

JAN 22 2021

A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

Part I

SECTION 1. The legislature finds that public trust in law enforcement is critical to ensuring justice for all under the law. The legislature further finds that the difficult and often dangerous job of law enforcement is safer, easier, and more effectively executed when citizens trust those empowered to serve and protect them.

The purpose of this Act is to enhance the public's trust in law enforcement and standardize best practices between the counties by:

(1) Amending the law enforcement officer independent review board to:

(A) Require review of any specific incident of alleged misconduct recommended by certain officials;

(B) Require members to serve four-year terms; and

(C) Make it a permanent board; and



(2) Amending the membership of the law enforcement standards board and extending member's terms to four years.

Part II

SECTION 2. Section 28-152, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) There is established a law enforcement officer independent review board that is placed within the department of the attorney general for administrative purposes only. The board shall be responsible for reviewing ~~[criminal]~~:

(1) Criminal investigations of incidents of officer-involved death conducted by law enforcement agencies and issuing recommendations to the prosecuting attorney of the county in which the incident occurred~~[-]~~; and

(2) Any specific incident of alleged misconduct recommended by one or more of the following officials as deserving of review:

(A) The attorney general;

(B) The director of public safety;



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1 (C) The mayor of the county in which the incident
2 occurred;

3 (D) The police commission of the county in which the
4 incident occurred;

5 (E) The chief of police of the county in which the
6 incident occurred; or

7 (F) A county council member of the district in which
8 the incident occurred."

9 2. By amending subsection (e) to read:

10 "(e) The members of the board shall serve without
11 compensation for [~~terms specified by the appointing authority,~~]
12 a term of four years, but shall be reimbursed for expenses,
13 including travel expenses, incurred in the performance of their
14 duties."

15 SECTION 3. Act 161, Session Laws of Hawaii 2016, is
16 amended by amending section 7 to read as follows:

17 "SECTION 7. This Act shall take effect on July 1, 2017;
18 provided that:

19 (1) Section 4 of this Act shall take effect on July 1,
20 2016; and



(2) The sum appropriated by section 4 of this Act shall serve as the source of funding for the establishment of the law enforcement officer independent review board and expenses arising in connection with the board[~~and~~

~~(3) This Act shall be repealed on June 30, 2022, and section 712A-16, Hawaii Revised Statutes, shall be reenacted in the form in which it read on June 30, 2017]."~~

Part III

SECTION 4. Section 139-2, Hawaii Revised Statutes, is amended to read as follows:

"[+]§139-2[+] **Law enforcement standards board; establishment.** (a) There is established the law enforcement standards board within the department of the attorney general for administrative purposes only. The purpose of the board shall be to provide programs and standards for training and certification of law enforcement officers. The law enforcement standards board shall consist of the following voting members: nine ex officio individuals[~~, two law enforcement officers,~~] or their designees and [~~four~~] five members of the public.



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(1) The nine ex officio members of the board shall consist of the:

(A) Attorney general~~[+]~~ or the attorney general's designee;

(B) Director of public safety~~[+]~~ or the director's designee;

(C) Director of transportation or the director's designee;

(D) Chairperson of the board of land and natural resources or the chairperson's designee;

(E) Director of taxation or the director's designee; and

(F) Chiefs of police of the four counties~~[+]~~ or the designees of each of the chiefs of police; and

~~[(2) The two law enforcement officers shall each have at least ten years of experience as a law enforcement officer and shall be appointed by the governor; and~~

~~+(3)]~~ (2) The ~~[four]~~ five members of the public shall consist of one member of the public each from ~~[each of the four counties]~~ the counties of Hawaii, Maui, and Kauai and two members of the public from the city and



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1 county of Honolulu, and shall be appointed by the
2 governor. [~~At least two of the four~~] The five members
3 of the public holding a position on the board at any
4 given time shall:

5 (A) Possess a master's or doctorate degree related to
6 criminal justice;

7 (B) Possess a law degree and have experience:

8 (i) Practicing in Hawaii as a deputy attorney
9 general, a deputy prosecutor, deputy public
10 defender, or private criminal defense
11 attorney; or

12 (ii) Litigating constitutional law issues in
13 Hawaii;

14 (C) Be a recognized expert in the field of criminal
15 justice, policing, or security; or

16 (D) Have work experience in a law enforcement
17 capacity; provided that experience in a county
18 police department shall not itself be sufficient
19 to qualify under this paragraph.

20 (b) The [~~law enforcement officers and the~~] members of the
21 public on the board shall serve for a term of [~~three~~] four



1 years[7]; provided that the initial terms shall be staggered, as
2 determined by the governor.

3 (c) The [~~law enforcement officers and the~~] members of the
4 public on the board shall receive no salary for their duties as
5 members of the board, but shall be entitled to reimbursement for
6 expenses, including travel expenses, necessary for the
7 performance of their duties as board members."

8 SECTION 5. Section 139-3, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§139-3 Powers and duties of the board.** The board shall:

11 (1) Adopt rules in accordance with chapter 91 to implement
12 this chapter;

13 (2) Establish minimum standards for employment as a law
14 enforcement officer and to certify persons to be
15 qualified as law enforcement officers;

16 (3) Establish criteria and standards in which a person who
17 has been denied certification, whose certification has
18 been revoked by the board, or whose certification has
19 lapsed may reapply for certification;

20 (4) Establish minimum criminal justice curriculum
21 requirements for basic, specialized, and in-service



1 courses and programs for schools operated by or for
2 the State or a county for the specific purpose of
3 training law enforcement officers;

4 (5) Consult and cooperate with the counties, agencies of
5 the State, other governmental agencies, universities,
6 colleges, and other institutions concerning the
7 development of law enforcement officer training
8 schools and programs of criminal justice instruction;

9 (6) Employ, subject to chapter 76, an administrator and
10 other persons necessary to carry out its duties under
11 this chapter;

12 (7) Investigate when there is reason to believe that a law
13 enforcement officer does not meet the minimum
14 standards for employment, and in so doing, may:

15 (A) Subpoena persons, books, records, or documents;

16 (B) Require answers in writing under oath to
17 questions asked by the board; and

18 (C) Take or cause to be taken depositions as needed
19 in investigations, hearings, and other
20 proceedings,

21 related to the investigation;



(8) Establish and require participation in continuing education programs for law enforcement officers;

(9) Have the authority to charge and collect fees for applications for certification as a law enforcement officer;

(10) Establish procedures and criteria for the revocation of certification issued by the board;

(11) Have the authority to revoke certifications; ~~[and]~~

(12) Review and recommend statewide policies and procedures relating to law enforcement, including the use of force~~[-]~~;

(13) Consider studies relevant to the board's objectives, including but not limited to the 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, conducted pursuant to Act 124, Session Laws of Hawaii 2018; and

(14) Conduct its own study to evaluate how to efficiently and effectively satisfy its duties in accordance with the law."



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1 Part IV

2 SECTION 6. Statutory material to be repealed is bracketed
3 and stricken. New statutory material is underscored.

4 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to be "B. L.", is written over a horizontal line.

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Report Title:

Law Enforcement Officers; Independent Review Board; Standards Board

Description:

Amends the law enforcement officer independent review board to include review of any specific incident of alleged misconduct recommended by certain officials and make it a permanent board. Amends the membership of the law enforcement standards board. Amends the term for members of each board to four years.

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