



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2020**

ON THE FOLLOWING MEASURE:

S.B. NO. 2849, S.D. 2, RELATING TO LAW ENFORCEMENT.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Wednesday, March 11, 2020 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Clare E. Connors, Attorney General, or
Lance Goto, Deputy Attorney General

Chair Lee and Members of the Committee:

The Department of the Attorney General (the Department) supports this bill, which is part of the Administration package for 2020.

The purpose of this bill is to clarify the Law Enforcement Standards Board (the Board) membership requirements; to enable the Board to research the impact of standards, certification, and training requirements on existing legal requirements; to establish new deadlines relating to the issuance of certifications for, and appointment and employment of, law enforcement officers; to establish that a law enforcement officer who entered into employment with an applicable county or state law enforcement agency before July 1, 2023, shall not be terminated for failure to possess a valid law enforcement certification if the termination would violate a valid collective bargaining agreement; and to provide the necessary funds and resources for the Board's mission.

This bill includes the recommendations of the Board, as set out in its Report on the Law Enforcement Standards Board, submitted to the Thirtieth State Legislature, Regular Session of 2020, and its Resolution Requesting More Time and Resources to Finalize Training Standards and Certification of Law Enforcement Officers by the Law Enforcement Standards Board, attached to its report.

The Legislature, by Act 220, Session Laws of Hawaii 2018, established chapter 139, Hawaii Revised Statutes (HRS), to create the Law Enforcement Standards Board for the certification of law enforcement officers, including county police officers, state

public safety officers, and employees with police powers at the Departments of Transportation, Land and Natural Resources, the Attorney General, and Taxation. The Board was established within the Department for administrative purposes. The Board members include the Attorney General, the Director of Public Safety, the Director of Transportation, the Chairperson of the Board of Land and Natural Resources, the Director of Taxation, the chiefs of police of the four counties, two law enforcement officers, and four members of the public. The Board Chair is Kauai County Police Chief Todd Raybuck, and the Vice Chair is Maui County Police Chief Tivoli Faaumu. The Act provided "that the law enforcement standards board established under this Act shall finalize its standards and certification process by July 1, 2019." With limited time and resources, the Board has not been able to complete its substantial duties.

The Board is responsible for establishing minimum standards for employment as a law enforcement officer and certifying persons qualified as law enforcement officers. It is also responsible for establishing minimum criminal justice curriculum requirements for basic, specialized, and in-service courses and programs for the training of law enforcement officers. It must consult and cooperate with the counties, state agencies, other governmental agencies, universities and colleges, and other institutions, concerning the development of law enforcement officer training schools and programs. The board is also responsible for regulating and enforcing the certification requirements of law enforcement officers.

This bill will allow the Board to have five law enforcement members, instead of two, thereby expanding the perspective of the Board. It will also allow ex-officio members to use designees, and thereby increase the Board's operational flexibility.

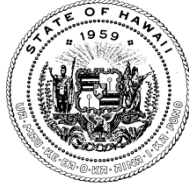
Collective bargaining and employment laws and rules dictate various aspects of a law enforcement officer's career from start to finish. Explicitly authorizing the board to study and evaluate these laws, rules, and agreements will allow the Board to establish standards, certifications, and training requirements in a purposeful and intentional manner.

A proper study and evaluation takes time and resources; therefore, the law enforcement officer certification requirements of sections 139-6 and 139-7, HRS, are

delayed until after June 30, 2023, and an increased amount should be appropriated to fund dedicated staff.

The Department respectfully requests that this measure be passed.

DAVID Y. IGE
GOVERNOR



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

March 11, 2020
2:00 p.m.
State Capitol, Room 325

S.B. 2849, S.D. 2
RELATING TO LAW ENFORCEMENT STANDARDS BOARD.

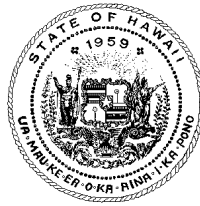
House Committee on Judiciary

The Department of Transportation (DOT) **supports** this Administration bill which clarifies membership and certain powers and duties of the Law Enforcement Standards Board (LESB), establishes deadlines for the completion of board responsibilities, and appropriates funds to enable the board to accomplish its mission.

The DOT seeks the requested appropriation to the LESB in order to execute its responsibilities to pursue accreditation of a comprehensive uniform set of written directives to meet administrative and operational goals with clear direction to law enforcement personnel.

Thank you for the opportunity to provide testimony.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

NOLAN P. ESPINDA
DIRECTOR

Maria C. Cook
Deputy Director
Administration

Shari L. Kimoto
Deputy Director
Corrections

Renee R. Sonobe Hong
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL 2849, SENATE DRAFT 2
RELATING TO THE LAW ENFORCEMENT STANDARDS BOARD.

by

Nolan P. Espinda, Director

House Committee on Judiciary
Representative Chris Lee, Chair

Representative Joy A. San Buenaventura, Vice Chair

Wednesday, March 11, 2020; 2:00 p.m.
State Capitol, Conference Room 325

LATE

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

The Department of Public Safety (PSD) supports Senate Bill 2849, Senate Draft 2, which clarifies membership and certain powers and duties of the Law Enforcement Standards Board, establishes new deadlines for the completion of board responsibilities, and provides appropriate funds and resources to enable the board to accomplish its mission.

PSD supports the proposed amendments in Section 2, which will expand the experience and perspective of the Board while increasing its operational flexibility. Further, in Section 3, allowing the board to consider relevant studies and conduct its own study will allow the Board to establish standards, certifications, and training requirements in a meaningful and effective manner.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
SUZANNE D. CASE
Chairperson**

LATE

**Before the House Committee on
JUDICIARY**

**Wednesday, March 11, 2020
2:00 PM
State Capitol, Conference Room 325**

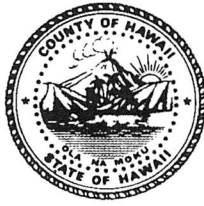
**In consideration of
SENATE BILL 2849, SENATE DRAFT 2
RELATING TO LAW ENFORCEMENT STANDARDS BOARD**

Senate Bill 2849, Senate Draft 2 proposes to clarify membership and certain powers and duties of the Law Enforcement Standards Board, establishes new deadlines for the completion of board responsibilities, and provides appropriate funds and resources to enable the board to accomplish its mission. **The Department of Land and Natural Resources (Department) supports this measure provided that its passage does not replace or adversely impact priorities indicated in the Executive Supplemental Budget request.**

The Law Enforcement Standards Board (“the Board”) is responsible for establishing minimum standards for employment as a law enforcement officer and certifying persons qualified as law enforcement officers. Ensuring consistency in law enforcement is a critical function of the Board and overall public safety is enhanced by providing it appropriate funding and resources to carry out its mission.

Thank you for the opportunity to comment on this measure.

Harry Kim
Mayor



Paul K. Ferreira
Police Chief

Kenneth Bugado Jr.
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT

349 Kapi'olani Street • Hilo, Hawai'i 96720-3998
(808) 935-3311 • Fax (808) 961-2389

March 10, 2020

Representative Chris Lee
Chairperson and Committee Members
Committee On Judiciary
415 South Beretania Street, Room 325
Honolulu, Hawai'i 96813

RE: SENATE BILL 2849, SD2, RELATING TO LAW ENFORCEMENT STANDARDS BOARD

Dear Representative Lee:

The Hawai'i Police Department supports Senate Bill 2849, SD2, with its purpose to clarify membership and certain powers and duties of the Law Enforcement Standards Board, as well as to establish new deadlines for the completion of board responsibilities, and to provide appropriate funds and resources to enable the board to accomplish its mission.

Our department is aware our training standards will be subject to the Board's oversight and as such wants to see the Board have sufficient time to conduct needed research into the issues attendant to Law Enforcement training for a modern Law Enforcement Agency. We are also cognizant of the need to ensure members of the Board will also have sufficient resources in order to accomplish the Board's objectives.

We further believe it is imperative the Board is able to effectively do its job to ensure that all Law Enforcement entities in our state are highly professional, well-trained, and able to be at the forefront of the myriad of problems facing society as a whole and our community in particular.

It is for these reasons, we urge this committee to approve this legislation.

Thank you for allowing the Hawai'i Police Department to provide comments relating to Senate Bill 2849, SD2.

Sincerely,

PAUL K. FERREIRA
POLICE CHIEF



DEREK S. K. KAWAKAMI
Mayor

MICHAEL A. DAHLIG
Managing Director

POLICE DEPARTMENT COUNTY OF KAUAI

3990 KAANA STREET, SUITE 200
LIHUE, HAWAII 96766-1268
TELEPHONE (808) 241-1600
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www.kauai.gov/police



TODD G. RAYBUCK
Chief of Police

Testimony of Todd G. Raybuck
Chief of Police
Kaua'i Police Department

Before the
House Committee on Judiciary
March 11, 2020; 2:00 pm
Conference Room 325

In consideration of
Senate Bill 2849 SD2
Law Enforcement Standards Board

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

The Kaua'i Police Department (KPD) **supports** Senate Bill 2849 SD2, which clarifies membership and certain powers and duties of the Law Enforcement Standards Board and establishes new deadlines for the completion of board responsibilities and appropriates funds to enable the board to accomplish its mission.

The Bill allows the Attorney General, Director of Public Safety and the Chiefs of Police of the four counties to have a designee attend in their place. This is vital as each executive level position has oversight of a public safety organization and has numerous duties and responsibilities. Their attendance at times could be difficult because of the breadth of each position's responsibilities. This could possibly hinder board business if one or more are unable to attend.

Removal of the language under Section 2(3)(D), "provided that the experience in a county police department shall not itself be sufficient to qualify under this paragraph," allows for a broader pool of members with actual experience within one of the county law enforcement agencies.



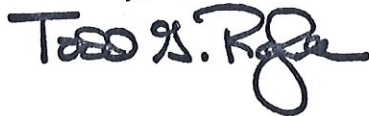
Extending the date to which the Act will take effect will give the members of the Board a reasonable time to conduct its business and ensure that the Board's rules, standards, criteria, curriculum and procedures are well thought out and thoroughly planned and implemented.

Appropriate funding of the Board is imperative for its success and the completion of its mission. Hiring of an Administrator and the appropriate staff to implement the standards and curriculum established by the Board is central to achieving that success.

For these reasons the Kauai Police Department **supports** Senate Bill 2849 SD2.

Thank you for your time and consideration.

Sincerely,



Todd G. Raybuck
Chief of Police
Kaua'i Police Department

