



STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS  
" A Police Organization for Police Officers Only "  
Founded 1971

March 28, 2022

**ONLINE /FAX: 808-586-6131; 587-7220**

The Honorable Karl Rhoads  
Chair  
The Honorable Jarrett Keohokalole  
Vice-Chair  
Senate Committee on Judiciary  
Hawaii State Capitol, Rooms 204, 205  
415 South Beretania Street  
Honolulu, HI 96813

Re: **HB1239 HD2, SD1-Relating to Law Enforcement**

Dear Chair Rhoads, Vice-Chair Keohokalole, and Honorable Committee members:

I serve as the President of the State of Hawaii Organization of Police Officers ("SHOPO") and write to you on behalf of our Union in **strong opposition** to HB1239 HD2, SD1. This bill seeks to inject another bureaucratic board into the county police departments home rule and governance.

We find it highly hypocritical for the legislature and its politicians to be beating the anti-police drum, ad nauseum, by raising the question of the public's trust in law enforcement at a time when the public's trust in the legislature is, in our view, at an all-time low. Local politicians are being arrested and charged with serious crimes, yet the legislature, which supposedly has a duty to oversee and police its own members, does nothing of substance in response. So when we see a bill like HB1239 HD2, SD1 that calls us out by stating it is the legislature's purpose to enhance the public's trust in law enforcement, we ask the legislature to look in the mirror before pointing fingers at our hard working and courageous officers who are out there every day, 24 hours a day, 365 days a year, putting their lives on the line for you and our community. Rather than finding ways to continue the unyielding attacks against our officers, the legislature should spend its energy helping us and our community find ways to fill the empty beats that is compromising our community's safety and exposing our most vulnerable community members such as our senior citizens to become targets and victims of broad daylight assaults and robberies. The simple fact is that our community is in danger when there are not enough officers available to respond to a citizen's call for help. But that is the current reality and we need to do something about it.

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We, as a Union, can say that we are doing something about it by demanding meetings and collaborating with our police chiefs to figure out creative ways to get our beats fully staffed. This includes altering our work schedules which tasks our officers with working longer hours and being away from their families, but is a sacrifice we are willing to make for the safety of our community. In contrast, this bill provides zero help.

The legislature may not understand what happens to an officer who is merely suspected of engaging in wrongdoing or is arrested or charged with a criminal act. Mere allegations can trigger an avalanche of investigations against any officer accused of wrongdoing. Our officers are subject to full blown criminal **and** administrative Internal Affairs and/or Professional Standards Office investigations by our respective police departments, even if the officer is acquitted in a court of law or the allegations are later dismissed. This is an addition to the investigations that the officer is put through with the prosecutor's office, the police commissions, and when there are conflicts of interest the Attorney General's ("AG") office which will conduct its own independent investigation. We have had officers in the past who were acquitted of charges or had allegations dismissed, but they were nonetheless severely disciplined and fired despite the outcome in court. That is the existing strict scrutiny and oversight our officers are currently subjected to without this bill. Unless you are questioning the integrity or have no confidence in those who have the duty and responsibility to investigate and hold our officers accountable, including the prosecutor's office who recently charged three of our officers with murder after they stopped a suspect on a crime spree that terrorized our community, this bill appears to be nothing but another publicity ploy to fuel the anti-police movement. We need to stop this anti-police rhetoric because it is non-productive.

This bill and support for this review board directly infers that the county police departments and their respective training academies are subpar, do not currently incorporate acceptable and reasonable minimum standards of employment, and do not have acceptable criminal justice curriculums. The Board, in essence, wants to usurp the training curriculum and standards implemented by the respective county police department's training academies. This is simply duplicative of what already exists and a complete waste of money.

Aside from the significant monetary expenditures associated with this Board and the baseless assumption that our county police academies are substandard or deficient, it is unclear why this Board is needed for "certifications" when all four (4) county police departments and their respective police academies are accredited by the Commission on Accreditation for Law Enforcement Agencies ("CALEA"). CALEA is nationally known as the gold standard benchmark in law enforcement and its accreditation seals are internationally recognized as the "Marks of Professional Excellence" for public safety agencies. Our county officers are highly trained, experienced, and investigate the broad range of crimes set forth in the Hawaii penal code as codified in the Hawaii Revised Statutes. Our officers are held to the highest professional

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standards and are investigated and held accountable for the slightest deviations or infractions. The policies and training of each county police department have many in common, but they also have special provisions and aspects tailored to each island's unique demands and diverse communities. The money required to fund this Board could be better spent on expanding our prison system so that the same criminals we arrest over and over can be properly incarcerated rather than being allowed to roam the streets to continue terrorizing our law abiding citizens.

We find it ironic that this same legislature is pushing for funding to have DLNR's conservation and resources enforcement program obtain CALEA certification, thus further rendering the Board as a wasteful black hole money pit. See SB 3019 SD1, HD1.

In addition, decisions made by the Board could impact collective bargaining and undermine the mandatory negotiation requirements set forth in HRS §89-9 that are part of our constitutional rights under the Hawaii Constitution. The Board can also act to revoke an officer's certification which may also indirectly conflict with our collective bargaining agreement, the outcome of a grievance proceeding, and HRS §89. We do not believe these intended or unintended ramifications were thoroughly considered and vetted before the Board was established in the first instance. The Board will require a labor specialist to fully understand HRS §89 and its implications, which does not appear to be the criteria for any of the Board members. In addition, it is an inherent conflict of interest to have the four county police chiefs serving in an ex officio capacity on the Board who will also be reviewing an officer's certification for cases that may have already been adjudicated through the grievance process and resulted in the grievance being sustained. In essence, the chief will get a second bite at the apple by revoking the officer's certification. This will for all intents and purposes completely undermine and subvert the collective bargaining process and our collective bargaining rights guaranteed under the Hawaii Constitution.

To make the Board truly all-inclusive and transparent, we recommend that a Board position be created for the appointment of a representative from our Union for the purpose of providing insight and input on training, certification, standards, and collective bargaining. Our Union and our members operate on the front lines in the battle against crime and have training, relevant experience and knowledge that others on the Board will not possess. If the true intent is to make things better, having a Union representative on the Board will further that objective. We further recommend and suggest that the "One county law enforcement officer from each of the four counties" also be an officer nominated by the Union for the governor's appointment.

The existing statute also requires officers to participate in continuing education programs. I am not sure if you realize that our officers already attend refresher (recall) training every year as part of our continuing education training. The training covers various subject matters, including use of force, escalation and de-escalation of force, arrest laws, firearms recertification,

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community issues relating to mental illness and drug addiction, self-defense training, and other relevant law enforcement topics. Given our existing training the bill should be amended to eliminate this requirement.

Last, we suggest that the appointment of anyone to the Board should be with the advice and consent of the senate like any other board or commission, and that a study relating to the “centralized state enforcement division or agency” exclude the county police departments who operate on a county budget and county needs and requirements.

In summary, this bill duplicates existing levels of officer misconduct review that already exist. We also believe that the funding required for this Board could be better spent on other meaningful projects especially given the economic hardship many in our community are suffering from the Covid-19 pandemic.

We thank you for allowing us to be heard and to share our concerns on this bill and hope your committee will unanimously reject this bill and withhold funding until further consideration is given to the issues and concerns we have raised.

Respectfully submitted,

ROBERT “BOBBY” CAVACO  
SHOPO President