Department of Public Safety (PSD), and Department of Transportation.); *supra* Chapter 4, note 1 (citing Department of Commerce and Consumer Affairs (DCCA) Response to Survey, Part II, Question I and note 60; and *supra* Chapter 7, note 1 (citing DOTAX Response to Survey, Part II, Question 6).
4. See, e.g., section 28-151, Hawaii Revised Statutes (HRS) ("Law enforcement agency' means any county police department, the department of public safety, and any state or county public body that employs law enforcement officers. 'Law enforcement officer' means a sheriff, deputy sheriff, police officer, enforcement officer within the department of land and natural resources conservation and resources enforcement program, enforcement officer within the department of transportation harbors division, and any other employee of a state or county public body who carries a badge and firearm and has powers of arrest."); section 78-52, HRS ("Law enforcement agency' means any county police department, the department of public safety, and any state or county public body that employs law enforcement officers. 'Law enforcement officer' means a

FINDINGS AND RECOMMENDATIONS

sheriff, deputy sheriff, police officer, parole officer, or probation officer."); and section 334D-5, HRS ("Law enforcement agency' means any county police department, the department of public safety, and any federal, state, or county public body that employs law enforcement officers. 'Law enforcement officer' means any public servant, whether employed by the United States, State, or county, vested by law with a duty to maintain public order or, to make arrests for offenses or to enforce the criminal laws, whether that duty extends to all offenses or is limited to a specific class of offenses."). *See also* DCCA Response to Survey, Part I, Question 2 (stated that the Public Utilities Commission (PUC) "believes that neither its Compliance Section nor its PUC employees perform or have 'law enforcement activities and responsibilities' or fall within the statutory definition of 'law enforcement officer' under Hawaii Revised Statutes section 28-151.")

5. For discussion of the issue, please refer to Chapter 6, section C(1).
6. For discussion of the issue, please refer to Chapter 8, section E.

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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. (a) The legislative reference bureau shall
 2 conduct a study that examines consolidating the law enforcement
 3 activities and responsibilities of various state divisions and
 4 agencies under a single, centralized state enforcement division
 5 or agency.

6 (b) The study shall examine the following areas related to
 7 consolidation:

- 8 (1) Start-up and other costs;
- 9 (2) Cost-savings;
- 10 (3) Regulatory efficiencies;
- 11 (4) Structure of consolidation; and
- 12 (5) Operational, administrative, financial, personnel,
 13 legal, and other issues associated with consolidation.

14 (c) In conducting the study, the legislative reference
 15 bureau shall seek input from the following departments and
 16 divisions, including the department of the attorney general;
 17 department of land and natural resources division of
 18 conservation and resources enforcement; department of public

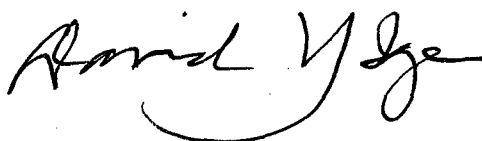


1 safety narcotics enforcement division; and department of
2 transportation harbors division.

3 (d) The legislative reference bureau shall submit a report
4 of its findings and recommendations, including any proposed
5 legislation, to the legislature no later than twenty days before
6 the convening of the regular session of 2019.

7 SECTION 2. This Act shall take effect on July 1, 2018.

APPROVED this 05 -day of JUL , 2018




GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: May 1, 2018
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Twenty-ninth Legislature of the State of Hawai'i, Regular Session of 2018.


President of the Senate


Clerk of the Senate


THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2018
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2018.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives

APPENDIX B

Survey of State Departments and Agencies Regarding Law Enforcement Consolidation (Pursuant to Act 124, Session Laws of Hawaii 2018)

The questions in this survey may require the formation of opinions and best estimates, so please answer these questions to the **best of your knowledge and ability**. Please note that the information provided will be included in the Legislative Reference Bureau's report to the Legislature, pursuant to Act 124, Session Laws of Hawaii 2018.

For your reference in responding to this survey, a possible consolidation of law enforcement activities and responsibilities could include, but may not be limited to, entities that have been conferred certain powers of police officers, including the powers to arrest and execute warrants, by the Hawaii Revised Statutes, either directly or indirectly.

Please provide the following contact information for follow-up questions or clarification.

Name:	<i>Dana O. Viola</i>
Title:	<i>First Deputy Attorney General</i>
Department:	<i>Department of the Attorney General</i>
Division or Agency:	<i>Office of the Attorney General</i>
Phone:	
E-mail:	

PART I

In your responses to the questions in Part I, please note to which division or agency the information provided relates.

- (1) Please list and describe all of your department's law enforcement activities and responsibilities, including any law enforcement activities and responsibilities on the neighbor islands.

Please see email response provided on 9/12/18 (attached for your reference).

- (2) Please describe any certification requirements that your department's law enforcement personnel are subject to, including the names of the certifying entities.

INVESTIGATIONS DIVISION:

COMPUTER & CELLPHONE FORENSICS

Computer forensics is the practice of collecting, analyzing and reporting on digital data in a way that is legally admissible for criminal prosecution. It can be used in the detection and prevention of crime and in any dispute where evidence is stored digitally. In order to do digital computer and cellphone forensics, law enforcement personnel have to be highly trained to extract data from digital devices that store evidence needed for criminal prosecution.

One Special Agent has been trained in this highly complicated field. His training comes from:

1. OSFORENSICS TRIAGE;
2. MAGNET FORENSICS;
3. UNITED STATES SECRET SERVICE-NATIONAL COMPUTER FORENSICS INSTITUTE-MOBILE DEVICE EXAMINATION.

This Special Agent has been awarded a certification in the forensic analysis of mobile devices. This was awarded to him by the International Association of Computer Investigative Specialists (IACIS).

PERSONAL PROPERTY APPRAISER

In order to prove theft of property, the property must be appraised in order to prosecute this crime. There are two law enforcement investigators in the Investigations Division trained as Personal Property Appraisers.

Their annual training is conducted by the Certified Appraisers Guild of America. The organization is an accrediting organization that certifies personal property appraisers. The Guild has been instrumental in helping to standardize the personal property appraisal profession. The members of the Certified Appraisers Guild form a network of valuable appraisal contacts throughout the United States and Canada.

The Personal Property Appraiser training includes mastering the uniform standards of personal property appraisal practice and appraisal report writing. Such training includes learning how to do Internal Revenue Service appraisals, estate and gift appraisals, charitable donation appraisals, bankruptcy appraisals, insurance appraisals, appraisals for divorce, and casualty loss appraisals.

In addition, each member is required to attend the vendor's courtroom expert witness seminar, which includes training on appraisals for courts and testifying in court.

FRAUD EXAMINATIONS/INVESTIGATIONS

Certified Public Accountants:

The Investigations Division investigates complex financial crimes and public corruption cases that often involve diversion of funds to a criminal entity. The investigator must demonstrate expertise in analyzing financial records in order to establish credibility when presenting accounting records during a criminal trial.

There are two Special Agents in the Investigations Division who are Certified Public Accountants. Their certification-license was awarded to them by the Department of Commerce and Consumer Affairs, Professional and Vocational Licensing Division.

Certified Fraud Examiner

The Association of Certified Fraud Examiners (ACFE) is an anti-fraud organization that provides anti-fraud training and education. The mission of the ACFE is to reduce the incidence of fraud and white-collar crime and to assist the membership in fraud detection and deterrence. The ACFE:

1. Qualifies Certified Fraud Examiners through the administration of the CFE Examination;
2. Sets high standards for admission, including requiring continuing professional education;
3. Requires Certified Fraud Examiners to adhere to a strict code of professional conduct and ethics, and serves as the international representative for Certified Fraud Examiners to business, government and academic institutions;
4. Provides leadership skills meant to inspire public confidence in the integrity, objectivity, and professionalism of Certified Fraud Examiners.

Certifications for competency in conducting complex financial fraud investigations, cash flow analysis, and analyzing illicit monies obtained by suspects in theft, money laundering and racketeering schemes are required to establish the necessary credibility of our Special Agents.

Three Special Agents in the Investigations Division have professional certifications from the ACFE as Certified Fraud Examiners. This international organization certifies candidate upon passage of the written examination in fraud investigation.

Certified Economic Crime Forensic Examiner

The National White Collar Crime Center (NW3C) is a nonprofit, membership-affiliated organization comprised of state, local, federal and tribal law enforcement, prosecutors, and regulatory agencies. The agency is funded by the United States Justice Department via grant. The NW3C provides a nationwide support system for law enforcement and regulatory agencies involved in the prevention, investigation and prosecution of economic and high-tech crime. The

NW3C provides training in computer forensics, cyber and financial crime investigations, and intelligence analysis. They also offer analytical technical support to agencies investigating and prosecuting white collar and related complex crimes.

The NW3C will certify a **Certified Economic Crime Forensic Examiner** based on demonstrated expertise in investigating complex financial crimes, money laundering, racketeering, computer crimes, as well as related academic achievements and relevant years of experience in these fields. Certified economic crime forensic examiners must demonstrate that they possess the working knowledge and skills necessary to detect, respond to, and investigate illegal financial activity.

One Special Agent within the Investigation Division holds this certification.

POLYGRAPH EXAMINER

In order to advance our criminal investigations after interrogation, we have one Special Agent trained in the utilization of the polygraph instrument. The Special Agent is certified as a polygraph examiner or polygraphist. After an interrogation session by the lead Special Agent, and if there is a belief that the suspect may be lying, the agent would ask a suspect if he/she would voluntarily submit to a polygraph examination.

The polygraph examination measures respiratory, sweat gland, and cardiovascular responses to questions posed during an oral examination. The polygraph examiner then interprets the results of the examination to render an opinion as to the truthfulness of the examinee's responses.

The Special Agent is certified by the Argenbright International Institute of Polygraph.

NOTARY PUBLIC

In order to process our search warrants and other legal documents that require notary services, we have two Special Agents who have passed the Department of the Attorney General Notary examination.

TASER CERTIFICATION

The Special Agents of the Investigations Division may use Tasers against disorderly suspects to avoid physical assaults during civil disturbances and in order to protect members of the community. Taser training is similar to that of firearms training, in that, in order to use a Taser, the Agent must be trained for such usage by certified instructors.

The Investigations Division has one certified trainer who instructs the other Special Agents on the proper use of the Taser XW6P, X26 and X2 - conducted electrical weapons. This Special Agent has been certified as a Taser CEW instructor by the Axon Academy. Axon Academy provides training for active duty law enforcement, military, and selected security professionals.

FIREARMS INSTRUCTOR CERTIFICATION

The Investigations Division's Special Agents are armed with division approved handguns, and also may handle AR-15 semi-automatic rifles and shotguns. The Special Agents are required to qualify annually for firearms certification to maintain proficiency in the use of these weapons.

They are certified as proficient by our in house certified firearms instructors. Two Special Agents within the Investigations Division have been certified by the National Rifle Association as firearms instructors for handguns, shotguns, and rifles.

Medicaid Fraud Control Unit (MFCU):

- Firearms Instructor Certification by the National Rifle Association
- Glock Armorer Certification by Glock Firearms
- NCIC/NLETS by the National Crime Information Center

The Hawaii Internet Crimes Against Children Task Force (HICAC):

- Successful graduates of the Honolulu Police Academy
- 4-year college degree
- 3 years of law enforcement experience

(3) Do any employees of your department possess the power to arrest? If so, please list those employees' job titles and their respective divisions.

Yes. The following law enforcement positions possess the authority to arrest:

Investigations Division:

- Chief Special Agent
- Deputy Chief Special Agent
- Supervisory Special Agent
- Special Agent

MFCU:

- MFCU Special Agents

HICAC:

- HICAC Special Agents

PART II

Please base all of your responses to the following questions on the information contained in Act 124, Session Laws of Hawaii 2018.

(1) If the Legislature were to consolidate state law enforcement activities and responsibilities under a new, centralized state law enforcement division or agency, what processes, procedures, equipment, training, certification, uniforms, leases, vehicles, etc., would that new entity require in order to perform those law enforcement activities and responsibilities currently performed by your department? Please include estimated costs associated with each of these start-up requirements, and please explain your reasoning.

As apparent from the detailed description of the functions of the Investigations Division and the many certifications required to effectively do their jobs, it would require extensive training and certification for other law enforcement officials to be able to perform the activities and responsibilities of the Investigations Division. Other law enforcement agencies would need to be trained to conduct administrative, civil, or criminal investigations into political and public

corruption, money laundering, racketeering, computer crimes and forensics, complex financial manipulation schemes, law enforcement corruption, hostile work environment, terroristic threatening, administrative civil rights violations, securities fraud, unlicensed activities.

This wide-ranging and complex expertise would not only require years of training but also years of hands-on experience.

A consolidated law enforcement agency would require a centralized training facility to properly train all state law enforcement. The training facility would be comprised of a building for classrooms and offices, firing range, automobiles and automobile facility, water vessels, etc. This would take a large expenditure of funds (in the millions of dollars) to construct and man the facility and years to establish.

A consolidated law enforcement agency would also require a forensic laboratory to analyze controlled substance, suspect documents, DNA, computer evidence, polygraph results, psychological evaluations, blood splatter, firearms, and other scientific forensic needs. This lab would also require millions to construct and years to establish.

MFCU:

The Office of the Inspector General (OIG) has federal oversight over the Medicaid Fraud Control Unit (MFCU). The MFCU receives 75% of its funding from the federal government with the remaining 25% coming from the MFCU's special fund. The MFCU has been a self-sufficient entity. In order to be eligible for federal funding, the MFCU must be a single, identifiable entity in its own contiguous space within the office of the State Attorney General. This includes, attorneys, investigators, auditors and staff all housed together within a unit. Therefore, MFCU investigators would have to be exempt from this consolidation or risk losing funding.

- (2) If the Legislature were to consolidate state law enforcement activities and responsibilities under a new, centralized state law enforcement division or agency, are there any other reasonably foreseeable start-up requirements not addressed in Question 1 above (i.e., any requirements not associated with your department)? Please include the associated costs for these requirements and an explanation for each of those costs.

Other than the physical needs such as new infrastructure, offices, computer systems, telephones, law enforcement needs such as evidence rooms, etc., a consolidated law enforcement agency would require the difficult task of standardizing procedures, goals, and objectives for very diverse enforcement functions.

- (3) Does your department have any neighbor island operations or facilities that could be impacted by a potential consolidation of statewide law enforcement activities and responsibilities? Please explain your response.

There are two Special Agents assigned to Hawaii Island. If assistance is needed on the other islands, Special Agents from Oahu are dispatched to conduct the necessary investigations.

- (4) What would be the most desirable structure of a new, centralized state law enforcement division or agency? Please explain your reasoning.

Because the law enforcement agencies have widely varied functions/responsibilities, the current organization, which groups each agency with the department that is most closely related to law enforcement's functions, is preferable.

- (5) Please provide a timeline for a successful transition of your department's law enforcement activities and responsibilities to a new, centralized state law enforcement division or agency. Please explain your reasoning.

As indicated in the response to Part II, question (1), a centralized law enforcement agency would take many years and significant funds to establish.

- (6) What regulatory efficiencies could be achieved or lost as a result of a potential consolidation of statewide law enforcement activities and responsibilities? Please explain your reasoning.

It is critical to keep the investigators in the Department of the Attorney General separate from other law enforcement agencies to enable effective enforcement against other agencies and departments. Our investigators are tasked with the administrative, criminal, or civil investigations of all state employees' and entities' actions, including other law enforcement agencies and the departments they assist.

The advantages of consolidation is evident in the State Law Enforcement Coalition (SLEC). The SLEC works together to respond to emergencies, major events, civil disturbances and other challenges that confront the state and require coordination of multiple agencies. The SLEC brings together the Investigations Division, Sheriff Division, Harbor Police and other state law enforcement agencies to work together when needed.

Retaining the separate identities and specialized functions of various law enforcement agencies while enabling consolidation during periods of need is the optimal organizational structure.

- (7) How would a potential consolidation of statewide law enforcement activities and responsibilities affect your department as a whole? Please explain.

As explained above, consolidation will strip the Investigations Division of the independence and separation needed to check and balance the actions of the various agencies of the State.

- (8) How many full-time equivalent (FTE) employees from your department could be affected by a potential consolidation of statewide law enforcement activities and responsibilities? Would any part-time, contract, or volunteer positions be affected? If so, how many of these positions would be affected?

The Department currently has 63 FTE positions (investigators and staff) that would be affected by the consolidation of statewide law enforcement activities and responsibilities.

Questions 9-11 below seek information concerning all of the entities that could be included in a consolidation of law enforcement activities and responsibilities.

(9) What collective bargaining units would be affected by a potential consolidation of statewide law enforcement activities and

responsibilities? HGEA Units 73 and 13.

(10) How would a potential consolidation of statewide law enforcement activities and responsibilities affect existing collective bargaining agreements? Please explain your reasoning.

It is difficult to anticipate all the possible structural permutations of a consolidation and therefore difficult to identify collective bargaining implications. Nonetheless, if the consolidation changed the classification of various current law enforcement officers, it could affect the bargaining unit they are assigned to. Currently, we have sheriffs and CREOs placed in bargaining unit 14 and other law enforcement officers in either unit 13, 10 or 3. These various law enforcement officers also have different salary schedules. If a consolidation resulted in any particular group experiencing a pay cut, this could result in some serious “impairment of contract” issues. While it is not unusual for a department to have to deal with multiple unions and bargaining units, it does create some challenges for the employer. For example, the Department of Public Safety (PSD) currently has to deal with both UPW and HGEA regarding law enforcement officers (ACOs with UPW and HGEA for sheriffs), which puts the PSD Director in an awkward position at negotiation time.

Currently, each department that employs law enforcement officers has their own operating system, which includes scheduling and other working conditions. If the consolidation requires modification of these working conditions, there would have to be extensive consultation. If changes in the collective bargaining agreements are needed, this would require negotiations. Seniority among officers would also have to be addressed if the consolidation treated the current officers as fungible for duty assignments.

(11) Would a potential consolidation of statewide law enforcement activities and responsibilities require any collective bargaining agreements to be re-negotiated? Please explain your response.

Please see response to Part II, question (10).

(12) Are there any reasonably foreseeable benefits associated with a potential consolidation of statewide law enforcement activities and responsibilities? Please explain.

Please see response to Part II, question (4).

- (13) Are there any reasonably foreseeable problems associated with a potential consolidation of statewide law enforcement activities and responsibilities, or any additional issues that should be highlighted? Please explain.

Please see responses to Part II, questions (1) and (6).

- (14) Are there any reasons not already discussed herein why your department's law enforcement activities and responsibilities should or should not be included in a potential consolidation of statewide law enforcement activities and responsibilities?

Please see responses already provided.

Wayne Scott

From: Viola, Dana O
Sent: Wednesday, September 12, 2018 1:04 PM
To: Wayne Scott
Cc: Goto, Lance M
Subject: Re: State Law Enforcement Coalition Survey
Attachments: Part 1 (1) Response answer.doc

Hi Wayne,

As requested, please see below the Department of the Attorney General's response to Part I, Question (1):

Please list and describe all of your department's law enforcement activities and responsibilities, including any law enforcement activities and responsibilities on the neighbor islands.

Response:

The Department of the Attorney General contains one division and two units that conduct law enforcement activities and responsibilities - the Investigations Division, the Medicaid Fraud Control Unit, and the Hawaii Internet Crimes Against Children Task Force.

The Investigations Division: This Division is the preeminent law enforcement investigative agency in the State, with statewide authority and the highest level of expertise. This Division conducts investigations into criminal, administrative, civil, and certain regulatory matters.

Please see attached the "2016 Annual Report, Investigations Division, Department of the Attorney General, State of Hawaii," which details this Division's activities and responsibilities.

The Medicaid Fraud Control Unit (MFCU): MFCU investigates and prosecutes financial fraud committed against the federal Medicaid program, as well as abuse/neglect and financial exploitation of elderly persons within a facility. MFCU prepares and services demand letters and subpoenas, prepares and executes search warrants, interviews witnesses and suspects, and makes arrests. MFCU's enforcement jurisdiction encompasses the entire State.

The Hawaii Internet Crimes Against Children Task Fore (HICAC): HICAC was created as a statewide internet crimes against children task force with the help of the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention. HICAC is part of a cooperative nationwide network of ICAC task forces dedicated to protecting children in the online environment. HICAC provides internet education and safety programs and information to Hawaii's children, teachers, and parents. If such prevention efforts fail, HICAC vigorously investigates and prosecutes crimes against children, child sex trafficking, child sex enticement, and child pornography. HICAC's jurisdiction encompasses the entire State, Guam, and the Commonwealth of the Northern Mariana Islands.

Please contact me with any questions. We will provide our responses to the remaining survey questions by September 19, 2018.

Thank you.

Dana Viola

Dana Viola
First Deputy Attorney General
Department of the Attorney General
425 Queen Street
Honolulu, Hawaii 96813

From: Wayne Scott
Sent: Friday, August 31, 2018 11:06:13 AM
To: Viola, Dana O
Cc: Goto, Lance M
Subject: RE: State Law Enforcement Coalition Survey

Hi Dana,

Yes, you may have the extension. However, in order to help me to meet my internal deadlines, if it is possible, could you please send me your response to Part I, Question 1 ahead of September 19th?

Also, should I expect responses from other divisions within your Department (e.g., the Investigations Division or the Child Support Enforcement Agency), or will your division be responding on behalf of the Department?

Thank you,

Wayne M. H. Scott
Research Attorney
Legislative Reference Bureau
Hawaii State Capitol, Room 446
Honolulu, Hawaii 96813

From: Viola, Dana O
Sent: Friday, August 31, 2018 10:46 AM
To: Wayne Scott
Cc: Goto, Lance M
Subject: State Law Enforcement Coalition Survey

Mr. Scott,

I am working with Lance Goto on the above-referenced survey but will need additional time to complete our responses. If possible, may we have an extension until September 19, 2018? Thank you and please contact me with any questions or concerns.

Dana



**ANSWERS TO QUESTION PART 1 (1):
PLEASE LIST AND DESCRIBE ALL OF YOUR DEPARTMENT'S LAW ENFORCEMENT ACTIVITIES
AND RESPONSIBILITIES, INCLUDING ANY LAW ENFORCEMENT ACTIVITIES ON THE NEIGHBOR
ISLANDS.**

Introduction

The Investigations Division exists within the Department of the Attorney General and is established under the authority of the Attorney General.

The Attorney General is the chief legal and law enforcement officer in the State of Hawaii. This office and the Department of the Attorney General were established in 1959 by the Hawaii State Government Reorganization Act of 1959 (Act 1, Second Special Session Laws of Hawaii 1959).

The office of the Attorney General has a long history of service to Hawaii. The first Attorney General was appointed by King Kamehameha III in 1844, and since that time Attorneys General served the Hawaiian monarchs, the Republic of Hawaii, the Territory of Hawaii, and now the State of Hawaii.

The Hawaii Revised Statutes establish the Department of the Attorney General:

§26-7 Department of the attorney general. The department of the attorney general shall be headed by a single executive to be known as the attorney general.

The department shall administer and render state legal services, including furnishing of written legal opinions to the governor, legislature, and such state departments and officers as the governor may direct; represent the State in all civil actions in which the State is a party; approve as to legality and form all documents relating to the acquisition of any land or interest in lands by the State; and, unless otherwise provided by law, prosecute cases involving violations of state laws and cases involving agreements, uniform laws, or other matters which are enforceable in the courts of the State. The attorney general shall be charged with such other duties and have such authority as heretofore provided by common law or statute.

There shall be within the department of the attorney general a commission to be known as the commission to promote uniform legislation which shall sit in an advisory capacity to the attorney general and to the legislature on matters relating to the promotion of uniform legislation. The composition of the commission shall be as heretofore provided for the commission to promote uniform legislation existing immediately prior to November 25, 1959. The members of the commission shall be nominated, and by and with the advice and consent of the senate, appointed by the governor for terms of four years each, provided that each member shall hold office until the member's successor is appointed and qualified; and provided also that the provisions of section 26-34, limiting the appointment of members of boards and commissions to two terms and the duration of membership to not more than eight consecutive years shall not be applicable.

The functions and authority heretofore exercised by the attorney general, high sheriff, and the commission to promote uniform legislation as heretofore constituted are transferred to the department of the attorney general established by this chapter. [L Sp 1959 2d, c 1, §13; am L

1965, c 127, §1; Supp, §14A-12; HRS §26-7; am L 1969, c 123, §1 and c 175, §12; am L 1975, c 20, §1; gen ch 1985; am L 1989, c 211, §10; am L 1990, c 281, §11]

The Department of the Attorney General is charged with a wide range of responsibilities and is organized into divisions to efficiently and effectively carry out these responsibilities. One of these is the Investigations Division.

The Attorney General is the chief law enforcement officer in the State of Hawaii. §28-11 of the Hawaii Revised Statutes confers on the Attorney General the authority to appoint and commission investigators as law enforcement officers “as the exigencies of the public service may require”.

The Investigations Division of the Department of the Attorney General and Investigators appointed under the authority of the Attorney General conduct investigations in support of the department’s civil, criminal, and administrative responsibilities. Investigations include crimes of corruption in public office, crimes against the interests of the State of Hawaii and the people of Hawaii, serious crimes for which the Department of the Attorney General has primary responsibility, and serious crimes deferred to the Attorney General by other law enforcement agencies.

This report summarizes the activities of the Investigations Division in 2015, highlighting the focus and direction of the division, performance metrics, program areas, and progress in accomplishing the strategic plan.

Investigations Division

The Investigations Division is the preeminent law enforcement investigative agency in the State of Hawaii, with statewide authority and the highest level of expertise. The division conducts investigations in criminal, administrative, civil and certain regulatory matters.

The primary clients of the Investigations Division from an organizational standpoint are the Attorney General and the Deputies Attorney General. Ultimately, the principal clients of the Investigations Division are the people of Hawaii and the State of Hawaii.

The Investigations Division protects the rights and safety of the people of Hawaii under the Constitution and laws of the State of Hawaii. The division conducts investigations to protect the safety of Hawaii’s people, to protect them against crime and criminals, to promote criminal justice, to promote freedom from crime and protect against the fear of crime, with respect to the rights and dignity of all.

Under the direction of the Attorney General, the division conducts investigations into a wide range of matters, including government corruption, complex white collar crimes, career criminal suppression, public safety and homeland security, sex offenders and sex offender registration violations, child sexual exploitation, Internet crimes against children, high technology computer crimes, identity thefts and other crimes against property rights, drug nuisances that degrade the safety and quality of life in our neighborhoods, environmental crimes, tobacco tax enforcement, cold case homicides, crimes within correctional facilities, and other crimes that significantly affect the safety and well-being of our community.

As provided in the Hawaii Revised Statutes **§28-11 Investigators; appointment and powers**, investigators are appointed by the Attorney General and have all of the powers and authority of police officers and deputy sheriffs. Investigators are selected for their skills and abilities, and many were previously police officers in the county police departments. As a group, the investigators are highly capable, experienced law enforcement professionals who effectively combine authority, ability and experience with full police powers to enforce laws and conduct investigations throughout the State of Hawaii as needed and as directed by the Attorney General. Personnel are sworn, armed law enforcement officers with the authority to investigate all crimes, arrest criminal suspects and execute search warrants and warrants of arrest. Investigators work closely with federal investigators, the Department of Public Safety and other state agencies, the Honolulu Police Department and the other county law enforcement agencies, and prosecutors.

The investigators are Special Agents at the Investigator V level, under the supervision of Supervisory Special Agents at the Investigator VI level.

Due to the challenges of finding highly qualified personnel who can perform the work at the necessary level of ability, many of the Special Agents are hired as emergency hires on an 89-day contract basis. These contracted Special Agents perform at the highest professional level, and are required to maintain the current expertise through continuing education provided through the Department of Justice, National White Collar Crime Center (NW3C), Federal Bureau of Investigation (FBI) and other qualified sources. Contracted Special Agents must meet all of the requirements of the law enforcement profession, maintain current firearms certification, and are subjected to ongoing criminal history background investigations to insure compliance with the Lautenberg Amendment.

Contract Special Agents serve at the lowest possible pay scale, with no salary steps or other fringe benefits that would accrue to civil service employees. The contracts provided no sick leave or vacation leave. As a result, the State derives the benefit of having the most experienced and capable investigators at roughly half the cost of non-contract personnel.

Many limited-term contract Special Agents are hired to fulfill contracts with other State departments. The Department of the Attorney General engages in Memoranda of Agreement (MOA) or Memoranda of Understanding (MOU) partnerships with the:

1. Department of Public Safety (DPS)-two criminal investigators;
2. Department of Transportation:
 - a. Airports Division-three criminal investigators; two administrative investigators;
 - b. Harbors Division-one criminal investigator;
 - c. Highways Division-two administrative investigators;
3. Department of Agriculture-two criminal investigators;
4. Department of Human Services, Office of Youth Services (OYS)-one administrative investigator;
5. Department of Health-one administrative/criminal investigator;
6. Hawaii Health Systems-per incident/per hour administrative or criminal investigator.

These Special Agents provide investigative services on a contract basis. MOA and MOU partnerships are not necessarily permanent, and could not practically be serviced with permanent civil service positions.

Limited term contract Special Agents are hired with full knowledge, experience and expertise in their fields. This overcomes the limitations imposed by the present absence of a State training center for criminal investigations, and the need for investigator training programs at the state level. The county-level police departments in Hawaii rank with the finest in the United States, and contract Special Agents, who are retirees from this system, are drawn from their ranks and are fully trained, experienced, and conversant with Hawaii laws and the Hawaii Criminal Justice System.

The Investigations Division provides public safety services during emergency mobilization in response to hurricanes, tsunamis, coordinates with the State Law Enforcement Coalition to address civil unrest and other critical events. The division provides essential law enforcement services to protect the community, prevent crime and bring criminals to justice, provide a deterrent to child predators and other serious criminal elements, effectively discharging the division's responsibilities in program areas and focused efforts that reflect the dynamic, evolving needs of our community and the evolution of crime trends in our state.

The Investigations Division has been pursuing reorganization since 2013. It was partially reorganized at the supervisory level with funding allocation at the close of 2015. The structure of the organization was changed and positions were reconfigured to balance limited funding and resources while at the same time addressing new responsibilities that were added. The reorganization improves and enhances operational efficiency, improves the overall effectiveness of the division, establishes more efficient lines of supervision and chain of command, provides optimal supervisory span of control, improves the accomplishment of

objectives and assignments, establishes greater accountability, assigns specific areas of focus to specific positions, supports the optimal utilization of personnel and resources, enhances transparency and provides the framework for the most cost-effective accomplishment of the division’s responsibilities.

The Investigations Division makes the most of the personnel, resources and funding that have been made available. Additional staffing is needed to address increased demands placed on the division such as the increased demand for services by other departments for administrative and criminal investigations. In the interests of the state and the community, the Investigations Division has also increased its involvement in program areas where county-level resources are insufficient to cope with the scale of the problem, including complex financial frauds and political corruption cases.

Performance Metrics

The performance metrics represent the productivity of the Investigations Division as a whole.

Enforcement and **Caseload** are key performance metrics.

Enforcement represents a measure of effectiveness by highlighting enforcement actions. The enforcement benchmarks represent contacts with impact.

Caseload reflects the core investigative activity of the division. Investigations reveal crimes – criminal acts that are violations of specific criminal statutes. An investigation may reveal multiple criminal acts committed by one or more suspects. A case is generated for each distinct crime. Cases also document administrative investigations and regulatory actions.

Enforcement

ENFORCEMENT METRICS	2014	2015
Arrests	284	288
Arrest Warrants	137	180
Penal Summons Served	112	118
Search Warrants Executed	69	51
Subpoenas Served	1,568	1,553

Prosecution Via Complaint	42	43
Extraditions	15	14
Nuisance Abatement (Narcotics)	68	72
Tobacco Enforcement Actions	1,258	1,303
Felon DNA Buccal Swabbing Actions	11,847	11,905
Sex Offender Registration Actions	2,183	2,177

Caseload

CASE METRICS	2014	2015
Cases	4,186	4,801
Closed – Conferred For Prosecution	210	282
Closed – Pending Further Developments	173	144
Closed – Records	3,474	
Closed – Other Venues	111	96
Open Cases	218	192
Closing Rate	94.7%	96%

The **Caseload** summary includes cases of all types – criminal, civil, administrative and regulatory.

The **Closing Rate** is determined by dividing the number of cases closed by the number of cases assigned during the same period. Some investigations are lengthy, and cases opened are carried forward into the following year. As a result, some cases, will be closed after these metrics are compiled. The final numbers of closed cases may change as a result. The closing rate is less than 100% because some cases remain open at the end of each year. The open cases carried forward continue to be investigated.

Closed – Conferred For Prosecution refers to the number of cases, not investigations, that were conferred and forwarded to the Criminal Justice Division or, in some instances other agencies for prosecution such as the county or federal prosecutor. A single investigation and prosecution may involve multiple cases per defendant, or may involve multiple defendants in a single case.

Closed – Pending Further Developments refers to cases closed when there is insufficient evidence to positively identify and prosecute a suspect or suspects, all leads for further investigation are exhausted.

Closed – Records refers to cases in which the investigation is complete and there is no prosecution. These include regulatory cases (including cases made to document tobacco licensee compliance inspections), administrative investigations (since these involve no criminal prosecution and are closed upon completion) and criminal cases when the complaint is withdrawn by the complainant.

Closed – Other Venues refers to all other types of disposition.

Dispositions are subject to change. Cases that are closed with no further leads are reopened if new evidence or avenues of investigation develop.

Investigations

CRIMES INVESTIGATED		2015
Murder 2 (Attempt)	707-701.5	2
Assault 2	707-711	8
Assault 3	707-712	1
Kidnapping	707-720	2
Sexual Assault 1	707-730	4
Sexual Assault 2	707-731	2
Sexual Assault 3	707-732	2
Burglary 1	708-810	7
Burglary 2	708-811	2
Trespassing 1	708-813	2
Trespassing 2	708-814	3
Criminal Property Damage 2	708-821	3
Criminal Property Damage 3	708-822	2
Criminal Property Damage 4	708-823	1
Theft 1	708-830.5	7
Theft 2	708-831	137
Theft 3	708-832	1
Theft 4	708-833	2
Unauthorized Control Propelled Vehicle (UCPV)	708-836	12
Unauthorized Possession of Confidential Personal Information (UPCPI)	708-839.55	8
Robbery 1	708-840	4
Robbery 2	708-841	1
Forgery 1	708-851	31
Forgery 2	708-852	5
Unauthorized Computer Access	708-895.5	
Money Laundering	708A-3	2
Racketeering Offenses	Chapter 842	2
Firearms Offenses	Chapter 134 HRS	5

This table includes representative crimes against persons and property rights investigated by the division and does not reflect all report classifications.

Program Areas

The Investigations Division is organized into units to effectively balance supervision, workload, and provide focus for investigations and activities related to the program areas. Due to limited staffing and budget reduction, there is an overlap in the types of cases assigned to the units.

Staffing and budget constraints require services to be prioritized – to make the best use of the resources available – and to distribute the work in the program areas among the work units on the basis of available personnel, not necessarily unit function. The Division continually adapts to changes in the requirements for investigations and services needed, within cost constraints.

The increase in caseload and productivity of the Investigations Division was the result of a combination of factors. The Division was reorganized to focus on key objectives, more efficiently organize investigators, and provide more effective supervision and streamlining to better manage personnel and complex operations and investigations. Investigations of white collar crimes and political corruption often reveal multiple crimes arising from the same scheme, accounting in part for the increase in cases. There have been increases in crimes reported and investigations across the board, including cases arising from Memoranda of Understanding with other state agencies such follow up investigations for felonies initiated by the Department of Public Safety, Agriculture, and Workplace Violence in various departments, and increased numbers of investigations in ongoing focus areas including tobacco enforcement and noncompliant sex offenders.

Overall, the division is working more efficiently and effectively as a result of improvements in organization, management, and supervision, streamlined internal work processes, and the division's continued ability to attract and employ first-rate investigators capable of meeting the challenges of increased need for investigative services.

Program Area – Criminal Investigations

The core mission of the Investigations Division is to investigate crime. The crimes investigated are within the parameters set by the Attorney General and the Chief Special Agent.

Criminal investigations have a substantial impact on personnel time and resources. The investigation process includes advising deputy sheriffs in their case investigations ensuring due process have been met; gathering and analyzing evidence; conducting interviews and interrogations; meeting with defense attorneys; filing Judicial Determinations for Probable Cause; preparing and serving subpoenas and ex parte orders; preparing and serving search warrants and arrest warrants; identifying and arresting criminal suspects; preparing cases for review and prosecution by the Criminal Justice Division; and testifying in court.

The Investigations Division investigates a full scope of crime types. The program areas generally define the types of investigations conducted. The full range of crimes under the Hawaii Revised Statutes are within the authority of the division.

The Division concentrates resources in program areas that (1) support the objectives and direction of the Attorney General, (2) meet the requirements of the interests of the State, (3) provide services to the community that do not duplicate the focus of other law enforcement agencies, and (4) are within the expertise and capabilities of the division.

The Division provides investigative support for a full range of felony crimes to the Department of Public Safety Sheriff's Airport Section (SAS) and Corrections, and the Department of Transportation Harbor Police. Investigations arising from these partnerships include felony property crimes (such as thefts and auto thefts), crimes against person (felony assaults), arrests of fugitives from justice from other jurisdictions (extraditions), and escapes (from correctional facilities).

Program Area - White Collar Crime

Since his appointment as Chief of the Investigations Division on August 14, 2013, Chief Special Agent Daniel Hanagami has used his expertise in white collar crime investigations to combat corruption and embezzlement of state funds.

White collar crime investigation is a specialized discipline of criminal investigation, requiring knowledge and expertise in financial investigations. Financial crime investigations are complex and can require sifting through thousands of transactions, multiple accounts and multiple financial institutions. The culprits in public corruption and fraud schemes devote considerable effort to conceal their crimes. They have the advantage of working on the inside and often being viewed by their employers as trustworthy, giving them latitude to commit thefts and conceal their actions. Uncovering these crimes requires thorough, meticulous examination of financial transaction records and other documents to reveal the modus operandi, uncover convoluted pathways diverting funds, and attempt to recover the fruits of the crime.

Chief Special Agent Hanagami is directing these investigations and developing financial crimes expertise among the Special Agents assigned to the division. To develop these skills in others, he is directing and coaching active investigations, teaching financial crimes investigations, developing forensic capabilities, acquiring audit support, and providing formal training and certification opportunities for the Special Agents.

Chief Special Agent Hanagami is strengthening the law enforcement community overall by leveraging his long-term relationship with the NW3C (National White Collar Crime Center) to bring training classes to Hawaii and make training available to the county police departments and other state agencies in addition to Investigations Division staff.

A number of investigators have experience in white collar crime investigations. The majority of investigators in the division have 20 or more years of investigative experience, including homicide, sex crime, robbery, burglary, theft, organized crime, narcotics, gambling, and other areas of investigation. This background provides a strong foundation for the Special Agents to develop white collar crime investigation skills. The Division is growing in its capabilities.

A White Collar Crime Unit has been established as part of the reorganization. The unit concentrates on public corruption and white collar crime. Special Agents investigate theft, fraud, identity theft, forgery, securities fraud, money laundering, racketeering, organized crime, procurement violations, and related offenses.

Program Area - Tobacco Enforcement

The Tobacco Enforcement Section enforces the Tobacco Master Settlement Agreement, the Tobacco Liability Act, and the Cigarette Tax and Tobacco Tax Law. Enforcement ensures compliance with the legal requirements for payments under Chapter 675 of the Hawaii Revised Statutes.

The Tobacco Enforcement Unit is charged with the responsibility to enforce Hawaii's laws, conduct inspections of tobacco retailers, and ensure this source of revenue to the state.

Cigarette tax revenues amounted to \$121,629,882 on fiscal year 2014-1015, representing a significant source of revenue for the state and underscoring the importance of continued enforcement to maintain compliance.

Inspections are conducted statewide of wholesalers and distributors, retail establishments, and cigarette vending machines for compliance. There are 1,544 retailers that hold retail tobacco permits. The Tobacco Enforcement Unit also engages in specialized, complex felony investigations, including unlicensed import and sale of foreign cigarettes, United States

Customs seizures, and counterfeit tax stamp cases. These investigations counter lucrative smuggling and counterfeiting operations that would defraud the people of Hawaii of cigarette tax revenues.

Tobacco – Gray Market

Gray Market cigarettes are American-made or foreign-made cigarettes – usually major American brands – sold by the manufacturers specifically for sale outside of the United States. Gray Market cigarettes cut into the market share of legitimate manufacturers and underprice domestic products. Gray Market cigarettes include cigarettes imported illegally into the United States in violation of federal law, fail to meet federally mandated labeling requirements, or bear an unauthorized brand or trademark and are considered contraband. Foreign-made Gray Market cigarettes are manufactured overseas in such places as China, Colombia, the Philippines, Southeast Asia, and Switzerland, representing a multitude of brands and cigarette manufacturers. These cigarettes are often smuggled into Hawaii from Asia, the Philippines, Southeast Asia, and the South Pacific, and have been found in small grocery and liquor stores. Some mainland distributors attempt to mask or relabel “tax exempt” cigarettes to avoid prosecution for the sale of Gray Market cigarettes.

Historically, to address the Gray Market and other contraband cigarette problems, the Department of the Attorney General and the Investigations Division have established relationships with the taxing and regulatory authorities of Alaska, Arizona, California, Florida, Michigan, Oregon, Utah, Vermont, Washington, and Canada. Enforcement efforts have been coordinated with the Bureau of Alcohol, Tobacco, Firearms and Explosives, the United States Customs and Border Protection, the United States Postal Service, and the Royal Canadian Mounted Police.

The Investigations Division works with United States Customs and Border Protection in joint investigations of persons smuggling contraband cigarettes to Hawaii from foreign countries. This cooperative effort has resulted in more than thirty investigations of individuals attempting to bring undeclared or under-declared cigarettes to Hawaii in the past year. Gray Market and other contraband cigarettes have been seized at airports in these joint interdiction efforts.

Tobacco – Counterfeit Tax Stamps

Counterfeit tax stamps cost as little as \$0.03 to \$0.50 per stamp and enable sellers using counterfeits to sell at a considerable price discount to lawfully taxed cigarettes. The Tobacco Enforcement Unit searches for counterfeit Hawaii tax stamps to prevent their circulation.

Tobacco – Half-Stamping

Some vendors attempt to evade the cigarette tax by placing a half-stamp on the bottom of a package of cigarettes, thus stamping two packs for the price of one. Investigations have resulted in arrests for selling half-stamped or partially stamped packs. In order to maintain the revenue stream of cigarette taxes and reduce the availability of underpriced cigarette products, the unit ensures tax stamps conform to the stamping requirements set forth by rules adopted by the Department of Taxation. Title 18 of the Hawaii Administrative Rules, section 18-245-3 provides that stamps or stamping indicia shall be securely affixed to the bottom of each cigarette package in such a manner that the stamps or stamping indicia are clearly visible, legible, and complete.

Tobacco – Internet and Mail Sales

Efforts continue in Hawaii and across the nation to address the problem of Internet sales of cigarettes. Significant federal regulation in the form of the Prevent All Cigarette Trafficking Act of 2009 (PACT ACT) was passed in 2010. The Tobacco Enforcement Unit initiates investigations into Craigslist and other offerings for the sale of tobacco products without a tobacco retail permit within the State of Hawaii. Interdiction of Internet and mail sales arriving in Hawaii is done in conjunction with United States Customs and the United States Postal Service. Parcels of cigarettes and loose tobacco are seized as prohibited mailed items and treated as contraband.

Program Area - DNA Buccal Swabbing

The Investigations Division Section is the statewide lead for implementing Chapter 844D Hawaii Revised Statutes and ensuring that all convicted felons in the state comply with its provisions which require felons to provide a DNA specimen.

The unit obtains DNA samples via buccal swabbing from felons, and coordinates the efforts of other law enforcement agencies. The unit conducts investigations to locate and DNA obtain samples from felons, sends correspondence to felons to seek voluntary compliance, seeks prosecution of noncompliant felons, and coordinates the distribution of DNA Buccal Swabbing kits to other agencies.

In 2007, when the Buccal Swabbing Unit was established, there were 28,824 known unsupervised felons that were pending recovery of DNA samples. Bringing convicted felons into compliance has been an uphill effort. The felon population changes with new felons added through conviction or migration into the state, and many felons actively evade notification and

compliance. In 2014, there were over 20,000 unsupervised felons that had pending recovery of DNA samples.

DNA samples from felons and DNA evidence from criminal investigations are submitted to CODIS. The Federal Bureau of Investigation (FBI) manages CODIS (Combined DNA Index System) which is both the FBI's program of support for criminal justice DNA databases and the software used to run these databases. The National DNA Index System or NDIS is part of CODIS. DNA profiles of felons and from criminal investigations are submitted to CODIS by Hawaii law enforcement and participating forensic laboratories.

DNA Buccal swabbing and CODIS are essential to criminal investigations. CODIS and its data enable investigators to solve crimes at a faster rate, strengthen the supportive evidence in many cases, and identify suspects in crimes in which they might never be identified except by CODIS data.

Each person has a unique DNA profile, and felons and other criminals who are required by Hawaii law to provide DNA samples are compelled to provide samples that are analyzed and their DNA profile is entered in CODIS. In a process analogous to fingerprint evidence, biological evidence at crime scenes can be checked against the CODIS database to identify if there is a match. Suspects in crimes can be identified who might otherwise be unknown. CODIS is a nationwide effort to obtain and maintain DNA profiles, and can be used to identify suspects in crimes whose profile data was obtained in any participating jurisdiction.

Hawaii CODIS – FBI Data - October 2015

31,843	Offender Profiles
0	Arrestees – no data available
861	Forensic Profiles
1	Participating Forensic Laboratories (NDIS)
405	Investigations Aided

As of October 2015, the National DNA Index (NDIS) contained over 12,010,904 offender profiles, 2,157,394 arrestee profiles and 663,191 forensic profiles.

Hawaii CODIS data was provided by FBI CODIS, and represents cumulative totals – inception to date.

- Forensic Profiles - evidence from criminal investigations entered in CODIS, pending comparison and identification.

- Investigations Aided – forensic profiles that have been compared and the results aided in investigations
- The NDIS participating forensic laboratory in Hawaii is the Honolulu Police Department’s Scientific Investigation Section Crime Lab. The Honolulu Police Department is the primary reporting agency for NDIS data.
- The most up-to-date statistical data for CODIS Hawaii can be found at the Federal Bureau of Investigation website <http://www.fbi.gov/about-us/lab/biometric-analysis/codis/ndis-statistics/#Hawaii>
- More information about CODIS can be referenced at the Federal Bureau of Investigation website <http://www.fbi.gov/about-us/lab/biometric-analysis/codis/codis-and-ndis-fact-sheet>
- As of July 2014, the Honolulu Police Department has committed to forward more precise statistical data on suspects identified with DNA analysis.

Program Area - Sex Offender Registration and Compliance

The Investigations Division is the primary law enforcement agency responsible for sex offender registration enforcement in Hawaii, and the only law enforcement agency engaged in the investigation of violations of Chapter 846E in the State of Hawaii. Chapter 846E addresses the registration of sex offenders and other covered offenders. Statutes define several felony crimes for failure to comply with covered offender registration requirements.

The Investigations Division vigorously carries out its mission to register covered offenders and investigate unregistered and noncompliant offenders, working closely with federal investigators, other state agencies, the Honolulu Police Department and other county law enforcement agencies, Adult Probation and the Paroling Authority. Routine re-registrations of compliant sex offenders have been shifted to clerical civilian staff as a cost-savings.

Sex offender registration is a critically important component of the overall strategy to protect future victims from sexual predation. Noncompliant sex offenders pose a high risk of committing new sex crimes. To reduce the risk to the community, noncompliant offenders are investigated by special agents to bring them into compliance or criminally prosecute them for their refusal into being compliant.

Since the transfer of routine re-registrations of compliant sex offenders to clerical staff, investigators focus on investigations, complex registrations such as engagement with the population of homeless sex offenders, and increased compliance inspections. Investigators conduct residential inspections and frequent validation checks to verify information supplied by sex offenders to ensure compliance with residence and other reporting requirements.

The Investigations Division provides training to the Department of Public Safety and the Honolulu Police Department to enable them to participate in sex offender registration compliance.

The Investigations Division works closely with the United States Marshal's Service and participates in the Adam Walsh Task Force field operations in an effort to discourage sex offenders from committing new crimes.

The purpose of the sex offender registration program is to manage the population of convicted sex offenders to reduce the risk of new sex offenses being committed by a population of offenders that, as a group, pose a significant risk of recidivism with future sex crimes. These crimes tend to be committed against vulnerable members of the community, primarily women and children. The Division is committed to this responsibility and to preventing sex offenses.

Program Area - High Tech Crimes and ICAC

In 2015, the High Tech Crimes Unit included the Hawaii Internet Crimes Against Children (ICAC) and concentrated efforts on Internet crimes involving sexual predators who use the Internet to prey on children or exploit children in child pornography.

In 2016, the ICAC responsibilities are being relocated to the Criminal Justice Division. The Hawaii ICAC activities relate to 2015. The transfer of the Hawaii ICAC from the High Tech Crimes Unit was originally planned to take place on January 1, 2016. However, as of February 2016, the actual date of the transfer has not yet been determined. Until then, the Hawaii ICAC Task Force continues to be maintained within the High Tech Crimes Unit, and its primary full-time personnel are Special Agents of the Investigations Division.

The High Tech Crimes Unit and Hawaii ICAC provide forensic and investigative technical assistance to law enforcement agencies, and educational information to parents, educators, prosecutors, law enforcement, and others concerned with child victimization. The primary focus of the unit has been enforcement, concentrating on crimes involving child pornography, electronic enticement and minor produced sexual images.

The Hawaii ICAC exists within the framework of a national strategic initiative to protect children from sexual exploitation. The ICAC Program is a national network of 61 coordinated task forces representing more than 3,000 federal, state, local, and tribal law enforcement and prosecutorial agencies. The Hawaii ICAC is one of these task forces and serves the region consisting of Hawaii, Guam, and the Marshall Islands.

In the past, the Hawaii ICAC Task Force included a substantial number of personnel on assignment from other law enforcement agencies. However, due to financial and staffing constraints in other departments, participation by other agencies has declined and the High Tech Crimes Unit provides the core staffing for the Hawaii ICAC Task Force for investigation and support services at both the state and county level.

The High Tech Crimes Unit and the Hawaii ICAC are the primary law enforcement agency in the State of Hawaii handling cases of electronic enticement of children, child sexual exploitation and attempts made via the Internet, and other offenses related to the manufacturing and distribution of child pornography. There are only 4 investigators in the Hawaii ICAC: 2 paid with ICAC (grant) funds and 2 paid with state General Funds. The Homeland Security Investigations/ICE and the Air Force Office of Special Investigations are presently the only other agencies who have assigned an agent to work on undercover proactive investigations. There is a high rate of turnover with the military task force members and there is a constant need to train new military investigators. The county-level law enforcement agencies and other state law enforcement agencies do not provide staffing to support the ICAC.

The goals of the Hawaii Internet Crimes Against Children Task Force have been (1) to increase the effectiveness and efficiency of investigations and prosecutions of Internet Crimes Against Children (ICAC) offenses, and (2) to increase public awareness and prevention of ICAC offenses.

The unit has continued its efforts to increase the investigative capabilities of law enforcement officers in the detection, investigation, and apprehension of ICAC offenses. Progress has been made by providing training to law enforcement to increase their investigative capabilities, maintaining and administering a computer forensics laboratory for examination and extraction of digital evidence recovered in computer related investigations, and making this computer forensics laboratory available to trained law enforcement personnel and task force members.

The computer forensics section processes digital evidence and provides technical support. Software and hardware for the laboratory has been updated. Two Information Technology personnel are on assignment to the Investigations Division and are extensively certified in various disciplines of digital forensics in support of ICAC and other criminal investigations.

Training programs are funded to bring training to Hawaii because it is more economical to bring training to Hawaii than send people to the continental United States. Training involving high tech investigations and digital forensics were hosted and open to all law enforcement agencies in Hawaii. Training in 2015 included cell phone forensics and high tech crimes investigations, and was open to county, state and federal law enforcement.

Investigations have been focused on proactive and reactive peer to peer investigations. Peer to peer cases often involve sophisticated technologies and strategies used by suspects to avoid detection and penetration by law enforcement. These cases require a significant commitment of personnel time.

Enticement investigations were conducted involving suspects who intend to meet and engage in sexual activity with minors. Enticement investigations are time-consuming to develop and the offenders are often savvy. Hawaii law requires an actual meeting between the suspect and the victim. Sexual predators are wary of getting caught and are alert to any miscues by undercover agents posing as minors. These are difficult and time-consuming investigations, but are worthwhile when suspects are diverted away from rapes of actual minors.

The task force has continued to promote public awareness and prevention programs. This included outreach education, awareness, and prevention programs for children, parents, educators, and community groups. An informational website is maintained at www.ag.hawaii.gov/hicac. Public awareness and education have proven to be effective ways to increase the number of computer related cases being investigated in the state.

HAWAII ICAC	2014	2015
Traveler	0	1
Child Enticement	5	7
Obscenity Directed To Minors	61	10
Child Prostitution	1	2
Manufacturing Child Pornography	2	1
Distributing Child Pornography	384	257
Possession of Child Pornography	1,566	1,699
ICAC Arrests	4	10
Cybertips Received	198	256
Subpoenas or Court Orders	194	119
Search Warrants	31	12
Technical Support	149	172
Forensic Examinations	77	74
Training Sessions Provided	9	14

Law Enforcement Trained	32	109
Presentations	40	63
Attendees at Presentations	1,741	11,834
Public Events	7	9
Attendees at Public Events	3,410	2,425
Public Awareness	1,126	3,178

The relocation of the Hawaii ICAC to the Criminal Justice Division in 2016 will not diminish the commitment to enforcement. The Department of the Attorney General remains committed to protecting Hawaii’s children from sexual exploitation and identifying criminals engaged in the sexual exploitation of children, and retains its leadership role as the primary agency in Hawaii investigating crimes involving child pornography, electronic enticement and minor produced sexual images.

When the relocation occurs, it is planned that the High Tech Unit of the Investigations Division will refocus on other complex crimes involving digital technology and the recovery of digital evidence. The two Information Technology Specialists who have been certified as digital/computer forensic examiners will continue to work with the Investigations Division as well as support the Hawaii ICAC.

Program Area – Memoranda of Agreement and Understanding for Investigative Services

The Investigations Division provides investigative support for a number of other departments under Memoranda of Agreement (MOA) or Memoranda of Understanding (MOU), including:

Department of Public Safety	Criminal
Department of Transportation – Airports Division	Criminal
Department of Transportation – Airports Division	Administrative
Department of Transportation – Highways Division	Administrative
Department of Transportation – Harbors Division	Criminal
Department of Agriculture	Criminal and Administrative
Office of Youth Services	Administrative
Hawaii Health Connector	

Investigators assigned to these functions develop communications and working relationships with personnel in these departments. They become familiar with the unique aspects of these agencies, and provide expertise and capabilities that meet their requirements.

The investigator positions that service these MOUs and MOAs are ideally suited for 1-year or 89-day contracts. The MOUs and MOAs are subject to cancelation and exist only as long as the requesting department or agency requires investigative services. There are no funded permanent positions within the Department of the Attorney General to staff the MOU or MOA positions, and the positions are funded by the requesting agencies. If an MOU or MOA was terminated, then the position(s) of the investigator(s) would no longer be funded. The practical solution to limited term contract funding is limited term contract personnel. This solution also provides high quality, low cost investigators to service the agreements.

The Investigations Division is committed to providing the best possible service to fulfill the MOAs and MOUs. Each Special Agent is dedicated to their assignment and seeks to provide the best possible professional, expert service to meet the requirements of the requesting department.

The Investigations Division provides organizational support and infrastructure for the Special Agents, as well as supervision, ongoing training, certifications, and a professional support network to ensure the highest quality of service is provided. The Special Agents are selected based on their experience and ability. All have many years of investigative experience in the State of Hawaii with the Honolulu Police Department or other county-level departments. As contract employees paid at the lowest possible pay rate, and with no fringe benefits, no paid sick leave and no paid vacation, they are highly cost-effective.

Department of Public Safety – Felony Crimes MOA

The MOA with the Department of Public Safety provides for two Special Agents to conduct investigations involving felony crimes within the Department of Public Safety jurisdiction, work in coordination and in conjunction with other law enforcement personnel, and enforce applicable laws, ordinances, rules and regulations. Felony cases generated throughout Oahu by Deputy Sheriffs are investigated. An investigator is available at all times, 24 hours a day, to provide support and respond to crime scenes and conduct follow up investigations in felony arrest cases.

Case reports handled in service of the Department of Public Safety MOA are listed below:

DEPARTMENT OF PUBLIC SAFETY – MOA	2014	2015
Murder 2 (Attempted)		2
Assault 1		3
Assault 2	18	28
Criminal Property Damage	2	3
Escape 2	24	37
Extortion	1	1

Extradition	2	
Kidnapping		1
Forgery 2	1	1
Fraudulent Use Credit Card		1
Intimidating Correctional Worker	1	1
OVUII-Habitual	2	
Promoting a Dangerous Drug 3	1	
Promoting Prison Contraband 2	1	2
Robbery 1	1	3
Robbery 2	1	2
Sexual Assault 1	1	
Sexual Assault 2	2	1
Terroristic Threatening 1	9	7
Theft 1		11
Theft 3	1	1
UCPV – Unauthorized Control Propelled Vehicle	4	4
UEMV – Unauthorized Entry Motor Vehicle	3	3
UPCPI - Unauthorized Possession of Confidential Personal Information		2
Other reports not listed above	47	35
Totals	122	149

Department of Transportation – Airports Division – Criminal MOU

The MOU between the Department of the Attorney General and the Department of Transportation – Airports Division provides for three Special Agents. These Special Agents are responsible for investigating all felony crimes that occur at the DOT Airport properties on the Island of Oahu. The investigators support the Sheriff’s Airport Section (SAS), the Department of Public Safety element stationed at the Honolulu International Airport. These investigators conduct investigations in conjunction with the SAS comparable to the investigative support provided island-wide by the agreement with the Department of Public Safety. An investigator is available at all times, 24 hours a day, to provide support and respond to crime scenes and conduct follow up investigations in felony arrest cases.

Department of Transportation – Airports Division – Administrative MOU

Two Special Agents are responsible for conducting administrative investigations involving employee misconduct, workplace violence, and other noncriminal infractions involving DOT Airports throughout the State of Hawaii. These can be complex investigations involving

multiple persons, extensive interviews, and an understanding of the policies, procedures and guidelines of the Department of Transportation and the Airports Division. The scope of their investigative responsibilities is the statewide. The Special Agents provide weekly status updates for their investigations to appropriate DOT personnel authorities.

Department of Transportation – Highways Division – Administrative MOU

The MOU provides funding for two Special Agent positions in the Investigations Division. The Special Agents are responsible for conducting administrative investigations within the scope of the MOU that occur in the DOT Highways Division jurisdiction in the State of Hawaii. These can be complex investigations involving multiple persons, extensive interviews, and an understanding of the policies, procedures and guidelines of the Department of Transportation and the Highways Division. The scope of their investigative responsibilities is the statewide and involves investigations on Oahu and other islands.

Department of Transportation – Harbors Division – Criminal and Administrative MOU

The MOU provides funding for one Special Agent who is responsible for investigating felony crimes and conducting administrative investigations within the scope of the MOU that occur in DOT Harbors Division jurisdiction on the island of Oahu. A second Special Agent is assigned as needed to conduct administrative investigations into allegations of Workplace Violence and other administrative matters.

DEPARTMENT OF TRANSPORTATION	2014	2015
Department of Transportation – Airports Division – Criminal Cases	250	209
Department of Transportation – Airports Division – Administrative Cases	39	29
Department of Transportation – Highways Division – Administrative Cases	39	40
Department of Transportation – Harbors Division – Criminal, Administrative Cases	52	53

Staffing

Staffed Positions – Summary of Position Classifications		
No.	SR	Classification
1	EM-07	Chief Special Agent
2	SR-26	Deputy Chief Special Agents - Investigator VI
1	SR-16	Secretary III
2	SR-10	Office Assistant IV
6	SR-26	Supervisory Special Agents
37	SR-24	Special Agents - Investigator V
2	SR-22	Special Agents – Investigator IV
51		Total Positions All Classifications

EM – Excluded Management

SR – Salary Range

Organization

The Investigations Division has a command staff supported by clerical personnel. All investigators in the division conduct investigations. This includes the Chief Special Agent, Deputy Chief Special Agents, and supervisors. Everyone in the division is dedicated to investigations. The clerical staff provides support services for the investigations. This is a working Investigations Division.

The division is organized into units that carry out the program areas and mission of the division.

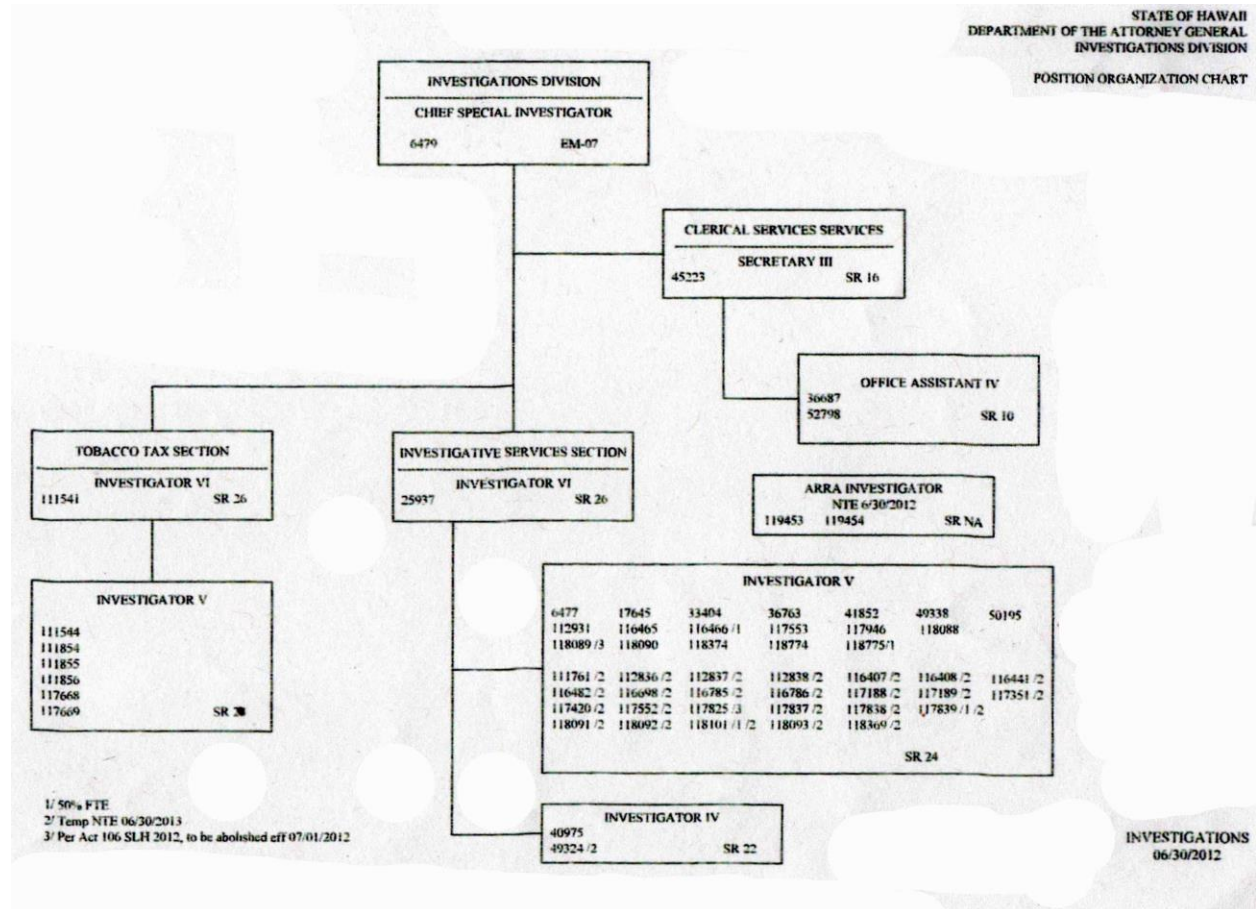
The Investigations Division is in an ongoing process of reorganization in response to changing assignments, service needs and efficient utilization of personnel and resources. A proposed reorganization is in the process of review by the Attorney General. The proposal reflects actual operations and practice.

The organization established in 2012 does not provide the flexibility and span of control to support the demands placed on the division.

In 2014-2015, a transitional operational organization was developed to improve internal communications and functional capabilities.

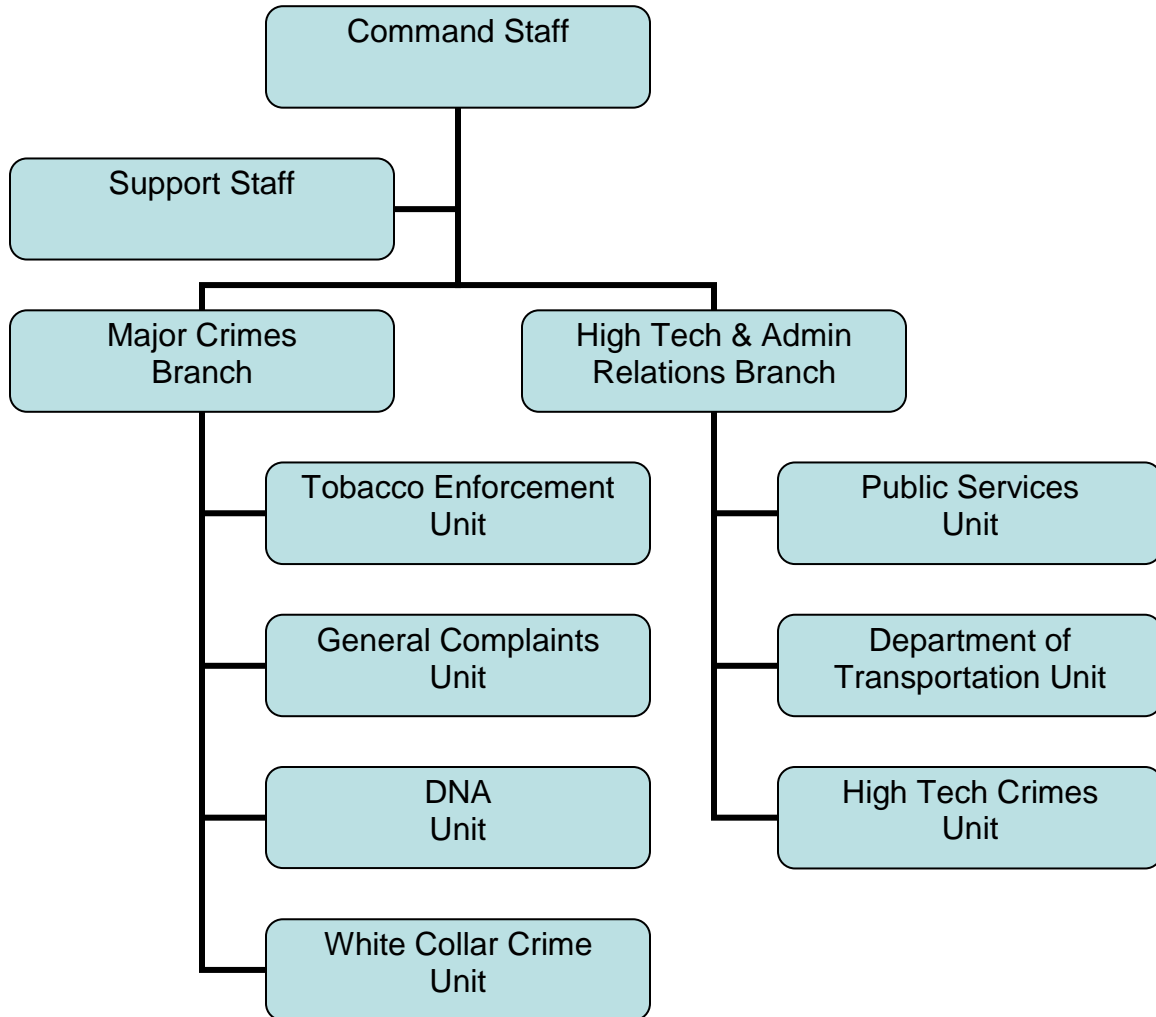
In late 2015, a new organization plan was developed that reflects a balance between fiscal constraints and increasing demands in the complexity of investigations.

2012-2013 Organization

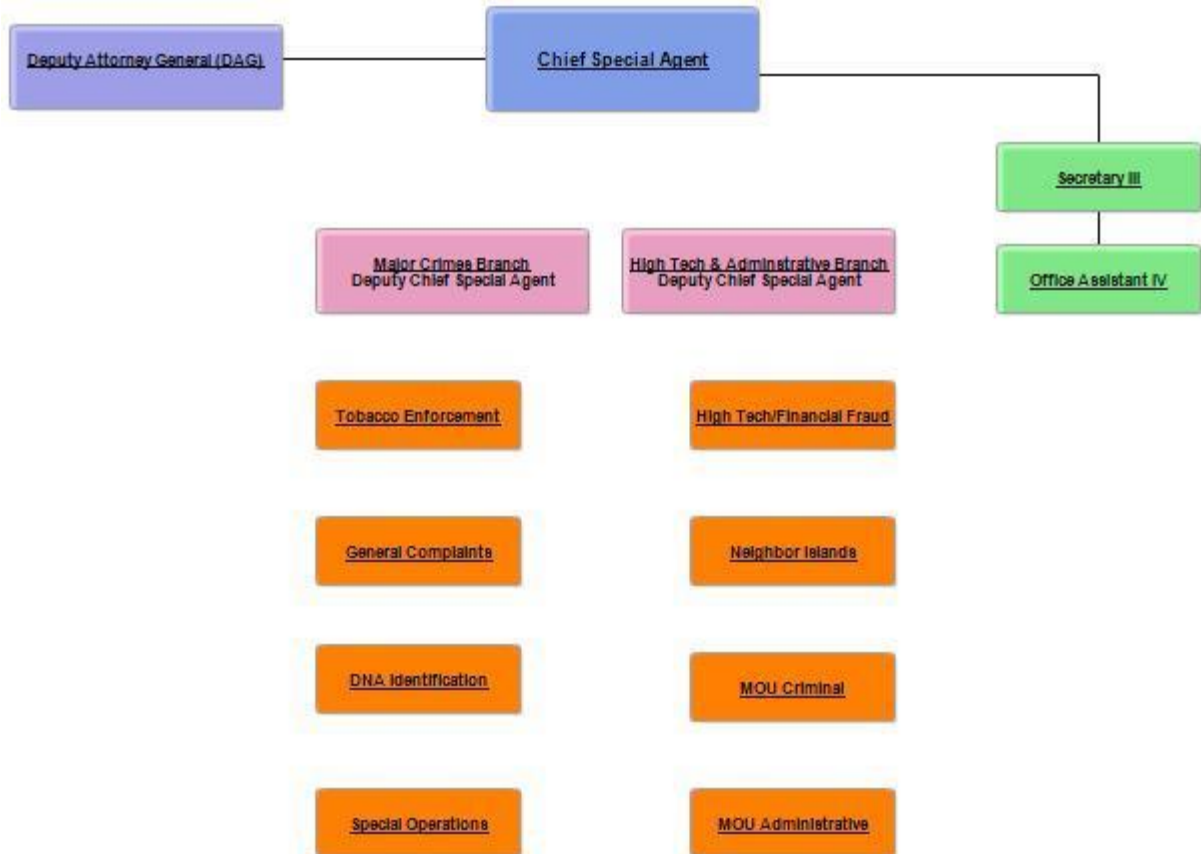


This organizational structure is no longer adequate to support the investigative functions of the division.

2015 Transitional Operational Organization



2016 New Organization Plan



Cost Savings – 89-Day Contract Positions

The annual cost savings arising from utilizing 89-day contract personnel is \$1,746,316.80.

The division utilizes personnel on 89-day contracts to optimize its workforce with skilled and experienced investigators at relatively low salary rates. Each contract position represents a substantial savings in personnel costs because the contract positions are priced at a low salary range with no step movements regardless of longevity, and fringe benefits that are not paid. Filling civil service positions would require salary rates above minimum to attract qualified, capable personnel.

The personnel hired on an 89-day contract basis are highly skilled, well-trained, experienced law enforcement professionals, typically with a minimum of 25 years of experience in a county police department in Hawaii. These contract hires are proven investigators with a wealth of experience and understanding of the Hawaii Revised Statutes, our Judiciary, police departments and their operations, our Criminal Justice System, and our community.

There are presently 43 personnel on 89-day contracts. These personnel are contracted as Investigator V in the SR-24 salary range. The current pay rate is fixed at \$26.56 per hour, annualized at \$55,457.28 at 2,088 hours per year.

Annual Salary - Investigator V 89-day contract **\$55,457.28**

These fringe benefits are *not paid* for Investigator V personnel on 89-day contracts:

Fringe Benefit	Percentage of Salary	Annual Savings
Pension Accumulation	16.00%	\$8,572.49
Pension Administration	0.01%	\$5.36
Retiree Health Insurance	10.35%	\$5,545.33
Employees' Health Fund	6.84%	\$3,664.74
Composite Rate	33.20%	\$17,787.92

Annual Savings Per Position **\$17,787.92**
Annual Cost Savings All Contract Positions **\$711,516.90**

The actual annual cost savings is significantly higher. In order to fill civil service positions at a comparable level of experience and expertise, the starting annual salary for an Investigator V is approximately \$73,000 per year. Benefits are also higher cost, based on a higher pay rate.

Annual Salary - Investigator V civil service pay rate **\$73,000.00**

Salary Differential Savings

Annual Salary Savings - Per Position **\$19,421.92**

Annual Salary Savings - 40 Positions **\$776,876.80**

These fringe benefits are *not paid* for Investigator V personnel at the civil service salary rate:

Salary Rate \$73,000 per year

Fringe Benefit	Percentage of Salary	Annual Savings
Pension Accumulation	16.00%	\$11,680.00
Pension Administration	0.01%	\$7.30
Retiree Health Insurance	10.35%	\$7,555.50
Employees' Health Fund	6.84%	\$4,993.20
Composite Rate	33.20%	\$24,236.00

Annual Savings for 89-day contract personnel (benefits and salary):

\$1,746,316.80

Strategic Initiatives

Strategic Direction – The Investigations Division established its Vision Statement, Mission Statement and Core Values.

Strategic Plan – A Strategic Plan was developed for the Investigations Division and significant progress has been made in its implementation.

Investigations – The division has been successful in managing caseload, engaging in enforcement, and fulfilling its investigative responsibilities. Investigations have included a number of high profile cases and complex financial crimes, including investigations of charter schools.

ICAC Position - The Legislature authorized funding for another position for the Hawaii Internet Crimes Against Children (ICAC) Task Force.

Sex Offender Investigator Positions – Two positions for sex offender investigators were authorized, increasing the staffing available to address noncompliant and unregistered sex offenders.

Cost Savings – 89-Day Contract Positions - The annual cost savings arising from utilizing 89-day contract personnel is \$1,746,316.80. The division utilizes personnel on 89-day contracts to optimize its workforce with skilled and experienced investigators at relatively low salary rates. Each contract position represents a substantial savings in personnel costs. Contract positions are priced at a low salary range with no step movements regardless of longevity and fringe benefits that are not paid. Filling civil service positions with qualified candidates has proven to be problematic, and the 89-Day contract personnel have provided a high-quality, cost-effective solution. The State of Hawaii, as a provider of law enforcement services, cannot compete with county law enforcement agencies when it comes to offering its civil service law enforcement personnel with salaries, career advancements, training, equipment, and benefits. The counties have the funding to offer greater opportunities in these areas. This is why people interested in law enforcement careers will either go to the county law enforcement agencies or federal law enforcement agencies.

LInX (Law Enforcement Information eXchange) – The division was accepted for participation in LInX and Investigations Division personnel were certified as instructors, auditors, and to create accounts. LInX is a national law enforcement information system. This training was provided as part of the implementation of the Investigations Division becoming a member agency of this system and provides access to information concerning cases, arrests and other law enforcement contacts across the United States. LInX provides access to records management system information of police and sheriff's departments across the United States and serves as a portal for access to the N-DEx – the National Data Exchange managed by the Federal Bureau of Investigation. This information access is very important for investigators tracking suspects who flee to or have come from the mainland to Hawaii or who move between islands, such as noncompliant sex offenders or fraud suspects who flee the jurisdiction.

Radio Communications Equipment Grant - The division was awarded grant funding from the Department of Homeland Security for radio communications equipment. Funding in the amount of \$96,530 was secured for the purchase of P25 compliant radio equipment for investigators, providing for radio communications and public safety response capabilities for investigators in field operations.

Appraisers - Two Special Agents were trained as appraisers. This provided an essential capability for the investigation and prosecution of property crimes.

Case Accountability and Reporting - A comprehensive monthly case accountability report was implemented that provides case management capabilities, accountability and detailed performance metrics.

Financial Crimes Training – An in-house training program in financial crimes investigation was developed and implemented. This has been augmented with training from the National White Collar Crime Center (NW3C). The emphasis on training has resulted in increased effectiveness in the investigation of financial crimes.

Cash Flow Analysis - Two licenses for I2 Analyst Notebook were deployed and have been used to conduct complex link analysis and cash flow analysis.

Policies and Procedure Committee – A Policies and Procedure Committee was formulated and is engaged in an ongoing process of review and updating written directives and procedures for the division.

Law Enforcement Identification Cards – A process and mechanism were established for issuing retired law enforcement identification cards to retired Investigations Division Special Agents.
Reorganization - The Division is in the process of reorganization, evolving to adapt to changing crime trends and responsibilities. Reorganization is needed to effectively balance supervision, workload, and provide focus for investigations and activities related to the program areas.

White Collar Crime Unit – Establish a White Collar Crime Unit to concentrate on public corruption and complex financial crimes.

SLEC – The division is a member and active participant with the SLEC (State Law Enforcement Coalition) to advance coordination among state law enforcement agencies and effectively respond to emergencies and other areas of mutual support.

Adam Walsh Task Force – The division is actively participating in this task force in partnership with the United States Marshals Service to investigate and arrest noncompliant sex offenders. Two members of the division have been cross-deputized as United States Marshals.

Statewide Forensics Strategic Plan – The division is participating with forensic laboratory directors and staff from county and state agencies to develop and implement the Statewide Forensics Strategic Plan for Hawaii.

LInX (Law Enforcement Information eXchange) – Participation in LInX is an ongoing process of training and information management to maintain access to records management system

information of police and sheriff's departments and to the N-DEx – the National Data Exchange managed by the Federal Bureau of Investigation.

Hawaii Integrated Justice Information System (HIJIS) – The division actively participates in this ongoing project coordinated by the Hawaii Criminal Justice Data Center.

Records Management System - The Investigations Division is seeking to establish a records management technology system. Due to the cost and complexity of these systems, the division is working with county law enforcement to participate in a multi-agency shared system. The implementation of a shared, integrated system would have significant positive impact on public safety information management and data communications.

Appendix 1 – Vision Statement

VISION STATEMENT

The Investigations Division of the Department of the Attorney General will work with our County, State and Federal law enforcement colleagues to ensure a united effort in making Hawaii a safe place to live and work.

Appendix 2 – Mission Statement

MISSION STATEMENT

The Investigations Division of the Department of the Attorney General is committed to protecting all citizens of the State of Hawaii. We are dedicated to conduct fair and impartial investigations while protecting the rights of the public through law enforcement services, protecting all citizens in the State of Hawaii.

Appendix 3 – Core Values

CORE VALUES

In order to protect all citizens in the State of Hawaii, the Investigations Division has declared its core values:

Integrity - We have integrity as an agency, and as individuals sworn to the honorable calling of law enforcement. We abide by the Constitution of the United States of America, and the State of Hawaii. We respect and cherish the uniqueness of Hawaii and its people, and treat everyone fairly and with aloha.

Ethics – Our personnel are guided by honesty and integrity in our professional and private lives.

Attitude – As professionals, we strive to provide our best efforts to serve our community.

Respect – We respect the people we serve and empathize with the victims. We treat all those accused of violations with dignity and respect.

Teamwork – We recognize that government resources are limited, and that the law enforcement efforts are most effective when communities, as well as state, county, and federal agencies work together towards the common goal of protecting our people and communities.

Partnerships – We pride ourselves in working with all our community members to reduce crimes and administrative violations.

Technology – We embrace technology and will identify and evaluate technologies that will improve our efficiency and enhance our investigative capabilities.

Acknowledgements

This report was prepared with the assistance and information contributed by the staff of the Investigations Division of the Department of the Attorney General of the State of Hawaii. The personnel of the division are acknowledged for the excellence of their work which is reflected in the content of this report. Each member merits recognition for their service to the people of Hawaii, and for their professionalism and devotion to the core values of the division.

**Survey of State Departments and Agencies
Regarding Law Enforcement Consolidation
(Pursuant to Act 124, Session Laws of Hawaii 2018)**

The questions in this survey may require the formation of opinions and best estimates, so please answer these questions to the **best of your knowledge and ability**. Please note that the information provided will be included in the Legislative Reference Bureau's report to the Legislature, pursuant to Act 124, Session Laws of Hawaii 2018.

For your reference in responding to this survey, a possible consolidation of law enforcement activities and responsibilities could include, but may not be limited to, entities that have been conferred certain powers of police officers, including the powers to arrest and execute warrants, by the Hawaii Revised Statutes, either directly or indirectly.

Please provide the following contact information for follow-up questions or clarification.

Name:	<i>Robert Farrell</i>
Title:	<i>Division Administrator/ Chief of Enforcement</i>
Department:	<i>DLNR</i>
Division or Agency:	<i>DOCARE</i>
Phone:	
E-mail:	

PART I

- (1) Please list and describe all of your agency's law enforcement activities and responsibilities, including any law enforcement activities and responsibilities on the neighbor islands.

As outlined in HRS §199-3:

Conservation and resources enforcement officers, duties; other law enforcement officers.

- (a) *The conservation and resources enforcement officers, with respect to all state lands, including public lands, state parks, forest reserves, forests, aquatic life and wildlife areas, Kaho'olawe island reserve, and any other lands and waters within the State, shall:*
 - (1) *Enforce title 12, chapters 6D, 6E, and 6K, and rules adopted thereunder;*
 - (2) *Investigate complaints, gather evidence, conduct investigations, and conduct field observations and inspections as required or assigned;*
 - (3) *Cooperate with enforcement authorities of the State, counties, and federal government in development of programs and mutual aid agreements for conservation and resources enforcement activities within the State;*
 - (4) *Cooperate with established search and rescue agencies of the counties and the federal government in developing plans and programs and mutual aid agreements for search and rescue activities within the State;*
 - (5) *Check and verify all leases, permits, and licenses issued by the department of land and natural resources;*
 - (6) *Enforce the laws relating to firearms, ammunition, and dangerous weapons contained in chapter 134;*
 - (7) *Enforce the laws in chapter 291E relating to operating a vessel on or in the waters of the State while using intoxicants;*
 - (8) *Whether through a specifically designated marine patrol or otherwise, enforce the rules in the areas of boating safety, conservation, and search and rescue relative to the control and management of boating facilities owned or controlled by the State, ocean waters, and navigable streams and any activities thereon or therein, and beaches encumbered with easements in favor of the public, and the rules regulating vessels and their use in the waters of the State; and*
 - (9) *Carry out other duties and responsibilities as the board of land and natural resources from time to time may direct.*
- (2) Please describe any certification requirements that your agency's law enforcement personnel are subject to, including the names of the certifying entities.

*Currently there are no statewide **mandated** requirements; however, Division policy requires both Firearms qualification and Arrest and Control qualification. Both are completed bi-annually. The certifying organizations are the National Rifle Association (NRA) for firearms and Pressure Point Control Tactics (PPCT) for Arrest and Control.*

PART II

Please base all of your responses to the following questions on the information contained in Act 124, Session Laws of Hawaii 2018.

- (1) If the Legislature were to consolidate state law enforcement activities and responsibilities under a new, centralized state law enforcement division or agency, what processes, procedures, equipment, training, certification, uniforms, leases, vehicles, etc., would that new entity require in order to perform those law enforcement activities and responsibilities currently performed by your agency? Please include estimated costs associated with each of these start-up requirements, and please explain your reasoning.

All costs associated with running the Division of Conservation and Resources Enforcement (DOCARE) Division would include the annual budget of \$9,955,151 of General Funds.

The Division also receives monies in the form of federally funded programmatic tasking. These funds are tied to specific mandates and activities such as Marine Mammal Enforcement and Hunter Education activity.

The Division also benefits from several special funding sources related to its mission, such as Boating Safety and Marijuana Eradication.

The primary mission of the Division is significantly different than all other agencies within the State. Virtually all policies and procedures would need significant review to determine a standardized approach.

The Division's uniforms are unique and would not be standardized to other law enforcement agencies. The Division has recently upgraded their uniform specifications and another change would be at cost.

The Divisions vehicles are unique to the mission and are not standard to other law enforcement agencies.

The Division has several satellite offices and is also co-located with other Department assets. These locations would need to be re-negotiated in terms of leasing, equipment, and available space.

In addition to the annual budget for the Division there are several associated costs that may be hard to determine. DOCARE relies on the Department of Land and Natural Resources to provide administrative support for payroll, budget, facilities management and maintenance, personnel services, procurement, and legislative guidance. Some of these costs are substantial and would need to be accounted for in any reorganization plan.

DOCARE also relies on specific subject matter experts when conducting complex investigations regarding natural and cultural resource violations. There is significant DLNR staff time involved in many of our investigations. That time is not currently billed, but it would be a significant cost in completing our primary mission.

- (2) If the Legislature were to consolidate state law enforcement activities and responsibilities under a new, centralized state law enforcement division or agency, are there any other reasonably foreseeable start-up requirements not addressed in Question 1 above (i.e., any requirements not associated with your agency)? Please include the associated costs for these requirements and an explanation for each of those costs.

Unknown at this time.

- (3) Does your agency have any neighbor island operations or facilities that could be impacted by a potential consolidation of statewide law enforcement activities and responsibilities? Please explain your response.

Yes, we operate on all islands and there would be significant impact to all operations.

- (4) What would be the most desirable structure of a new, centralized state law enforcement division or agency? Please explain your reasoning.

The best course of action for standardization of Hawaii law enforcement is the formation of a Peace Officer Standards of Training (POST) commission. 49 other states have a POST entity that assures a variety of standards are met by all law enforcement agencies. These include but are not limited to training requirements, background investigation guidelines, and agency certification and oversight.

Because of the diversity of law enforcement functions, especially for an agency like DOCARE, one law enforcement division would dilute the primary mission and may result in displaced priorities.

- (5) Please provide a timeline for a successful transition of your agency's law enforcement activities and responsibilities to a new, centralized state law enforcement division or agency. Please explain your reasoning.

Transitioning from our current structure to a new Department or agency would require significant planning. Some of the most difficult portions would include integrating command staff duties and outlining a clear chain of command between functions.

Officer duties may be similar in some regard, but integrating various policies and procedures would require a large effort between agencies and labor unions.

It may require enabling legislation for cross jurisdictional authorities to be in place.

It would be a very difficult and time consuming effort that may take in excess of 5 years.

- (6) What regulatory efficiencies could be achieved or lost as a result of a potential consolidation of statewide law enforcement activities and responsibilities? Please explain your reasoning.

As stated above, DOCARE is unique in its jurisdictional responsibility. The outcome of consolidation may be a dilution of coverage and displaced priorities. It will result in a loss of specialization and expertise in the Division.

Potential benefits may include enhanced procurement options.

- (7) How would a potential consolidation of statewide law enforcement activities and responsibilities affect your agency as a whole? Please explain.

It will create a loss of subject matter expertise and a more “generic” approach to law enforcement. As stated, DOCARE’s mission is unique and requires a degree of specialization not found in general law enforcement.

DLNR will lose its enforcement arm and the capability to directly enforce rules and regulations that are critical to environmental protection.

- (8) How many full-time equivalent (FTE) employees from your agency could be affected by a potential consolidation of statewide law enforcement activities and responsibilities? Would any part-time, contract, or volunteer positions be affected? If so, how many of these positions would be affected?

There are currently 130 sworn law enforcement positions assigned to the Division. There are approximately 20 non-sworn positions assigned directly to the Division. As stated above, the Division relies on support from the Department for a variety of administrative functions and overall leadership. Loss of a significant portion of the Department workforce may affect a number of employees not directly assigned to the Division.

- (9) What collective bargaining units within your agency would be affected by a potential consolidation of statewide law enforcement activities and responsibilities?

BU 14 & BU 3 represent employees in the Division.

- (10) How would a potential consolidation of statewide law enforcement activities and responsibilities affect your agency's existing collective bargaining agreements? Please explain your reasoning.

There are already significant differences in policy and procedure among all potential agencies. Integrating contract language (most are in BU14) and applying that

consistently may become an issue. Currently there is some flexibility from the Union for each member in BU 14, but consolidation may change that significantly.

- (11) Would a potential consolidation of statewide law enforcement activities and responsibilities require any collective bargaining agreements to be renegotiated? Please explain your response.

As stated above, each agencies policy and procedures differ dramatically. In addition, the affected agencies working conditions vary. For instance, Sheriff Deputies generally work within a defined facility. Conservation Officers rarely come to a centralized location and their hours and work location can change daily.

- (12) Are there any reasonably foreseeable benefits associated with a potential consolidation of statewide law enforcement activities and responsibilities? Please explain.

Procurement of fleet required items and consolidation of goods and services. For instance, larger purchases of ammunition, vehicles, or other items could be cheaper by buying in larger quantities.

- (13) Are there any reasonably foreseeable problems associated with a potential consolidation of statewide law enforcement activities and responsibilities, or any additional issues that should be highlighted? Please explain.

The most important item to understand for DOCARE is the unique nature of our mission and jurisdictional responsibility. It is essential for DOCARE to remain closely affiliated with DLNR and to focus on our mandated priorities.

The DOCARE Division and the duties associated with our mission are significantly different than all other law enforcement jurisdictions. This is true in Hawaii and it is true nationwide. The majority of national jurisdictions apply a separation of conservation or fish and wildlife agency enforcement agencies from general law enforcement. There is cooperation for training and a standardization of minimum requirements, but agencies are affiliated with the management function and not corralled by a general law enforcement approach.

- (14) Are there any reasons not already discussed herein why your agency's law enforcement activities and responsibilities should or should not be included in a potential consolidation of statewide law enforcement activities and responsibilities?

We derive our organic enforcement authority from the Board of Land and Natural Resources. Severing that connection and putting us in a "general" law enforcement category will dilute our primary mission and jeopardize the natural and cultural resources that we are mandated to protect. Moving to a general law enforcement approach will also require a re-tooling of our authority and will require significant legal analysis to understand where our authority will be derived.

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For your reference in responding to this survey, a possible consolidation of law enforcement activities and responsibilities could include, but may not be limited to, entities that have been conferred certain powers of police officers, including the powers to arrest and execute warrants, by the Hawaii Revised Statutes, either directly or indirectly.

Please provide the following contact information for follow-up questions or clarification.

Name:	Jared Redulla
Title:	<i>Administrator</i>
Department:	<i>Department of Public Safety</i>
Division or Agency:	<i>Narcotics Enforcement Division</i>
Phone:	
E-mail:	

PART I

- (1) Please list and describe all of your agency's law enforcement activities and responsibilities, including any law enforcement activities and responsibilities on the neighbor islands.

The State of Hawaii, Department of Public Safety (PSD), Narcotics Enforcement Division (NED) has several important functions. The primary function of the NED is to regulate controlled substances in the State of Hawaii by the enforcement of Chapter 329 of the Hawaii Revised Statutes (HRS). Chapter 329, HRS, requires that the NED issue controlled substances registration licenses to various persons and businesses involved in the controlled substances industry and to investigate violations of chapter 329. The NED also administers the State's Prescription Drug Monitoring Program (PDMP). The PDMP database is the State's database of controlled substances dispensing activity and has been identified as an important component in the State's effort to combat the nationwide opioid problem.

The NED also regulates the controlled substances industry by regularly drafting new legislation as required in section 329-11, HRS, to amend the various schedules of controlled substances in the State of Hawaii to be consistent with federal law. The NED frequently testifies in legislative hearings regarding controlled substances, law enforcement, and illegal drugs.

The second function of the NED is to enforce chapter 712, HRS, which includes the criminal drug laws in the Hawaii Penal Code. The NED investigates criminal drug offenses that occur within the jurisdiction of State government, including airports, correctional facilities, courthouses, and state buildings and grounds. The NED also operates the State of Hawaii's only internationally accredited forensic drug analysis laboratory, providing drug analysis services to Kauai and Maui Police Departments, as well as smaller State and federal law enforcement agencies in Hawaii.

The third function of the NED is to provide law enforcement services as directed by the Director of Public Safety pursuant to chapter 353C, HRS. Pursuant to chapter 353C, NED investigators have the full powers and authority of a police officer to provide law enforcement services. Although the primary focus is on controlled substances, NED investigators may also perform other law enforcement functions as directed.

- (2) Please describe any certification requirements that your agency's law enforcement personnel are subject to, including the names of the certifying entities.

NED investigators are required to obtain and maintain several certifications. First, NED's forensic laboratory is accredited to international testing standards under the Association of Accrediting Boards (ANAB). The NED laboratory investigators must annually meet professional training, performance, and administrative and continuing education standards. They are required to maintain on going professional scientific certifications to conduct forensic analyses. Second, all NED investigators must meet the required basic in-service and ongoing training requirements as established by PSD, including such topics as firearms training, use of force, crisis intervention, first aid, CPR, defensive tactics, blood borne pathogens, and much

more. Lastly, NED investigators must meet Occupational Safety and Health Administration (OSHA) standards for hazardous waste operations and respiratory protection since NED investigates clandestine drug laboratories that contain hazardous materials. To comply with OSHA requirements, NED investigators are required to attend a 40 hour basic training course and maintain certification by attending an 8 hour refresher course each year.

PART II

Please base all of your responses to the following questions on the information contained in Act 124, Session Laws of Hawaii 2018.

- (1) If the Legislature were to consolidate state law enforcement activities and responsibilities under a new, centralized state law enforcement division or agency, what processes, procedures, equipment, training, certification, uniforms, leases, vehicles, etc., would that new entity require in order to perform those law enforcement activities and responsibilities currently performed by your agency? Please include estimated costs associated with each of these start-up requirements, and please explain your reasoning.

NED would need all complete infrastructure that any law enforcement agency needs to exist. Presently, there is no one agency that has robust enough policies, procedures, infrastructure, or knowledge to effectively cover or manage the consolidation of all agencies housed in other departments.

The following would be needed by the NED to effectively perform its mission in a consolidated agency:

- a) Information Technology Infrastructure to maintain the following NED databases: case management, evidence management, laboratory records, and controlled substance laboratory standards inventory.
- b) Budget and Funding Sources: NED is both general and special funded. It is special funded through controlled substance registration fees.
- c) Communications Infrastructure and Equipment: NED would need to continue to maintain radio and dispatch communications with NED, Sheriff Division, and county HPD, as well as any other agency which would be consolidated into a larger department or agency.
- d) Firearms/Equipment/Uniforms/Badges
- e) Training – both initial, in-service, and specialty
- f) Policies and procedures, especially those specific to NED’s mission and function, including those necessary to maintain international forensic laboratory certification and clandestine lab training
- g) Secure evidence room, including secure storage for medications and controlled substances collected from the Drug Enforcement Agency’s National Drug Take Back days
- h) Personnel management, including recruitment, recruit training, and promotions
- i) Fiscal procedures and management, including asset forfeiture accounts

- j) Existing agreements, contracts, memorandums of agreement and/or understanding, including any contract to maintain the interface with user registration and the PDMP.

This study should include the cost of rebuilding and maintaining all of the infrastructure to consolidate NED with other agencies. It is estimated that the costs could run in excess of hundreds of thousands to consolidate just the IT and communications system.

- (2) If the Legislature were to consolidate state law enforcement activities and responsibilities under a new, centralized state law enforcement division or agency, is there any other reasonably foreseeable start-up requirements not addressed in Question 1 above (i.e., any requirements not associated with your agency)? Please include the associated costs for these requirements and an explanation for each of those costs.

Essentially, consolidation amounts to the creation and construction of an entirely new law enforcement department, which would require common policies and procedures, forms, receipt and security of evidence, dispatch and communication platforms, information and technology support, fiscal practices and management, maintaining asset forfeiture accounts, special and general funded positions, personnel recruitment and promotions, training, and interagency contracts and memoranda of agreements between federal, state, and county agencies.

The most important principle for success of a new consolidated agency is an agreed upon mission with obtainable goals and objectives. This may be particularly challenging because the new consolidated agency would address wide and varying missions (e.g. conservation of natural resources, executive protection security, controlled substance regulation, judicial security, tax violations, harbors enforcement, etc.).

Another important issue would be determining position description requirements and position titles under the new, consolidated agency. Presently, all of the different state law enforcement position descriptions have varying levels of education, work experience, physical qualifications, and training requirements. Considerable discussion can be had on how one could qualify, move laterally, or move within any proposed consolidated agency.

- (3) Does your agency have any neighbor island operations or facilities that could be impacted by a potential consolidation of statewide law enforcement activities and responsibilities? Please explain your response.

NED presently has one office in Hilo, Hawaii.

- (4) What would be the most desirable structure of a new, centralized state law enforcement division or agency? Please explain your reasoning.

The most desirable structure for NED would be to leave the agency currently as it exists in the Department of Public Safety. NED manages the State's narcotics enforcement program and can

devote one hundred percent of its efforts to ensuring the success of the program. NED works closely with the Sheriff Division for all illicit drug cases on state lands as well as prison contraband cases. Corrections, NED, and the Sheriff Division are currently under one authority under the Director of the Department of Public Safety.

- (5) Please provide a timeline for a successful transition of your agency's law enforcement activities and responsibilities to a new, centralized state law enforcement division or agency. Please explain your reasoning.

It would take at least several years to successfully integrate NED into a new, consolidated law enforcement agency.

- (6) What regulatory efficiencies could be achieved or lost as a result of a potential consolidation of statewide law enforcement activities and responsibilities? Please explain your reasoning.

The NED is the only agency that is tasked with monitoring controlled substances on a full time basis. The NED solely administers the State's Prescription Drug Monitoring Program (PDMP). The PDMP database is the State's database of controlled substances dispensing activity and has been identified as an important component in the State's effort to combat the nationwide opioid problem. The NED is presently assisting with implementation of Governor Ige's opioid response plan. That plan calls for rigorous efforts to prevent the opioid epidemic from reaching Hawaii's shores. The distraction of consolidation would surely prevent and inhibit NED from effectively combating the specter of the opioid epidemic. If the NED were consolidated with other agencies, it would be detrimental to our community to distract NED from its full-time focus on controlled substances by requiring NED to patrol the harbors, roadways, or even conduct fish and game enforcement like mainland state police agencies do.

Most importantly, NED services the healthcare industry in Hawaii through the issuance of controlled substances registrations (licenses) as required under State law. In Hawaii, all healthcare professionals who work with controlled substances must obtain a registration from the NED. As a result, the NED is required to have extremely close relationships with the healthcare industry in Hawaii and must support the needs of healthcare and patients. If NED were consolidated, careful consideration must be given to avoid impacting the close relationships that NED has with healthcare. Any impact could affect patient care and the treatment of illness or disease in the community.

- (7) How would a potential consolidation of statewide law enforcement activities and responsibilities affect your agency as a whole? Please explain.

Presently, NED maintains a 100 percent focus on controlled substances regulation. If NED were placed in a consolidated agency with a larger and wider mission, the focus on controlled

substances must not be lost among the competing resources and widely varied missions of the many different agencies.

- (8) How many full-time equivalent (FTE) employees from your agency could be affected by a potential consolidation of statewide law enforcement activities and responsibilities? Would any part-time, contract, or volunteer positions be affected? If so, how many of these positions would be affected?

The NED currently has eighteen (18) FTE Positions that would be affected by a statewide, consolidation of law enforcement activities, including armed investigators as well as support staff.

- (9) What collective bargaining units within your agency would be affected by a potential consolidation of statewide law enforcement activities and responsibilities?

Presently, NED investigators are in Bargaining Unit (BU) 13, and office support staff are in Unit 3. The vast majority of state law enforcement officers, including DLNR DOCARE officers, deputy sheriffs, and DOT harbor patrol officers, are in Unit 14. As a result, there would have to be significant union and State employer discussions. BU 14 members have negotiated standard of conduct pay and differentials that are not afforded to BU 13 NED investigators. Most assuredly, NED Investigators would negotiate for these provisions if a consolidation occurs. Also, NED Investigators currently have a 2.5% contributory retirement provision under section 88-47, HRS. This statutory provision does not apply to BU 14 members.

Along the same lines, there are other State agencies that have police authority, but are unarmed or do not actually use the police authority that they have. Those agencies may have lesser pay and their position ratings may be lower than armed investigators. If all agencies were consolidated, issues of pay parity, differentials, and retirement would have to be considered.

- (10) How would a potential consolidation of statewide law enforcement activities and responsibilities affect your agency's existing collective bargaining agreements? Please explain your reasoning.

There are differences in the BU 3, 13, and 14 bargaining agreements. NED investigators (BU 13) generally hold higher job classification ratings than all of the BU 14 members and have a 2.5% statutory retirement plan. Conversely, BU 14 members have standard of conduct pay and other differentials awarded to them. If consolidation affects employees' wages or other conditions of work, the Union and State employer would need to consult and/or negotiate the impact of such changes.

- (11) Would a potential consolidation of statewide law enforcement activities and responsibilities require any collective bargaining agreements to be renegotiated? Please explain your response.

Yes. See responses to Questions #9 and 10 above.

- (12) Are there any reasonably foreseeable benefits associated with a potential consolidation of statewide law enforcement activities and responsibilities? Please explain.

There are no foreseeable benefits for NED for consolidation into a single agency. The most desirable structure for NED would be to leave NED within the Department of Public Safety. NED works closely with the Sheriff Division for all illicit drug cases on state lands as well as prison contraband cases. Corrections, NED, and the Sheriff Division are currently under one authority under the Director of the Department of Public Safety.

- (13) Are there any reasonably foreseeable problems associated with a potential consolidation of statewide law enforcement activities and responsibilities, or any additional issues that should be highlighted? Please explain.

There are many foreseeable problems with potential consolidation of statewide law enforcement activities. First, A new consolidated agency would have to create entirely new structures and systems, including records management, communications and dispatch, evidence collection and storage, training, policies and procedures, and more. Second, as mentioned above, consolidation may result in changes to existing job descriptions and/or minimum qualifications. It is unclear how this would affect current employees. Third, positions may be funded by special funds, grants, or federal monies. Such positions must be used according to the funding source. For example, in NED, some positions are specially funded by registration fees collected from practitioners who must obtain a registration to do business. As such, the NED special funded positions are entirely devoted to supporting law enforcement and regulatory efforts that support controlled substances regulation. They cannot be used for general policing activities. Fourth, support staff must be transferred from one agency to the proposed consolidated agency. It is unknown if such a consolidation would require more staffing or result in a reduction in force. Finally, as mentioned, the Employee Retirement System would need to be evaluated as some positions are statutorily covered under section 88-47, HRS.

- (14) Are there any reasons not already discussed herein why your agency's law enforcement activities and responsibilities should or should not be included in a potential consolidation of statewide law enforcement activities and responsibilities?

If State agencies were consolidated into a single consolidated agency, then great thought, research, and vigorous planning are required. Extremely important issues such as structure, chain of command, policies and procedures, records management systems, communication and dispatch, funding issues, and fiscal and personnel systems must be well planned for smooth

transition to occur, taking into account collective bargaining agreements. Anything short would fail, leaving our community and the public safety at risk.

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For your reference in responding to this survey, a possible consolidation of law enforcement activities and responsibilities could include, but may not be limited to, entities that have been conferred certain powers of police officers, including the powers to arrest and execute warrants, by the Hawaii Revised Statutes, either directly or indirectly.

Please provide the following contact information for follow-up questions or clarification.

Name:	<i>Davis K. Yogi</i>
Title:	<i>Harbors Administrator</i>
Department:	<i>Transportation</i>
Division or Agency:	<i>Harbors</i>
Phone:	
E-mail:	

PART I

- (1) Please list and describe all of your agency's law enforcement activities and responsibilities, including any law enforcement activities and responsibilities on the neighbor islands.

Pursuant to HRS 266-24, the LEOs enforce the lands and waters under the jurisdiction of the Harbors Division's and enforce of all rules adopted pursuant to this chapter, the powers of police officers are conferred upon the director of transportation and any officer. Without limiting the generality of the foregoing, the director and any person appointed by the director hereunder may serve and execute warrants, arrest offenders, and serve notices and orders

- (1) Conduct any enforcement action hereunder in any commercial harbor area and any area over which the department of transportation and the director of transportation has jurisdiction under this chapter;
- (2) Inspect and examine at reasonable hours any premises, and the buildings and other structures thereon, where harbors or harbor facilities are situated, or where harbor-related activities are operated or conducted; and
- (3) Subject to limitations as may be imposed by the director of transportation, serve and execute warrants, arrest offenders, and serve notices and orders.

The Harbors Police law enforcement activities and responsibilities is limited to the Department of Transportation, Harbors Division (DOTH) jurisdiction over all commercial harbors and roadsteads, and all commercial harbor and waterfront improvements belonging to or controlled by the State, and all vessels and shipping within the commercial harbors and roadsteads shall be under the care and control of the department of transportation (Hawaii Revised Statutes Section 266-1.) In addition to landside enforcement, the Harbors Police law enforcement activities and responsibilities includes waterside enforcement belonging to or controlled by the DOTH.

Currently, Harbor Enforcement officers are limited to Oahu. However, the Harbor Enforcement officers have been deployed to the neighbor islands to provide law enforcement and respond to law enforcement concerns and situations at neighbor island ports should circumstances dictate and time permit. For immediate law enforcement action, the neighbor island police departments (county) provide law enforcement response.

In addition, the DOTH is responsible for compliance with security requirements mandated by the U.S. Coast Guard in 33 CFR 105. This Code of Federal Regulation oversees the security requirements of the facility security plans. Requirements defining federal rules and regulations contained in 33 CFR 105 is a result of the enactment of the Maritime Transportation Security Act of 2002 (MTSA). The DOTH collaborates and coordinates maritime response with the US Coast Guard in responding to law enforcement concerns and situations at neighbor island ports should circumstances dictate and time permit.

Finally, the Harbor Enforcement Officers also support enforcement related to an environmental consent decree to compliance relating its tenants and users for unpermitted illicit discharges into the storm water system. Failure to adopt these duties would result in civil penalties and/or criminal penalties

Harbor Enforcement Officers also support port security, and waterside security for POTUS arrivals near the harbors and airports.

- (2) Please describe any certification requirements that your agency's law enforcement personnel are subject to, including the names of the certifying entities.

Harbor Enforcement officers are hired at the level II classification, which requires, and attempts to confirm, that they attended and successfully completed a recognized county, state, or federal law enforcement training academy.

To ensure that constant and consistent training occurs, our unit is involved in a contractual agreement with the Department of the Attorney General through a Memorandum of Understanding which identifies their responsibility to provide our personnel with recall training. Also included in the agreement is the requirement that classroom type training occur which illustrates case law/study, court decisions/rulings, powers of arrest, search and seizure, scenarios, and all applicable to the profession.

PART II

Please base all of your responses to the following questions on the information contained in Act 124, Session Laws of Hawaii 2018.

- (1) If the Legislature were to consolidate state law enforcement activities and responsibilities under a new, centralized state law enforcement division or agency, what processes, procedures, equipment, training, certification, uniforms, leases, vehicles, etc., would that new entity require in order to perform those law enforcement activities and responsibilities currently performed by your agency? Please include estimated costs associated with each of these start-up requirements, and please explain your reasoning.

With consolidation of state law enforcement activities and responsibilities under a new, centralized state law enforcement division or agency the legislature should be aware that there may be restrictions in the funding support to a new entity from enterprise funds. Chapter 266-19 creates a harbor special fund to be expended by the department of transportation for the statewide system of harbors for any purpose within the jurisdiction, powers, duties, and functions of the department of transportation related to the statewide system of harbors. There may be statutory restrictions if the "new entity" is to be partly funded by special funded agencies.

Generally, the Harbors Division has adopted Policy and Procedures similar, if not identical; to other State law enforcement agencies.

Of all entities being considered for consolidation, the Harbors Division performs regulatory requirements unique to our unit as it relates to federal mandate, environmental compliance, port security, etc., that would have to be incorporated. Failure to adopt these duties would result in civil

penalties and/or criminal penalties. The cost to outfit one of our officers, uniform and gear, is \$3,529.54. Our unit consists of 19 personnel, with 18 being commissioned harbor police officers with full police powers and 1 being a noncommissioned homeland security specialist. As stated prior, we have a Memorandum of Understanding (MOU) with the Department of the Attorney General to provide our unit with training. Included in the agreement, along with the training, is a requirement that they assist with criminal investigations and administrative investigations. The cost for these services are \$86,779.72 annually. Our unit has 15 vehicles, with 12 of our vehicles designated as police package vehicles comprised of all that is required for emergency response and arrestee/suspect transport. The cost of these 12 vehicles are \$48,265.00 per. The unit has 1 super duty 3500 pickup truck used for towing our vessels. This truck is a police designated vehicle, identified as such, and are comprised of all that is required for emergency response, minus the arrestee/suspect transport equipment, as the vehicle's purpose is for towing and field functions/events. The cost of this vehicle is \$49,473.00. The unit has 2 homeland/facility security vehicles designated as such and equipped with all required to comply with designation. The vehicles are used in responding to regulatory/environmental situations. The cost of these 2 vehicles are \$45,000.00 per. The unit has 4 vessels, 2 boats and 2 personal water-craft (jet skis). 1 boat is a 27-foot Alumacraft boat with an enclosed cabin capable of accommodating 10 passengers to include crew. The cost of this vessel was \$383,343.00 to include the trailer. 1 boat is a 21-foot Boston Whaler capable of accommodating 4 passengers to include crew. This boat is open, no enclosed cabin. The cost of this boat was \$59,000.00. The trailer for this boat needed to be replaced, with the cost of the new trailer being \$3,500.00. This boat also required that the engines be replaced. The cost of 2 new engines was \$24,200.00. The unit has 2 personal water-craft (jet skis). The cost of the jet skis was \$21,798.50 per to include trailers. All the unit's vessels (boats and jet skis) are police designated vessels, identified as such, and are comprised of all that is required for emergency response. The estimated annual cost to maintain our vehicles, repair and fuel, is \$10,000.00 per (\$150,000.00 approx.). The estimated annual cost to maintain our boats, repair and fuel, is \$15,000.00 per (\$30,000.00 approx.). The estimated cost to maintain our jet skis, repair and fuel, is \$2,000.00 per (\$4,000.00 approx.).

- (2) If the Legislature were to consolidate state law enforcement activities and responsibilities under a new, centralized state law enforcement division or agency, are there any other reasonably foreseeable start-up requirements not addressed in Question 1 above (i.e., any requirements not associated with your agency)? Please include the associated costs for these requirements and an explanation for each of those costs.

None that I can associate, although The Department of Transportation, Harbors Division, is constructing a new Harbor Police facility at a cost of \$2,800,000.00 which they could require the new agency be responsible for. Also, they could require a lease/permit, that would consist of the cost to occupy a location, as well as other space used to accommodate needs, not to mention utilities. I do not know the cost associated with. The enactment of the Maritime Transportation Security Act of 2002 (MTSA) mandates that commercial harbors control access 24/7/365. To comply with this requirement, the Harbors Division contracts this service (private security) at a cost of \$3,000,000.00 annually when factoring in prevailing wages. The contract is for a period of 3 years with the option to extend. This mandate is indefinite, so planning to absorb the cost must be considered.

- (3) Does your agency have any neighbor island operations or facilities that could be impacted by a potential consolidation of statewide law enforcement activities and responsibilities? Please explain your response.

Currently, no. As stated prior, should there be a need for the unit to respond in an attempt to resolve an issue, we will relocate officers to that island for the duration needed to reach disposition. However, we have been discussing and are considering expanding the unit to the neighbor islands for the purpose of providing police services, which will ensure consistency, continuity, effectiveness and efficiency, as our county law enforcement partners' priority is to provide police services to the communities that populate their islands. Expansion of our services will allow for swift response and constant presence, giving all that occupy or visit our commercial harbors a sense of confidence and comfort knowing that they are protected in an area that is safe and secure.

- (4) What would be the most desirable structure of a new, centralized state law enforcement division or agency? Please explain your reasoning.

If this is the direction taken to “fix” state law enforcement, then I would recommend a model that should be considered as an example for creating the consolidation. A model that has been in existence for many years, extremely successful and profoundly proven: federal law enforcement, more specifically – the United States Department of Justice. Agencies under the jurisdiction of the USDOJ are: Office of the Inspector General; Bureau of Alcohol, Tobacco, Firearms and Explosives; Drug Enforcement Administration; Federal Bureau of Investigations; Federal Bureau of Prisons; United States Marshals Service; Office of Professional Responsibility. Agencies that are components of the USDOJ have similar, if not identical, duties and responsibilities as those state agencies being considered for consolidation, with the exception being those duties and responsibilities, that authority, at the federal government level, whereas the state entities being considered for consolidation would have authority at the state government level. At the USDOJ the “top cop” is the Attorney General, with a major component of his/her responsibility being that of administering to their subordinates that lead the various agencies. By placing all state law enforcement missions under the Department of the Attorney General the state would be promoting a structured approach that would benefit those we are sworn to serve – Hawaii’s people. In its current state, Hawaii law enforcement lacks structure, which mitigates stature, creates scattered focus, which results in poor performance. Consideration should be given for a “coming together” as a “collective,” with a sincere commitment to cause, with cause being effective and efficient law enforcement services that promotes a sense of confidence and comfort in the various communities state law enforcement is responsible for. A single entity approach would be clear, consistent, organized and complete – a true professional police service provider supporting state government’s interests. Consolidation will ensure a consistent training curriculum and uniformed policies and procedures. Consolidation will provide opportunities for cross-training and advanced career development. Consolidation will streamline communications, allowing for increased coordinated efforts. The current approach is antiquated and organization obsolete. Consolidation will allow for correct law enforcement designation of titles, recognizing rank responsibilities and expectations, which allows for the clear appearance of the chain of

command. Administration would have an acute understanding of function of mission and focus on fruition, as those in authority would have a background in the profession, law enforcement, and should have risen to their position through the ranks, with wisdom and knowledge provided by years of service. Jurisdiction would be resolved, as the consolidation of entities would out responsibilities under one authority, with that authority designating components of the new division/department the duty of service by enforcing laws/regulations related to that specific venue. Consolidation provides for career opportunities of experiencing the various functions through transfer or reassignment. It will also allow for advancement, an opportunity to “climb the ladder.”

- (5) Please provide a timeline for a successful transition of your agency's law enforcement activities and responsibilities to a new, centralized state law enforcement division or agency. Please explain your reasoning.

Not easily answered, as logistical issues play a major role, with acclimation a consideration, as personnel and those that current services are provided need to be assured that the specific mission will continue without a decrease in expectations. A reasonable timeline would 2 years.

- (6) What regulatory efficiencies could be achieved or lost as a result of a potential consolidation of statewide law enforcement activities and responsibilities? Please explain your reasoning.

I don't anticipate a lost in regulatory efficiencies if those currently responsible remain in their role due to “familiarity of mission.” I do see the possibility of more effectiveness due to the increase in manpower, which will contribute to the “force multiplier” approach. However, all personnel must receive cross-training for understanding and proper performance.

- (7) How would a potential consolidation of statewide law enforcement activities and responsibilities affect your agency as a whole? Please explain.

I see it as a positive and a welcomed opportunity for the reasons stated prior.

- (8) How many full-time equivalent (FTE) employees from your agency could be affected by a potential consolidation of statewide law enforcement activities and responsibilities? Would any part-time, contract, or volunteer positions be affected? If so, how many of these positions would be affected?

18 commissioned with police powers would be affected and 1 noncommissioned specialist would be affected for a total of 19. We have no other positions that would be affected.

- (9) What collective bargaining units within your agency would be affected by a potential consolidation of statewide law enforcement activities and

responsibilities? Unit 13 and Unit 14.

- (10) How would a potential consolidation of statewide law enforcement activities and responsibilities affect your agency's existing collective bargaining agreements? Please explain your reasoning.

I don't anticipate an affect as those personnel being considered for consolidation are members of either Unit 13 or Unit 14. It would allow for those assign to the Harbor Police the potential to be governed by a Standards of Conduct, allowing for an increase in salary, as those held to these standards are compensated due to the severity of consequence.

- (11) Would a potential consolidation of statewide law enforcement activities and responsibilities require any collective bargaining agreements to be renegotiated? Please explain your response.

I don't believe so for the reason stated prior. I believe negotiations occurred that addressed those with unique responsibilities/functions (e.g. K-9 handlers, etc.).

- (12) Are there any reasonably foreseeable benefits associated with a potential consolidation of statewide law enforcement activities and responsibilities? Please explain.

Your response

- (13) Are there any reasonably foreseeable problems associated with a potential consolidation of statewide law enforcement activities and responsibilities, or any additional issues that should be highlighted? Please explain.

Refer to question 4., as the benefits are articulated in the answer.

- (14) Are there any reasons not already discussed herein why your agency's law enforcement activities and responsibilities should or should not be included in a potential consolidation of statewide law enforcement activities and responsibilities?

None that we can identify. However, should logistics present problems and fruition far-fetched, consideration should be given to an approach of leaving all agencies under their current departments but having action proceed with a consolidation of all state law enforcement training and the creation of a "state law enforcement academy," with the responsibility of providing the training that of the Department of the Attorney General. The Attorney General would designate investigators as trainers/instructors and assign them the task of instructing. We should also have all state law enforcement governed by the one set of policies and procedures, with standard operating procedures created as an independent document that identifies and provides guidance for unique duties (e.g. K-9, fugitive investigations, waterborne functions, executive protection, search and rescue, tactical team, regulatory enforcement, etc.). All state law enforcement should be governed by one Standards of Conduct, as expectations of their behavior as law enforcement professionals is identical and must meet the standards of the profession.

**Survey of State Departments and Agencies
Regarding Law Enforcement Consolidation
(Pursuant to Act 124, Session Laws of Hawaii 2018)**

The questions in this survey may require the formation of opinions and best estimates, so please answer these questions to the **best of your knowledge and ability**. Please note that the information provided will be included in the Legislative Reference Bureau's report to the Legislature, pursuant to Act 124, Session Laws of Hawaii 2018.

For your reference in responding to this survey, a possible consolidation of law enforcement activities and responsibilities could include, but may not be limited to, entities that have been conferred certain powers of police officers, including the powers to arrest and execute warrants, by the Hawaii Revised Statutes, either directly or indirectly.

Please provide the following contact information for follow-up questions or clarification.

Name:	Brian Saito
Title:	Administrator
Department:	DAGS
Division or Agency:	Automotive Management Division
Phone:	
E-mail:	

PART I

In your responses to the questions in Part I, please note to which division or agency the information provided relates.

- (1) Please list and describe all of your department's law enforcement activities and responsibilities, including any law enforcement activities and responsibilities on the neighbor islands.

Response: *DAGS has no direct responsibility for law enforcement for the State of Hawaii. DAGS suggest that Departments such as Public Safety, Attorney Generals, Transportation, and Land and Natural Resources are better suited to evaluate efforts.*

- (2) Please describe any certification requirements that your department's law enforcement personnel are subject to, including the names of the certifying entities.

N/A

PART II

Please base all of your responses to the following questions on the information contained in Act 124, Session Laws of Hawaii 2018.

- (1) Does your department foresee a potential consolidation of statewide law enforcement activities and responsibilities into a new, centralized state law enforcement division or agency producing cost savings to the State (e.g., savings from property lease costs, etc.)? Please explain your reasoning.

N/A

- (2) Does your department have any neighbor island operations that could be impacted by a potential consolidation of statewide law enforcement activities and responsibilities? Please explain your response.

N/A

- (3) What would be the most desirable structure of a new, centralized state law enforcement division or agency? Please explain your reasoning.

N/A

- (4) Please provide a timeline for a successful transition of your department's law enforcement activities and responsibilities to a new, centralized state law enforcement division or agency. Please explain your reasoning.

N/A

- (5) What regulatory efficiencies could be achieved or lost as a result of a potential consolidation of statewide law enforcement activities and responsibilities? Please explain your reasoning.

N/A

- (6) How would a potential consolidation of statewide law enforcement activities and responsibilities affect your department as a whole? Please explain.

N/A

- (7) How many full-time equivalent (FTE) employees from your department could be affected by a potential consolidation of statewide law enforcement activities and responsibilities? Would any part-time, contract, or volunteer positions be affected? If so, how many of these positions would be affected?

N/A

- (8) What collective bargaining units within your department would be affected by a potential consolidation of statewide law enforcement activities and responsibilities?

N/A

- (9) How would a potential consolidation of statewide law enforcement activities and responsibilities affect your department's existing collective bargaining agreements? Please explain your reasoning.

N/A

- (10) Would a potential consolidation of statewide law enforcement activities and responsibilities require any collective bargaining agreements to be re-negotiated? Please explain your response.

N/A

- (11) Are there any reasonably foreseeable benefits associated with a potential consolidation of statewide law enforcement activities and responsibilities? Please explain.

N/A

- (12) Are there any reasonably foreseeable problems associated with a potential consolidation of statewide law enforcement activities and responsibilities, or any additional issues that should be highlighted? Please explain.

N/A

- (13) Do you foresee a potential consolidation of statewide law enforcement agencies creating any financial benefits to the State? Please explain your reasoning.

Response: *DAGS does not have direct law enforcement responsibilities but would be happy to work with law enforcement agencies to determine (e.g., relocation, equipment, office space etc.)*

- (14) Do you foresee a potential consolidation of statewide law enforcement agencies causing any financial challenges for the State? Please explain any predicted challenges or difficulties and how they may be resolved.

Response: *DAGS does not have direct law enforcement responsibilities and is willing to work with affected agencies.*

- (15) Are there any reasons not already discussed herein why your department believes that the law enforcement activities and responsibilities of various state divisions and agencies should or should not be included in a potential consolidation of statewide law enforcement activities and responsibilities?

Response: *DAGS defers law enforcement to the Department of Public Safety and Attorney General and Land and Natural Resources. DAGS Automotive Management Parking Control does not have police powers and solely enforce Title 3 Administrative Rules Department of Accounting and General Services Chapter 30, Rules Governing Parking on State Lands.*

**Survey of State Departments and Agencies
Regarding Law Enforcement Consolidation
(Pursuant to Act 124, Session Laws of Hawaii 2018)**

The questions in this survey may require the formation of opinions and best estimates, so please answer these questions to the **best of your knowledge and ability**. Please note that the information provided will be included in the Legislative Reference Bureau's report to the Legislature, pursuant to Act 124, Session Laws of Hawaii 2018.

For your reference in responding to this survey, a possible consolidation of law enforcement activities and responsibilities could include, but may not be limited to, entities that have been conferred certain powers of police officers, including the powers to arrest and execute warrants, by the Hawaii Revised Statutes, either directly or indirectly.

Please provide the following contact information for follow-up questions or clarification.

Name:	<i>Brian Saito</i>
Title:	<i>Administrator</i>
Department:	<i>DAGS</i>
Division or Agency:	<i>Automotive Management Division</i>
Phone:	
E-mail:	

PART I

In your responses to the questions in Part I, please note to which division or agency the information provided relates.

- (1) Please list and describe all of your department's law enforcement activities and responsibilities, including any law enforcement activities and responsibilities on the neighbor islands.

DAGS has no direct responsibility for law enforcement for the State of Hawaii. DAGS suggests that Departments such as Public Safety, Attorney General, Transportation, and Land and Natural Resources are better suited to evaluate efforts.

- (2) Please describe any certification requirements that your department's law enforcement personnel are subject to, including the names of the certifying entities.

N/A

PART II

Please base all of your responses to the following questions on the information contained in Act 124, Session Laws of Hawaii 2018.

- (1) Does your department foresee a potential consolidation of statewide law enforcement activities and responsibilities into a new, centralized state law enforcement division or agency producing cost savings to the State (e.g., savings from property lease costs, etc.)? Please explain your reasoning.

N/A

- (2) Does your department have any neighbor island operations that could be impacted by a potential consolidation of statewide law enforcement activities and responsibilities? Please explain your response.

N/A

- (3) What would be the most desirable structure of a new, centralized state law enforcement division or agency? Please explain your reasoning.

N/A

- (4) Please provide a timeline for a successful transition of your department's law enforcement activities and responsibilities to a new, centralized state law enforcement division or agency. Please explain your reasoning.

N/A

- (5) What regulatory efficiencies could be achieved or lost as a result of a potential consolidation of statewide law enforcement activities and responsibilities? Please explain your reasoning.

N/A

- (6) How would a potential consolidation of statewide law enforcement activities and responsibilities affect your department as a whole? Please explain.

N/A

- (7) How many full-time equivalent (FTE) employees from your department could be affected by a potential consolidation of statewide law enforcement activities and responsibilities? Would any part-time, contract, or volunteer positions be affected? If so, how many of these positions would be affected?

N/A

- (8) What collective bargaining units within your department would be affected by a potential consolidation of statewide law enforcement activities and responsibilities?

N/A

- (9) How would a potential consolidation of statewide law enforcement activities and responsibilities affect your department's existing collective bargaining agreements? Please explain your reasoning.

N/A

- (10) Would a potential consolidation of statewide law enforcement activities and responsibilities require any collective bargaining agreements to be re-negotiated? Please explain your response.

N/A/

- (11) Are there any reasonably foreseeable benefits associated with a potential consolidation of statewide law enforcement activities and responsibilities? Please explain.

While DAGS is not fully knowledgeable of all departments' law enforcement functions, we do understand that departments/agencies have wide ranging and varied enforcement activities. Consolidation could make sense, but that would be best addressed by the individual departments themselves.

- (12) Are there any reasonably foreseeable problems associated with a potential consolidation of statewide law enforcement activities and responsibilities, or any additional issues that should be highlighted? Please explain.

Due to the variation in enforcement activities, consolidation among all departments may not be practical. Agencies in State facilities or leases tend to be located as close as possible to their mission requirements (e.g. PSD security of the State Capitol, Washington Place, courtroom facilities, etc.; geographic locations for DLNR/DOCARE; in field for PSD/Narcotics, AG/Tobacco Enforcement Unit, etc.). Trying to treat all law enforcement as one "flavor" and place them in consolidated facilities may create operational challenges that would compromise their effectiveness and missions.

Secondary is that physical consolidation within State facilities may be a challenge due to the lack of available appropriate space.

- (13) Do you foresee a potential consolidation of statewide law enforcement agencies creating any financial benefits to the State? Please explain your reasoning.

None that pertain to DAGS.

- (14) Do you foresee a potential consolidation of statewide law enforcement agencies causing any financial challenges for the State? Please explain any predicted challenges or difficulties and how they may be resolved.

None that pertain to DAGS.

- (15) Are there any reasons not already discussed herein why your department believes that the law enforcement activities and responsibilities of various state divisions and agencies should or should not be included in a potential consolidation of statewide law enforcement activities and responsibilities?

DAGS is not sure of the proposed consolidation of Law Enforcement Agencies, but all parties should be aware of potential cost items mentioned in item # 12.

**Survey of State Departments and Agencies
Regarding Law Enforcement Consolidation
(Pursuant to Act 124, Session Laws of Hawaii 2018)**

The questions in this survey may require the formation of opinions and best estimates, so please answer these questions to the **best of your knowledge and ability**. Please note that the information provided will be included in the Legislative Reference Bureau's report to the Legislature, pursuant to Act 124, Session Laws of Hawaii 2018.

For your reference in responding to this survey, a possible consolidation of law enforcement activities and responsibilities could include, but may not be limited to, entities that have been conferred certain powers of police officers, including the powers to arrest and execute warrants, by the Hawaii Revised Statutes, either directly or indirectly.

Please provide the following contact information for follow-up questions or clarification.

Name:	<i>Scott L. Chan / Russell Uchida</i>
Title:	<i>Stadium Manager / Administrative Services Officer</i>
Department:	<i>Accounting and General Services</i>
Division or Agency:	<i>Stadium Authority</i>
Phone:	
E-mail:	

PART I

- (1) **Please list and describe all of the Stadium Authority's law enforcement activities and responsibilities, including any law enforcement activities and responsibilities on the neighbor islands.**

The Stadium Authority's Security Management Branch is responsible to manage a comprehensive security program which includes homeland security, crime prevention, law enforcement, protection of life and property, power of arrest, issuing citations, crowd control, investigations, and emergency and disaster preparedness and evacuations. These activities and responsibilities do not include neighbor islands. The Stadium Security Officer is under the direct supervision of the Stadium Manager and the Deputy Stadium Manager, who report to the Department of Accounting and General Services Comptroller. Pursuant to Hawaii Revised Statutes §109-5 **Security personnel, powers.** The person employed as the chief security officer by the Authority shall have all of the powers of police officers, including the power of arrest; provided that the powers shall remain in force and in effect only while the person is in the actual performance of the person's duties at the stadium.

During events, the provision of law enforcement services is handled by Special Duty Law Enforcement Officers (LEO) from either Honolulu Police Department or the State Sheriff's Division of Public Safety with resource coordination handled by the Aloha Stadium. The Stadium Security Officer works collaboratively with Special Duty Officers who would exercise their police powers to issue citations, trespass warnings, make arrests, conduct evictions, etc. If there were no Special Duty Officers on Stadium property, a call for assistance would be made via the 911 System.

- (2) **Please describe any certification requirements that the Stadium Authority's law enforcement personnel are subject to, including the names of the certifying entities.**

Stadium Security Officer is required to have two (2) years of responsible full-time law enforcement experience. The experience may be gained as a municipal, county, state, federal, or military police officer or as a security officer in the employment of a private security company. The Stadium Security Officer must be registered with the State of Hawaii, Department of Commerce and Consumer Affairs (DCCA) as a "Guard".

PART II

Please base all of your responses to the following questions on the information contained in Act 124, Session Laws of Hawaii 2018.

- (1) **If the Legislature were to consolidate state law enforcement activities and responsibilities under a new, centralized state law enforcement division or agency, what processes, procedures, equipment, training, certification, uniforms, leases, vehicles, etc., would that new entity require in order to perform those law enforcement activities and responsibilities currently performed by the Stadium Authority? Please include estimated costs associated with each of these start-up requirements, and please explain your reasoning.**

Based on the language provided in Act 124, SLH 2018, there is insufficient information to determine how the consolidated entity would operate, specifically as it relates to an operational outlier like the Aloha Stadium.

In order to understand the scope, responsibilities, function, and role of the Stadium Security Officer (SSO), it is important to note that there is a clear distinction between the SSO and other institutional-type of “guard” positions.

From an operational standpoint, the SSO plays a critical role in oversight of an event from a security perspective. The SSO is required to address all of the unique requirements and challenges that come with being a host site for events. This function requires significant coordination of resources including HPD special duty, privately hired security officers and blending these resources with Licensee and the Stadium’s event requirements; including ensuring the safety of the general public, spectators, guests, dignitaries, etc.

It requires active and continuous involvement in all facets of the operation to ensure seamless coordination of resources, event oversight, and the provision of law enforcement activities. The continuous active-involvement function makes this position unique and separates the SSO from a standard guard/sheriff function.

The broad range of events (complexity, size, type) that are held at the Aloha Stadium drive the operating policies, procedures, and requirements resulting in Stadium’s operation being an outlier relative to other standard, institutional type of security officer function. These requirements necessitate a single point of contact to ensure that each event’s unique programmatic procedures and processes are in place and enforced. This arrangement would not be conducive to a rotation of consolidated Security Officers. These characteristics separate the SSO from a standard security officer/guard position. In a rotating staff format, the Stadium would have serious concerns over lapse in communicating information, ensuring resource requirements are addressed, addressing

the security and safety of each unique event, and addressing the requirements of a Licensee within the operating requirements set forth by the Aloha Stadium.

Given the forgoing explanation that differentiates the Aloha Stadium as an operational outlier and the reporting requirements of Act 124/SLH 2018, preliminarily, we provide the following costs involved in the process:

- Estimated start-up cost for uniforms and equipment, if all items are authorized is approximately **\$5,000**.
- Start-up costs could be reduced if an Agreement can be made for another State Law Enforcement Agency to issue the Stadium Security Officer the equipment the position will be authorized to carry while On Duty. The Stadium Security Officer and the Stadium Authority would be responsible to maintain and repair any items issued and would return the items to the issuing Agency, when appropriate. Recurring maintenance cost **\$1,000** annually for one (1)- SSO.
- Estimated start-up cost to develop an information system that would ensure seamless communication/transition of event information is documented. Approximately **\$25,000** computer equipment, software development (app), training, labor, etc.
- Stadium's standardized policies and procedures would need to be reviewed, updated to address and ensure effective communication with zero lapse in communication (assuming a rotation of Security Officers). Cost: Labor, materials **\$5,000**.
- A new agency would require dedicated time to address new Policy and Procedure authorizing Stadium Security Officer:
 1. How and where to process any Arrest made by the SSO on Stadium Authority Property.
 2. Determine who would transport the arrested person to the appropriate Processing Station.
 3. Update Law Enforcement training for SSO.
 4. Annual Recall Training for SSO.
 5. Update Law Enforcement Certification for SSO.
 6. Decide if the SSO shall be assigned Traffic Citation books.
 7. Decide if the SSO shall be armed with a firearm while On Duty.
 8. Decide if the SSO shall be authorized to carry an expandable baton
 9. Decide if the SSO shall be authorized to carry OC (Oleoresin- Capsicum) Spray.

10. Decide if the SSO shall wear a Duty Uniform, similar to the other State Law Enforcement Agencies.
11. Purchase of new uniforms, Duty Belt, firearms, gun magazines, ammunition (for duty and training), handcuffs, expandable baton, OC Spray and associated equipment, as authorized.

Estimated cost for labor, materials, and supplies (#1-#11) to address P&P items above **\$5,000**.

Total preliminary estimated cost based on information provided in Act 124, SLH 2018: **\$41,000**.

- (2) **If the Legislature were to consolidate state law enforcement activities and responsibilities under a new, centralized state law enforcement division or agency, are there any other reasonably foreseeable start-up requirements not addressed in Question 1 above (i.e., any requirements not associated with the Stadium Authority)? Please include the associated costs for these requirements and an explanation for each of those costs.**

The variable that is unknown but is a critical determining factor is whether the function of the Stadium Security Officer would be maintained by the same person or whether the duty and responsibility would be provided on a rotation basis.

The Stadium Security Officer is responsible for a system that has a wide-range of unique, required, and critical responsibilities, programmatic issues, procedures, and processes that would definitely **not** lend to a seamless provision/transition of services on a rotation basis. A rotation of security officers would not offer continuity of services and may result in lapse of coordination, communication, judgement, oversight of responsibility that would not lend well to a seamless provision and transition of services. This position is by far not a standard security officer position that can be addressed through a rotating assignment process.

The Aloha Stadium's Security Management Branch provides security service with its one (1) full-time civil service Stadium Security Officer that is supplemented by a private security company as well as HPD-Special Duty as required during events. This arrangement presents its own requirements and understanding of operational requirements and coordination of resources.

Consolidation review should also include whether the powers of the police officer that are vested in the Stadium Security Officer should be extended to the part-time intermittent on-call, exempt Assistant Security Officers that are part of the Stadium's organizational structure. This would primarily apply to situations where the Stadium Security Officer was unavailable or not on premises. Revision would be required to enabling legislation HRS 109-5.

- (3) **Does the Stadium Authority have any neighbor island operations or facilities that could be impacted by a potential consolidation of statewide law enforcement activities and responsibilities? Please explain your response.**

The Stadium Authority does not have any operations or facilities on the neighbor islands.

- (4) **What would be the most desirable structure of a new, centralized state law enforcement division or agency? Please explain your reasoning.**

There are still a number of unknown variables that need to be determined before a comprehensive and thorough recommendation can be made. One position would be a centralized law enforcement agency be under the State of Hawaii, Attorney General's Office. The Attorney General's Office is the lead law enforcement agency for the State of Hawaii and has the infrastructure in place to expand with the least amount of time and administrative processes. The Attorney General's Office currently assists all other State law enforcement agencies, as required, so many of the procedures and processes are already in place.

While there may be benefits inherent in centralizing state law enforcement functions, we believe that there should be careful consideration given to outlier programs such as the Aloha Stadium's security and event operation. Consolidation would clearly not be operationally efficient and effective. In turn, consolidation could expose the State to greater risk and liability and negate any projected savings sought through the intended consolidation of law enforcement services.

Further, we feel strongly that oversight, management, and operational control of the SSO should be remain vested with the Stadium Manager.

- (5) **Please provide a timeline for a successful transition of the Stadium Authority's law enforcement activities and responsibilities to a new, centralized state law enforcement division or agency. Please explain your reasoning.**

We do not believe that the SSO is proper fit for a centralized agency structure; however, given Act 124, SLH 2018's charge, and given the infrastructure requirements that need to be assessed, we believe that at minimum a timeline for a successful transition to the new, centralized agency will be two to three years, once the administrative decision has been made with regards to the training, equipment and uniform that the Stadium Security Officer will be authorized to use.

- Stadium Authority reorganization and functional statements would be revised to reflect the transfer of the Security Management Branch to the new entity.
- HRS 109-5 would need to be revised, accordingly.
- Existing security contract may need to be transferred to the new entity.

(6) **What regulatory efficiencies could be achieved or lost as a result of a potential consolidation of statewide law enforcement activities and responsibilities? Please explain your reasoning.**

Seamless provision of services that takes into account unique operational requirements of Stadium, Licensee, general public, etc. could be lost resulting in an widened exposure to risk and liability.

It is envisioned that regulatory efficiencies may be improved because all state law enforcement agencies will have the same certification, training, policies and procedures. In addition, it is also envisioned that the newly established agency would develop and structure a law enforcement special duty program similar to HPD-special duty. In doing so, it is hoped that law enforcement support through this program would provide needed special duty support for the many Events held at the Aloha Stadium.

Currently, each agency is responsible for Events in their area of responsibility. If the Stadium requires additional law enforcement officers, it is difficult to request assistance because the qualifications and training are not consistent for all officers. Standardized certification, training, policies and procedures will ensure all state law enforcement officers can operate together efficiently.

(7) **How would a potential consolidation of statewide law enforcement activities and responsibilities affect the Stadium Authority as a whole? Please explain.**

If the SSO were consolidated and the function of the SSO were then provided on a rotation basis, it would be disruptive, lack seamless provision of services, and create the potential for greater exposure to risk and liability. See response to Part II, #1.

During events, the provision of law enforcement services is handled by Special Duty Law Enforcement Officers (LEO) from either Honolulu Police Department or the State Sheriff's Division of Public Safety with resource coordination handled by the Aloha Stadium. The Stadium Security Officer works collaboratively with Special Duty Officers who would exercise their police powers to issue citations, trespass warnings, make arrests, conduct evictions, etc. If there were no Special Duty Officers on Stadium property, a call for assistance would be made via the 911 System.

With a consolidated law enforcement entity, it is envisioned that a program similar to HPD's special duty operation would be established from which the Stadium would be able to request additional resources to support its events. In recent years, there has been a growing concern over the potential shortage of LEO presence at events. Establishing another program with similar requirements pooling qualified resources from a different base source could lend greatly to fulfilling outside agency's needs.

- (8) **How many full-time equivalent (FTE) employees from the Stadium Authority could be affected by a potential consolidation of statewide law enforcement activities and responsibilities? Would any part-time, contract, or volunteer positions be affected? If so, how many of these positions would be affected?**

At this time, there is one (1.0) FTE employee that would be affected. If the consolidation is approved, there are three filled exempt, on-call, part-time employees that could be affected depending on the final parameters and requirements. In addition, the Stadium has a multi-term contract to provide security services and special event security services to the Aloha Stadium.

- (9) **What collective bargaining units within the Stadium Authority would be affected by a potential consolidation of statewide law enforcement activities and responsibilities?**

HGEA (Hawaii Government Employees Association) Bargaining Units 4 employee would be directly affected.

- (10) **How would a potential consolidation of statewide law enforcement activities and responsibilities affect the Stadium Authority's existing collective bargaining agreements? Please explain your reasoning.**

With envisioning the creation and establishment of an LEO special duty system, it is expected that compensation based on an established fee structure would require union involvement as it would be in lieu of overtime, as applicable.

At this time, there are no other changes or additional benefits to the collective bargaining agreement that would be realized through consolidation.

- (11) **Would a potential consolidation of statewide law enforcement activities and responsibilities require any collective bargaining agreements to be renegotiated? Please explain your response.**

Same response provided in Question number ten (10) above.

At this time, no change that we are aware of would require collective bargaining renegotiation. HGEA Unit 4 agreement includes provisions for Security Officers.

- (12) **Are there any reasonably foreseeable benefits associated with a potential consolidation of statewide law enforcement activities and responsibilities? Please explain.**

Standardized certification, training, policies and procedures will ensure all state law enforcement officers can operate together efficiently. Improved efficiency between state law enforcement divisions and agencies.

- (13) **Are there any reasonably foreseeable problems associated with a potential consolidation of statewide law enforcement activities and responsibilities, or any additional issues that should be highlighted? Please explain.**

While we have no reservations on the consolidation of statewide law enforcement activities and responsibilities that share similar duties, we believe the Stadium Manager should retain operational control of the Stadium Security Officer and the Assistant Stadium Security Officers.

At this time, there is no set standard for training, policies and procedures for all state law enforcement divisions and agencies; each group has their own criteria and standard. A centralized standard will have to be determined, hopefully by a group of subject-matter experts; this group should look at other centralized standards established by the other States around the country. Once the standard is set, hopefully all of the current law enforcement officers will be able to achieve the standard. If not, these officers will require additional training to improve and meet the new standard. This will require extra time and money.

- (14) **Are there any reasons not already discussed herein why the Stadium Authority's law enforcement activities and responsibilities should or should not be included in a potential consolidation of statewide law enforcement activities and responsibilities?**

In closing, there are numerous meetings, coordination meetings, follow-up meetings, meetings with Licensees, all of which requires stability and constant oversight and follow-up that is not conducive to nor supported in a staff rotation based operation. In this respect consolidation of activities is not conducive nor applicable to the Stadium Security Officer position.

Other than our aforementioned concerns over maintaining seamless provision of security services that would address all of the operational concerns necessary to host an event, there are no other concerns.

In that respect, the Stadium is an outlier with functions unique to a SSO that cannot be compared to an institutional state LEO; other than the unique characteristics of no other additional comments at this time.

**Survey of State Departments and Agencies
Regarding Law Enforcement Consolidation
(Pursuant to Act 124, Session Laws of Hawaii 2018)**

The questions in this survey may require the formation of opinions and best estimates, so please answer these questions to the **best of your knowledge and ability**. Please note that the information provided will be included in the Legislative Reference Bureau's report to the Legislature, pursuant to Act 124, Session Laws of Hawaii 2018.

For your reference in responding to this survey, a possible consolidation of law enforcement activities and responsibilities could include, but may not be limited to, entities that have been conferred certain powers of police officers, including the powers to arrest and execute warrants, by the Hawaii Revised Statutes, either directly or indirectly.

Please provide the following contact information for follow-up questions or clarification.

Name:	<i>Neal Miyahira</i>
Title:	BPPM Administrator
Department:	Budget & Finance
Division or Agency:	Budget, Program Planning & Management Division
Phone:	
E-mail:	

Please base all of your responses to the following questions on the information contained in Act c124, Session Laws of Hawaii 2018.

- (1) Does your department foresee a potential consolidation of statewide law enforcement activities and responsibilities into a new, centralized state law enforcement division or agency producing cost savings to the State (e.g., savings from property lease costs, etc.)? Please explain your reasoning.

There may be some savings from consolidation (such as administrative overhead and general training costs). However, it may not be possible to realize substantial facility savings because of diverse geographical assignments. Further, certain departmental law enforcement functions require specialized training (such as AG investigators and DLNR DOCARE officers) beyond generic law enforcement training.

- (2) What start-up costs might a new, centralized state law enforcement division or agency expect to incur? Please explain your reasoning.

There may be increased costs to centralize administrative, training and support staff, and to standardize vehicles markings, equipment and uniforms.

- (3) What other one-time or recurring costs might a new, centralized division or agency expect to incur? Please explain your reasoning.

If the centralized organization is going to be an attached agency then specialized support staff (administrative, fiscal and personnel staff) may be necessary. For example, law enforcement officers assigned to ports of entry such as airports and harbors, are required to have specialized training that meet federal TSA requirements.

- (4) Do you foresee a potential consolidation of statewide law enforcement agencies creating any financial benefits to the State? Please explain your reasoning.

There may some savings but it may not be substantial.

- (5) Do you foresee a potential consolidation of statewide law enforcement agencies causing any financial challenges for the State? Please explain any predicted challenges or difficulties and how they may be resolved.

The biggest potential cost increase could be if the centralized law enforcement agency results in the law enforcement being given police//fire retirement benefits.

- (6) Are there any reasons not already discussed herein why your department believes that the law enforcement activities and responsibilities of various state divisions and agencies should or should not be included in a potential consolidation of statewide law enforcement activities and responsibilities?

The biggest administrative obstacle will be developing an acceptable command and control balance between the centralized law enforcement agency and the specialized enforcement requirements of the various departments. This has caused problems in the past and undermined previous consolidation efforts.

**Survey of State Departments and Agencies
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(Pursuant to Act 124, Session Laws of Hawaii 2018)**

The questions in this survey may require the formation of opinions and best estimates, so please answer these questions to the **best of your knowledge and ability**. Please note that the information provided will be included in the Legislative Reference Bureau's report to the Legislature, pursuant to Act 124, Session Laws of Hawaii 2018.

For your reference in responding to this survey, a possible consolidation of law enforcement activities and responsibilities could include, but may not be limited to, entities that have been conferred certain powers of police officers, including the powers to arrest and execute warrants, by the Hawaii Revised Statutes, either directly or indirectly.

Please provide the following contact information for follow-up questions or clarification.

Name:	<i>Natalia Chan</i>
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Division or Agency:	<i>Office of the Director</i>
Phone:	
E-mail:	

PART I

In your responses to the questions in Part I, please note to which division or agency the information provided relates.

- (1) Please list and describe all of your department's law enforcement activities and responsibilities, including any law enforcement activities and responsibilities on the neighbor islands.

Within the DCCA:

The Business Registration Division's (BREG) Securities Enforcement Branch (SEB) conducts regulatory law enforcement activities statewide but does not currently have criminal authority. SEB's responsibilities include investigating and prosecuting violations of Hawaii's securities laws.

The Office of Consumer Protection (OCP) is the primary law enforcement authority in Hawaii involving consumer protection laws. It has statewide jurisdiction and has neighbor island offices on Maui and Hawaii Island.

The Regulated Industries Complaints Office (RICO) is a statewide agency of DCCA. It is the enforcement arm for the various professions and vocations that are licensed in the State. RICO investigates allegations of professional misconduct by licensees and investigates possible unlicensed activity that may be occurring in the State.

RICO investigates complaints received from consumers, from various licensing authorities, and from anonymous sources. RICO also initiates cases based on referrals from other law enforcement agencies and professional associations. Occasionally, matters are reported by hospitals and employers. RICO also conducts compliance checks and sweep-and-sting operations.

Some of the more typical complaints RICO investigates involve allegations of poor workmanship, negligence, or unlicensed activity. Less frequently, RICO investigates conduct involving sexual contact with patients or clients, criminal convictions, and misappropriation of funds.

RICO has offices located on Oahu, Maui, Kauai, and in Kona and Hilo and conducts investigations throughout the State.

The Insurance Division (INS) has investigators in the Insurance Fraud Investigation Branch (IFIB) who are responsible for:

- *Conducting criminal investigations into crimes related to insurance fraud and theft.*
- *Gathering evidence, information, and documents to prove criminal intent of the violation.*
- *Interviewing witnesses and suspects.*

- *Serving subpoenas and search warrants.*
- *Appearing as a witness in criminal proceedings.*
- *Assisting attorney in preparing evidence for trial.*
- *Using law enforcement powers and tactics for bench warrant service, arrests, and processing of suspects.*

The Public Utilities Commission's (PUC) Consumer Affairs and Compliance Section (Compliance Section) investigates violations of PUC-regulated energy companies, telecommunications companies, water carriers, motor carriers, and water and waste water companies.

- (2) Please describe any certification requirements that your department's law enforcement personnel are subject to, including the names of the certifying entities.

BREG staff attends training specializing in securities regulation and financial fraud, but there are no certification requirements besides the requirement that attorneys be admitted to practice law in the State.

RICO requirements for applicants for investigator positions include graduation from an accredited college or university with a baccalaureate degree and, in some cases, investigative experience and the ability to write clear and comprehensive reports.

PUC believes that neither its Compliance Section nor its PUC employees perform or have "law enforcement activities and responsibilities" or fall within the statutory definition of "law enforcement officer" under Hawaii Revised Statutes section 28-151. Accordingly, PUC's response is "not applicable" to this question and all below questions.

PART II

Please base all of your responses to the following questions on the information contained in Act 124, Session Laws of Hawaii 2018.

- (1) If the Legislature were to consolidate state law enforcement activities and responsibilities under a new, centralized state law enforcement division or agency, what processes, procedures, equipment, training, certification, uniforms, leases, vehicles, etc., would that new entity require in order to perform those law enforcement activities and responsibilities currently performed by your department? Please include estimated costs associated with each of these start-up requirements, and please explain your reasoning.

For BREG, the entity would need to have professional staff (investigators and attorneys) specializing in securities law, as well as legal support staff. There would be costs relating to: ongoing training for professional staff (which largely occurs on the mainland; travel is required) and annual dues (e.g., Hawaii State Bar Association and Certified Fraud Examiner (CFE) membership fees and access to databases such as Westlaw). Investigators periodically go out into the field to interview witnesses, serve

subpoenas, etc., so vehicles would need to be provided and/or parking for their personal vehicles to be used as needed.

For OCP, the primary changes would involve statutory amendments. If OCP was fully incorporated in a new centralized enforcement division, it is unclear whether any processes, equipment, etc. would require adjustments. Data processing systems, including complaints processing and case management, would also need to be modified. OCP does not have sufficient information to provide cost estimates.

RICO currently oversees over 50 different licensed professions and vocations. Because the laws and rules for each license type vary, RICO estimates it oversees over 5,000 different laws and rules. Training in RICO policies for working with licensees and familiarization with various licensing laws and rules would be required. Training is handled in-house and varies according to an investigator's individual skills and experience; therefore, it is difficult to quantify potential costs to the agency.

For IFIB, the following specific items would be required:

Item	Price	Amount Needed	Total Price
<i>Sig Sauer P229 Nitron Compact</i>	<i>\$1,087</i>	<i>7</i>	<i>\$7,609</i>
<i>Sig Sauer additional magazines</i>	<i>\$44.00</i>	<i>14</i>	<i>\$616</i>
<i>9mm ammunition</i>	<i>\$26.95</i>	<i>14</i>	<i>\$377.30</i>
<i>Serpa Blackhawk holster</i>	<i>\$50.95</i>	<i>7</i>	<i>\$356.65</i>
<i>Handcuff and baton holder</i>	<i>\$61.99</i>	<i>7</i>	<i>\$371.94</i>
<i>GH Armor Pro Vest Level 3</i>	<i>\$612.99</i>	<i>7</i>	<i>\$4,290.93</i>
<i>Peerless standard handcuffs</i>	<i>\$27.99</i>	<i>7</i>	<i>\$195.93</i>
<i>ASP 26" Airweight expandable</i>	<i>\$111.99</i>	<i>7</i>	<i>\$783.93</i>
<i>ASP holder</i>	<i>\$43.99</i>	<i>7</i>	<i>\$307.93</i>
<i>OC spray</i>	<i>\$16.99</i>	<i>7</i>	<i>\$118.93</i>
<i>Firearms certification training</i>	<i>\$10,000</i>	<i>7</i>	<i>\$70,000</i>
<i>Raid shirts</i>	<i>\$30.00</i>	<i>7</i>	<i>\$210</i>
<i>BDU trousers</i>	<i>\$40.00</i>	<i>7</i>	<i>\$280</i>
Total:			\$85,518.54

- (2) If the Legislature were to consolidate state law enforcement activities and responsibilities under a new, centralized state law enforcement division or agency, are there any other reasonably foreseeable start-up requirements not addressed in Question 1 above (i.e., any requirements not associated with your department)? Please include the associated costs for these requirements and an explanation for each of those costs.

Not applicable for BREG, OCP, and PUC.

For RICO, training may be provided in specific licensing areas (e.g., medicine, mortgage, real estate appraisal). Costs for out-of-state training vary and depend on the programs available at the time.

- (3) Does your department have any neighbor island operations or facilities that could be impacted by a potential consolidation of statewide law enforcement activities and responsibilities? Please explain your response.

BREG's SEB is located on Oahu. Investigators and attorneys may travel to the neighbor islands as needed. SEB may also fly in witnesses for hearings, as needed.

OCP has neighbor island offices on Maui and Hawaii Island. It is unclear whether a consolidation of statewide law enforcement activities and responsibilities would involve relocating those offices.

RICO maintains offices on three neighbor islands. These offices also serve as department liaisons and often handle questions about professional licensing. Maintaining local presence is critical to DCCA's mission.

Not applicable for IFIB and PUC.

- (4) What would be the most desirable structure of a new, centralized state law enforcement division or agency? Please explain your reasoning.

BREG does not agree with the idea of SEB becoming part of a new, centralized state law enforcement agency. The type of work done in SEB is highly specialized, and the cases SEB handles are complex.

From OCP's perspective, it is unnecessary to create a new centralized state law enforcement division or agency. It presently has good relationships with other state law enforcement entities, which readily share and exchange information.

With respect to RICO, enforcement of professional and vocational licensing laws is unique and many licensing laws subjective. For example, an investigation into a physician who allegedly failed to meet the standard of practice will require an investigator to determine if the licensee's actions violate a hazardous negligence standard. An investigation will require the investigator to be familiar with medical records, be familiar with the standard involved, and be able to meet with and retain a medical expert who may be able to assist with an investigation. An investigation into allegations that a roofing contractor has met workmanship standards may require an investigator to inspect a roof and again, work with an expert. Any centralized agency would require a specific unit that would be able to respond to and be trained in not only investigation techniques, but licensing standards, working with experts, and an overall understanding of licensing industries and practices.

For IFIB, the most desirable structure would include IFIB as part of the Attorney General's office, as IFIB attorneys are already appointed as Special Deputy Attorneys General.

- (5) Please provide a timeline for a successful transition of your department's law enforcement activities and responsibilities to a new, centralized state law enforcement division or agency. Please explain your reasoning.

BREG and OCP lack sufficient information or data to render a supposition. Nevertheless, the biggest challenges would involve data and complaint processing.

It is difficult for RICO to estimate the extent of training required to integrate RICO personnel. The extent of training would also depend on the number of additional duties required and the scope of licensing matters.

IFIB investigators would need approximately four weeks undergo training for firearms certification and to learn internal departmental policies and procedures.

- (6) What regulatory efficiencies could be achieved or lost as a result of a potential consolidation of statewide law enforcement activities and responsibilities? Please explain your reasoning.

If the centralized agency is not familiar with the State's securities laws, this would negatively impact victims and potential victims of securities law violations. BREG cases may take longer to investigate and prosecute, and criminals could go unpunished if the centralized agency is unable to identify and articulate violations. This could lead to thousands of dollars being lost to fraud.

Centralization would also negative impact RICO enforcement. RICO investigators are already tasked with enforcing over 50 different areas. Specialization and familiarization with licensing industries is critical. Adding responsibilities would further dilute investigators who are already tasked with numerous statutes and rules to enforce.

In contrast, IFIB believes the efficiencies achieved by consolidation would be the sharing of case information, resources, and a standardized training that is consistent across all departments.

- (7) How would a potential consolidation of statewide law enforcement activities and responsibilities affect your department as a whole? Please explain.

Centralization would have a negative effect on DCCA. RICO's partner agency, the Professional and Vocational Licensing Division (PVL), accepts applications and issues licenses for various licensing boards, commissions, and programs. RICO works closely with PVL to determine if an applicant may be qualified to apply for or retain a license. Referrals to investigate come directly from PVL's licensing boards, commissions, and programs, and RICO relies on a close relationship with that agency to obtain records and witnesses for RICO actions. Separating the two agencies would result in delays in investigations and prosecutions.

In contrast, for IFIB, the majority of activities would remain the same, aside from arresting suspects after the warrant is issued.

- (8) How many full-time equivalent (FTE) employees from your department could be affected by a potential consolidation of statewide law enforcement activities and responsibilities? Would any part-time, contract, or volunteer positions be affected? If so, how many of these positions would be affected?

19 FTE employees of BREG would be affected. Every position at OCP (approximately 20) would be affected. All RICO full-time investigators (35) would be affected. 10 FTE employees of IFIB would be affected.

- (9) What collective bargaining units within your department would be affected by a potential consolidation of statewide law enforcement activities and responsibilities?

Bargaining units 3, 13, 23, 73, and 93.

- (10) How would a potential consolidation of statewide law enforcement activities and responsibilities affect your department's existing collective bargaining agreements? Please explain your reasoning.

At a minimum, existing job descriptions are tied to division functions and would need to be amended to expand or modify responsibilities.

- (11) Would a potential consolidation of statewide law enforcement activities and responsibilities require any collective bargaining agreements to be renegotiated? Please explain your response.

Please see response to question 10.

- (12) Are there any reasonably foreseeable benefits associated with a potential consolidation of statewide law enforcement activities and responsibilities? Please explain.

The public or victims would be able to work with a singular agency for all complaints, reports of fraud, etc., regardless of the type of complaint or crime involved. In addition, a singular agency would enhance communication and efficiencies. IFIB would also be with an agency aligned with law enforcement.

- (13) Are there any reasonably foreseeable problems associated with a potential consolidation of statewide law enforcement activities and responsibilities, or any additional issues that should be highlighted? Please explain.

For BREG, securities regulation requires highly specialized knowledge. By consolidating statewide law enforcement activities and responsibilities, staff might not be as well versed in securities law, and this could negatively affect how cases are investigated and prosecuted.

OCP believes consolidation is unnecessary and will create a new bureaucracy that will create increased costs.

For RICO, enforcement of licensing laws requires an investigator to be able to work with licensees who are often legitimately working in Hawaii's different industries. Part of RICO's mission is education for licensees, so that they can avoid potential pitfalls and comply with licensing laws. Much of what RICO investigators do involves working with licensees toward compliance. In addition to being able to conduct a traditional investigation, an investigator must also be able to work cooperatively with licensees in the field in appropriate situations.

For IFIB, a dedicated insurance fraud enforcement unit has been effective in combating insurance fraud. Consolidation will result in INS not being able to work with IFIB directly in addressing insurance fraud perpetrated by agents on consumers. Unfortunately, over the past years, there have been significant cases in which agents have preyed upon the elderly. IFIB has been able to assist by prosecuting these unscrupulous agents. Close coordination among several branches of INS has resulted in the license revocation, prosecution, and conviction of these agents. This close coordination will be lost or reduced if statewide law enforcement activities and responsibilities are consolidated into one agency.

- (14) Are there any reasons not already discussed herein why your department's law enforcement activities and responsibilities should or should not be included in a potential consolidation of statewide law enforcement activities and responsibilities?

The DCCA is a very well-run department and has been that way for decades. It seems counterproductive to alter something that has worked extremely well for at least 30 years. Moreover, as a specially funded agency, RICO receives funding from licensing fees paid by professional and vocational licensees. RICO believes a discussion on the use of licensing fees to pay for services outside of RICO's current function is necessary. (See Hawaii Insurers Council v. Lingle, 2008 Haw. LEXIS 287 (Haw. Dec. 18, 2008).) Finally, for IFIB, consolidation may lead to a decrease in insurer referrals to IFIB.

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The questions in this survey may require the formation of opinions and best estimates, so please answer these questions to the **best of your knowledge and ability**. Please note that the information provided will be included in the Legislative Reference Bureau's report to the Legislature, pursuant to Act 124, Session Laws of Hawaii 2018.

For your reference in responding to this survey, a possible consolidation of law enforcement activities and responsibilities could include, but may not be limited to, entities that have been conferred certain powers of police officers, including the powers to arrest and execute warrants, by the Hawaii Revised Statutes, either directly or indirectly.

Please provide the following contact information for follow-up questions or clarification.

Name:	<i>Name MG Joe Logan</i>
Title:	<i>Title TAG</i>
Department:	<i>Department Hawaii State Department of Defense</i>
Division or Agency:	<i>Division or Agency</i>
Phone:	
E-mail:	

PART I

In your responses to the questions in Part I, please note to which division or agency the information provided relates.

- (1) Please list and describe all of your department's law enforcement activities and responsibilities, including any law enforcement activities and responsibilities on the neighbor islands.

Your response, We only have one U.S. Air National Guard unit that performs very limited law enforcement duties, but, only on military installations and when deployed.

- (2) Please describe any certification requirements that your department's law enforcement personnel are subject to, including the names of the certifying entities.

Your response Our only military unit is certified by regulations within the U.S. Air Force.

PART II

Please base all of your responses to the following questions on the information contained in Act 124, Session Laws of Hawaii 2018.

- (1) If the Legislature were to consolidate state law enforcement activities and responsibilities under a new, centralized state law enforcement division or agency, what processes, procedures, equipment, training, certification, uniforms, leases, vehicles, etc., would that new entity require in order to perform those law enforcement activities and responsibilities currently performed by your department? Please include estimated costs associated with each of these start-up requirements, and please explain your reasoning.

Your response, none.

- (2) If the Legislature were to consolidate state law enforcement activities and responsibilities under a new, centralized state law enforcement division or agency, are there any other reasonably foreseeable start-up requirements not addressed in Question 1 above (i.e., any requirements not associated with your department)? Please include the associated costs for these requirements and an explanation for each of those costs.

Your response, none.

- (3) Does your department have any neighbor island operations or facilities that could be impacted by a potential consolidation of statewide law enforcement activities and responsibilities? Please explain your response.

Your response, no.

- (4) What would be the most desirable structure of a new, centralized state law enforcement division or agency? Please explain your reasoning.

Your response, a commissioner of public safety that oversees the overarching policies and training of all law enforcement and corrections agencies. The current Department of Public Safety only covers corrections and the States Sheriffs, this new agency would need to oversee all of that and likely become a member of the Gov's Cabinet.

- (5) Please provide a timeline for a successful transition of your department's law enforcement activities and responsibilities to a new, centralized state law enforcement division or agency. Please explain your reasoning.

Your response, does not apply.

- (6) What regulatory efficiencies could be achieved or lost as a result of a potential consolidation of statewide law enforcement activities and responsibilities? Please explain your reasoning.

Your response, none, would add more costs to the Executive Branch.

- (7) How would a potential consolidation of statewide law enforcement activities and responsibilities affect your department as a whole? Please explain.

Your response, no impact.

- (8) How many full-time equivalent (FTE) employees from your department could be affected by a potential consolidation of statewide law enforcement activities and responsibilities? Would any part-time, contract, or volunteer positions be affected? If so, how many of these positions would be affected?

Your response, none.

- (9) What collective bargaining units within your department would be affected by a potential consolidation of statewide law enforcement activities and responsibilities?

Your response, does not apply.

- (10) How would a potential consolidation of statewide law enforcement activities and responsibilities affect your department's existing collective bargaining agreements? Please explain your reasoning.

Your response, no impact.

- (11) Would a potential consolidation of statewide law enforcement activities and responsibilities require any collective bargaining agreements to be renegotiated? Please explain your response.

Your response, likely, but, not to my department.

- (12) Are there any reasonably foreseeable benefits associated with a potential consolidation of statewide law enforcement activities and responsibilities? Please explain.

Your response, the benefits would ensure that all law enforcement agencies have a base line of training.

- (13) Are there any reasonably foreseeable problems associated with a potential consolidation of statewide law enforcement activities and responsibilities, or any additional issues that should be highlighted? Please explain.

Your response, yes, not all County Police Departments can afford the costs to expand their police academies if so directed.

- (14) Are there any reasons not already discussed herein why your department's law enforcement activities and responsibilities should or should not be included in a potential consolidation of statewide law enforcement activities and responsibilities?

Your response, no, I believe it does not apply to military units that have centralized training already established.

**Survey of State Departments and Agencies
Regarding Law Enforcement Consolidation
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The questions in this survey may require the formation of opinions and best estimates, so please answer these questions to the **best of your knowledge and ability**. Please note that the information provided will be included in the Legislative Reference Bureau's report to the Legislature, pursuant to Act 124, Session Laws of Hawaii 2018.

For your reference in responding to this survey, a possible consolidation of law enforcement activities and responsibilities could include, but may not be limited to, entities that have been conferred certain powers of police officers, including the powers to arrest and execute warrants, by the Hawaii Revised Statutes, either directly or indirectly.

Please provide the following contact information for follow-up questions or clarification.

Name:	<i>Ryker Wada</i>
Title:	<i>Director/Chief Negotiator</i>
Department:	<i>Department of Human Resources Development/Office of Collective Bargaining</i>
Division or Agency:	
Phone:	
E-mail:	

Please base all of your responses to the following questions on the information contained in Act 124, Session Laws of Hawaii 2018.

- (1) How many full-time equivalent (FTE) employees could be affected by a potential consolidation of statewide law enforcement activities and responsibilities under a new, centralized state law enforcement division or agency? Would any part-time, contract, or volunteer positions be affected? If so, how many of these positions would be affected? The Conference Committee Reports relating to Act 124, Session Laws of Hawai‘i 2018, identified that the following law enforcement activities would transfer to the enforcement division in the Department of the Attorney General:

1. Division of Conservation and Resources Enforcement – Department of Land and Natural Resources;
2. State Law Enforcement Officers – Department of Public Safety;
3. Narcotics Enforcement Investigators, Narcotics Enforcement Division – Department of Public Safety;
4. State Law Enforcement Officers Harbors Division – Department of Transportation.

Based on a review of HRMS records and based on DHRD’s interpretation of Act 124, DHRD has identified the following FTE positions within the departments/divisions identified via Act 124 Conference Committee Reports. See spreadsheets, attached.

- (2) What collective bargaining units would be affected by a potential consolidation of statewide law enforcement activities and responsibilities?

The majority of employees, identified through Act 124, who perform law enforcement activities and responsibilities as understood by DHRD are assigned to Bargaining Units 13 and 14.

If the consolidation also transfers the support staff for these law enforcement work units, employees assigned to Bargaining Units 3 and 4 could potentially be affected.

- (3) How would a potential consolidation of statewide law enforcement activities and responsibilities affect existing collective bargaining agreements? Please explain your reasoning.

Generally, a consolidation of statewide law enforcement activities should not impact the existing collective bargaining agreements, as these agreements would continue to apply to employees assigned to perform functions other than law enforcement.

However, if the consolidation affects employees’ wages, hours of work or other conditions of employment, the Employer and the Union would need to consult and/or negotiate the impact of any such changes in accordance with HRS Chapter 89.

- (4) Would a potential consolidation of statewide law enforcement activities and responsibilities require the renegotiation of any collective bargaining agreements? Please explain your response.

See response in #3 above.

- (5) Are there any other labor or employment benefits or issues not otherwise discussed herein that would need to be addressed during a consolidation of statewide law enforcement activities and responsibilities?

Noted below are general issues that may need to be addressed by the affected Executive Branch departments and other support departments, including but not limited to DHRD:

1. Consolidation may result in changes/revisions to existing job descriptions and/or minimum qualifications for these law enforcement positions and could result in existing employees not meeting the minimum qualifications for their newly described positions. Would need to determine how to reconcile such a situation for existing employees.
2. Policies and procedures developed to address the operational issues of this newly formed enforcement division may not be consistent with existing policies that currently provide specific guidance to these groups of employees.
3. A common mission statement for this enforcement division would need to be developed as each separate law enforcement unit is now likely performing functions that specifically support the mission of their respective departments (i.e. Land and Natural Resources, Public Safety and Transportation) which may not overlap with one another.
4. Other employee programs, like the Employee Retirement System, would need to be assessed to determine what impact, if any, this consolidation may have on the benefits these employees would receive under such programs.
5. Issues such as training, records management systems, funding, federal requirements would have to be researched, analyzed, and addressed.
6. Support staff must also be transferred to support the functions of the various law enforcement agencies.
7. If the consolidation results in a reduced need for positions, analysis and impact of a Reduction in Force would be necessary.

Org Code	Department	Division	Branch	Section	Unit	Position	Eff Date	Status	Descr	Union Code
1311000000	LNR	DOCARE				00005025	2/22/2016	A	Consvtn & Rescs Enfc Asst Admr	37
1311000000	LNR	DOCARE				00030041	2/22/2016	A	Conservation & Rescs Enfc Admr	37
1311010000	LNR	DOCARE	Cler Svcs Ofc			00030182	6/19/2000	A	Secretary III	63
1311010000	LNR	DOCARE	Cler Svcs Ofc			00117086	7/1/2018	A	Office Assistant III	03
1311020000	LNR	DOCARE	Staff Dev Ofc			00052372	2/22/2016	A	Consvtn & Rescs Enfc Offcr IV	14
1311020000	LNR	DOCARE	Staff Dev Ofc			00118797	2/22/2016	A	Consvtn & Rescs Enfc Offcr IV	14
1311030000	LNR	DOCARE	Hunter Ed Ofc			00040438	1/14/2010	A	Secretary I	03
1311030000	LNR	DOCARE	Hunter Ed Ofc			00041143	7/1/2013	A	Office Assistant III	03
1311030000	LNR	DOCARE	Hunter Ed Ofc			00043037	7/2/2014	A	Edn Sp (Hntr&Consvtn Rescs) V	13
1311030000	LNR	DOCARE	Hunter Ed Ofc			00045070	7/1/2013	A	Office Assistant III	03
1311030000	LNR	DOCARE	Hunter Ed Ofc			00120457	7/1/2017	A	Edn Sp (Hntr&Consvtn Rescs)III	13
1311040000	LNR	DOCARE	Investigation Ofc			00033297	4/22/2014	A	Investigator IV	13
1311050000	LNR	DOCARE	Prgm Support Ofc			00052375	3/31/2017	A	Accountant IV	13
1311060000	LNR	DOCARE	Hawaii Branch			00002954	2/22/2016	A	Consvtn & Rescs Enfc Dist Mgr	37
1311060000	LNR	DOCARE	Hawaii Branch			00026909	7/1/2002	A	Secretary I	03
1311060000	LNR	DOCARE	Hawaii Branch			00050973	7/1/2018	A	Office Assistant III	03
1311060100	LNR	DOCARE	Hawaii Branch	W HI Dist		00002953	2/22/2016	A	Consvtn & Rescs Enfc Offcr IV	14
1311060100	LNR	DOCARE	Hawaii Branch	W HI Dist		00004345	7/1/2018	A	Consvtn & Rescs Enfc Offcr III	14
1311060100	LNR	DOCARE	Hawaii Branch	W HI Dist		00027100	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311060100	LNR	DOCARE	Hawaii Branch	W HI Dist		00033292	10/1/2017	A	Consvtn & Rescs Enfc Offcr III	14
1311060100	LNR	DOCARE	Hawaii Branch	W HI Dist		00033293	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311060100	LNR	DOCARE	Hawaii Branch	W HI Dist		00033294	2/22/2016	A	Consvtn & Rescs Enfc Offcr IV	14
1311060100	LNR	DOCARE	Hawaii Branch	W HI Dist		00034478	7/1/2018	A	Consvtn & Rescs Enfc Offcr III	14
1311060100	LNR	DOCARE	Hawaii Branch	W HI Dist		00052348	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311060100	LNR	DOCARE	Hawaii Branch	W HI Dist		00052349	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311060100	LNR	DOCARE	Hawaii Branch	W HI Dist		00052350	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311060100	LNR	DOCARE	Hawaii Branch	W HI Dist		00118080	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311060100	LNR	DOCARE	Hawaii Branch	W HI Dist		00118081	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311060100	LNR	DOCARE	Hawaii Branch	W HI Dist		00122246	12/1/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311060100	LNR	DOCARE	Hawaii Branch	W HI Dist		00122247	12/1/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311060100	LNR	DOCARE	Hawaii Branch	W HI Dist		00122248	12/1/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311060200	LNR	DOCARE	Hawaii Branch	E HI Dist		00002900	8/16/2017	A	Consvtn & Rescs Enfc Offcr II	14
1311060200	LNR	DOCARE	Hawaii Branch	E HI Dist		00002955	2/22/2016	A	Consvtn & Rescs Enfc Offcr IV	14
1311060200	LNR	DOCARE	Hawaii Branch	E HI Dist		00004676	8/16/2017	A	Consvtn & Rescs Enfc Offcr II	14
1311060200	LNR	DOCARE	Hawaii Branch	E HI Dist		00015976	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311060200	LNR	DOCARE	Hawaii Branch	E HI Dist		00033298	3/1/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311060200	LNR	DOCARE	Hawaii Branch	E HI Dist		00034480	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311060200	LNR	DOCARE	Hawaii Branch	E HI Dist		00045679	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311060200	LNR	DOCARE	Hawaii Branch	E HI Dist		00050970	7/1/2018	A	Consvtn & Rescs Enfc Offcr III	14

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1311060200	LNR	DOCARE	Hawaii Branch	E HI Dist		00050971	7/1/2018	A	Consvtn & Rescs Enfc Offcr II	14
1311060200	LNR	DOCARE	Hawaii Branch	E HI Dist		00119066	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311060300	LNR	DOCARE	Hawaii Branch	N HI Dist		00034580	3/1/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311060300	LNR	DOCARE	Hawaii Branch	N HI Dist		00039177	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311060300	LNR	DOCARE	Hawaii Branch	N HI Dist		00050969	7/1/2018	A	Consvtn & Rescs Enfc Offcr III	14
1311060300	LNR	DOCARE	Hawaii Branch	N HI Dist		00118726	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311060300	LNR	DOCARE	Hawaii Branch	N HI Dist		00119035	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311060300	LNR	DOCARE	Hawaii Branch	N HI Dist		00119072	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311070000	LNR	DOCARE	Maui Branch			00002959	2/22/2016	A	Consvtn & Rescs Enfc Dist Mgr	37
1311070000	LNR	DOCARE	Maui Branch			00033269	7/1/2002	A	Secretary I	03
1311070000	LNR	DOCARE	Maui Branch			00118918	7/1/2008	A	Office Assistant III	03
1311070000	LNR	DOCARE	Maui Branch			00118983	7/1/2013	A	Office Assistant III	03
1311070100	LNR	DOCARE	Maui Branch	E Maui Dist		00002960	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311070100	LNR	DOCARE	Maui Branch	E Maui Dist		00033299	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311070100	LNR	DOCARE	Maui Branch	E Maui Dist		00034479	7/1/2018	A	Consvtn & Rescs Enfc Offcr III	14
1311070100	LNR	DOCARE	Maui Branch	E Maui Dist		00039174	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311070100	LNR	DOCARE	Maui Branch	E Maui Dist		00039175	2/22/2016	A	Consvtn & Rescs Enfc Offcr IV	14
1311070100	LNR	DOCARE	Maui Branch	E Maui Dist		00052338	2/22/2016	A	Consvtn & Rescs Enfc Offcr IV	14
1311070100	LNR	DOCARE	Maui Branch	E Maui Dist		00052344	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311070100	LNR	DOCARE	Maui Branch	E Maui Dist		00118083	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311070100	LNR	DOCARE	Maui Branch	E Maui Dist		00118084	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311070100	LNR	DOCARE	Maui Branch	E Maui Dist		00118736	2/22/2016	A	Consvtn & Rescs Enfc Offcr IV	14
1311070100	LNR	DOCARE	Maui Branch	E Maui Dist		00122242	12/1/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311070100	LNR	DOCARE	Maui Branch	E Maui Dist		00122244	12/1/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311070100	LNR	DOCARE	Maui Branch	E Maui Dist		00122245	12/1/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311070200	LNR	DOCARE	Maui Branch	W Maui Dist		00002903	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311070200	LNR	DOCARE	Maui Branch	W Maui Dist		00005985	9/16/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311070200	LNR	DOCARE	Maui Branch	W Maui Dist		00025456	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311070200	LNR	DOCARE	Maui Branch	W Maui Dist		00028534	7/1/2018	A	Consvtn & Rescs Enfc Offcr III	14
1311070200	LNR	DOCARE	Maui Branch	W Maui Dist		00033300	2/22/2016	A	Consvtn & Rescs Enfc Offcr IV	14
1311070200	LNR	DOCARE	Maui Branch	W Maui Dist		00050968	7/1/2018	A	Consvtn & Rescs Enfc Offcr III	14
1311070200	LNR	DOCARE	Maui Branch	W Maui Dist		00052343	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311070200	LNR	DOCARE	Maui Branch	W Maui Dist		00117734	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311070200	LNR	DOCARE	Maui Branch	W Maui Dist		00118725	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311070300	LNR	DOCARE	Maui Branch	Molokai Dist		00048203	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311070300	LNR	DOCARE	Maui Branch	Molokai Dist		00117707	2/22/2016	A	Consvtn & Rescs Enfc Offcr IV	14
1311070300	LNR	DOCARE	Maui Branch	Molokai Dist		00118082	9/15/2017	A	Consvtn & Rescs Enfc Offcr II	14
1311070400	LNR	DOCARE	Maui Branch	Lanai Dist		00027077	2/22/2016	A	Consvtn & Rescs Enfc Offcr IV	14
1311070400	LNR	DOCARE	Maui Branch	Lanai Dist		00052345	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14

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1311080000	LNR	DOCARE	Kauai Branch			00002952	2/22/2016	A	Consvtn & Rescs Enfc Dist Mgr	37
1311080000	LNR	DOCARE	Kauai Branch			00033270	6/19/2000	A	Secretary I	03
1311080000	LNR	DOCARE	Kauai Branch			00118410	7/1/2008	A	Office Assistant III	03
1311080100	LNR	DOCARE	Kauai Branch	E Kauai Dist		00004686	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311080100	LNR	DOCARE	Kauai Branch	E Kauai Dist		00033291	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311080100	LNR	DOCARE	Kauai Branch	E Kauai Dist		00033295	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311080100	LNR	DOCARE	Kauai Branch	E Kauai Dist		00034579	2/22/2016	A	Consvtn & Rescs Enfc Offcr IV	14
1311080100	LNR	DOCARE	Kauai Branch	E Kauai Dist		00039173	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311080100	LNR	DOCARE	Kauai Branch	E Kauai Dist		00042111	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311080100	LNR	DOCARE	Kauai Branch	E Kauai Dist		00052346	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311080100	LNR	DOCARE	Kauai Branch	E Kauai Dist		00052347	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311080100	LNR	DOCARE	Kauai Branch	E Kauai Dist		00122253	12/1/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311080100	LNR	DOCARE	Kauai Branch	E Kauai Dist		00122254	12/1/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311080100	LNR	DOCARE	Kauai Branch	E Kauai Dist		00122255	12/1/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311080200	LNR	DOCARE	Kauai Branch	W Kauai Dist		00005986	2/22/2016	A	Consvtn & Rescs Enfc Offcr IV	14
1311080200	LNR	DOCARE	Kauai Branch	W Kauai Dist		00010371	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311080200	LNR	DOCARE	Kauai Branch	W Kauai Dist		00039172	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311080200	LNR	DOCARE	Kauai Branch	W Kauai Dist		00048207	8/1/2017	A	Consvtn & Rescs Enfc Offcr III	14
1311080200	LNR	DOCARE	Kauai Branch	W Kauai Dist		00118096	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311080200	LNR	DOCARE	Kauai Branch	W Kauai Dist		00118728	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00002907	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00002958	2/22/2016	A	Consvtn & Rescs Enfc Dist Mgr	37
1311090000	LNR	DOCARE	Oahu Branch			00004685	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00005982	2/22/2016	A	Consvtn & Rescs Enfc Offcr IV	14
1311090000	LNR	DOCARE	Oahu Branch			00008593	6/1/2018	A	Consvtn & Rescs Enfc Offcr II	14
1311090000	LNR	DOCARE	Oahu Branch			00010897	2/22/2016	A	Consvtn & Rescs Enfc Offcr IV	14
1311090000	LNR	DOCARE	Oahu Branch			00014009	6/1/2018	A	Consvtn & Rescs Enfc Offcr II	14
1311090000	LNR	DOCARE	Oahu Branch			00017486	2/22/2016	A	Consvtn & Rescs Enfc Offcr IV	14
1311090000	LNR	DOCARE	Oahu Branch			00025167	7/1/2018	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00025889	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00025890	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00025893	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00025894	2/22/2016	A	Consvtn & Rescs Enfc Offcr IV	14
1311090000	LNR	DOCARE	Oahu Branch			00025897	7/1/2018	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00025898	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00025899	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00028535	7/1/2018	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00029605	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00033296	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14

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1311090000	LNR	DOCARE	Oahu Branch			00034049	2/16/2017	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00034482	7/1/2018	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00039168	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00042112	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00042113	7/1/2018	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00048206	3/23/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00050966	7/1/2018	A	Consvtn & Rescs Enfc Offcr IV	14
1311090000	LNR	DOCARE	Oahu Branch			00050967	7/1/2018	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00050974	7/1/2018	A	Secretary I	03
1311090000	LNR	DOCARE	Oahu Branch			00052341	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00117703	2/16/2017	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00117705	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00117706	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00118064	6/1/2018	A	Consvtn & Rescs Enfc Offcr II	14
1311090000	LNR	DOCARE	Oahu Branch			00118065	6/1/2018	A	Consvtn & Rescs Enfc Offcr II	14
1311090000	LNR	DOCARE	Oahu Branch			00118066	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00118079	6/1/2018	A	Consvtn & Rescs Enfc Offcr II	14
1311090000	LNR	DOCARE	Oahu Branch			00118724	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00118730	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00118731	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00118854	7/1/2008	A	Office Assistant III	03
1311090000	LNR	DOCARE	Oahu Branch			00119073	2/22/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00122249	12/1/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00122250	12/1/2016	A	Consvtn & Rescs Enfc Offcr III	14
1311090000	LNR	DOCARE	Oahu Branch			00122251	12/1/2016	A	Consvtn & Rescs Enfc Offcr III	14

Org Code	Department	Division	Branch	Section	Unit	Position	Eff Date	Status	Descr	Union Code
344100000	PSD	NarcEnforce				00007896	1/21/2016	A	Chief Investigator	35
344101000	PSD	NarcEnforce	Narc Enf Ofc Svcs Sif			00004861	2/1/2009	A	Secretary II	63
344101000	PSD	NarcEnforce	Narc Enf Ofc Svcs Sif			00027125	2/1/2009	A	Office Assistant III	03
344101000	PSD	NarcEnforce	Narc Enf Ofc Svcs Sif			00121399	7/31/2014	A	Account Clerk IV	03
344102000	PSD	NarcEnforce	Diversion Branch			00017633	2/1/2009	A	Investigator VI	23
344102000	PSD	NarcEnforce	Diversion Branch			00029584	2/1/2009	A	Investigator V	13
344102000	PSD	NarcEnforce	Diversion Branch			00051688	2/1/2009	A	Investigator V	13
344102000	PSD	NarcEnforce	Diversion Branch			00111158	8/16/2014	A	Investigator V	13
344102010	PSD	NarcEnforce	Diversion Branch	Registration Section		00042286	8/16/2014	A	Office Assistant III	03
344102010	PSD	NarcEnforce	Diversion Branch	Registration Section		00116525	2/1/2009	A	Account Clerk III	03
344102010	PSD	NarcEnforce	Diversion Branch	Registration Section		00120538	8/16/2014	A	Office Assistant III	03
344103000	PSD	NarcEnforce	Enforcement Branch			00024686	2/1/2009	A	Investigator VI	23
344103000	PSD	NarcEnforce	Enforcement Branch			00024687	2/1/2009	A	Investigator V	13
344103000	PSD	NarcEnforce	Enforcement Branch			00035149	8/29/2018	A	Investigator V	13
344103000	PSD	NarcEnforce	Enforcement Branch			00042212	8/29/2018	A	Investigator V	13
344103000	PSD	NarcEnforce	Enforcement Branch			00051686	2/1/2009	A	Investigator V	13
344103000	PSD	NarcEnforce	Enforcement Branch			00118656	11/16/2011	A	Investigator V	13
344103020	PSD	NarcEnforce	Enforcement Branch	Hilo Office		00035152	2/1/2009	A	Investigator V	13

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3442000000	PSD	Sheriff Div				00015131	2/22/2016 A		Deputy Sheriff III	24
3442000000	PSD	Sheriff Div				00015133	2/22/2016 A		Deputy Sheriff III	24
3442000000	PSD	Sheriff Div				00015134	2/22/2016 A		Deputy Sheriff III	24
3442000000	PSD	Sheriff Div				00018101	2/22/2016 A		Deputy Sheriff III	24
3442000000	PSD	Sheriff Div				00018102	2/22/2016 A		Deputy Sheriff III	24
3442000000	PSD	Sheriff Div				00018103	2/22/2016 A		Deputy Sheriff III	24
3442000000	PSD	Sheriff Div				00025904	2/22/2016 A		Deputy Sheriff III	24
3442000000	PSD	Sheriff Div				00028415	2/22/2016 A		Deputy Sheriff III	24
3442000000	PSD	Sheriff Div				00028417	2/22/2016 A		Deputy Sheriff IV	24
3442000000	PSD	Sheriff Div				00028418	2/22/2016 A		Deputy Sheriff III	24
3442000000	PSD	Sheriff Div				00039838	2/22/2016 A		Deputy Sheriff III	24
3442000000	PSD	Sheriff Div				00043385	2/22/2016 A		FIRST DEPUTY SHERIFF	37
3442000000	PSD	Sheriff Div				00043386	2/22/2016 A		Deputy Sheriff IV	24
3442000000	PSD	Sheriff Div				00043387	2/22/2016 A		Deputy Sheriff IV	24
3442000000	PSD	Sheriff Div				00043388	2/22/2016 A		Deputy Sheriff IV	24
3442000000	PSD	Sheriff Div				00043389	2/22/2016 A		Deputy Sheriff IV	24
3442000000	PSD	Sheriff Div				00043390	2/22/2016 A		Deputy Sheriff IV	24
3442000000	PSD	Sheriff Div				00043391	2/22/2016 A		Deputy Sheriff III	24
3442000000	PSD	Sheriff Div				00043392	2/22/2016 A		Deputy Sheriff III	24
3442000000	PSD	Sheriff Div				00043393	2/22/2016 A		Deputy Sheriff III	24
3442000000	PSD	Sheriff Div				00043394	2/22/2016 A		Deputy Sheriff III	24
3442000000	PSD	Sheriff Div				00043395	2/22/2016 A		Deputy Sheriff III	24
3442000000	PSD	Sheriff Div				00043396	2/22/2016 A		Deputy Sheriff III	24
3442000000	PSD	Sheriff Div				00043398	2/22/2016 A		Deputy Sheriff III	24
3442000000	PSD	Sheriff Div				00043399	2/22/2016 A		Deputy Sheriff III	24
3442000000	PSD	Sheriff Div				00043400	2/22/2016 A		Deputy Sheriff III	24
3442000000	PSD	Sheriff Div				00043403	2/22/2016 A		Deputy Sheriff III	24
3442000000	PSD	Sheriff Div				00045568	4/1/2016 A		Deputy Sheriff II	14
3442000000	PSD	Sheriff Div				00045664	2/22/2016 A		Deputy Sheriff III	24
3442000000	PSD	Sheriff Div				00102238	2/22/2016 A		Sheriff	94
3442000000	PSD	Sheriff Div				00111854	7/1/2017 A		Investigator V	73
3442000000	PSD	Sheriff Div				00116407	7/1/2017 A		Investigator V	73
3442000000	PSD	Sheriff Div				00118775	7/1/2017 A		Investigator V	73
3442000000	PSD	Sheriff Div				00120371	2/22/2016 A		Deputy Sheriff IV	24
3442000000	PSD	Sheriff Div				00120372	2/22/2016 A		Deputy Sheriff III	24
3442000000	PSD	Sheriff Div				00120678	10/3/2012 A		Secretary I	63

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3442000100	PSD	Sheriff Div		Staff Svcs Office		00043371	6/23/2017	A	Human Resources Assistant III	63
3442000100	PSD	Sheriff Div		Staff Svcs Office		00043376	2/1/2009	A	Office Assistant III	03
3442000100	PSD	Sheriff Div		Staff Svcs Office		00043379	2/1/2009	A	Office Assistant III	03
3442000100	PSD	Sheriff Div		Staff Svcs Office		00043383	2/1/2009	A	Office Assistant III	03
3442000100	PSD	Sheriff Div		Staff Svcs Office		00043660	6/22/2018	A	Staff Services Supvr II	84
3442000100	PSD	Sheriff Div		Staff Svcs Office		00045550	2/1/2009	A	Office Assistant III	03
3442000100	PSD	Sheriff Div		Staff Svcs Office		00049862	1/27/2016	A	Human Resources Assistant IV	63
3442000100	PSD	Sheriff Div		Staff Svcs Office		00120679	7/1/2012	A	Account Clerk III	03
3442000100	PSD	Sheriff Div		Staff Svcs Office		00120680	7/1/2012	A	Account Clerk III	03
3442000200	PSD	Sheriff Div		Dispatch Office		00043372	2/1/2009	A	Clerk Dispatcher II	03
3442000200	PSD	Sheriff Div		Dispatch Office		00043380	2/1/2009	A	Clerk Dispatcher I	03
3442000200	PSD	Sheriff Div		Dispatch Office		00119120	2/1/2009	A	Clerk Dispatcher I	03
3442010000	PSD	Sheriff Div	Operations Branch			00001326	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00001335	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00001336	9/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00002714	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00011878	5/16/2017	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00015130	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00015132	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00018094	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00018096	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00018097	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00018098	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00018099	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00021663	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00021664	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00021665	9/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00021666	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00021667	6/1/2018	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00022503	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00022504	11/10/2017	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00022505	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00026007	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00026008	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00026009	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00027626	4/1/2016	A	Deputy Sheriff II	14

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3442010000	PSD	Sheriff Div	Operations Branch			00027627	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00028413	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00028414	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00035208	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00035795	6/1/2018 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00039595	5/16/2017 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00039835	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00039836	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00039837	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00039839	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00039840	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00042397	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043401	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043404	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043405	11/10/2017 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043406	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043408	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043409	5/16/2017 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043411	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043412	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043413	5/16/2017 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043414	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043415	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043416	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043417	7/17/2018 A		Deputy Sheriff I	14
3442010000	PSD	Sheriff Div	Operations Branch			00043418	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043419	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043420	7/27/2018 A		Deputy Sheriff I	14
3442010000	PSD	Sheriff Div	Operations Branch			00043421	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043422	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043423	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043424	7/23/2018 A		Deputy Sheriff I	14
3442010000	PSD	Sheriff Div	Operations Branch			00043425	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043426	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043427	7/23/2018 A		Deputy Sheriff I	14
3442010000	PSD	Sheriff Div	Operations Branch			00043428	4/1/2016 A		Deputy Sheriff II	14

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3442010000	PSD	Sheriff Div	Operations Branch			00043429	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043430	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043431	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043432	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043433	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043434	7/23/2018 A		Deputy Sheriff I	14
3442010000	PSD	Sheriff Div	Operations Branch			00043435	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043436	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043437	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043438	7/23/2018 A		Deputy Sheriff I	14
3442010000	PSD	Sheriff Div	Operations Branch			00043440	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043442	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043444	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043445	5/16/2017 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043446	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043447	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043448	5/16/2017 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043449	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043451	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043452	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043453	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043455	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043456	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043457	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043458	11/10/2017 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043459	5/16/2017 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043462	9/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043463	9/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043464	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043465	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043466	5/16/2017 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043467	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043468	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043469	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043471	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043472	4/1/2016 A		Deputy Sheriff II	14

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3442010000	PSD	Sheriff Div	Operations Branch			00043473	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043474	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00043476	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00045559	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00045560	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00045561	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00045562	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00045563	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00045564	5/16/2017 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00045565	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00045566	7/27/2018 A		Deputy Sheriff I	14
3442010000	PSD	Sheriff Div	Operations Branch			00045567	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00045568	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00045569	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00045560	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00045661	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00045662	9/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00045663	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00045665	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00117576	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00117577	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00117578	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00117579	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00117580	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00118950	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00118951	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00118952	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00118953	5/16/2017 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00118954	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00118955	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00118956	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00118957	7/23/2018 A		Deputy Sheriff I	14
3442010000	PSD	Sheriff Div	Operations Branch			00118958	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00118959	4/1/2016 A		Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00118960	4/1/2016 A		Deputy Sheriff II	14

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3442010000	PSD	Sheriff Div	Operations Branch			00118961	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00118962	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00118963	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00118964	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00118965	5/16/2017	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00118966	7/23/2018	A	Deputy Sheriff I	14
3442010000	PSD	Sheriff Div	Operations Branch			00118967	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00118968	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00118969	11/10/2017	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00120373	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00120374	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00120375	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00120376	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00120377	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00120378	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00120379	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00120380	11/10/2017	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00120385	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00120387	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00120388	5/16/2017	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00121044	6/1/2018	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00121045	5/16/2017	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00121046	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00121047	4/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00121582	5/16/2017	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00121583	9/1/2016	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00122012	6/1/2018	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00122013	11/10/2017	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00122014	6/1/2018	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00122015	6/1/2018	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00122016	6/1/2018	A	Deputy Sheriff II	14
3442010000	PSD	Sheriff Div	Operations Branch			00122017	7/1/2016	A	Deputy Sheriff I	14
3442010000	PSD	Sheriff Div	Operations Branch			00122704	7/4/2018	A	Deputy Sheriff I	14
3442010404	PSD	Sheriff Div	Operations Branch	Special Operatns Sec	Clerical Supprt Staf	00043370	2/1/2009	A	Clerical Supervisor II	04
3442010404	PSD	Sheriff Div	Operations Branch	Special Operatns Sec	Clerical Supprt Staf	00043378	7/24/2018	A	Office Assistant IV	03

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3442010404	PSD	Sheriff Div	Operations Branch	Special Operatns Sec	Clerical Support Staf	00120681	9/14/2012	A	Office Assistant III	03
3442010404	PSD	Sheriff Div	Operations Branch	Special Operatns Sec	Clerical Support Staf	00120682	9/14/2012	A	Office Assistant III	03
3442010502	PSD	Sheriff Div	Operations Branch	Records Section	Records Unit	00043373	2/1/2009	A	Office Assistant III	03
3442010700	PSD	Sheriff Div	Operations Branch	Exec Protectv Sectn		00121053	4/1/2016	A	Deputy Sheriff II	14
3442011100	PSD	Sheriff Div	Operations Branch	Airport Section		00111189	4/1/2016	A	Deputy Sheriff IV	24
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00111163	4/1/2016	A	Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00111164	5/16/2017	A	Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00111165	5/10/2017	A	Deputy Sheriff I	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00111166	5/16/2017	A	Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00111167	4/1/2016	A	Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00111168	5/16/2017	A	Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00111169	6/1/2018	A	Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00111170	4/1/2016	A	Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00111171	4/1/2016	A	Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00111172	4/1/2016	A	Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00111173	4/1/2016	A	Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00111174	6/1/2018	A	Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00111175	4/1/2016	A	Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00111178	4/1/2016	A	Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00111179	6/1/2018	A	Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00111180	6/1/2018	A	Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00111182	4/1/2016	A	Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00111183	5/16/2017	A	Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00111184	2/22/2016	A	Deputy Sheriff III	24
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00111185	2/22/2016	A	Deputy Sheriff III	24
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00111186	2/22/2016	A	Deputy Sheriff III	24
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00111187	2/22/2016	A	Deputy Sheriff III	24
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00111188	2/22/2016	A	Deputy Sheriff III	24
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112631	11/10/2017	A	Deputy Sheriff I	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112632	4/1/2016	A	Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112633	7/26/2018	A	Deputy Sheriff I	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112634	4/1/2016	A	Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112635	4/1/2016	A	Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112636	4/1/2016	A	Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112637	4/1/2016	A	Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112638	7/23/2018	A	Deputy Sheriff I	14

Org Code	Department	Division	Branch	Section	Unit	Position	Eff Date	Status	Descr	Union Code
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112639	4/1/2016 A		Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112640	4/1/2016 A		Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112641	5/16/2017 A		Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112642	5/16/2017 A		Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112643	4/1/2016 A		Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112644	4/1/2016 A		Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112645	4/1/2016 A		Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112646	7/23/2018 A		Deputy Sheriff I	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112647	4/1/2016 A		Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112648	6/16/2018 A		Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112649	4/1/2016 A		Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112686	2/22/2016 A		Deputy Sheriff III	24
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112687	2/22/2016 A		Deputy Sheriff III	24
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112688	7/1/2018 A		Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112689	4/1/2016 A		Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112690	4/1/2016 A		Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112691	4/1/2016 A		Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112693	6/1/2018 A		Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112694	7/1/2018 A		Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112695	4/1/2016 A		Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112696	6/1/2018 A		Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112697	6/1/2018 A		Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112698	4/1/2016 A		Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112699	4/1/2016 A		Deputy Sheriff II	14
3442011101	PSD	Sheriff Div	Operations Branch	Airport Section	Patrol/Cellblock	00112700	4/1/2016 A		Deputy Sheriff II	14
3442011102	PSD	Sheriff Div	Operations Branch	Airport Section	Cleric Supprt Staff	00112692	6/23/2014 A		Office Assistant IV	04
3442011102	PSD	Sheriff Div	Operations Branch	Airport Section	Cleric Supprt Staff	00118522	2/1/2009 A		Staff Services Asst I	03
3442011203	PSD	Sheriff Div	Operations Branch	Hawaii Section	HSAccntg/ClericSpprt	00046254	2/1/2009 A		Account Clerk III	03
3442011203	PSD	Sheriff Div	Operations Branch	Hawaii Section	Kona Un-Patrol/cellb	00122694	6/25/2018 A		Deputy Sheriff IV	24
3442011204	PSD	Sheriff Div	Operations Branch	Hawaii Section	KSAccntg/ClericSpprt	00046296	2/1/2009 A		Account Clerk III	03
3442011300	PSD	Sheriff Div	Operations Branch	Kauai Section	KSPatrl/Cellick Un	00117236	2/22/2016 A		Deputy Sheriff IV	24
3442011301	PSD	Sheriff Div	Operations Branch	Kauai Section	KSPatrl/Cellick Un	00043470	5/16/2017 A		Deputy Sheriff II	14
3442011301	PSD	Sheriff Div	Operations Branch	Kauai Section	KSPatrl/Cellick Un	00043489	2/22/2016 A		Deputy Sheriff III	24
3442011301	PSD	Sheriff Div	Operations Branch	Kauai Section	KSPatrl/Cellick Un	00051739	2/22/2016 A		Deputy Sheriff II	14
3442011301	PSD	Sheriff Div	Operations Branch	Kauai Section	KSPatrl/Cellick Un	00112247	2/22/2016 A		Deputy Sheriff II	14
3442011301	PSD	Sheriff Div	Operations Branch	Kauai Section	KSPatrl/Cellick Un	00112248	2/22/2016 A		Deputy Sheriff II	14

Org Code	Department	Division	Branch	Section	Unit	Position	Eff Date	Status	Descr	Union Code
3442011301	PSD	Sheriff Div	Operations Branch	Kauai Section	KSPatrol/Celblock Un	00117237	2/22/2016 A		Deputy Sheriff II	14
3442011301	PSD	Sheriff Div	Operations Branch	Kauai Section	KSPatrol/Celblock Un	00117238	2/22/2016 A		Deputy Sheriff II	14
3442011301	PSD	Sheriff Div	Operations Branch	Kauai Section	KSPatrol/Celblock Un	00117239	2/22/2016 A		Deputy Sheriff II	14
3442011301	PSD	Sheriff Div	Operations Branch	Kauai Section	KSPatrol/Celblock Un	00117240	2/22/2016 A		Deputy Sheriff II	14
3442011301	PSD	Sheriff Div	Operations Branch	Kauai Section	KSPatrol/Celblock Un	00117241	2/22/2016 A		Deputy Sheriff II	14
3442011301	PSD	Sheriff Div	Operations Branch	Kauai Section	KSPatrol/Celblock Un	00117242	7/23/2018 A		Deputy Sheriff I	14
3442011302	PSD	Sheriff Div	Operations Branch	Kauai Section	KSActg/CircI/SuppStf	00046252	2/1/2009 A		Account Clerk III	03
3442011400	PSD	Sheriff Div	Operations Branch	Mauai Section		00043477	4/1/2016 A		Deputy Sheriff IV	24
3442011401	PSD	Sheriff Div	Operations Branch	Mauai Section	MSPatrolU/Celblock	00043478	2/22/2016 A		Deputy Sheriff III	24
3442011401	PSD	Sheriff Div	Operations Branch	Mauai Section	MSPatrolU/Celblock	00043479	4/1/2016 A		Deputy Sheriff II	14
3442011401	PSD	Sheriff Div	Operations Branch	Mauai Section	MSPatrolU/Celblock	00043480	4/1/2016 A		Deputy Sheriff II	14
3442011401	PSD	Sheriff Div	Operations Branch	Mauai Section	MSPatrolU/Celblock	00043481	4/1/2016 A		Deputy Sheriff II	14
3442011401	PSD	Sheriff Div	Operations Branch	Mauai Section	MSPatrolU/Celblock	00043482	4/1/2016 A		Deputy Sheriff II	14
3442011401	PSD	Sheriff Div	Operations Branch	Mauai Section	MSPatrolU/Celblock	00043483	4/1/2016 A		Deputy Sheriff II	14
3442011401	PSD	Sheriff Div	Operations Branch	Mauai Section	MSPatrolU/Celblock	00043484	4/1/2016 A		Deputy Sheriff II	14
3442011401	PSD	Sheriff Div	Operations Branch	Mauai Section	MSPatrolU/Celblock	00043485	4/1/2016 A		Deputy Sheriff II	14
3442011401	PSD	Sheriff Div	Operations Branch	Mauai Section	MSPatrolU/Celblock	00043486	4/1/2016 A		Deputy Sheriff II	14
3442011401	PSD	Sheriff Div	Operations Branch	Mauai Section	MSPatrolU/Celblock	00043487	4/1/2016 A		Deputy Sheriff II	14
3442011401	PSD	Sheriff Div	Operations Branch	Mauai Section	MSPatrolU/Celblock	00045569	4/1/2016 A		Deputy Sheriff II	14
3442011401	PSD	Sheriff Div	Operations Branch	Mauai Section	MSPatrolU/Celblock	00045570	4/1/2016 A		Deputy Sheriff II	14
3442011401	PSD	Sheriff Div	Operations Branch	Mauai Section	MSPatrolU/Celblock	00117581	2/22/2016 A		Deputy Sheriff III	24
3442011401	PSD	Sheriff Div	Operations Branch	Mauai Section	MSPatrolU/Celblock	00117582	4/1/2016 A		Deputy Sheriff II	14
3442011401	PSD	Sheriff Div	Operations Branch	Mauai Section	MSPatrolU/Celblock	00117583	5/16/2017 A		Deputy Sheriff II	14
3442011401	PSD	Sheriff Div	Operations Branch	Mauai Section	MSPatrolU/Celblock	00117584	4/1/2016 A		Deputy Sheriff II	14
3442011401	PSD	Sheriff Div	Operations Branch	Mauai Section	MSPatrolU/Celblock	00117585	4/1/2016 A		Deputy Sheriff II	14
3442011401	PSD	Sheriff Div	Operations Branch	Mauai Section	MSPatrolU/Celblock	00117586	4/1/2016 A		Deputy Sheriff II	14
3442011401	PSD	Sheriff Div	Operations Branch	Mauai Section	MSPatrolU/Celblock	00117587	4/1/2016 A		Deputy Sheriff II	14
3442011401	PSD	Sheriff Div	Operations Branch	Mauai Section	MSPatrolU/Celblock	00121055	5/16/2017 A		Deputy Sheriff II	14
3442011402	PSD	Sheriff Div	Operations Branch	Mauai Section	MSActg/CircI/SuppStf	00046255	2/1/2009 A		Account Clerk III	03

Org Code	Department	Division	Branch	Section	Unit	Position	Eff Date	Status	Descr	Union Code
1508030304	TRN	Hrbrs Div	Oahu Dist	Operations Section	Oahu Harbor Enf Unit	00001053	2/22/2016	A	Harbor Enforcement Officer II	14
1508030304	TRN	Hrbrs Div	Oahu Dist	Operations Section	Oahu Harbor Enf Unit	00008669	2/22/2016	A	Harbor Enforcement Officer III	14
1508030304	TRN	Hrbrs Div	Oahu Dist	Operations Section	Oahu Harbor Enf Unit	00011585	2/22/2016	A	Harbor Enforcement Officer IV	24
1508030304	TRN	Hrbrs Div	Oahu Dist	Operations Section	Oahu Harbor Enf Unit	00012128	2/22/2016	A	Harbor Enforcement Officer II	14
1508030304	TRN	Hrbrs Div	Oahu Dist	Operations Section	Oahu Harbor Enf Unit	00016898	2/22/2016	A	Harbor Enforcement Officer III	14
1508030304	TRN	Hrbrs Div	Oahu Dist	Operations Section	Oahu Harbor Enf Unit	00019157	2/22/2016	A	Harbor Enforcement Officer II	14
1508030304	TRN	Hrbrs Div	Oahu Dist	Operations Section	Oahu Harbor Enf Unit	00019158	2/22/2016	A	Harbor Enforcement Officer II	14
1508030304	TRN	Hrbrs Div	Oahu Dist	Operations Section	Oahu Harbor Enf Unit	00025296	2/22/2016	A	Harbor Enforcement Officer III	14
1508030304	TRN	Hrbrs Div	Oahu Dist	Operations Section	Oahu Harbor Enf Unit	00025895	2/22/2016	A	Harbor Enforcement Officer II	14
1508030304	TRN	Hrbrs Div	Oahu Dist	Operations Section	Oahu Harbor Enf Unit	00025896	2/22/2016	A	Harbor Enforcement Officer II	14
1508030304	TRN	Hrbrs Div	Oahu Dist	Operations Section	Oahu Harbor Enf Unit	00025900	2/22/2016	A	Harbor Enforcement Officer II	14
1508030304	TRN	Hrbrs Div	Oahu Dist	Operations Section	Oahu Harbor Enf Unit	00025901	2/22/2016	A	Harbor Enforcement Officer II	14
1508030304	TRN	Hrbrs Div	Oahu Dist	Operations Section	Oahu Harbor Enf Unit	00026010	2/22/2016	A	Harbor Enforcement Officer II	14
1508030304	TRN	Hrbrs Div	Oahu Dist	Operations Section	Oahu Harbor Enf Unit	00026011	2/22/2016	A	Harbor Enforcement Officer II	14
1508030304	TRN	Hrbrs Div	Oahu Dist	Operations Section	Oahu Harbor Enf Unit	00026012	2/22/2016	A	Harbor Enforcement Officer II	14
1508030304	TRN	Hrbrs Div	Oahu Dist	Operations Section	Oahu Harbor Enf Unit	00026020	2/22/2016	A	Harbor Enforcement Officer II	14
1508030304	TRN	Hrbrs Div	Oahu Dist	Operations Section	Oahu Harbor Enf Unit	00111619	2/22/2016	A	Harbor Enforcement Officer II	14

**Survey of State Departments and Agencies
Regarding Law Enforcement Consolidation
(Pursuant to Act 124, Session Laws of Hawaii 2018)**

The questions in this survey may require the formation of opinions and best estimates, so please answer these questions to the **best of your knowledge and ability**. Please note that the information provided will be included in the Legislative Reference Bureau's report to the Legislature, pursuant to Act 124, Session Laws of Hawaii 2018.

For your reference in responding to this survey, a possible consolidation of law enforcement activities and responsibilities could include, but may not be limited to, entities that have been conferred certain powers of police officers, including the powers to arrest and execute warrants, by the Hawaii Revised Statutes, either directly or indirectly.

Please provide the following contact information for follow-up questions or clarification.

Name:	<i>Sean D. Vaivao-Oliver</i>
Title:	<i>Chief Investigator</i>
Department:	<i>Department of Human Services</i>
Division or Agency:	<i>Investigations</i>
Phone:	
E-mail:	

PART I

In your responses to the questions in Part I, please note to which division or agency the information provided relates.

- (1) Please list and describe all of your department's law enforcement activities and responsibilities, including any law enforcement activities and responsibilities on the neighbor islands.

The State of Hawaii Department of Human Services (DHS) Investigations Office (INVO) investigates allegations of fraud committed in state and federal public assistance programs, civil rights violations, and employee fraud and or misconduct. Law Enforcement activities conducted by our office include:

- A. Investigate civil and criminal allegations of public assistance fraud in the various programs by
 - i. Conducting criminal analysis utilizing criminal justice databases*
 - ii. Locating and interviewing witnesses*
 - iii. Collecting information and evidence through subpoena or search warrants*
 - iv. Conducting surveillance and undercover operations*
 - v. Work with confidential informants to develop leads**
- B. Investigate allegations of civil rights violations in reference to public assistance programs*
- C. Investigate allegations of employee fraud and or misconduct*
- D. Assist Law Enforcement Agencies in locating missing persons, fleeing felons and or individuals with outstanding warrants*
- E. Provide testimony during court proceedings and administrative hearings.*
- F. Assist Attorney General's Office and County Prosecutor's office in preparing cases for prosecution by collecting, organizing and cataloguing evidence.*

- (2) Please describe any certification requirements that your department's law enforcement personnel are subject to, including the names of the certifying entities.

INVO investigators are required to have at least six years law enforcement experience and or two years of investigative experience and a Bachelor Degree from an accredited

university. Investigators are currently not subject to any certification requirements. However the following certification requirements are currently under consideration

- A. Peace Officer Standards of Training Certification for Welfare Fraud Investigators – Any P.O.S.T. credentialed campus or training facility*
- B. Certified Fraud Examiner (CFE) – Association of Certified Fraud Examiners*
- C. Certified Welfare Fraud Investigator (CWFI) – United Council on Welfare Fraud*

PART II

Please base all of your responses to the following questions on the information contained in Act 124, Session Laws of Hawaii 2018.

- (1) If the Legislature were to consolidate state law enforcement activities and responsibilities under a new, centralized state law enforcement division or agency, what processes, procedures, equipment, training, certification, uniforms, leases, vehicles, etc., would that new entity require in order to perform those law enforcement activities and responsibilities currently performed by your department? Please include estimated costs associated with each of these start-up requirements, and please explain your reasoning.
 - A. **Processes and Procedures.** The DHS Investigations Office if consolidated under a centralized state law enforcement agency would continue to follow current processes and procedures. In order to be in compliance with Federal Requirements, DHS Investigations would still be required to provide direct support to DHS. DHS investigation's current procedures satisfy all state and federal requirements. The processes and procedures do have some flexibility such as the reporting methods. However some procedures and processes are not flexible and have strict requirements. For example the methods and resources DHS Investigations uses are only available to DHS Investigators.*
 - B. **Training and Certification.** Investigations currently does not have any specific training requirements or certifications. However in order to meet state law enforcement standards, additional training and certification may be required. The cost would depend on who would be providing the training. Currently the Department of Public Safety Training Directorate provides training for most state law enforcement agencies. If training were to be provided in the same manner, there would be no additional costs other than the current costs to train state law enforcement officers.*
 - C. **Uniforms.** The investigations office conducts investigative tasks which are sensitive in nature. Therefore the investigators do not wear any law enforcement uniform. Uniforms do not pose an issue.*

D. Leases. *The Investigations Office is comprised of six separately located offices throughout the state. Currently there are two offices located in Oahu, two on Hawaii Island, one in Kauai, and one in Maui. In order to maintain state wide coverage all offices would have to continue operating. The offices in Hilo and Kona, and Maui are located in leased buildings. In order to reduce cost, the offices should be relocated to state buildings. The cost of relocating each office would be approximately \$5000 dollars per office. The other investigation offices are located in state buildings and would remain there, unless otherwise directed.*

E. Vehicles, Equipment, and Technology. *DHS Investigators utilize various types of equipment and technology during the course of their duties. DHS Investigations currently does not have any Law Enforcement Equipment. However very little equipment is required. DHS Investigations, in order to be a complete law enforcement agency would require the following:*

i. Unmarked Vehicles. *The DHS Investigations Office conducts undercover and surveillance operations. They also meet with witnesses, and confidential informants. Investigations would utilize unmarked vehicles in order to protect the integrity of the investigations, surveillance and undercover operations. Each office would possess the number of unmarked vehicles required per office. For example the investigation offices in Hilo, Kona, Maui, and Kauai would have two unmarked vehicles. The Oahu Investigations Office would require at least eight. Acquisition costs would be approximately \$20,000 per vehicle; Annual Travel and Maintenance Costs would be approximately \$5000; any additional costs could not be estimated at this time.*

ii. Equipment. *Investigations office would require additional equipment for safety, security, and operational efficiency and effectiveness. The following items would be required:*

- *Standard Office Equipment (\$15000 per office)*
- *Secured storage for weapons and controllable items (\$5000 per office)*
- *Secured storage for data and documents (\$2000 per office)*
- *Personal Protective and Utility Equipment - Ballistic vests, utility belts, equipment holders, etc.(\$2700 per investigator)*

iii. Technology. Investigations office would require technology in order to interface with other state law enforcement agencies, ensure the ability to communicate effectively. The following technology would be required

- *Communication Devices – Handheld radios, vehicle radios, mobile phones (Acquisition Costs: \$10,000, Annual Costs: \$3,000)*
- *Computers – Office Terminals, Mobile Data Computers / Terminals, law enforcement management software (Acquisition Costs: \$40,000)*

- (2) If the Legislature were to consolidate state law enforcement activities and responsibilities under a new, centralized state law enforcement division or agency, are there any other reasonably foreseeable start-up requirements not addressed in Question 1 above (i.e., any requirements not associated with your department)? Please include the associated costs for these requirements and an explanation for each of those costs.

At this time there are no additional foreseeable start-up requirements that are not already addressed in Question 1.

- (3) Does your department have any neighbor island operations or facilities that could be impacted by a potential consolidation of statewide law enforcement activities and responsibilities? Please explain your response.

Yes. The DHS Investigations Office conducts statewide investigations and has offices in Oahu, Hawaii, Maui, and Kauai. Under state wide consolidation, some policies and procedures would change in order to meet requirements.

- (4) What would be the most desirable structure of a new, centralized state law enforcement division or agency? Please explain your reasoning.

The most desirable structure of a new, centralized state law enforcement division would be a linear structure. A linear structure allows law enforcement agencies to continue providing support to their respective state departments while allowing the top staff to maintain accountability and oversight. It would also prevent intermingling of roles and responsibilities for each state law enforcement branch. For example DHS Investigations has access to information other law enforcement agencies do not have for the safety and security of individual's personally identifiable information.

- (5) Please provide a timeline for a successful transition of your department's law enforcement activities and responsibilities to a new, centralized state law enforcement division or agency. Please explain your reasoning.

The reassignment to a new centralized state law enforcement division or agency would require the revision of certain agreements as well as transferring administrative responsibility. The administrative transfer of responsibility would include human resources and financial management responsibilities, bargaining unit negotiations and

logistical support. Additionally if DHS Investigations were to be required to change physical locations, it would take time to do so as well.

- A. Phase One – Administrative reassignment of personnel. Administrative reassignment of personnel could occur quite rapidly. Anticipated completion time would be approximately three to six months. Changes in Bargaining Unit, salaries, and ensuring all personnel meet any additional requirements would be the greatest challenge.*
- B. Phase Two – Physical Relocation. Would require identifying working locations, acquisition of office equipment and services. If offices remain in place, relocation would not be an issue.*
- C. Phase Three – Certifications. In order to meet agency requirements and standards, a review of personnel certifications and training would be required. Any additional training requirements would have to be completed in order to be in compliance. The completion of training could take anywhere from three months to year.*
- D. Phase Four – Acquisition of equipment including but not limited to personal and office equipment if necessary.*

- (6) What regulatory efficiencies could be achieved or lost as a result of a potential consolidation of statewide law enforcement activities and responsibilities? Please explain your reasoning.

Regulatory efficiencies associated with public assistance investigations could be lost as a result of a potential consolidation of statewide law enforcement activities and responsibilities. If the director or head of the agency were to reallocate all resources towards other areas of interest requiring law enforcement, DHS would then lose investigative support. In addition, misuse or misallocation would have a significant impact on the state in meeting its obligations to enforcing public assistance federal and state laws.

- (7) How would a potential consolidation of statewide law enforcement activities and responsibilities affect your department as a whole? Please explain.

As a whole, a potential consolidation of statewide law enforcement would affect DHS Investigations by providing additional resources, support to various initiatives, corroboration and cooperation amongst state law enforcement agencies.

- (8) How many full-time equivalent (FTE) employees from your department could be affected by a potential consolidation of statewide law enforcement activities and responsibilities? Would any part-time, contract, or volunteer positions be affected? If so, how many of these positions would be affected?

DHS Investigations consists of all FTE employees. As long as DHS Investigations remains intact there would be little to no impact on FTE employees. DHS Investigations does not have any part-time, contract, or volunteer positions.

- (9) What collective bargaining units within your department would be affected by a potential consolidation of statewide law enforcement activities and responsibilities?

DHS Investigations consists of BU 13 and BU 3. Changes in position descriptions and responsibilities would have a significant impact on collective bargaining units. However it is difficult to determine any major impacts it would cause.

- (10) How would a potential consolidation of statewide law enforcement activities and responsibilities affect your department's existing collective bargaining agreements? Please explain your reasoning.

As stated in question (9), changes in the position description and responsibility could have a significant impact on collective bargaining agreements.

- (11) Would a potential consolidation of statewide law enforcement activities and responsibilities require any collective bargaining agreements to be renegotiated? Please explain your response.

Yes. Bargaining agreements would need to be renegotiated because of the additional requirements and responsibilities for key positions, and the changes to positions that will be made under the consolidation.

- (12) Are there any reasonably foreseeable benefits associated with a potential consolidation of statewide law enforcement activities and responsibilities? Please explain.

Benefits associated with potential consolidation of statewide law enforcement activities and responsibilities include the following:

- A. Information sharing and corroboration.*
- B. Efficiency and effectiveness.*

Increasing information sharing and corroboration would increase efficiency and overall effectiveness of State Law Enforcement. Another benefit could include easier access to more personnel/resources during an operation targeting welfare fraud.

- (13) Are there any reasonably foreseeable problems associated with a potential consolidation of statewide law enforcement activities and responsibilities, or any additional issues that should be highlighted? Please explain.

Potential problems associated with a potential consolidation of statewide law enforcement activities could be the following:

- A. Misuse of resources including personnel and equipment*

B. Misappropriation of funding

C. Failing to meet obligations to supported agencies.

One distinctive issue with consolidation would involve being tasked with other investigations/activities that are outside our original scope of intent. It could be seen as a future possibility that resources that were originally intended to be devoted specifically to DHS welfare fraud investigations could be re-allocated to another type of investigation due to falling under a consolidated Law Enforcement agency.

- (14) Are there any reasons not already discussed herein why your department's law enforcement activities and responsibilities should or should not be included in a potential consolidation of statewide law enforcement activities and responsibilities?

A potential reason for our agency not to be included in a statewide law enforcement consolidation is the potential for the reduction or loss of law enforcement support to DHS. If DHS investigations was included in the law enforcement consolidation but remained as the DHS State Law Enforcement Branch, including DHS Investigations in the consolidation would be possible.

**Survey of State Departments and Agencies
Regarding Law Enforcement Consolidation
(Pursuant to Act 124, Session Laws of Hawaii 2018)**

The questions in this survey may require the formation of opinions and best estimates, so please answer these questions to the **best of your knowledge and ability**. Please note that the information provided will be included in the Legislative Reference Bureau's report to the Legislature, pursuant to Act 124, Session Laws of Hawaii 2018.

For your reference in responding to this survey, a possible consolidation of law enforcement activities and responsibilities could include, but may not be limited to, entities that have been conferred certain powers of police officers, including the powers to arrest and execute warrants, by the Hawaii Revised Statutes, either directly or indirectly.

Please provide the following contact information for follow-up questions or clarification.

Name:	<i>Albert Cummings</i>
Title:	<i>Sheriff</i>
Department:	<i>Public Safety</i>
Division or Agency:	<i>Sheriff Division</i>
Phone:	
E-mail:	

PART I

- (1) Please list and describe all of your agency's law enforcement activities and responsibilities, including any law enforcement activities and responsibilities on the neighbor islands.

The mission of the Sheriff Division (SD) is to provide general law enforcement duties to preserve public peace, protect the rights of persons and property, prevent crime, and arrest law offenders. SD is responsible for all persons, property, and buildings under the control of the State, including but not limited to the Daniel K. Inouye International Airport, Judiciary courts and buildings, all State buildings in the Civic Center Complex, and the Hawaii State Capitol.

SD is involved in various stages of the criminal justice system, including arresting and processing offenders. SD also secures and transport both adult inmates and juveniles from correctional and detention facilities as well as DOH facilities such as the Hawaii State Hospital for court proceedings on island, inter-island, and mainland extraditions. In addition to securing custody inmates, deputy sheriffs patrol and provide a law enforcement presence in the court buildings. SD is also tasked with the daily executive protection services of the Governor, Lieutenant Governor, their families, and other dignitaries on occasion. SD Capitol Patrol Section provides security protection at the Hawaii State Capitol and the Civic Center Complex, recently expanding to provide the security or law enforcement services to homeless operations.

SD Sections serve various types of warrants and court documents, and execute evictions. Deputies conduct criminal investigations by interviewing victims, complainants, witnesses; gathering physical evidence; preparing and submitting written reports for criminal prosecution. This includes coordinating with other agencies such as the county police, county prosecutors, the Department of the Attorney General, and the Judiciary for bail and submittal of necessary documents for successful prosecution.

SD's Special Operations Section performs a wide range of functions including fugitive apprehension; executing search and arrest warrants; the use of canine for the detection of narcotics, currency, and explosives; performing evictions; and transporting inmates under strict security measures. SD's Airport Section provides law enforcement services at the Daniel K. Inouye International Airport. SD's Court Sections on all islands provide for the security of the Judiciary, parties, and general public while securing and moving inmate custodies to and from correctional facilities to the courthouse, then to individual courtrooms for criminal proceedings.

SD's Records and Evidence Section is responsible for all law enforcement reports, the Records Management System, and proper and secure evidence storage. SD's Administrative Support Section provides the necessary personnel and fiscal support to successfully run any organization. SD also maintains and manages grants and asset forfeiture accounts, as well as provides special off-duty services for both State agencies and private vendors.

SD has also prepared and responded to major events and natural disasters, most recently the Kauai flooding. SD has provided law enforcement services at events such as the IUCN World Conservation Congress at the Hawaii Convention Center.

- (2) Please describe any certification requirements that your agency's law enforcement personnel are subject to, including the names of the certifying entities.

Deputy Sheriff recruits must successfully complete 960 hours (approximately six months) of law enforcement recruit training through the Department of Public Safety, Training and Staff Development. More importantly, SD had begun its internal review to pursue CALEA (Commission on the Accreditation of Law Enforcement Agencies) accreditation, as mandated pursuant section 353C-9, HRS.

PART II

Please base all of your responses to the following questions on the information contained in Act 124, Session Laws of Hawaii 2018.

- (1) If the Legislature were to consolidate state law enforcement activities and responsibilities under a new, centralized state law enforcement division or agency, what processes, procedures, equipment, training, certification, uniforms, leases, vehicles, etc., would that new entity require in order to perform those law enforcement activities and responsibilities currently performed by your agency? Please include estimated costs associated with each of these start-up requirements, and please explain your reasoning.

If the Sheriff Division is transferred to a centralized law enforcement agency, SD would minimally need all existing facilities, equipment, vehicles, communications, policies and procedures, memorandum of agreements, and personnel to carry out their law enforcement activities.

The following would be needed by SD to effectively perform its mission in a consolidated agency:

- a) Information Technology Infrastructure to maintain our records management system, taking in account that CALEA accreditation will require evidence storage and management as well;
- b) SD is general funded, but also maintains an asset forfeiture account;
- c) Communications Infrastructure and Equipment: SD would need to maintain radio communication with any other agency which would be consolidated into a larger department or agency. This would include any camera security system that would be incorporated into the Capitol Dispatch system;
- d) Firearms/Equipment/Uniforms/Badges;
- e) Training – both initial, in-service, and specialty;
- f) Policies and procedures, especially those specific to SD's mission and function, including those necessary for services provided to the Judiciary and the Department of Transportation at the Daniel K. Inouye International Airport;
- g) Secure evidence room;
- h) Personnel management, including recruitment, recruit training, and promotion;

- i) Fiscal procedures and management, including asset forfeiture accounts;
- j) Existing agreements, contracts, memorandums of understanding, including those with the Judiciary, State Department of Transportation, and United States Drug Enforcement Agency.

This study should include the cost of rebuilding and maintaining all of the infrastructure to consolidate SD with other agencies. It is estimated that the costs could run in excess of hundreds of thousands to consolidate just the IT and communications system.

- (2) If the Legislature were to consolidate state law enforcement activities and responsibilities under a new, centralized state law enforcement division or agency, are there any other reasonably foreseeable start-up requirements not addressed in Question 1 above (i.e., any requirements not associated with your agency)? Please include the associated costs for these requirements and an explanation for each of those costs.

Essentially, consolidation amounts to the creation and construction of an entirely new law enforcement department, which would require common policies and procedures, forms, receipt and security of evidence, dispatch and communication platforms, information and technology support, fiscal practices and management, maintaining asset forfeiture accounts, special and general funded positions, personnel recruitment and promotions, training, and interagency contracts and memoranda of agreements between federal, state, and county agencies.

The most important principle for success of a new consolidated agency is an agreed upon mission with obtainable goals and objectives. This may be particularly challenging because the new consolidated agency would address wide and varying missions (e.g. conservation of natural resources, executive protection security, controlled substance regulation, judicial security, tax violations, airport security, harbors enforcement, etc.).

Another important issue would be determining position description requirements and position titles under the new, consolidated agency. Presently, all of the different state law enforcement position descriptions have varying levels of education, work experience, physical qualifications and training requirements. Considerable discussion can be had on how one could qualify, move laterally, or move within any proposed consolidated agency.

- (3) Does your agency have any neighbor island operations or facilities that could be impacted by a potential consolidation of statewide law enforcement activities and responsibilities? Please explain your response.

Yes. SD has sections on all neighbor islands tasked with law enforcement duties and security presence at all Judiciary courthouses, including Lanai and Molokai. SD's Court Sections on all islands provide for the security of the Judiciary, parties, and general public while securing and moving inmate custodies to and from correctional facilities to the courthouse, then to individual courtrooms for criminal proceedings. Inter-island transport of juveniles and custodies remanded to the Department of Health routinely occur.

- (4) What would be the most desirable structure of a new, centralized state law enforcement division or agency? Please explain your reasoning.

PSD notes that the Sheriff Division is specifically excluded from Act 124. The most desirable structure for SD would be to leave the agency currently as it exists in the Department of Public Safety. SD works closely with the department's Narcotics Enforcement Division for all illicit drug cases on state lands as well as prison contraband cases. Corrections, NED, and the Sheriff Division are currently under one authority under the Director of the Department of Public Safety.

Further, SD, including its court and cellblock sections, as well as its Warrants and Capitol sections, constantly and continuously work collaboratively with PSD's jails and prisons to maintain effective operations regarding the inmates and custodies transported to and from court for judicial proceedings. Such a collaborative and cooperative working relationship under one PSD Director within the same department should not be disrupted.

- (5) Please provide a timeline for a successful transition of your agency's law enforcement activities and responsibilities to a new, centralized state law enforcement division or agency. Please explain your reasoning.

It would take at least several years to successfully integrate SD into a new, consolidated law enforcement agency.

- (6) What regulatory efficiencies could be achieved or lost as a result of a potential consolidation of statewide law enforcement activities and responsibilities? Please explain your reasoning.

SD is the only agency tasked with the Executive Protection Section as well as inmate custody movement and public protection at the courts. If SD were consolidated with other agencies, it would be detrimental to our community to distract SD from its collaborative and critical operations with the correction facilities, all under the PSD Director, regarding inmates and custodies transported to and from court for judicial proceedings.

- (7) How would a potential consolidation of statewide law enforcement activities and responsibilities affect your agency as a whole? Please explain.

If SD were placed in a consolidated agency with a larger and wider mission, SD's mission must not be lost among the competing resources and widely varied missions of the many different agencies. As mentioned previously, SD was not included in Act 124. If SD were consolidated with other agencies, it would be detrimental to our community to distract SD from its collaborative and critical operations with the correction facilities, all under the PSD Director, regarding inmates and custodies transported to and from court for judicial proceedings.

- (8) How many full-time equivalent (FTE) employees from your agency could be affected by a potential consolidation of statewide law enforcement activities and responsibilities? Would any part-time, contract, or volunteer positions be affected? If so, how many of these positions would be affected?

SD currently has 317 FTE Positions that would be affected by a statewide, consolidation of law enforcement activities, including armed, uniformed deputy sheriffs as well as support staff.

- (9) What collective bargaining units within your agency would be affected by a potential consolidation of statewide law enforcement activities and

responsibilities? HGEA Units 3, 4, 13, and 14. Deputy sheriffs are members of

BU 14.

- (10) How would a potential consolidation of statewide law enforcement activities and responsibilities affect your agency's existing collective bargaining agreements? Please explain your reasoning.

There are differences in the BU 3, 4, 13, and 14 bargaining agreements. For example, NED Investigators (BU 13) generally hold higher job classification ratings than all of the BU 14 members and have a 2.5% statutory retirement plan. Conversely, BU 14 members have standard of conduct pay and other differentials awarded to them. If consolidation affects employees' wages or other conditions of work, the Union and State employer would need to consult and/or negotiate the impact of such changes

- (11) Would a potential consolidation of statewide law enforcement activities and responsibilities require any collective bargaining agreements to be renegotiated? Please explain your response.

Yes. See response to Question #10 above.

- (12) Are there any reasonably foreseeable benefits associated with a potential consolidation of statewide law enforcement activities and responsibilities? Please explain.

The most desirable structure for SD would be to leave SD within the Department of Public Safety. SD works closely with NED for all illicit drug cases on state lands as well as prison contraband cases. Corrections, NED, and the Sheriff Division are currently under one authority under the Director of the Department of Public Safety.

Further, SD, including its court and cellblock sections, as well as its Warrants and Capitol sections, constantly and continuously work collaboratively with PSD's jails and prisons to maintain effective operations regarding the inmates and custodies transported to and from court

for judicial proceedings. Such a collaborative and cooperative working relationship under one PSD Director within the same department should not be disrupted.

- (13) Are there any reasonably foreseeable problems associated with a potential consolidation of statewide law enforcement activities and responsibilities, or any additional issues that should be highlighted? Please explain.

There are many foreseeable problems with potential consolidation of statewide law enforcement activities. First, a new consolidated agency would have to create entirely new structures and systems, including records management, communications and dispatch, evidence collection and storage, training, policies and procedures, and more. Second, as mentioned above, consolidation may result in changes to existing job descriptions and/or minimum qualifications. It is unclear how this would affect current employees. Third, while many SD positions are general funded, SD Airport Section's positions are specially funded by the Department of Transportation. Other agencies may have positions funded by special funds, grants, or federal monies. Such positions must be used according to the funding source. Fourth, support staff must be transferred from one agency to the proposed consolidated agency. It is unknown if such a consolidation would require more staffing or result in a reduction in force. Finally, as mentioned, the Employee Retirement System would need to be evaluated as some positions are statutorily covered under section 88-47, HRS.

- (14) Are there any reasons not already discussed herein why your agency's law enforcement activities and responsibilities should or should not be included in a potential consolidation of statewide law enforcement activities and responsibilities?

If State agencies were consolidated into a single consolidated agency, then great thought, research, and vigorous planning are required. Extremely important issues such as structure, chain of command, policies and procedures, records management systems, communication and dispatch, funding issues, and fiscal and personnel systems must be well planned for smooth transition to occur. Anything short would fail, leaving our community and public safety at risk.

**Survey of State Departments and Agencies Regarding Law Enforcement
Consolidation (Pursuant to Act 124, Session Laws of Hawaii 2018)**

This copy of the survey is for your reference. An electronic copy of this survey will be emailed to . If this email address is incorrect, or if you wish for the survey to be sent to a different email address, please contact Wayne Scott, Research Attorney, by phone at (808) 587-0666 or by email at .

The questions in this survey may require the formation of opinions and best estimates, so please answer these questions to the **best of your knowledge and ability**. Please note that the information provided will be included in the Legislative Reference Bureau's report to the Legislature, pursuant to Act 124, Session Laws of Hawaii 2018.

For your reference in responding to this survey, a possible consolidation of law enforcement activities and responsibilities could include, but may not be limited to, entities that have been conferred certain powers of police officers, including the powers to arrest and execute warrants, by the Hawaii Revised Statutes, either directly or indirectly.

Please provide the following contact information for follow-up questions or clarification.

Name:	Damien Elefante
Title:	Deputy Director
Department:	Department of Taxation
Division or Agency:	
Phone:	
E-mail:	

PART I

In your responses to the questions in Part I, please note to which division or agency the information provided relates.

- (1) Please list and describe all of your department's law enforcement activities and responsibilities, including any law enforcement activities and responsibilities on the neighbor islands.

The Department of Taxation's (DOTAX) law enforcement type activities comprise of three sections: (1) Fraud Unit, (2) Special Enforcement Section (SES), and (3) Criminal Investigation Section (CIS). These sections are located on Oahu and conduct investigations and reviews on all the neighbor islands.

The Fraud Unit is an ad hoc unit formed in DOTAX with positions from other sections. The primary purpose for the unit is to review tax returns to discover identity theft, prevent the issuance of fraudulent refund request, identify questionable tax return preparers, and identify areas of non-compliance with tax laws.

The Special Enforcement Section (SES) is primarily responsible to conduct civil investigations of possible violations of the state's tax laws and impose civil penalties and fines pursuant to Hawaii Revised Statutes (HRS) sections 231-81 to 231-86. SES Investigators are authorized to process serve and apply for and execute search warrants or writs of entry but not otherwise have the powers of a police officer or deputy sheriff. SES does not conduct criminal investigations and does not have authority to enforce any criminal laws. Persons appointed as SES investigators are exempt from chapters 76 and 98.

The Criminal Investigation Section (CIS) is primarily responsible to conduct criminal investigation of possible violations of the state tax laws pursuant to HRS Section 231-4.3. CIS Investigators have and can exercise general police powers and authority and have the same privileges of a police officer or deputy sheriff, including the power to arrest while and within the actual performance of their duties. Persons appointed as CIS Investigators are exempt from chapter 76.

- (2) Please describe any certification requirements that your department's law enforcement personnel are subject to, including the names of the certifying entities.

Statutorily, there are no certification requirements to be an examiner/investigator in the Fraud Unit, SES, and CIS. However, individuals with knowledge of tax laws, financial accounting, and general tax investigation processes are preferred.

PART II

Please base all of your responses to the following questions on the information contained in Act 124, Session Laws of Hawaii 2018.

- (1) If the Legislature were to consolidate state law enforcement activities and responsibilities under a new, centralized state law enforcement division or agency, what processes, procedures, equipment, training, certification, uniforms, leases, vehicles, etc., would that new entity require in order to perform those law enforcement activities and responsibilities currently performed by your department? Please include estimated costs associated with each of these start-up requirements, and please explain your reasoning.

Based on Act 124, it is unknown to what extent the activities of DOTAX's Fraud Unit, SES, or CIS would be considered law enforcement given that the Act 124 only requires input from the AG, DLNR, PSD, and DOT. However, if DOTAX's Fraud Unit, SES and CIS are "transferred" to a centralized state enforcement agency the following issues may arise that may or may not have costs involved:

1. Funding and logistics for equipment and offices.
2. Statutory amendments to establish a "chain of command" to establish the relationship of DOTAX to the centralized state law enforcement division. Currently, SES and CIS are statutorily "controlled" by the Director of Taxation.
3. State and Federal statutory amendments with respect to handling and using confidential tax information and returns. Currently, the Fraud Unit, SES, and CIS investigations involve taxpayer information and returns that are statutorily deemed confidential and are only accessible to DOTAX employees. Also, DOTAX receives federal tax information from the IRS that can only be used for tax purposes.
4. Statutory amendments to a special fund. SES is funded by a special fund based on tax collections on completed investigations.
5. Statutory amendments to determine employment status. Currently, the Fraud Unit is comprised of civil service employees and SES and CIS are comprised of exempt employees.
6. All Investigators should be knowledgeable with tax laws, financial information, and documents and tax returns.
7. Establishing a process or procedure to collect restitution and tax payments.
8. Knowledge of evidentiary standards for tax cases.
9. Travel to neighbor islands.
10. Salaries and benefits.

The costs associated with these issues are unknown at this time. However, to provide an idea of the operating costs involved with respect to section is as follows:

	FY 2017	FY2018
a. Fraud Unit -	\$194,152.28	\$180,630.69
b. SES -	\$416,834.41	\$580,436.73
c. CIS -	\$4484,365.23	\$489,710.79

- (2) If the Legislature were to consolidate state law enforcement activities and responsibilities under a new, centralized state law enforcement division or agency, is there any other reasonably foreseeable start-up requirements not addressed in Question 1 above (i.e., any requirements not associated with your department)? Please include the associated costs for these requirements and an explanation for each of those costs.

Other requirement/issues that may create costs which are unknown at this time is as follows:

1. The location of the centralized office
 2. If the personnel are not centrally located— where would they be located.
 3. Support staff to the enforcement personnel.
 4. Chain of command and interaction/coordination of the agency responsible for the specialty area. What would be DOTAX’s role in investigation, prosecution, and resolution of tax cases?
 5. Coordination of the collection of restitution and tax payments.
 6. Funding for the positions and equipment.
- (3) Does your department have any neighbor island operations or facilities that could be impacted by a potential consolidation of statewide law enforcement activities and responsibilities? Please explain your response.

DOTAX does not have any facilities, but has neighbor island operations that are conducted by SES and CIS investigators located on Oahu.

- (4) What would be the most desirable structure of a new, centralized state law enforcement division or agency? Please explain your reasoning.

Ideally, DOTAX’s Fraud Unit, SES, and CIS would not be included in a centralization of law enforcement because of the confidentiality of tax return information that is established on the state and federal level. Moreover, the coordination of activities and resources would be a challenge.

- (5) Please provide a timeline for a successful transition of your department's law enforcement activities and responsibilities to a new, centralized state law enforcement division or agency. Please explain your reasoning.

Based on the response to questions 1 and 2, the time for transition is unknown. Each of the issues that are raised would need to be addressed for a successful transition. Also, the overall structure and any transition plan for the proposed centralized law enforcement division/agency is unknown; thus we cannot make an accurate determination of a timeline.

- (6) What regulatory efficiencies could be achieved or lost as a result of a potential consolidation of statewide law enforcement activities and responsibilities? Please explain your reasoning.

See response to questions 1 and 2. DOTAX's Fraud Unit, SES, and CIS are smaller components to the overall structure of tax compliance. DOTAX has a Compliance Division that conduct audits and examination of tax returns, businesses, and individuals to ensure compliance to tax laws. All these employees have access to have data access to Federal and State tax information and returns, with a "consolidation" of Fraud Unit, SES, and CIS, the access and resources within the Compliance Division not be readily provided. Referrals of tax cases may not be immediate and direct. The overall structure of the proposed centralized law enforcement division/agency is unknown; thus we cannot make an accurate determination of what may be achieved or lost.

- (7) How would a potential consolidation of statewide law enforcement activities and responsibilities affect your department as a whole? Please explain.

See response to questions 1, 2, and 6.

- (8) How many full-time equivalent (FTE) employees from your department could be affected by a potential consolidation of statewide law enforcement activities and responsibilities? Would any part-time, contract, or volunteer positions be affected? If so, how many of these positions would be affected?

Fraud Unit - 3 FTE that comprise of civil service positions from another section.
SES – 13 FTE
CIS – 5 FTE

- (9) What collective bargaining units within your department would be affected by a potential consolidation of statewide law enforcement activities and responsibilities?

The Fraud Unit has BU 13 employees.

- (10) How would a potential consolidation of statewide law enforcement activities and responsibilities affect your department's existing collective bargaining agreements? Please explain your reasoning.

If the civil service position in the Fraud Unit were transferred to the centralized law enforcement agency/division the process would involve participation from the Union. The bargaining agreement would need to be addressed for these employees.

- (11) Would a potential consolidation of statewide law enforcement activities and responsibilities require any collective bargaining agreements to be renegotiated? Please explain your response.

See responses to question 10.

- (12) Are there any reasonably foreseeable benefits associated with a potential consolidation of statewide law enforcement activities and responsibilities? Please explain.

Unknown at this time.

- (13) Are there any reasonably foreseeable problems associated with a potential consolidation of statewide law enforcement activities and responsibilities, or any additional issues that should be highlighted? Please explain

See responses to questions 1 and 2.

- (14) Are there any reasons not already discussed herein why your department's law enforcement activities and responsibilities should or should not be included in a potential consolidation of statewide law enforcement activities and responsibilities?

Unknown at this time.

**Survey of State Departments and Agencies
Regarding Law Enforcement Consolidation
(Pursuant to Act 124, Session Laws of Hawaii 2018)**

The questions in this survey may require the formation of opinions and best estimates, so please answer these questions to the **best of your knowledge and ability**. Please note that the information provided will be included in the Legislative Reference Bureau's report to the Legislature, pursuant to Act 124, Session Laws of Hawaii 2018.

For your reference in responding to this survey, a possible consolidation of law enforcement activities and responsibilities could include, but may not be limited to, entities that have been conferred certain powers of police officers, including the powers to arrest and execute warrants, by the Hawaii Revised Statutes, either directly or indirectly.

Please provide the following contact information for follow-up questions or clarification.

Name:	<i>Sidney A. Hayakawa</i>
Title:	<i>Administrative Services Officer</i>
Department:	<i>Department of Transportation</i>
Division or Agency:	<i>Highways Division</i>
Phone:	
E-mail:	_____

PART I

In your responses to the questions in Part I, please note to which division or agency the information provided relates.

- (1) Please list and describe all of your department's law enforcement activities and responsibilities, including any law enforcement activities and responsibilities on the neighbor islands.

Response: Both Airports and Harbors Divisions under the Department of Transportation (DOT) are required by separate Federal laws to have law enforcement and security presence at their statewide facilities. Highways Division has Motor Carrier Safety Officers (MCSOs) with limited law enforcement authority assigned to the Motor Vehicle Safety Office specific to Hawaii Revised Statutes (HRS). Details are as follows:

AIRPORTS DIVISION

Due to the unprovoked terrorist attack on America on September 11, 2001, Airports are required under Title 49 Code of Federal Regulations (CFR) 1542 (Airport Security) to have individual Airport Security Plans (ASPs) (containing classified information and classified sensitive-security information (SSI)) for each certificated airport in the State of Hawaii. Each individual ASP must be reviewed and approved by the Transportation Security Administration (TSA), U.S. Department of Homeland Security (DHS) to ensure the physical presence of law enforcement and security personnel.

Only at the Daniel K. Inouye International Airport (HNL), the Airports Division pursuant to a Memorandum of Agreement (MOA) with the Department of Public Safety (PSD) has acquired the services of 57 Deputy Sheriffs (1-DS IV-Lieutenant; 7-DS III-Sergeants; and 49- DS II) to provide sworn uniformed and fully armed law enforcement presence 24 hours, 7 days a week, 365 days a year. Five (5) of the 57 Deputy Sheriff positions are designated on a full-time basis (partial annual reimbursement by TSA for each team) as Canine Handlers and TSA issues and certifies canines and their handlers under a separate documents entitled the Cooperative Services Agreement and Statement of Joint Objectives at the HNL to provide explosive detection services with on-site presence as well as from home to work response times. In addition, PSD under the same MOA provides one (1) Office Assistant IV and one (1) Staff Services Assistant assigned to HNL. The annual costs for this service is estimated at \$6,600,000. The Deputy Sheriffs are appointed and commissioned under Hawaii Revised Statutes (HRS) Section 26-14.6 with law enforcement authority by the Director of PSD.

The Airports Division in 2015 awarded Securitas under contract number DOT-16-010, under State Project number ES-1916 (Furnishing Security Services at State of Hawaii Airports), a five (5) year contract (three (3) years with two (2) additional one-year extensions) to provide both law enforcement and security services at all certificated airports in the State of Hawaii as required under Title 49 CFR 1542. Securitas' law enforcement and security personnel are commissioned with law enforcement and security authority under

HRS §261-17, limited to assigned working hours and only while on the premises at their designated airport by the Director of DOT. Each neighbor island airport, at no cost to DOT, has an agreement with their respective County Police Department to respond to and accept or decline criminal cases occurring at each neighbor island airport for booking, processing, custody, arraignment and prosecution. The annual cost for the statewide security contract is estimated at \$43,000,000.

Pursuant to a separate Memorandum of Understanding (MOU) with the Department of Attorney General (AG), Investigative Division, they have three (3) full-time temporary Criminal Investigators on-site at HNL to provide investigative services to follow-up basis on all felony crimes occurring at Oahu District Airports (HNL, Kalealoa Barbers Point Airport and Dillingham Airfield), except for crimes of violence, which as agreed upon will be investigated by the Honolulu Police Department, to assist the 57 PSD Deputy Sheriffs and contract law enforcement officers as they are first responders to these cases. The investigators will also provide on the job training to the 57 Deputy Sheriffs. The AG Investigators identified in the MOU are commissioned by the AG with law enforcement authority in accordance with HRS §28-11. The annual costs for this service is estimated at \$143,000.

Pursuant to another separate MOU with the AG, Investigative Division, they have two (2) full time temporary Criminal Investigators assigned to the Airports Division to provide Administrative Investigative services for employee misconduct and other issued involving the Airports Division and their statewide Airport facilities. The AG Investigators identified in the MOU are commissioned by the AG with law enforcement authority in accordance with HRS §28-11. The annual costs for this service is estimated at \$147,000.

The U.S. Department of Transportation, Federal Aviation Administration (FAA) under the FAA Authorization Act of 1994 (Public Law 103-305) and FAA Reauthorization Act of 1996 (Public Law 104-264) establishes policies and procedures on the generation and use of airport revenue. Under 49 Code of Federal Regulations Sections 47107(b) and 47133, requires that an airport owner or operator receiving Federal financial assistance will use airport revenues only for purposes related to airports, and all request for funding for Goods and Services shall not violate these provisions.

HARBORS DIVISION

Due to the unprovoked terrorist attack on America on September 11, 2001, Harbors under the Maritime Security Transportation Act of 2002 (MSTA) for facilities, each harbor in the State of Hawaii must have a Facility Security Plan (FSP-SSI). Each FSP must be reviewed by the United States Coast Guard, U.S. Department of Homeland Security requiring the presence of law enforcement and/or security personnel.

Only at the Oahu District, the Harbors Division has seventeen (17) sworn uniformed and armed law enforcement officers (FTE under TRN-597 - 1-Harbors Enforcement Officer IV, 3-Harbor Enforcement Officers III, 13-Harbor Enforcement Officers II)

commissioned with law enforcement authority under HRS §266-24, limited to the properties and premises owned and operated by Oahu District, Harbors Division by the Director of DOT. At each neighbor island harbor facility, the Harbors Division has issued separate contracts to provide security services. Total costs for law enforcement (17-FTE) is estimated annually at \$808,000 and estimated annual cost for security services contract \$2,000,000 for neighbor islands.

Pursuant to a MOU with the Department of Attorney General, Investigative Division, they have one (1) full time temporary Criminal Investigator to provide conduct criminal felony investigations (except felony crimes of violence) and Lautenberg background checks for DOT Harbor properties located on the island of Oahu. The AG Investigators identified in the MOU are commissioned by the AG with law enforcement authority in accordance with HRS §28-11. The annual costs for this service is estimated at \$213,000.

Pursuant to a separate MOU with the Department of Attorney General they have one (1) Special Deputy Attorney General who provides recall training for current Harbor Law Enforcement Officers and newly hired Harbor Law Enforcement Officers. The annual costs for this service is estimated at \$14,000.

HIGHWAYS DIVISION

*The Motor Carrier Safety Staff (TRN 597) has the following Motor Carrier Safety Officers (unarmed) assigned to the following Districts, who have been commissioned with law enforcement authority under HRS §291-39 **specifically for and limited to** enforcement of HRS §291-33 to §291-36 with technical assistance of the DOT:*
Oahu District 19 Motor Carrier Safety Officers
Maui District 1 Motor Carrier Safety Officer
Hawaii District 2 Motor Carrier Safety Officer
Total annual costs is estimated at \$1,000,000

*The Highways Division and its statewide facilities are dependent on law enforcement response for **other criminal offenses** from either the Deputy Sheriffs assigned to each island and/or the respective County Police Departments.*

Pursuant to MOU with the Department of Attorney General, Investigative Division, they have one (1) full time temporary Criminal Investigator to conduct administrative investigations of employee misconduct and other issues involving Highways Division. The Criminal Investigators identified in the MOU are commissioned by the AG with law enforcement authority in accordance with HRS §28-11. The annual costs for this service is estimated at \$143,000.

- (2) Please describe any certification requirements that your department's law enforcement personnel are subject to, including the names of the certifying entities.

AIRPORTS DIVISION

At HNL the Deputy Sheriffs identified in the MOA, under PSD policy and certification procedures are required to complete regular recall training (certification) on various law enforcement subjects, including regular firearms qualifications.

All Criminal Investigators assigned to the Oahu District under the MOU for felony investigations and the MOU for Administrative Investigations statewide are required to complete regular firearms qualifications training (certification), in accordance with AG policy and certification procedures.

All Securitas law enforcement officers under the contract to provide Security Services at State of Hawaii Airports are required to complete regular recall training (certification), including firearms qualifications and those individuals designated as security officers are required to complete regular recall training (certification), in accordance with the terms and conditions of the contract.

HARBORS DIVISION

At Oahu District, the seventeen (17) sworn law enforcement officers (uniformed and armed) are required to complete regular recall training (certification), including regular firearms qualifications. Harbors policy and procedures pending.

The Criminal Investigator assigned to the Harbors Division under the MOA is required to complete regular firearms qualifications training (certification), in accordance with AG policy and certification procedures.

HIGHWAYS DIVISION

The Criminal Investigator assigned to the Highways Division under the MOA is required to complete regular firearms qualifications training (certification), in accordance with AG policy and certification procedures.

PART II

Please base all of your responses to the following questions on the information contained in Act 124, Session Laws of Hawaii 2018.

- (1) If the Legislature were to consolidate state law enforcement activities and responsibilities under a new, centralized state law enforcement division or agency, what processes, procedures, equipment, training, certification, uniforms, leases, vehicles, etc., would that new entity require to perform those law enforcement activities and responsibilities currently performed by your department? Please include estimated costs associated with each of these start-up requirements, and please explain your reasoning.

If the State of Hawaii were to consolidate state law enforcement activities and responsibilities under a new centralized state law enforcement division or agency, it would have to develop the entire spectrum of statutory provisions, policies, procedures, rules, regulations, as well as facilities, uniforms, firearms, vehicles, equipment, etc. in order to perform those law enforcement duties currently required by and specific to Federal regulations at our facilities, which is currently being provided by the various entities (PSD, AG, Contract, Harbor Officers, designated Motor Carrier Safety Officers) on behalf of the DOT under their individual policies. All applicable law enforcement and security procedures are being used to meet each individual's specific Federal requirement but each entity has their own uniform, equipment, firearms, and certification process. Consolidation of state law enforcement and responsibilities under a new division or agency will standardize all general law enforcement processes, policies and procedures, and certification processes for specific equipment, uniform, and vehicles to comply with Federal requirements specific to each facility (Airport, Harbors or Highways). The total estimated costs for DOT would be the total costs identified in our response to PART I.

- (2) If the Legislature were to consolidate state law enforcement activities and responsibilities under a new, centralized state law enforcement division or agency, are there any other reasonably foreseeable start-up requirements not addressed in Question 1 above (i.e., any requirements not associated with your department)? Please include the associated costs for these requirements and an explanation for each of those costs.

As identified in response to question #1 under PART I, there are specific Federal Requirements (TSA, FAA, USCG, DHS, Federal Highways Administration, etc.) that are specific to each facility and their activities that must be satisfied outside of the normal start up law enforcement and security requirements. Estimated costs will be dependant upon each specific requirement and normal law enforcement start up requirements. In addition, the transfer of FTEs (law enforcement and criminal investigators) from PSD, AG, and Harbors will be part of the start up requirements (see estimated inividual costs above in PART I). For airports we do have the FAA restriction on diversion of funds and services as cited in our response in PART I.

- (3) Does your department have any neighbor island operations or facilities that could be impacted by a potential consolidation of statewide law enforcement activities and responsibilities? Please explain your response.

As identified in response to question #1 under PART I, all of our facilities and their activites will be impacted and must be considered in furtherance of the potential of consolidation of statewide law enforcement activities and responsiblies. Currently our neighbor islands facilities and activites are dependant upon agreed law enforcement responses from respective County Police Departments and depend on security services under separate contract.

- (4) What would be the most desirable structure of a new, centralized state law enforcement division or agency? Please explain your reasoning.

The most desirable structure in a new centralized state law enforcement division or agency, which will result in a single focused full service law enforcement organization with a single unified chain of command structure, who will be responsible for providing all law enforcement and security services for all of the State's statewide facilities and properties and any action or inaction of its personnel. The current structure with various Departments having the ability to appoint and commission or acquire law enforcement service through an agreement or contract for their specific law enforcement and security requirements lacks the standardization of statutory authority, rules, regulations, policies and procedures, uniforms, firearms, training, equipment, etc. Under a single focused law enforcement organization you will have an established workforce (FTE) with all of their law enforcement responsibilities focused on specific facilities, its operational activities as well as standardized policies and procedures, rules and regulations, "best practices", firearms, uniforms, equipment, training, communications system which is consistent with national police departments and Federal law enforcement agencies (i.e., FBI, DEA, USMS, etc.). The State has experienced numerous law suits and dismissal of various criminal charges against defendants due to a bifurcated law enforcement workforce reporting to various Departments and contractors. The advantage of having a single agency is its ability to seek national accreditation from organizations like the Commission on Accreditation for Law Enforcement Agencies.

- (5) Please provide a timeline for a successful transition of your department's law enforcement activities and responsibilities to a new, centralized state law enforcement division or agency. Please explain your reasoning.

We would have to convene a meeting with the various impacted departments and the various Federal regulatory agencies to ensure that the establishment of a centralized law enforcement division or agency will be compliant with existing regulations. We would then have to establish an action plan with a timeline to provide reasonable and sufficient notification, develop procedures for the transition, amend or cancel existing contracts and agreements, and reprogram funding or request new funding. Once the plans have been developed and agreed to we will have to notify the Legislators, our workforce, Federal, State and county organizations (i.e., United States Attorneys Office, DHRD, B&F, AG, County Police Departments, County Prosecutors Office, Emergency responders, etc.), contractors and vendors who support and provide items, goods, and services to our existing law enforcement structure, internal and external customers, and the general public. An estimated reasonable time to accomplish all of the above and any unexpected situation be between 12-24 months.

- (6) What regulatory efficiencies could be achieved or lost as a result of a potential consolidation of statewide law enforcement activities and responsibilities? Please explain your reasoning.

By consolidating, centralizing, and accrediting all State law enforcement and security personnel and functions under one department, it will enhance our ability to manage and adhere to regulatory efficiencies. You would have a workforce that would be trained,

certified, and accredited in meeting all existing and newly established applicable regulatory requirements. They would become familiar with their operational environment, activities, and their surroundings (similar to the existing policy of having assigned beats and shifts for law enforcement officers). We would have to review the current functional statements and positions descriptions of non-law enforcement civil service personnel who provide either direct or in-direct management and reassess their compensation.

- (7) How would a potential consolidation of statewide law enforcement activities and responsibilities affect your department as a whole? Please explain.

The consolidation of statewide law enforcement activities and responsibilities would have a positive impact on DOT's abilities to comply with regulatory requirements as explained in our response to question #4.

- (8) How many full-time equivalent (FTE) employees from your department could be affected by a potential consolidation of statewide law enforcement activities and responsibilities? Would any part-time, contract, or volunteer positions be affected? If so, how many of these positions would be affected?

AIRPORTS DIVISION

The potential consolidation of statewide law enforcement activities and responsibilities will not impact any FTE for the Airports Division. However; at HNL 57 Deputy Sheriffs and 2-Administrative Support will impact the FTE for PSD; 5-Criminal Investigators from the Investigative Division of the AG's office; and over 200 contracted law enforcement officers from Securitas.

HARBORS DIVISION

At Oahu District, the seventeen (17) sworn law enforcement officers (FTE) from the Harbors Division will be impacted as well as 1-Criminal Investigator and 1-Special Deputy Attorney General from the Investigative Division of the AG's Office and the contracted security officers at our Harbors.

HIGHWAYS DIVISION

*The Highways Division has the following FTE's that might be impacted by the consolidation: Motor Carrier Safety Staff (TRN 597) has the following Motor Carrier Safety Officers (unarmed) at the following Districts who have been designated to enforce the provisions specifically for and **limited** to enforcement of HRS §291-33 to §291-36:
Oahu District 19 Motor Carrier Safety Officers
Maui District 1 Motor Carrier Safety Officer
Hawaii District 2 Motor Carrier Safety Officer
1-Criminal Investigator from the Investigative Division of the AG's office.*

- (9) What collective bargaining units within your department would be affected by a potential consolidation of statewide law enforcement activities and responsibilities?

Airports and Harbors Divisions--Bargaining Unit (BU)-14 and Highways BU-63, BU-3 and BU-4.

- (10) How would a potential consolidation of statewide law enforcement activities and responsibilities affect your department's existing collective bargaining agreements? Please explain your reasoning.

Would require consultation with Hawaii Government Employee Association on reassignment of BU-14 members from PSD at Airports and Harbors Division as well as United Public Workers for Highways Motor Safety Carriers Officers BU-63, BU-3 and BU-4 to a new statewide law enforcement division or agency.

- (11) Would a potential consolidation of statewide law enforcement activities and responsibilities require any collective bargaining agreements to be renegotiated? Please explain your response.

There exist a possibility of renegotiation on the change of working environment (operational activities), change of uniforms, equipment and vehicles for the BU-14 members assigned to the Harbors Division as well as PSD at Airports as well as BU-63, BU-3 and BU-4 for Highways Division.

- (12) Are there any reasonably foreseeable benefits associated with a potential consolidation of statewide law enforcement activities and responsibilities? Please explain.

None that has not been already identified in our responses to the previous questions above.

- (13) Are there any reasonably foreseeable problems associated with a potential consolidation of statewide law enforcement activities and responsibilities, or any additional issues that should be highlighted? Please explain.

None that has not been already identified in our responses to previous questions above. However, under HRS §76-11.6, Governor David Y. Ige, authorized the DOT to initiate a five (5) year pilot project to create and establish an Office of Security and Law Enforcement reporting to the Director of DOT, whose mission was to oversee, manage and direct operations to provide a safe and secure environment for the traveling public consistent with existing Federal statutes. This office will design, coordinate and oversee/manage/administer the department's Airports, Harbors and Highways division law enforcement and security requirements and to resolve existing oversight, contractual and staffing issues. Under this office a unified command structure will provide the Department with command and control of law enforcement and security to promote the freedom of movement for people and commerce at all of the Department's critical infrastructures and systems. The office would initially be comprised of management and administrative support staff and its immediate task was to transfer the 57 Deputy Sheriffs and two (2) administrative staff positions assigned to the Airport Sheriffs Detail (ASD) at the HNL from PSD to the DOT. This would have been

accomplished through PSD's supplemental budget bill which will relinquish, detach, and transfer the 59 "U" funded positions to the DOT. Congruently with the acceptance of the 59 positions, the DOT submitted TRN-06 (18) which will provide the Director of DOT with statutory law enforcement and security authority consistent with the existing law enforcement and security authority possessed by the PSD Director. This statutory law enforcement and security authority will allow the Department to resolve oversight, contractual and staffing issues under one program office with a unified command structure. The 29th Session of the Legislature 2018 did not approve the funding nor did they hear the proposal under TRN-06 (18).

- (14) Are there any reasons not already discussed herein why your department's law enforcement activities and responsibilities should or should not be included in a potential consolidation of statewide law enforcement activities and responsibilities?

The three (3) separate Divisions (Airports, Harbors and Highways) of the DOT have experienced both positive and negative results in meeting Federal compliance requirements for our statewide facilities through the various methods of acquisition of law enforcement and security services with various entities. We support the exploration of the concept of a single focused statewide law enforcement division or agency has merit and we remain available to respond to specific questions or welcome our participation in future discussions.

Wayne Scott

From: Hayakawa, Sidney A
Sent: Wednesday, September 5, 2018 8:35 AM
To: Wayne Scott
Subject: RE: Law Enforcement Consolidation Survey

Wayne,
I hope my responses to your questions highlighted in yellow below makes sense.

Call me or I can meet you to discuss specific issues that are unique to DOT transportation sectors or provide you with documents regarding the pilot project.

Thank you,
Sidney A. Hayakawa
Administrative Services Officer
Staff Services
Highways Division
Aliiainmoku Hale, 2nd Floor
869 Punchbowl Street, Honolulu, HI 96813

From: Wayne Scott
Sent: Tuesday, September 04, 2018 9:31 AM
To: Hayakawa, Sidney A
Subject: RE: Law Enforcement Consolidation Survey

Hi Sidney,

Thank you again for your timely responses. I have reviewed your responses and had a few questions:

1. In Part II, Question 2, you state that "For airports we do have the FAA restriction on diversion of funds and services as cited in our response in PART I." What I am assuming is the relevant response in Part I, Question 1 states "The U.S. Department of Transportation, Federal Aviation Administration (FAA) under the FAA Authorization Act of 1994 (Public Law 103-305) and FAA Reauthorization Act of 1996 (Public Law 104-264) establishes policies and procedures on the generation and use of airport revenue. Under 49 Code of Federal Regulations Sections 47107(b) and 47133, requires that an airport owner or operator receiving Federal financial assistance **will use airport revenues only for purposes related to airports, and all request for funding for Goods and Services shall not violate these provisions.**"
 - a. Could you elaborate on the issue that this could pose? Response: Yes, the FAA regulation requires that all goods and services acquired through the use of airport revenues must be used strictly for airports and related airport activities. Violations of diversion of goods and services could result in termination of FAA funds. In other words, a Deputy Sheriff being paid by Airport Revenues under our Memorandum of Agreement at HNL cannot be assigned to or work at the District or Circuit Court.
 - b. Is the current \$50 million cost of law enforcement activities funded (whether completely or partially), by airport revenues? If so, would this create a possible new \$50 million cost to the State? Response: Yes, the entire costs for law enforcement and contract security activities are funded by airport revenues. It could be an new \$50 million cost to the State but if the law enforcement positions and related activities

were strictly confined to the airport then we could use airport revenues to fund these services, similar to MOA we currently have with the Department of Public Safety.

- c. When you state that “we do have the FAA restriction on diversion of . . . services”, does this mean that there an issue regarding the transfer of the positions to a new agency? Response: Not if the State uses general funds to pay for the transfer of these PSD positions and in return provides this service to the airports without any charge (similar to the county police departments responding to certain life threatening criminal activities emanating at HNL or taking over criminal violations and the accused for processing at our neighbor island airports) without any charges to the airport.
2. In Part I, Question 2, you discuss certain types of training that PSD, AG, and Securitas personnel must complete. Are these training expenses included in those expenses listed in your response to Part I, Question 1, or do the organizations (PSD, AG, Securitas) pay for the training themselves? Response: Airport revenues are used to fund for most of the required training expenses that were listed in my response. Recall or refresher required training (i.e., firearms qualification, ethics, standard of conduct, etc.,) required by PSD is not funded by the airport .
 3. I’m not sure I’m appreciating the effect of section 76-11.6, HRS, on the five year pilot project. Further, you mentioned that the transfer of employees from PSD to DOT pursuant to the project didn’t go through due to lack of funding from this past legislative session.
 - a. What affect has this had on the project itself? Response: The objective of the five year pilot project was to determine if a unified command structure would resolve the issue of command and control of the Deputy Sheriffs assigned to the HNL as well as contract Securitas personnel. In addition, Phase II of this project would include the Harbor Police. Without the funding we could not implement the pilot project to determine if a unified command structure would alleviate the issue of command and control of the Deputy Sheriff and security personnel.
 - b. Is the project still ongoing (sorry, I’m unaware of the details of the project itself and whether it extends beyond the transfer of employees from PSD to DOT)? Response: No, the project was terminated on April 5, 2018, and the authority to manage and supervise the Deputy Sheriffs and contract security at HNL was returned to the Airport District Manager and/or his designee.
 - c. Is the transfer of employees still a possibility that must be considered by the Legislature while considering their options regarding a statewide consolidation? Response: Yes, my understanding is that the intent of the statewide consolidation of law enforcement required the transfer all existing state law enforcement and security positions to a single authority or agency.

Thanks,

Wayne M. H. Scott

Research Attorney
Legislative Reference Bureau
Hawaii State Capitol, Room 446
Honolulu, Hawaii 96813

From: Hayakawa, Sidney A
Sent: Thursday, August 16, 2018 11:16 AM
To: Wayne Scott
Subject: RE: Law Enforcement Consolidation Survey

Mr. Scott,
Per your request enclosed is the latest electronic (fillable) version of the survey for DOT.

Sidney A. Hayakawa
Administrative Services Officer

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