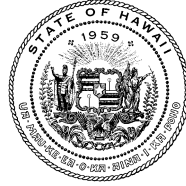


DAVID Y. IGE
GOVERNOR

JOSH GREEN M.D.
LT. GOVERNOR



ISAAC W. CHOY
DIRECTOR OF TAXATION

STATE OF HAWAII
DEPARTMENT OF TAXATION
P.O. BOX 259
HONOLULU, HAWAII 96809
PHONE NO: (808) 587-1540
FAX NO: (808) 587-1560

To: The Honorable Clarence Nishihara, Chair;
The Honorable J. Kalani English, Vice Chair;
and Members of the Senate Committee on Public Safety, Intergovernmental, and
Military Affairs

From: Isaac W. Choy, Director
Department of Taxation

Date: Tuesday, February 16, 2021
Time: 1:20 P.M.
Place: Via Videoconference, Hawaii State Capitol

Re: S.B. 1046, Relating to Law Enforcement

The Department of Taxation (Department) supports S.B. 1046, an Administration measure and offers the following comments for your consideration.

S.B. 1046 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. The Director of Taxation or the Director's designee is a member of the LESB. S.B. 1046 is effective upon its approval.

S.B. 1046 allows the designees of the Attorney General, Director of Public Safety, and Chiefs of Police of the four counties to be members on the LESB. This will allow greater flexibility as currently afforded to the Director of Transportation, Chairperson of the Board of Land and Natural Resources, and Director of Taxation.

Thank you for the opportunity to provide testimony in support of this measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY- FIRST LEGISLATURE, 2021**

ON THE FOLLOWING MEASURE:

S.B. NO. 1046, RELATING TO LAW ENFORCEMENT.

BEFORE THE:

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS

DATE: Tuesday, February 16, 2021 **TIME:** 1:20 p.m.

LOCATION: State Capitol, Via Videoconference

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

Chair Nishihara and Members of the Committee:

The Department of the Attorney General (Department) supports this bill.

The purposes of this bill are to: (1) clarify membership requirements for the law enforcement standards board to facilitate participation and representation; (2) enable the board to research the impact of standards, certification, and training requirements on existing legal requirements; (3) establish new deadlines for the completion of the board's responsibilities; (4) provide the necessary funds and resources for the board's mission; and (5) exempt the board administrator position from civil service.

The law enforcement standards board, established in 2018 by section 139-2, Hawaii Revised Statutes, 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. The board has been tasked to finalize its standards and certification process by December 31, 2021.

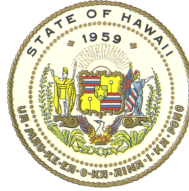
The board needs funding, staff, and resources to comply with its statutory requirements. It also needs an extension of time, beyond December 31, 2021, to complete its tasks. The bill will extend the deadline to June 30, 2023, and give the board the necessary funding to hire an administrator and cover its costs. Increasing the size of the board and allowing ex-officio members to use designees will expand the perspective of the board while increasing its operational flexibility.

Enabling the board to study and evaluate the impact of standards, certification, and training requirements on collective bargaining and employment laws, rules, and agreements will allow the board to establish standards, certification, and training requirements in a purposeful and intentional manner.

Exempting the board administrator position from civil service will allow the board the flexibility it needs to meet its broad duties and responsibilities within the tight deadlines. The board's role and that of the administrator are unique and not within the traditional civil service classification system. The board, therefore, needs the discretion to hire or terminate without complying with civil service requirements.

The Department respectfully requests the passage of this bill.

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS**

**Tuesday, February 16, 2021
1:20 PM
State Capitol, Via Videoconference**

**In consideration of
SENATE BILL 1046
RELATING TO LAW ENFORCEMENT**

Senate Bill 1046 proposes to clarify membership, certain powers and duties of the Law Enforcement Standards Board (Board) and establish new deadlines for the completion of board responsibilities and provides funds and resources to enable the Board to accomplish its mission. **The Department of Land and Natural Resources (Department) supports this Administration measure.**

The Board has the important task of establishing the minimum standards for employment as a law enforcement officer in the State of Hawaii. As the Department is a member of the Board, we recognize the need for the Board to receive funding, employ staff, and be provided with additional time to meet its statutory requirements. The provisions of this bill will greatly assist the Board by providing the resources and time the Board needs to accomplish its mission.

Thank you for the opportunity to comment on this measure.

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

SB-1046

Submitted on: 2/14/2021 6:53:33 PM

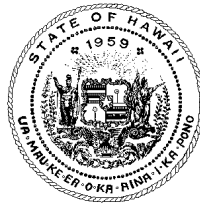
Testimony for PSM on 2/16/2021 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ian Garrod	Testifying for DLNR	Support	No

Comments:

I am available for questions. Please allow me Zoom access. Thank you.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

MAX N. OTANI
DIRECTOR

Maria C. Cook
Deputy Director
Administration

Tommy Johnson
Deputy Director
Corrections

Jordan Lowe
Deputy Director
Law Enforcement

No. _____

**TESTIMONY ON SENATE BILL 1046
RELATING TO LAW ENFORCEMENT.**

By
Max N. Otani, Director

Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senator Clarence K. Nishihara, Chair
Senator J. Kalani English, Vice Chair

Tuesday, February 16, 2021; 1:20 p.m.
Via Video Conference

Chair Nishihara, Vice Chair English, and Members of the Committee:

The Department of Public Safety (PSD) offers comments on Senate Bill (SB) 1046, which would clarify the membership and the powers and duties of the Law Enforcement Standards Board.

PSD welcomes the proposed authorization for the hiring of an exempt board administrator, together with the provision of funding and defined duties and responsibilities of the board, as well as, the expanded membership of the Law Enforcement Board, to include designees from the heads of Executive Departments.

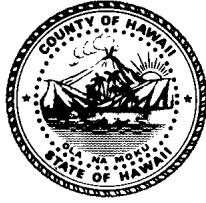
SB 1046 would permit the membership of the board to be composed of subject matter experts who can devote the necessary time and resources into the board's purpose and function. SB 1046 would also enable the board to establish a uniform standard of minimum continuing education requirements for all law enforcement officers to maintain and to remain in good standing.

As in any operating organization, funding must be allocated to the Law Enforcement Standards Board for it to function as intended and to maintain its

viability. SB 1046's authorization of the hiring of the board administrator as an exempt employee would expedite the hiring of a highly qualified applicant, provide this individual with flexibility in carrying out his or her duties and responsibilities, and allow the board to hold the administrator accountable in fulfilling the position's duties and responsibilities.

Thank you for the opportunity to present this testimony.

Mitchell D. Roth
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) 961-8865

February 13, 2021

Senator Clarence K. Nishihara
Chairperson and Committee Members
Committee on Public Safety, Intergovernmental, and Military Affairs
415 South Beretania Street
Honolulu, Hawai`i 96813

RE : SENATE BILL 1046, RELATING TO LAW ENFORCEMENT
HEARING DATE : FEBRUARY 16, 2021
TIME : 1:20 P.M.

Dear Senator Nishihara:

The Hawai`i Police Department **strongly supports** Senate Bill 1046, which seeks 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 Law Enforcement Standards Board (Board), established in 2018 by section 139-2, Hawaii Revised Statutes, lacks the necessary resources to meet all of the statutory requirements set forth by legislature. Establishing minimum standards for employment as a law enforcement officer and certifying persons qualified as law enforcement officers, is not a task to be taken lightly and requires dedicated resources, that this proposed legislation seeks to address.

We agree with the Department of the Attorney General that this proposed legislation will enable the board to study and evaluate the impact of standards, certification, and training requirements on collective bargaining and employment laws, rules, and agreements, thereby allowing the board to establish standards, certification, and training requirements in a purposeful and intentional manner.

It is for these reasons that we urge this committee to support this legislation. Thank you for allowing the Hawai`i Police Department to provide comments relating to Senate Bill 1046.

Sincerely,

PAUL K. FERREIRA
POLICE CHIEF



Young Progressives Demanding Action
P.O. Box 11105
Honolulu, HI 96828

February 13, 2021

TO: SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS
RE: Testimony in opposition to SB1046

Dear Senators,

Young Progressives Demanding Action (YPDA) opposes passage of SB1046. This bill expands law enforcement presence on the standards board while also “grandfathering” all existing police officers as of June 30, 2023. This means those officers will never be subject to the standards or jurisdiction of the standards board, so the board will effectively be useless for regulating the majority of law enforcement officers for at least a decade or more. Please do not pass SB1046.

Mahalo for the opportunity to testify,

Will Caron
Board President & Secretary, 2020–2021
action@ypdahawaii.org

SB-1046

Submitted on: 2/12/2021 2:20:16 PM

Testimony for PSM on 2/16/2021 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Brown III	Individual	Oppose	No

Comments:

Aloha Chair, Vice Chair, and members of the Committee,

I write in strong OPPOSITION to this bill. From my understanding of the bill's language, the bill would increase the number of law enforcement personnel on the Standards Board, and would also exempt all of the current officers (through 2023) from the purview and authority of the Board and the certification standards that it eventually enacts. This bill effectively guts the Law Enforcement Standards Board that was created by the Legislature in 2018, and renders its regulatory and oversight authority meaningless.

In the aftermath of George Floyd's death at the hands of Minneapolis police officers, 10,000 Oahu residents marched in solidarity, and in recognition of the need for law enforcement accountability. It's a shame that this bill has been introduced in an effort to thwart the accountability that's been demanded by our community, and I respectfully ask that the Committee defer the measure indefinitely.

Sincerely,

Joey Brown

Kailua, 96734

MICHAEL P. VICTORINO
Mayor

ANDREW H. MARTIN
Acting Prosecuting Attorney

MICHAEL S. KAGAMI
First Deputy Prosecuting Attorney

ROBERT D. RIVERA
Second Deputy Prosecuting Attorney



DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
150 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
PHONE (808) 270-7777 • FAX (808) 270-7625

TESTIMONY
ON
S.B. 1046 RELATING TO
LAW ENFORCEMENT

LATE

February 16, 2021

The Honorable Clarence K. Nisihara
Chair
The Honorable J. Kalani English
Vice Chair
and Members of the Committee on Public Safety, Intergovernmental and Military Affairs

Chair Nisihara, Vice Chair English, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments concerning S.B. 1046, Relating to Law Enforcement. Specifically, we would like to express our general support for S.B. 1046.

In our view, the adoption of clear, consistent and effective standards for law enforcement employment are a vital component in ensuring that everyone who is granted police powers is appropriately qualified to perform their duties. This is especially important in prosecution of criminal cases, where a police officer's qualifications and behavior are often under intense scrutiny by defense counsel and the general public. A law enforcement standards board with appropriately-qualified members, along with appropriate funding, procedures and deadlines, is a significant step towards this goal.

For these reasons, the Department of the Prosecuting Attorney, County of Maui supports the passage of S.B. 1046. Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries.

Thank you very much for the opportunity to provide testimony on this bill.