



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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No. _____

TESTIMONY ON HOUSE BILL 456, HOUSE DRAFT 1
RELATING TO PUBLIC SAFETY.

by
Nolan P. Espinda, Director

House Committee on Judiciary
Representative Chris Lee, Chair
Representative Joy A. San Buenaventura, Vice Chair

Wednesday, February 13, 2019; 3:00 p.m.
State Capitol, Conference Room 325

Chair Lee, Vice Chair San Buenaventura, and Members of the Committee:

The Department of Public Safety (PSD) supports the intent of House Bill (HB) 456, House Draft (HD) 1, which requires training, certification, equipment, and related records management, and for “nonlethal use of force” by deputy sheriffs and appropriates funds, and offers the following comments.

First, and most importantly, the appropriate terminology is “less than lethal force” instead of “nonlethal force.” As such, the department would recommend changing “nonlethal” to “less than lethal” throughout this measure, including on:

- 1) Page 2, line 7,
- 2) Page 2, line 12,
- 3) Page 2, line 15,
- 4) Page 3, line 11,
- 5) Page 4, line 2
- 6) Page 4, line 15,
- 7) Page 5, line 3, and
- 8) Page 5, line 5.

Second, PSD understands the importance of less than lethal use of force training and equipment, and appreciates the proposed appropriation of funds. The department appreciates the revision in HD 1 that clarifies that PSD shall develop policies and procedures, as opposed to rules adopted pursuant to Chapter 91 of the Hawaii Revised Statutes. PSD would recommend a further revision that does not mandate the creation of a new statutory section 353C-__,HRS, as specified in Section 2 of this measure. Further, the department already conducts training in many of the items listed in the proposed section 353C-__(b)(1) – (10). For example, PSD already conducts training in use of force, defensive tactics, crisis intervention, and use of force decision making, among others. PSD’s training academy maintains records to monitor and track all training activity, as proposed on page 4, lines 9 -10. Deputy sheriff recruits also receive use of force training in their academy curriculum. Based upon the above, PSD would recommend deleting Section 2 in its entirety and replacing Section 2 with the following:

“SECTION 2. (a) The department of public safety shall revise its policies and procedures governing the use of force as well as weapons and equipment. The department shall report progress under this Act to the Legislature by January 1, 2020.

(b) The department of public safety’s use of force training will be reviewed by the Law Enforcement Standards Board, enacted pursuant to Act 220, Session Law of Hawaii, and may include use of force decision making, crisis intervention, de-escalation techniques, and less than lethal alternatives.”

PSD notes that pursuant to Act 220, Session Laws of Hawaii 2018, the Law Enforcement Standards Board will also consider minimum standards and training for law enforcement officers. PSD’s revised use of force as well as weapons and equipment policies will apply not only to deputy sheriffs but also the PSD Narcotics Enforcement Division investigators and Internal Affairs Office investigators.

Thank you for the opportunity to testify on this measure.

HB-456-HD-1

Submitted on: 2/11/2019 7:26:45 PM

Testimony for JUD on 2/13/2019 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Fred Delosantos	Individual	Oppose	No

Comments:

I oppose HB456. Taser use is inhumane. Sheriffs should not be allowed to use this means to subdue persons.

HB-456-HD-1

Submitted on: 2/11/2019 9:11:18 PM

Testimony for JUD on 2/13/2019 3:00:00 PM

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

Comments:

ROBERT K. MERCE

February 12, 2019

TO: House Committee on Judiciary
RE: HB 456, HD 1
HEARING DATE: February 13, 2019
TIME: 3:00 PM
ROOM: 325
POSITION: **SUPPORT**

Chair Lee, Vice Chair Buenaventura, and members of the committee:

I am a retired attorney and recently served as vice chair of the HCR 85 Task Force on prison reform.

HB 456, HD 1 would provide a wide range of use of force training for deputy sheriffs that would enhance their safety and could save the lives of suspected offenders. It is the type of training all law enforcement officers should have, and I encourage you to pass this bill.

Thank you for giving me the opportunity to testify on this bill.

HB-456-HD-1

Submitted on: 2/12/2019 4:14:22 PM

Testimony for JUD on 2/13/2019 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Steven Costa	Individual	Support	No

Comments:

SUPPORT WITH AMENDMENT TO HB 456 HD1

TO: Chair Chris Lee, Vice Chair Joy San Buenaventura and
Members of the Committee on the Judiciary

FROM: Barbara Polk

I SUPPORT training of public safety officers. I recommend that you amend this bill to restore its original intent, which was to train officers in non-lethal use of force, not to "consider" training them in non-lethal use of force.

I have noticed in the past decade or so that there is increased use of force by the police force. I do not know whether that increase also has occurred with public safety officers and deputy sheriffs, but I believe it is important to introduce training in non-lethal use of force for all officers who may encounter difficult situations.

We do not have capital punishment in this State, so it is particularly important that officers of all kinds not take the law into their own hands and violate the State punishment proscriptions except under the most unusual circumstances.

Please AMEND HB456 to restore the requirement to include training in non-lethal use of force.