



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

ON THE FOLLOWING MEASURE:

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

BEFORE THE:

SENATE COMMITTEES ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS AND ON JUDICIARY

DATE: Tuesday, February 11, 2020 **TIME:** 1:15 p.m.

LOCATION: State Capitol, Room 229

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

Chairs Nishihara and Rhoads and Members of the Committees:

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 for the completion of the Board's responsibilities, to provide the necessary funds and resources for the Board's mission, and to exempt the Board administrator position from chapter 76.

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, enacted chapter 139, Hawaii Revised Statutes, 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.

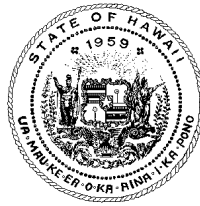
Collective bargaining and employment laws and rules dictate various aspects of a law enforcement officer's career from start to finish. Explicitly authorizing the board to study and evaluate these laws, rules, and agreements will allow the Board to establish standards, certifications and training requirements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

A proper study and evaluation takes time and resources; therefore, certain aspects of the new chapter established by Act 220 should take effect on July 1, 2023, and an increased amount should be appropriated to fund dedicated staff.

The Board administrator position is being made exempt from civil service because the new Board requires flexibility to meet its broad duties and responsibilities and tight deadlines. The Board's role, and that of the administrator, are unique and not within the traditional civil service classification system. The Board needs the discretion to hire or terminate without the burden of complying with civil service requirements.

The Department respectfully requests that this measure be passed.

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
RELATING TO THE LAW ENFORCEMENT STANDARDS BOARD.**

by
Nolan P. Espinda, Director

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

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

Tuesday, February 11, 2020; 1:15 p.m.
State Capitol, Conference Room 229

Chairs Nishihara and Rhoads, Vice Chairs Wakai and Keohokalole, and
Members of the Committees:

The Department of Public Safety (PSD) supports Senate Bill (SB) 2849, 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 3, which will expand the experience and perspective of the Board while increasing its operational flexibility. Further, 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 purposeful 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**

**Before the Senate Committees on
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS
and
JUDICIARY**

**Tuesday, February 11, 2020
1:15 p.m.
State Capitol, Conference Room 229**

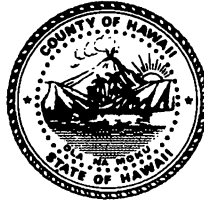
**In consideration of
SENATE BILL 2849
RELATING TO LAW ENFORCEMENT STANDARDS BOARD**

Senate Bill 2849 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 supports this Administration measure.**

The Law Enforcement Standards 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
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February 7, 2020

Senator Clarence K. Nishihara
Chairperson and Committee Members
Committee On Public Safety, Intergovernmental, & Military Affairs
Senator Karl Rhoads
Chairperson and Committee Members
Committee On Judiciary
415 South Beretania Street, Room 229
Honolulu, Hawai'i 96813

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

Dear Senators Nishihara and Rhoads:

The Hawai'i Police Department supports Senate Bill 2437, 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 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 want to see the Board have sufficient time to conduct needed research into the issues attendant to Law Enforcement training. We are also cognizant of the need to ensure members of the Board will have sufficient resources in order to accomplish the Board's objectives.

We further believe it is imperative that the Board is able to effectively do its job to ensure that all Law Enforcement entities in our state are highly professional and well-trained.

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.

Sincerely,

A handwritten signature in black ink that reads "Kenneth Bugado, Jr.".

KENNETH BUGADO JR.
DEPUTY POLICE CHIEF

SB-2849

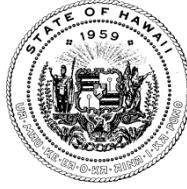
Submitted on: 2/6/2020 11:51:27 AM

Testimony for PSM on 2/11/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Craig Tanaka	Individual	Support	No

Comments:

I support SB2849 as constituted



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

February 11, 2020
1:15 p.m.
State Capitol, Room 229

S.B. 2849
RELATING TO LAW ENFORCEMENT STANDARDS BOARD.

Senate Committee(s) on Public Safety, Intergovernmental & Military Affairs,
And 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 new deadlines for the completion of board responsibilities, and provides appropriate funds and resources to enable the board to accomplish its mission to restore public confidence in law enforcement and improve public safety.

The DOT believes that allowing ex-officio members to designate subject matter experts would enhance the LESB in its evaluation of collective bargaining laws, rules, and agreements in the development of standards, certifications and training requirements for law enforcement officers.

The DOT also 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.