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To: House Committee on Corrections, Military, & Veterans

From: Cheryl Kakazu Park, Director

Date: February 2, 2022, 10:00 a.m.
State Capitol, Conference Room 430 and via Videoconference

Re: Testimony on H.B. No. 2171
Relating to Public Safety

Thank you for the opportunity to submit testimony on this bill, which would establish a Department of Law Enforcement to administer the criminal law enforcement and investigations functions of the State and would reestablish the Department of Public Safety as an independent Department of Corrections and Rehabilitation to administer the corrections, rehabilitation, and reentry of the inmate population. The Office of Information Practices (OIP) takes no position on the substance of this bill, but offers comments on the reporting requirement set out in proposed section 353-G, HRS, at bill pages 38-39.

This provision would require the Director of Corrections and Rehabilitation to report to the Governor and Legislature on the death of any inmate and the on-site death or injury of any correctional facility employee. Proposed section 353-G(d) gives the Director “the discretion to withhold disclosure of the decedent’s name or any information protected from disclosure by state or federal laws.” OIP notes that section 92F-12(a)(4), HRS, requires public disclosure of “directory information concerning an individual’s presence at any correctional facility,” including the names and locations of incarcerated individuals,

notwithstanding any provision to the contrary. Thus, the name of an inmate who died in custody would be public information in the same way as an inmate's departure from a facility for other reasons. Similarly, a government employee's first and last dates of employment are mandated to be public under section 92F-12(a)(14), and the correlation between last date of employment and the reported death of an employee at the facility on that date would effectively make the name public. OIP further notes that the list in proposed subsection (b) of information requires "the decedent's name" to be included in the report, in direct contradiction to proposed subsection (d) which gives the Director "the discretion to withhold" that same information. As written, this provision is internally inconsistent and, by referring to the name of the decedent in the same clause as information protected by state or federal law, creates confusion about whether a decedent's name withheld from a report is still publicly disclosable upon request. OIP recognizes that even if the public has the ability to find out a decedent's name through a UIPA request, including the name in the report itself may be important in some instances but unnecessary in others. **Thus, the provision is inconsistent internally and with existing law, and it should be amended if its intent is to effectively give the Director the ability to choose to include or omit this information from the report.**

To fix this inconsistency, OIP recommends that the name of the decedent be removed from the list of information required to be reported, and subsection (d) be amended to allow the director to disclose the name of the decedent or other additional information provided that the director shall not disclose information protected from disclosure by law. **Specifically, OIP recommends the following changes:**

- **On page 38 line 18, delete the current item “(1) The name of the decedent,” leaving a list of only six mandatory items instead of the current seven; and**
- **On page 39, replace subsection (d) with the following:**
 - **“(d) The director may disclose the decedent’s name or other information not specified in subsection (b), provided that the director shall not disclose information protected from disclosure by state or federal law.”**

Thank you for considering OIP’s testimony.

Written Testimony of Daniel Hanagami for State Law Enforcement Department bills:
HB2171

I am offering this testimony as a private citizen. I feel very strongly that enactment of this legislation would bring harm to public employees and the community. It would be detrimental to state law enforcement by making it costlier and less effective, therefore, I am in opposition of this bill for the following reasons:

1. The proposed legislation offers lofty goals without real substance to achieve those goals. The bill does not include the county police departments as a major consulting entity and establishes the Public Safety Department as the driving force behind this bill. The Public Safety Department lacks certification, experience and expertise. The planning of the law enforcement department should have better leaders to pursue this effort.
2. Reorganization in itself serves no purpose unless it adds value. This reorganization would create layers of bureaucracy, executive sinecures and generate millions of dollars in unproductive costs without providing a roadmap for improvements in services or safety for the public. This waste would be perpetuated in future budget cycles, a costly illusion with no benefit to the public.
3. The proposed reorganization of state law enforcement is justified by goals, but the proposed reorganization does nothing to achieve these goals.
4. State law enforcement functions together as the State Law Enforcement Coalition (SLEC) in response to the full spectrum of natural disasters, events, civil disturbances and threats to public safety. The SLEC Unified Command provides coordinated leadership and functions as a whole organization to carry out the missions tasked to state law enforcement. The SLEC Unified Command coordinates the actions, personnel and resources of the member agencies whenever a situation requires interagency coordination or exceeds the resources of a single agency. The SLEC framework provides the best of both worlds, coordinated efforts drawing on all state law enforcement while keeping member agencies intact and able to focus superior expertise in their functional areas.
 - a. SLEC has functioned effectively as a formal entity since 2003. SLEC was established by formal agreement by Major General Robert G. F. Lee in his capacity as Adjutant General of the Hawaii National Guard and Director of Civil Defense, Attorney General Mark Bennett, Peter Young as Chair of the Board of Land and Natural Resources, Rodney Haraga as Director of Transportation, and James Propotnick as Acting Director of Public Safety.
 - b. SLEC has functioned effectively since its establishment through numerous challenges facing the state through the present and the SLEC response to the COVID-19 Pandemic.

Written Testimony of Daniel Hanagami for State Law Enforcement Department bills:
HB2171

- c. SLEC is more effective as a coordinator of state law enforcement than the proposed organization and engages more resources.
 - d. All of the member law enforcement agencies of SLEC have evolved over time to perform necessary, sometimes specialized functions, and their unity in SLEC has enabled state law enforcement to function as a whole in response to all emergencies and situations. The SLEC Unified Command functions under the standards of the National Incident Management System and is organized in an Incident Command System structure. SLEC is even stronger based on the solid commitments, mutual respect and commitment to public safety of its leaders and members.
5. The proposed organization would consolidate a significant portion of state law enforcement. It would exclude significant portions of state law enforcement that would become fragmented, special purpose niche offices serving as single-purpose entities unavailable to overall public safety. State government already has many special-purpose investigators and limited-scope law enforcement personnel scattered among state agencies. This legislation would create more of these specialized fragments.
- a. For example, as part of a larger whole Investigations Division, a unit of investigators assigned to “certain investigations functions of the department of the attorney general,” also participate in quarantine compliance enforcement to protect the community and prevent deaths, but as an isolated fragment unit, they would stay in their lane and not be available to serve the greater needs of the community.
 - b. There is, in fact, value to dedicating specialists to accomplish specialized functions, but when these investigators are left behind and not included in the new law enforcement department, they will effectively be no longer integrated in operations or be available for other services.
 - c. Creating more specialists outside the framework of the new department would decrease the number of personnel available for state law enforcement as a whole. Experience has shown that these isolated, specialized investigators can be dedicated, productive individuals, such as investigators in the Child Support Enforcement Agency, but they are not available to SLEC and would not function as part of this new department.
 - d. For example, the Investigations Division of the Department of the Attorney General performs many important specialized functions such as investigating sex offenders, and functions as a cohesive whole adding to the specialized investigators when executing search warrants, managing crime scenes or being

mobilized to support operations such as peacekeeping at Maunakea or performing pandemic response.

6. This legislation would cut the number of investigators available to large-scale crime scene investigations in half. The dismemberment of the Investigations Division would destroy the ability of state law enforcement to conduct complex white collar crime investigations, particularly government corruption and financial fraud. There is no other agency conducting this type of investigation at the state level and very limited county-level capabilities. Disbanding the Investigations Division and dismembering its ability to function as a whole will severely compromise accountability in state government and enable greater corruption by removing the only effective deterrent.
 - a. The prior Attorney General, the current Attorney General and its Special Assistant to the Attorney General planned dismemberment of its Investigations Division in this proposed bill, appears nothing more than a ploy to address its the labor issues and federal civil rights violation charge by crafting this bill that is designed to strip its Chief Special Investigator of his supervisory authority and exile him regardless of he being the top financial crimes investigator in the Department.
7. DOCARE (Division of Conservation and Resource Enforcement) is a significant partner in SLEC and state law enforcement. DOCARE is omitted from this reorganization legislation. DOCARE's omission contradicts the justification for this proposal and is a good example of why this consolidation is flawed. As their name implies, DOCARE and its officers perform specialized conservation and resource protection functions vital to the interests of the state and the people served by the state, while at the same time being vital and effective members of SLEC and state law enforcement as a whole. DOCARE exemplifies why SLEC works as a framework to coordinate state law enforcement while preserving the reasons its member agencies exist.
8. Harbor Enforcement Officers (HEO) have specialized skills, training and proficiencies associated with their work on seacraft and the intricacies of commercial harbors. A Harbor Enforcement Officer would not be interchangeable with a Deputy Sheriff or Investigator. The skill set of a HEO and the work they perform specialized and focused to best serve in commercial harbors.
9. This legislation frequently mentions the Department of Transportation but does not address the contract Law Enforcement Officers serving at the airports. These are armed airport police with full law enforcement authority. Whether the airport police should be contract or civil service employees is an issue for a different time, but this legislation does not bring the airport police into the proposed new department. This legislation

omits what is, in effect, the second largest state law enforcement agency in Hawaii, with staffing second only to the Sheriff Division.

10. State law enforcement essentially serves defined interests and priorities of state government. The existing agencies and their focused areas provide effective, cost-efficient services that optimize services and accountability in their areas of expertise. State law enforcement contributes services that are not performed by county police. State law enforcement is not, nor should it become, a duplication of functions and services best-served by the county police. The state and counties each have roles in the overall safety and protection of our community.
11. This legislation would not accomplish its stated goals.
 - a. Goal (1) State law enforcement already partners with the Joint Terrorism Task Force to protect the State from both domestic and foreign threats. This legislation would not change that.
 - b. Goal (2) This legislation and a new state law enforcement agency would not accomplish “eliminating the narcotics epidemic that plagues Hawaii's communities through its commitment of investigators in the federal High Intensity Drug Trafficking Area (HIDTA) task forces”. Eliminating drug trafficking and the destruction of lives from methamphetamine and the other dangerous drugs is a very worthwhile goal to protect our communities and our children, but this legislation is not the means to accomplish it.
 - b1. The county police are a much better option to counter narcotics trafficking if they can be supported with more resources. Attempts to duplicate their services at the state level would drain resources that would be better used by county police.
 - b2. The Honolulu Police Department has a very strong partnership with HIDTA and is highly effective in investigations and drug trafficking countermeasures, but the scope of the problem exceeds their resources. A new state law enforcement agency is not the answer to this dilemma. The state would better serve this goal by contributing money to support more Honolulu Police Department personnel, Maui Police Department personnel, and more Kauai police personnel
 - b3. Should state law enforcement want to venture into this area, the state would need to significantly step-up commitment to community-based groups and programs to harden youth against social contributors and provide meaningful positive alternatives, improved the accessibility to

rehabilitation and treatment to community members needing services in this area. are needed. Our whole community needs to be mobilized to save our youth and the victims of addiction. Reorganizing state law enforcement is not the answer and would not accomplish anything meaningful.

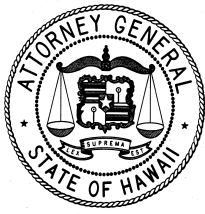
- c. Goal (3) reorganizing state law enforcement is not needed to expand the narcotics canine program. State funding would be better used to support expanded canine services in the county police departments.
 - d. Goal (4) reducing gun violence and other violent criminal acts in island communities through participating in the federal Project Safe Neighborhoods program is an effective strategy. The county police are engaged at the community level and have direct involvement with communities through their roles as emergency first responders and their patrol officers. The county police have close ties with the neighborhoods they serve and have years of experience with community policing. The proposed state law enforcement department would add little or no value.
12. The county police are emergency first responders. Their patrol elements are 9-1-1 driven. All calls are serviced. Police Communications and dispatchers' function as a whole response engine with their field patrol personnel. This is the core of the county police departments. In general, state law enforcement agencies are not prepared to take on this responsibility. Only Harbor Police are actual emergency first-responders. In the 9-1-1 world, there is no such thing as "we're too busy" or "we don't have anyone available" and bouncing emergencies or calls for service to the police.
13. This proposed legislation states, "County police departments will continue to have full law enforcement authority and responsibility with respect to state parks, state buildings, state highways, Hawaiian home lands, and other state lands and facilities." It is clear this proposed legislation intends to leave responsibility for public safety emergency response and law enforcement patrol operations as the responsibility of the county police.
- a. Jurisdiction and limited resources are issues between county and state level law enforcement, and this legislation perpetuates an unfunded mandate for county police to provide law enforcement services in areas of state responsibility. This legislation perpetuates the issues and does nothing to change the situation.
14. This legislation raises issues of training and professional standards in state law enforcement. These are very important considerations. The establishment of a training center for state and county law enforcement as described would be of significant value

for law enforcement professionalism, standards, and the quality of services provided for the community. Combined with the work of the law enforcement standards board established in chapter 139, Hawaii would be well-served by this initiative. However, this legislation does not accomplish this and it would be many years and many millions of dollars in the future.

15. The reorganization of state law enforcement proposed in this legislation is not necessary to establish a training center and professional standards. In fact, placing this training center in a new state department would be detrimental. A much better model for accomplishing this would be a jointly managed and jointly operated training center in a cooperative agreement between the state and counties. Each would commit personnel and funding to the training center.
16. This legislation is, at best, neutral in meeting the goals and services Hawaii deserves. The reorganization of state law enforcement is not the way to meet the challenges and does not deliver any real value for the community.
17. This reorganization would not reduce costs. It would add significant costs and overhead. It would add more executives but would not add more personnel actually performing the work.
18. The proposed reorganization should produce something of clear, articulated value. The only concrete value proposed are the training center as an institution to promote professional standards and consistency in training.
19. The Department of Public Safety's current administration does not have the professional expertise, experience, or knowledge as an accredited law enforcement agency to lead this initiative in the creation of a new law enforcement department. One would get the impression after reading this bill that they are setting up positions so that certain members of their department and certain members of the Office of the Attorney will have jobs after their at-will administration term comes to an end. The Special Assistant to the Attorney General once commented that it is logical for the Department of Public Safety to take the lead in this new law enforcement department because they have the largest amount of law enforcement officers in a state agency. That is not a logical answer in my view.
20. I agree with reservations expressed in the written testimony provided by the Department of the Attorney General during the Thirty-First Legislature in response to House Bill No. 629 Relating to Law Enforcement. In this testimony, the OAG expressed, "There are myriad complex issues to discuss and consider in developing a structure and plan. For instance, the needs, capabilities, and responsibilities of each of the respective state law enforcement branches must be fully assessed before being consolidated under

a single department. At a minimum, issues of infrastructure, funding, jurisdiction, responsibilities, federal mandates, parity, training, CALEA (Commission on Accreditation for Law Enforcement Agencies), policies and procedures need to be considered. The issues of support staff and facilities also need to be addressed.”

- a. This current legislation does not resolve these aforementioned issues. This current legislation, in effect, asks for the creation of a whole new state department without a plan and without addressing these issues. Instead, this proposal offers a vague vision and wants to create new executive positions in the hope these issues can be resolved as they go along. They are asking for a blank check to pay for this vision. The legislature and the people of Hawaii are not being given details or the cost.
 - b. It is confusing at the least, based upon the prior standards that the Office of the Attorney General had requested, and without it in this current legislation, they now support it.
21. This reorganization will add costs without adding value. There are issues, but this is not the solution. There are better solutions. We need to improve policing in Hawaii holistically, with state and county law enforcement and our federal partners working together as a whole team for the benefit of our community.
22. The Department of the Attorney General claims to work collaboratively in this bill, yet the affected investigators in its Investigations Division wasn't given any opportunity to give input into this bill as it was being constructed. In fact, during a meeting of this new Law Enforcement Department, the First Deputy from the Department of Public Safety and the staff from the Office of the Attorney General stated to the investigators that it was inappropriate to show the drafted bill to them.
- a. This behavior, by restricting the Attorney General's investigator's participation is contrary to, and violates the spirit of Hawaii Revised Statutes **§89-1 Statement of findings and policy**, where public employees have been granted the right to share in the decision-making process affecting wages and working conditions, they have become more responsive and better able to exchange ideas and information on operations with their administrators.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2022**

ON THE FOLLOWING MEASURE:

H.B. NO. 2171, RELATING TO PUBLIC SAFETY.

BEFORE THE:

HOUSE COMMITTEE ON CORRECTIONS, MILITARY, AND VETERANS

DATE: Wednesday, February 2, 2022 **TIME:** 10:00 a.m.

LOCATION: State Capitol, Room 430, Via Videoconference

TESTIFIER(S): Holly T. Shikada, Attorney General, or
Craig Y. Iha, Deputy Attorney General

Chair Ohno and Members of the Committee:

The Department of the Attorney General supports this bill.

This bill separates the Department of Public Safety (DPS) into two discrete departments by establishing a new Department of Law Enforcement (DLE) to administer criminal law enforcement and investigations functions of the State, effective upon approval; and reestablishing DPS as an independent Department of Corrections and Rehabilitation (DCR) to administer the corrections, rehabilitation, and reentry of the inmate population, effective January 1, 2023. The bill transfers the law enforcement functions of DPS to DLE effective January 1, 2023. The bill also transfers the non-statutorily mandated investigative functions of the Department of the Attorney General's Investigations Division, the law enforcement functions of the Department of Transportation-Harbors, and the Office of Homeland Security from the Department of Defense to DLE, effective July 1, 2023. The bill further makes appropriations to DLE and DCR to carry out the purposes of the bill, and for the departments to become operational.

The bill also establishes a statewide law enforcement training center within DLE that will train all non-federal, state law enforcement officers in accordance with minimum certification standards to be set by the Law Enforcement Standards Board established in chapter 139, Hawaii Revised Statutes.

This bill improves the State's ability to meet the needs of inmates and pretrial detainees by consolidating corrections and rehabilitation functions into a single, dedicated department. In this manner the bill promotes the efficient use of resources in administering correctional programs and administering and maintaining public and private correctional services, without the need to split the department's focus with law enforcement responsibilities. It also allows for a greater focus on rehabilitation initiatives by creating a position for one deputy director that will solely oversee the rehabilitation services and programs of the DCR.

This bill enhances state law enforcement services by establishing a single chain of command for law enforcement responsibilities within a single state department. This will improve decision making, promote accountability, streamline communication, decrease costs, reduce duplication of efforts, provide uniform training and standards, and promote uniform standards of law enforcement services.

Thank you for the opportunity to testify in support of this bill.



STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS

" A Police Organization for Police Officers Only "
Founded 1971

January 31, 2022

ONLINE / FAX: 808-586-9421

The Honorable Takashi Ohno, Chair
The Honorable Sonny Ganaden, Vice-Chair
Committee on Corrections, Military, & Veterans
Hawaii State Capitol, Rooms 330, 435
415 South Beretania Street
Honolulu, HI 96813

Re: **HB2171-Relating to Public Safety**

Dear Chair Ohno, Vice-Chair Ganaden, 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 HB2171. This bill lacks specifics as it relates to law enforcement responsibilities and jurisdictions and will create confusion and chaos between the various law enforcement agencies, including the county police departments.

I want to make clear at the outset that we take no position on the consolidation and reorganization of the various State departments and agencies (Department of the Attorney General, Office of Homeland Security, Department of Public Safety, Department of Health, etc.) as it relates to financial and budget considerations and the creation of a Department of Law Enforcement. The objectives of consolidation for the purpose of achieving financial efficiency and economies of scale at the state level does not concern our members who serve in the county police departments. However, what is of great concern to us as police officers is the negative impact the proposed State reorganization has on the duties, responsibilities, and jurisdiction of our county police officers.

For starters, HB2171 will expand the State's law enforcement jurisdiction beyond protecting and securing the State's courthouses and dignitary protection for our State government officials, which are distinct and separate duties and responsibilities that are not performed by our county police officers. HB2171 will give Sheriffs the authority to conduct "law enforcement operations and investigations throughout the State," however, the bill is silent as to what that means or what that will entail and at the same time states that the bill is not intended to "impair or diminish" our officers' responsibilities. What all of this means is anyone's guess.

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The Honorable Takashi Ohno, Chair
The Honorable Sonny Ganaden, Vice-Chair
Committee on Corrections, Military, & Veterans
January 31, 2022
Page 2
Re: HB2171-Relating to Public Safety

Presently, our officers conduct law enforcement operations and investigations throughout the State, in each island county. Our concern from a county perspective is that this bill invites confusion and potentially unnecessary overlap when it comes to law enforcement and investigations. What crimes will remain under the jurisdiction of our county police officers, who will investigate homicides, who will be responding to calls in progress, who will be investigating other types of criminal acts and violations, who will be patrolling certain geographical areas in our communities, who will be responsible for traffic enforcement, violations, and investigations that are presently carried out by our solo bike units and traffic divisions, and if there is overlap who is responsible for taking the lead in investigations and who will take responsibility for the overall supervision of an investigation to completion? While we have the utmost respect for our brother and sister law enforcement officers who honorably serve as Deputy Sheriffs, we anticipate that they too have the similar concerns.

The bill also proposes a “statewide law enforcement training center” intended to provide “education” and “training” to not only state law enforcement but also to county police officers. The bill states that the training center will ensure that officers will have the knowledge and skills to protect and serve the public and to be held accountable. Aside from the enormous monetary expenditures associated with such an endeavor and the baseless assumption that our county police academies are substandard and deficient, it is unclear what the need is for a state training center for our county police officers when all four (4) of the 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 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. Thus, a state training center for county police officers cannot be a one size fits all because each island has its own distinct make up, needs, and resources. The money earmarked for a state training center may be better spent 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.

You will recall that two Honolulu police officers were recently involved in the shooting of a suspect that charged at them wielding a knife. I am sure you are also aware of the depleted ranks we are facing and the severe shortage of officers willing to join our departments to protect and serve our communities. Our Maui Police Chief recently testified before the Maui County Council that his department was in the midst of a staffing crisis with a vacancy level that exceeded 25%.

The Honorable Takashi Ohno, Chair
The Honorable Sonny Ganaden, Vice-Chair
Committee on Corrections, Military, & Veterans
January 31, 2022
Page 3
Re: HB2171-Relating to Public Safety

Chief John Pelletier provided the sobering analogy of “taking a sprinter and saying, ‘Hey, go run this race but we’re going to take your leg off.’” In other words, we do not have a sufficient number of police officers patrolling our neighborhoods and protecting our citizens which without question places the public’s safety in jeopardy. Chief Pelletier’s candid and honest statements should have sounded an alarm in our community that our police departments are at a critical juncture and creating yet another layer of training bureaucracy will only exacerbate our present recruitment and retention crisis. I hope you will take our concerns to heart because we take great pride and consider it an honor to protect and serve our island communities and will continue to perform our duties to the best of our abilities, but please understand that there is only so much we can do given the critical police staffing shortage we are facing which this bill in its present form does nothing to help alleviate an already dire situation.

We thank you for allowing us to be heard on this very important issue and hope your committee will unanimously vote **against** this bill or amend it accordingly so that it does not affect or impact our county police officers.

Respectfully Submitted,



ROBERT “BOBBY” CAVACO
SHOPO President



**HOUSE OF REPRESENTATIVES
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2022**

Committee on Corrections, Military, and Veterans
Representative Takashi Ohno, Chair
Representative Sonny Ganaden, Vice Chair

Wednesday, February 2, 2022, 10:00AM
Conference Room 430 and via Videoconference

Re: Testimony with Comments of HB2171 - RELATING TO PUBLIC SAFETY

Chair Ohno, Vice Chair Ganaden, and Members of the Committee:

The United Public Workers, AFSCME Local 646, AFL-CIO (“UPW”) is the exclusive bargaining representative for approximately 14,000 public employees, which includes blue collar, non-supervisory employees in Bargaining Unit 1 and institutional, health, and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents 1,500 members in the private sector.

UPW **provides the following comments on** HB2171, which establishes a Department of Law Enforcement to consolidate and administer criminal law enforcement and investigations functions of the State effective upon approval and reestablishes the Department of Public Safety as an independent Department of Corrections and Rehabilitation to administer the corrections, rehabilitation, and reentry of the inmate population effective January 1, 2023. This bill would also transfer other law enforcement functions to the Department of Law Enforcement from other currently established departments effective on July 1, 2023.

As the executive negotiating representative of Bargaining Unit 10, which includes correctional workers, we are monitoring this proposal. It is our hope that any type of proposal or reorganization of the Department of Public Safety will not have a negative impact on our correctional workers. Additionally, we respectfully ask that if this proposal does become law, that the new Director of the Department of Corrections and Rehabilitation is able to address the ongoing issue of vacant positions within our correctional facilities and work to fill these much needed positions swiftly.

Thank you for the opportunity to provide testimony.

Sincerely,

Liz Ho
Administrator

**UNITED PUBLIC WORKERS
AFSCME Local 646, AFL-CIO**



DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON CORRECTIONS, MILITARY, & VETERANS
ON
HOUSE BILL NO. 2171

February 2, 2022
10:00 a.m.
Room 430 and Videoconference

RELATING TO PUBLIC SAFETY

The Department of Budget and Finance (B&F) offers comments on House Bill (H.B.) No. 2171.

H.B. No. 2171 does the following: 1) establish a new Department of Law Enforcement (DLE) to consolidate and administer criminal law enforcement and investigations functions of the Department of Transportation (DOT), certain investigations functions of the Department of the Attorney General (AG), functions of the Office of Homeland Security (OHS), and current law enforcement and investigations functions of the Department of Public Safety (PSD); 2) rename PSD as the Department of Corrections and Rehabilitation (DCR), which will administer the corrections, rehabilitation, reentry, and related functions currently assigned to PSD; 3) establish a training center within DLE to provide all State and county law enforcement entities the highest level of core and continuing education and training; 4) appropriate \$4,121,309 in general funds to DLE for FY 23 to establish and fill 70.00 new, permanent full-time equivalent (FTE) positions and for other operating expenditures; and 5) appropriate \$280,782 in general funds to DCR for FY 23 to establish and fill 8.00 new, permanent

FTE positions. This bill intends to reorganize the State's law enforcement structure to effectively carry out law enforcement operations for the State and to allow the efficient use of resources in administering correctional programs and administering and maintaining public and private correctional services. However, the bill does not intend to impair or diminish the longstanding authority and responsibility of county police departments to enforce laws on State lands within their respective counties.

B&F defers to PSD, DOT, AG, and OHS on the potential operational impacts of this measure to their respective agencies. Additionally, B&F notes that the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The federal American Rescue Plan (ARP) Act also requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.

DAVID Y. IGE
GOVERNOR



KENNETH S. HARA
MAJOR GENERAL
ADJUTANT GENERAL

STEPHEN F. LOGAN
BRIGADIER GENERAL
DEPUTY ADJUTANT GENERAL

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE ADJUTANT GENERAL
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

TESTIMONY ON HOUSE BILL 2171
A BILL RELATED TO PUBLIC SAFETY

PRESENTATION TO THE
COMMITTEE ON CORRECTIONS, MILITARY & VETERANS

BY

MAJOR GENERAL KENNETH S. HARA
ADJUTANT GENERAL
DIRECTOR OF THE HAWAII EMERGENCY MANAGEMENT AGENCY
AND HOMELAND SECURITY ADVISOR

February 02, 2022

Chair Ohno, Vice Chair Ganaden, and Members of the Committee on Corrections, Military, and Veterans.

I am MG Kenneth S. Hara, Adjutant General, Director of Emergency Management, and Homeland Security Advisor. Thank you for the opportunity to submit testimony in **SUPPORT** of HB 2171.

The proposal of HB 2171, aims to establish an independent and new Department of Law Enforcement. This objective includes having the Office of Homeland Security (OHS), which currently falls under the State Department of Defense, transfer to the Department of Law Enforcement.

The Office of Homeland Security is uniquely suited to support the Department of Law Enforcement's stated focus to consolidate and administer the criminal law enforcement and investigations of the state. The Office of Homeland Security leads the state's effort to provide resources, and relevant actionable intelligence in a timely manner to prevent, mitigate, and respond to emergent threats to our residents and critical infrastructure.

OHS facilitates intelligence sharing between local, state, and federal agencies, the public and private sectors through the Hawaii State Fusion Center (HSFC). The HSFC is a well-established entity that is structured to empower front-line law enforcement, fire service, emergency management, public health, and other partners to understand local implications of national intelligence, thus enabling local officials to better protect their communities.

Additionally, OHS also leads multi-agency efforts related to preventing targeted violence, enhancing cyber security, coordinating interoperable public safety communications, and managing homeland security grants for the state. Leveraging these capabilities with the proposed Department of Law Enforcement will greatly enhance its effectiveness.

A State Department of Law Enforcement is a logical and necessary step to improve efficiency and to meet increasingly complex security challenges faced by the law enforcement community.

Thank you for allowing me to testify in **SUPPORT** of House Bill 2171.

MG Kenneth S. Hara: kenneth.s.hara@hawaii.gov, 808-672-1211

Frank Pace, Administrator: frank.j.pace@hawaii.gov, 808-369-3570

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE ADJUTANT GENERAL
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

KENNETH S. HARA
MAJOR GENERAL
ADJUTANT GENERAL

STEPHEN F. LOGAN
BRIGADIER GENERAL
DEPUTY ADJUTANT GENERAL

TESTIMONY ON HOUSE BILL 2171
A BILL RELATED TO PUBLIC SAFETY

PRESENTATION TO THE
COMMITTEE ON CORRECTIONS, MILITARY & VETERANS

BY

FRANK J. PACE
ADMINISTRATOR
HAWAII OFFICE OF HOMELAND SECURITY

February 02, 2022

Chair Ohno, Vice Chair Ganaden, and Members of the Committee on Corrections, Military, and Veterans.

I am Frank Pace, Administrator for the Hawaii Office of Homeland Security. Thank you for the opportunity to submit testimony in **SUPPORT** of HB 2171.

The Office of Homeland Security supports HB 2171, which aims to establish an independent and new Department of Law Enforcement. The proposed department's objectives include having the Office of Homeland Security (OHS), which currently falls under the State Department of Defense, transfer to the Department of Law Enforcement.

The mission and capabilities of OHS are aligned with and would enhance, the Department of Law Enforcement's focus to consolidate and administer the criminal law enforcement and investigations of the state. The Office of Homeland Security leads the state's effort to provide resources, actionable intelligence, and multi-agency coordination in a timely manner to prevent, mitigate, and respond to emergent threats to our residents and critical infrastructure.

OHS facilitates intelligence sharing between local, state, and federal agencies, the public and private sectors through the Hawaii State Fusion Center (HSFC). The HSFC is a well-established entity that is structured to empower front-line law enforcement, fire service, emergency management, public health, and other partners to understand local implications of national intelligence, thus enabling local officials to better protect their communities.

The Plans and Operations Branch coordinates several statewide programs that include implementation of the state homeland security strategy, critical infrastructure protection, cybersecurity resiliency, and elections security. These efforts have always aligned with state law enforcement objectives. Bringing these programs under the Department of Law Enforcement would further enhance initiatives focused on protecting the State of Hawaii.

Additionally, OHS also leads multi-agency efforts related to preventing targeted violence, coordinating interoperable public safety communications, and managing homeland security grants for the state. As with the HSFC and the Plans and Operations Branch, leveraging these capabilities with the proposed Department of Law Enforcement will greatly enhance its effectiveness.

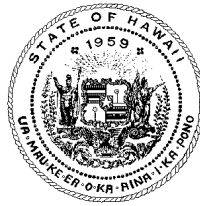
The proposed Department of Law Enforcement is a logical and necessary step to meet the increasingly complex security challenges faced by the law enforcement community within the State of Hawaii.

Thank you for allowing me to testify in **SUPPORT** of House Bill 2171.

Frank Pace, Administrator: frank.j.pace@hawaii.gov, 808-369-3570

Jimmie Collins, Plans & Operations Branch Chief: jimmie.l.collins@hawaii.gov, 808-369-3570

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 HOUSE BILL 2171
RELATING TO PUBLIC SAFETY.**

By
Max N. Otani, Director
Department of Public Safety

House Committee on Corrections, Military, and Veterans
Representative Takashi Ohno, Chair
Representative Sonny Ganaden, Vice Chair

Wednesday, February 2, 2022
10:00 a.m.; Via Videoconference

Chair Ohno, Vice Chair Ganaden, and Members of the Committee:

The Department of Public Safety (PSD) strongly supports House Bill (HB) 2171, which establishes a State Department of Law Enforcement to consolidate and administer criminal law enforcement and investigative functions into a single unified statewide department. The measure also reestablishes the Department of Public Safety as an independent Department of Corrections and Rehabilitation to administer the corrections, rehabilitation, and reentry of the inmate population.

Currently, the Corrections Division and the Law Enforcement Division have distinctly different and unique core missions. They operate independently of each other, with different functions, goals, and objectives. Differences in the respective officers' selection process and training are significant. Selection of senior management is also problematic due to the limited pool of managers with expertise in both Corrections and Law Enforcement.

Establishment of the two (2) separate entities would enable the Department of Corrections and Rehabilitation to more effectively focus on the safety and well-being of the inmates sentenced to its custody and care and better prepare inmates for successful reentry and reintegration back into the community.

Establishment of the Department of Law Enforcement will consolidate current PSD law enforcement divisions, such as, the Sheriffs Division, Narcotics Enforcement Division, and the Internal Affairs Office. It would also include the Department of Transportation Harbor Police, non-federally mandated investigators from the Department of Attorney General Investigation Division, and the Office of Homeland Security into the new, centralized law enforcement department.

The benefits of establishing the Department of Law Enforcement include, but are not limited to the following:

1. Enhanced investigative services with the addition of criminal investigators from the AG Investigation Division.
2. Enhanced exchange of intelligence from the consolidation of the Office of Homeland Security into the Department of Law Enforcement. Includes the establishment of an Intelligence Enforcement Unit to investigate and validate foreign and domestic threats against the State of Hawaii, to include the Daniel K. Inouye Airport.
3. The Department of Law Enforcement includes another layer of management of its law enforcement assets with the addition of Captain and Lieutenant positions for better accountability and reduction of liability.
4. The consolidation of Harbor Police is a force multiplier for incidents at the harbors and airports. It further offers additional career advancement opportunities and pathways for harbor police officers to promote and transfer to other specialty assignments.
5. A single unified statewide law enforcement command structure streamlines communication, promotes accountability, operational flexibility, and resource management.

6. The establishment of a law enforcement specific training program will ensure that the highest standards of training will be adhered to, which would substantially reduce liability to the State.

HB 2127 would further appropriate funds for the establishment of the Department of Law Enforcement and Department of Corrections and Rehabilitation.

Thank you for the opportunity to present this testimony.



WRITTEN TESTIMONY
HB 2171

Testimony of John F. Tobon
Special Agent in Charge
Homeland Security Investigations

February 1, 2022

ICE - Homeland Security Investigations (HSI) fully supports enactment of HB 2171.

HSI special agents work extensively with law enforcement officers of the State of Hawaii on investigations targeting transnational organized criminal (TOC) activity. The threat posed by TOCs operating within the state have evolved significantly over the last decade, this evolution necessitates the establishment of a new department of law enforcement to complement the work of the country departments. The stated goals of the new department are consistent with ongoing federal efforts.

We also support the establishment of a law enforcement training center where federal, state, and local law enforcement officers can maintain proficiency in the tactical, technical, and legal aspects of their duties. Increasing the quality of law enforcement personnel at all levels is critical to earning the trust and respect of the people whom we serve.



HB-2171

Submitted on: 2/1/2022 1:05:58 PM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Koa Dobrowolsky	Individual	Support	No

Comments:

I fully support HB2171 and believe that consolidating the State Law Enforcement services under a single agency is long overdue. The consolidation will allow for streamlined command and control, increased accountability, consistent recruitment, training, and operational standards, and single agency policy oversight. Consolidation will also allow for ease in prosecution and the ability to deliver tailored manpower packages to the neighbor islands to assist in emergencies or critical incidents. The creation of this agency will allow the State of Hawaii to have the ability to build out a state policing function in a manner that best serves its people and the needs of the State.

The Hawaii State Legislature has ordered many studies and audits to address the deficiencies and inefficiencies of the Department of Public Safety. Every study conducted leans towards the conclusion that the current structure is cumbersome and difficult to manage at an executive level. Past recommendations have recommended splitting the agency and consolidating state law enforcement functions under one department. Further, the legislative mandate to pursue CALEA accreditation and the great efforts of the current PSD administration to fulfill that mandate suggests that a single state LE agency that is CALEA accredited would be the best option.

Respectfully Submitted,

Lanikoa Dobrowolsky, First Deputy

State of Hawaii, Sheriff Division

FBINA 256

HB-2171

Submitted on: 2/1/2022 1:40:41 PM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lt Michael Oakland	Individual	Support	No

Comments:

TESTIMONY FOR: HB 2171

Aloha Chair Ono, Vice Chair Ganaden and members of the committee:

I am Lt. Michael Oakland of the State Sheriffs', and I am writing in complete SUPPORT of HB2171 as it is the culmination of about 20 years of work and 176 years since the creation by King Kamehameha III via the Marshall of Hawaii in 1846.

This bill has come about in part due to the many reports and studies done on the feasibility of splitting the Dept of Public Safety. Stepping back in time we know that the blue-ribbon panel that was formed to separate the Sheriffs' out of the Judiciary was done to separate powers in 1986. Judiciary should not have law enforcement due to conflict of interest which is not best practice and is not done anywhere in the country.

Then stepping into a more current time there was the Response to Act 83, which was a feasibility study on the separation of corrections and law enforcement in 2005. Also, the audit of the Sheriff Division by the state Auditor in 2010 (we requested this audit). In addition to these, there was a separation working group that was formed in 2011.

What all these reports found is that no one director of Public Safety can give enough attention and resources to any one division without adversely affecting the other which has been the case since the creation of the Dept. of Public Safety.

To touch on the subject of "duplication of services". This is the furthest from the truth in that additional law enforcement is never a duplication but an enhancement of law enforcement to better serve our neighborhoods, communities and the state as well as provide for a check and balance in our law enforcement as is the case in every state in the nation.

All state law enforcement agencies (not counties) have much of the same issues as we have in the Sheriffs' in that none of these agencies are funded, manned, equipped and trained properly to even allow for us to perform our mandated and requested duties. Also, many of these agencies

are run by civilians that are not familiar with law enforcement and cannot be expected to request for those needs as they do not know and possibly not understand the needs.

So, to have all these state agencies in one department, consolidating all those resources will help with ensuring we meet the requirements that law makers set for us and then be able to meet the constant new requests by the public, the county police and state law makers.

We also will be able to provide better assistance to the county police departments with the many large-scale events we have had and will likely have again such as, the Asian Development Bank Conf (ADB), APEC, the NFL's Pro Bowl, the triathlon and most recently, the Honolulu Marathon.

In all these events as well as others, we have brought our Special Operations Sections resources to include our explosive K-9, law enforcement escort for foreign and domestic dignitaries and diplomats and line deputies providing traffic control out in the public to ensure for safe and secure movement around our cities and state.

With all I have mentioned, I again request and anticipate your continued support in passing this bill and please know that I am available at any time if anyone has any questions or would like me to elaborate on the examples I have given or provide additional examples of our service to the state and her people.

Please call me at, 808-722-3913 (pers cell), or my email at, oakraiderm@gmail.com, and I can help as much as possible.

Mahalo Nui Loa and Aloha,

Lt. Michael Oakland, Community Relations

Peer Support, Chaplain Corps and Sheriff Reserves

Hawaii State Sheriffs'

HB-2171

Submitted on: 2/1/2022 1:49:41 PM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Daryl Na'auao	Individual	Support	No

Comments:

Support

TESTIMONY ON HOUSE BILL 2171
RELATING TO PUBLIC SAFETY

COMMITTEE ON CORRECTIONS, MILITARY, & VETERANS
Representative Takashi Ohno, Chair
Representative Sonny Ganaden, Vice-Chair

Wednesday, February 2, 2022; 10:00 AM
Via videoconference
State Capitol, Conference Room 430

Representative Ohno, Representative Ganaden and Members of the Committee:

I would like to take this opportunity to request for your **strong support** of HB 2171, which would establish a Department of Law Enforcement to consolidate and administer criminal law enforcement and investigations functions of the State.

The consolidation of law enforcement responsibilities into a single state department would centralize state law enforcement functions to increase public safety, improve decision making, promote accountability, streamline communication, decrease costs, reduce duplication of efforts, provide uniform training and standards, and promote uniform standards of law enforcement services.

The State Auditor's, June 2010, Report #10-06, "Audit of the Department of Public Safety, Sheriff Division" stated, "In 1987, prior to the formation of the Department of Public Safety, the Legislature created the Department of Corrections by removing correctional services from the Department of Social Services and Housing (DSSH). The Legislature determined that the state corrections program had grown too large and complex to remain under the umbrella of DSSH and that in order to "properly address the magnitude of the problems within the state corrections system, a separate department that can provide the focus and continuous attention the system desperately needs is essential." During that time, the Legislature initially sought to transfer the Office of the Sheriff, Capitol Security, and state law enforcement officers from the Department of the Attorney General into the new department of Corrections.

Concerns arose over the potential conflict between the new department's responsibility for corrections. It was argued that the transfer of law enforcement functions into the Department of Corrections was undesirable. Accordingly, state law enforcement functions were not included in the new department, and the legislation was amended to remove state law enforcement officers from the bill. Nevertheless, two years later, the Legislature passed Act 211, SLH 1989, which made a single department, the Department of Public Safety, responsible for both vital functions of the preservation of public safety – law enforcement and corrections.

Act 83, SLH 2003, required the director of the Department of Public Safety to conduct a study to determine the feasibility of dividing the Department of Public Safety into a Department of Corrections and a Department of Law Enforcement. According to a 2005 Department of Public Safety report to the Legislature by Interim Director Richard Bissen, this created a situation in which the department “must attempt to establish resource priorities for each function without adversely impacting the other.” According to the previous Director of Public Safety, Clayton Frank, it is a challenge to manage both correctional and law enforcement in the same department since there is no direct correlation between the two functions

More importantly, the separation of the law enforcement and corrections functions would allow the Department of Public Safety to, as intended by the 1987 Legislature, “properly address the magnitude of the problems within the state corrections system.” The issues relating to corrections, such as persistent overcrowding, offender treatment programs, inmate management, development of alternatives to incarceration, health care, and facility maintenance, are exceedingly complex and require the full focus of a director”.

Thank you for this opportunity to testify on this important matter.

Lieutenant Robin Nagamine

Sheriff Division

HB-2171

Submitted on: 2/1/2022 2:00:48 PM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Robert Umiamaka	Individual	Support	No

Comments:

Aloha members of the legislature,

I am in full support of HB 2171 which consists of consolidating all state law enforcement. This bill and actions will have a immediate impact on Public safety and properties for the betterment of the state of Hawaii. This House bill and companion state bill will disassemble the jurisdictional walls that currently bind our hands in situations. Under this bill there will be more transparency and systematic procedures to account for. There would definitely be more man power and coverage in problematic areas and situations. This could also offset the heavy burden put on the county by supplementing areas of responsibility.

I also believe that ALL law enforcement whether it be state or county be trained under one academy for efficiency and consistency in upholding our laws.

I humbly ask the members of the committee to pass HB 2171

HB-2171

Submitted on: 2/1/2022 2:03:49 PM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Glenn Park	Individual	Support	No

Comments:

I stand behind and support HB2171.

I believe that consolidating State Law Enforcement will definitely create a stronger law enforcement agency for the State of Hawaii.

All areas will benefit significantly. The consolidation will improve the recruitment, training, and operations side of law enforcement. The area to benefit the most is the Command and Control of State Law Enforcement resources and personnel.

Please support the creation of the Department of Law Enforcement and the consolidation of state law enforcement under this newly created department. Consolidation would allow for effective management, accountability, standardization, and accreditation under CALEA.

I thank you and hope for your support.

HB-2171

Submitted on: 2/1/2022 2:06:11 PM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Herbert K. Laranang Jr	Individual	Support	No

Comments:

I fully support HB2171. This Bill of consolidating State Law Enforcement and the creation of a Law Enforcement agency will surely and significantly improve on recruitment, training (recruit and in-service), operations, and command and control of State Law Enforcement resources and personnel.

I please ask for your support in the creation of the Department of Law Enforcement and the consolidation of all State Law Enforcement Officers under this new Department. Consolidating our State Law Enforcement Officers would allow for effective management, accountability, standardization, and accreditation under Commission on Accreditation for Law Enforcement Agencies (CALEA).

HB-2171

Submitted on: 2/1/2022 2:10:37 PM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mark M. Hanohano	Individual	Support	No

Comments:

Aloha nui Representatives,

I wholeheartedly support HB2171

In its current state, Hawaii law enforcement lacks structure, which mitigates stature, creates scattered focus, which results in poor performance. Consideration of these agencies should be given for a “coming together” as a “collective,” with a sincere commitment to cause, with cause being effective and efficient law enforcement services that promotes a sense of confidence and comfort in the various communities state law enforcement is responsible for. A single entity approach would be clear, consistent, organized and complete – a true professional police service provider supporting state government’s interest. Consolidation will ensure a consistent training curriculum and uniformed policies and procedures. Consolidation will provide opportunities for cross-training and advanced career development. Consolidation will streamline communications, allowing for increased coordinated efforts. The current approach is antiquated and organizationally obsolete. Consolidation will allow for correct law enforcement designation of titles, recognizing rank responsibilities and expectations, which allows for the clear appearance of the chain of command. Administration would have an acute understanding of function of mission and focus on fruition, as those in authority would have a background in the profession, law enforcement, and should have risen to their position through the ranks, with wisdom and knowledge provided by years of service. Jurisdiction would be resolved, as the consolidation of entities would put responsibilities under one authority, with that authority designating components of the new division/department the duty of service by enforcing laws/regulations related to that specific venue. Consolidation provides for career opportunities of experiencing the various functions through transfer or reassignment. It will also allow for advancement, an opportunity to “climb the ladder.”

Me ka mahalo nui for the opportunity to provide testimony.

Mark M. Hanohano

United States Marshal (ret.)

District of Hawaii

6/2003 – 2/2010

HB-2171

Submitted on: 2/1/2022 2:16:28 PM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Geoffrey Hicks	Individual	Support	No

Comments:

I fully support HB2171 and believe consolidating State Law Enforcement and creating an LE agency will significantly improve the recruitment, training, operations, and command and control of State Law Enforcement resources and personnel.

Please support the creation of the Department of Law Enforcement and the consolidation of state law enforcement under this newly created department. Consolidation would allow for effective management, accountability, standardization, and accreditation under CALEA.

HB-2171

Submitted on: 2/1/2022 2:33:02 PM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Neal Miyasato	Individual	Support	No

Comments:

Dear Sirs and Madams

I support HB2171. This will enable State Law Enforcement Officers to be trained in the same Law Enforcement standards, be guided by one policy and procedure manual and will eliminate jurisdictional issues. It will also allow for the increase of manpower wherever there may be a shortage due to the small size of some of the agencies.

Respectfully Submitted,

Neal MIYASATO

HB-2171

Submitted on: 2/1/2022 3:00:24 PM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Seta Aiolupotea	Individual	Support	No

Comments:

I support HB2171 and believe consolidating State Law Enforcement and creating an LE agency will significantly improve the recruitment, training, operations, and command and of State Law Enforcement resources and personnel.

Please support HB2171 in creation of the Department of Law Enforcement and the consolidation of state law enforcement under this newly created department. Consolidation would allow for effective management, accountability, standardization, and accreditation under CALEA.

Seta Aiolupotea

HB-2171

Submitted on: 2/1/2022 3:25:18 PM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jeffrey Cabanting-Rafael	Department of Public Safety Sheriff Division	Support	No

Comments:

As an employee of the Department of Public Safety who has been employed as both an Adult Corrections Officer from 2017-2019 before moving to my current position as a Deputy Sheriff II with the State Sheriff's Hilo Section (2019-Present), I have seen first hand the hurdles set before the department of public safety. I believe the separation of the law enforcement arms of the current department of public safety will allow a more concise goal for each department. Due to the nature of Hawaii's Correction Officers not having a law enforcement commission (i.e. corrections officers are not designated as law enforcement officers by definition), the scope of work for corrections officers are limited to the confines of a correctional facility. In comparison State Sheriffs, attorney general investigators, and Narcotics Enforcements Agents are arms of active investigative work with arrest powers. I feel that the current department has done it's best to maintain a steady presence and equal handed form of policies to make the best of the circumstances, but for the future safety of Hawaii I believe a Department of Law Enforcement is vital for the State Government to establish a law enforcement entity that will have a clear mission to uphold laws on unincorporated state lands, state facilities and become a true supplement and partner to our county level counterparts. It will also (in my opinion) allow each newly established department to focus in on "scope of work" written policies on the administrative side preventing convulated policies that act as a "cover all" policy for multiple arms of a department that do not have the same goal.

I humbly ask the house to look at the opportunity to expand the state's abilities to effectively respond to our incarcerated population, and to increase the abilities of state law enforcement in responding to such crimes.

Mahalo,

Deputy Sheriff II

Jeffrey Cabanting-Rafael

HB-2171

Submitted on: 2/1/2022 3:47:16 PM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michael V DeCenzo	Individual	Support	No

Comments:

Please support HB2171. Creating a State Law Enforcement agency will greatly improve training, recruitment, command and control, and accountability.

HB-2171

Submitted on: 2/1/2022 4:03:56 PM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Tory Guillermo	Individual	Support	No

Comments:

I fully support HB2171 and believe consolidating State Law Enforcement and creating an LE agency will significantly improve the recruitment, training, operations, and command and control of State Law Enforcement resources and personnel.

HB-2171

Submitted on: 2/1/2022 4:30:36 PM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ernie	Individual	Support	No

Comments:

I fully support HB2171 and believe consolidating State Law Enforcement and creating an LE agency will significantly improve the recruitment, training, operations, and command and control of State Law Enforcement resources and personnel.

Please support the creation of the Department of Law Enforcement and the consolidation of state law enforcement under this newly created department. Consolidation would allow for effective management, accountability, standardization, and accreditation under CALEA.

HB-2171

Submitted on: 2/1/2022 4:44:44 PM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gavin Ching	Individual	Support	No

Comments:

I fully support HB2171 and believe consolidating State Law Enforcement and creating an LE agency will significantly improve the recruitment, training, operations, and command and control of State Law Enforcement resources and personnel.

HB-2171

Submitted on: 2/1/2022 4:54:28 PM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lester Gantan	Sheriffs Airport Section HNL	Support	No

Comments:

I fully support HB2171 and believe consolidating State Law Enforcement and creating an LE agency will significantly improve the recruitment, training, operations, command and control of State Law Enforcement resources and personnel.

Please support the creation of the Department of Law Enforcement and the consolidation of state law enforcement under this newly created department. Consolidation would allow for effective management, accountability, standardization, and accreditation under CALEA.

HB-2171

Submitted on: 2/1/2022 6:37:31 PM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sean Springer	Individual	Support	No

Comments:

I fully support HB2171 and believe consolidating state law enforcement and creating a Department of Law Enforcement agency will significantly improve the recruitment, training, operations, profession and command and control of state law enforcement resources and personnel.

In a time where the law enforcement field have become more complicated and law enforcement officers are evolving to find a new normal, while the public view for the need or evolution of the profession is being questioned like never before, now is the time to make this bill happen. As stated in the HB2171, centralization of all state law enforcement entities:

into a single state department will centralize state law enforcement functions to increase public safety, improve decision making, promote accountability, streamline communication, decrease costs, reduce duplication of efforts, provide uniform training and standards, and promote uniform standards of law enforcement services.

Finally, due to the fact that the Corrections Department and law enforcement agencies have different objectives, it is difficult to find a director that have experience in leading and managing both entities simultaneously. By separating the two, you can find the right leadership within each specialty to effectively lead their respective agencies into the 21 Century.

V/R

Deputy Sean Springer



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-First Legislature, State of Hawaii
House of Representatives
Committee on Corrections, Military, & Veterans

Testimony by
Hawaii Government Employees Association

February 2, 2022

H.B. 2171 – Relating to Public Safety

The Hawaii Government Employees Association, AFSCME Local 152, AFL- CIO conceptually supports the intent of H.B. 2171, which in part establishes a Department of Law Enforcement to consolidate and administer criminal law enforcement and investigations functions of the State effective upon approval. This measure transfers the law enforcement functions of the Department of Public Safety to the Department of Law Enforcement effective January 1, 2023, and the law enforcement functions of the Department of Transportation, the non-statutorily mandated functions of the Investigations Division of the Department of the Attorney General, and the Office of Homeland Security to the Department of Law Enforcement effective July 1, 2023.

We originally sought the introduction of the concept to consolidate law enforcement under the Attorney General during the 2018 Legislative Session via H.B. 2203 and S.B. 2909. While we understood then, and continue to recognize, that this is a significant policy shift from the existing departmental structures, we fully believe it is long overdue and most appropriate to initiate this necessary conversation on how state law enforcement can best serve the public. Centralization of our state law enforcement will ensure consistency in training and uniformity with policies and procedures, as well as create potential opportunities for cross-training and advanced career development. In addition, we anticipate a centralized state law enforcement division will lead to streamlined statewide communications and increased coordinated efforts. However, please note that the details likely require negotiations and/or consultation in accordance with Hawaii Revised Statutes, Chapter 89 – Collective Bargaining in Public Employment.

Thank you for the opportunity to testify in support of the establishment of the Department of Law Enforcement.

Respectfully submitted,

Randy Perreira
Executive Director

I strongly support HB2171, for far too long have the state law enforcement agencies been dispersed through the different state agencies. This has caused confusion in responsibilities, duplication of work and interagency frustration. The combining of the agencies will allow a clear chain of command and clear responsibilities within state law enforcement. It will also improve the quality of service that the state law enforcement can provide to the community.

HB-2171

Submitted on: 2/2/2022 6:44:20 AM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Reef Makue	Individual	Support	No

Comments:

I fully support HB2171 and believe consolidating State Law Enforcement and creating an LE agency will significantly improve the recruitment, training, operations, and command and control of State Law Enforcement resources and personnel.

Please support the creation of the Department of Law Enforcement and the consolidation of state law enforcement under this newly created department. Consolidation would allow for effective management, accountability, standardization, and accreditation under CALEA.

HB-2171

Submitted on: 2/1/2022 5:17:46 PM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kevin Kobayashi	Individual	Oppose	No

Comments:

This bill should not be passed until it is made clear that it is to only be on the state level, not concerning the 4 county law enforcement agencies. Do not create a single department for the entire state as this will not work and there will be a severe break down in communication.

HB-2171

Submitted on: 2/2/2022 7:10:11 AM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kamea Makamae	Individual	Support	No

Comments:

HB-2171

Submitted on: 2/2/2022 7:13:11 AM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Chon Peters	Individual	Support	No

Comments:

I support this bill HB2171. Finally uniting all State Law Enforcement Agencies into a singular Department. This will make the Enforcement of state laws just that much simpler and keep the people in the entire state of Hawaii (all islands) that much safer. Mahalo for your kokua and Aloha

HB-2171

Submitted on: 2/2/2022 8:04:06 AM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Bryan Marciel	Individual	Support	No

Comments:

Aloha Honorable Chair and Committee Members,

My name is Bryan Marciel, I am a Lieutenant and Commander of the Sheriff Airport Section.

I have been a Deputy Sheriff for more than 23 years and fully support HB2171.

The separation and consolidation of state law enforcement into its own department would streamline the entities involved in all areas of management, training, daily coordinated operations and create a more effective state enforcement branch that will truly benefit the citizens of our state and the safety of the general public.

Thank you.

HB-2171

Submitted on: 2/2/2022 8:11:41 AM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Christopher S H Lee	Individual	Support	No

Comments:

I fully support HB2171 and believe consolidating State Law Enforcement and creating an LE agency will significantly improve the recruitment, training, operations, and command and control of State Law Enforcement resources and personnel.

HB-2171

Submitted on: 2/2/2022 8:13:44 AM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sean Sanchez	Individual	Support	No

Comments:

I fully support HB2171 and believe consolidating State Law Enforcement and creating an LE agency will significantly improve the recruitment and training of State Law Enforcement resources and personnel.

HB-2171

Submitted on: 2/2/2022 8:16:48 AM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Darryl Ng	Sheriff	Support	No

Comments:

I am in FULL support of HB2171. This year I will make 35 years with DPS, my first 15 as an Adult Correctional Officer,(ACO) and my last 20 with the Sheriff Division. I believe consolidating State Law Enforcement makes sense for both Corrections and Law Enforcement. Although there are some similar duties that are performed by both ACO's and Law Enforcement Officers each have very different mission statements. As it stands now the lines get very blurred, especially in regards to the training aspect of Law Enforcement Officers. How does it make sense to have an ACO who has never been on the job as a Law Enforcement Officer train new recruits and current Officers in tactics. This bill will significantly improve the recruitment, training, operations and command and control of both Corrections and State Law Enforcement resources and personnel.

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**THE HONORABLE TAKASHI OHNO, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY,
INTERGOVERNMENTAL AND MILITARY AFFAIRS
Thirty-first State Legislature
Regular Session of 2022
State of Hawai'i**

February 1, 2022

RE: H.B. 2171; RELATING TO PUBLIC SAFETY.

Chair Ohno, Vice-Chair Ganaden and members of the House Committee on Corrections, Military & Veterans, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony, supporting the intent of H.B. 2171, with the understanding that the “legislature does not intend to impair or diminish the longstanding authority and responsibility of county police departments to enforce the laws of the state” (page 5, lines 3-5). The Department also suggests a number of small amendments.

The purpose of H.B. 2171 is to divide the current Department of Public Safety into two separate departments: Department of Law Enforcement, and Department of Corrections and Rehabilitation. Because the general goals and functions of law enforcement are different and distinct from that of corrections and rehabilitation, having two separate departments to serve these functions would allow each department to be more effective and more highly specialized in their respective areas. In particular, having a dedicated department for state law enforcement officers would provide state officers with uniform training, and allow the department to respond with increased flexibility.

With due deference to the county police departments, the Department would suggest that H.B. 2171 be clarified to ensure that the police departments are able to maintain their current level of authority and jurisdiction—though still held to the standards of the Law Enforcement Standards Board—by making the following amendments:

Page 2, line 5 – delete “and also county agencies”

Page 2, line 15 – add “state law enforcement responsibilities”

Page 3, line 10 – delete “and county”
Page 3, line 13 – add “federal and county law enforcement agencies”
Page 3, lines 14-16 – delete “where all non-federal law enforcement officers who intend to work on any island of Hawaii must be certified,”
Page 4, line 1 – replace “with police powers” with the phrase, “trained there”
Page 5, lines 5-6 – delete “on state lands within their respective counties”
Page 5, lines 8-10 – add “responsibility, and in particular, will continue to have concurrent jurisdiction with respect...”
Page 5, line 17 – add “transfer of state law enforcement functions”
Page 25, line 15 – delete “state”
Page 25, line 16 – add “state law enforcement programs”
Page 26, line 16 – add “state law enforcement programs”
Page 27, line 19 – add “state law enforcement officers”

These amendments will help to ensure clarity regarding the distinction between state law enforcement officers, who are under the authority and direction of the proposed Department of Law Enforcement, and county law enforcement officers.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the intent of H.B. 2171, with the suggested amendments. Thank you for the opportunity to testify on this matter.

HB-2171

Submitted on: 2/2/2022 8:21:41 AM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Adrian Kanoa	Individual	Support	No

Comments:

Please support the creation of the Department of Law Enforcement and the consolidation of state law enforcement under this newly created department. Consolidation would allow for effective management, accountability, standardization, and accreditation under CALEA.

HB-2171

Submitted on: 2/2/2022 8:33:36 AM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Tayla	Individual	Support	No

Comments:

I support this bill as it will give sheriffs especially the warrants section the well needed support!

HB-2171

Submitted on: 2/2/2022 8:53:46 AM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Troy	Individual	Support	No

Comments:

I fully support HB2171 and believe consolidating State Law Enforcement and creating an LE agency will significantly benefit the citizens of Hawaii.

This bill will improve recruitment and retention for all State Law Enforcement Officer. Also this bill will put the State of Hawaii Law Enforcement at the same level as the Main Land State Police.

It is important to keep the name State Sheriff because it has history and the citizens of Hawaii know of the agency. Besides Hawaii the State of Rhode Island has State Sheriffs.

Please support the creation of the Department of Law Enforcement and the consolidation of state law enforcement under this newly created department. Consolidation would allow for effective management, accountability, standardization, and accreditation under CALEA.

With the CALEA certification it will help recruit veterans who can use their G.I Bill benefits.

Honolulu Police and outer Island Police

HB-2171

Submitted on: 2/2/2022 9:03:17 AM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Carl Rice	Individual	Support	No

Comments:

Please support the creation of the Department of Law Enforcement and the consolidation of state law enforcement under this newly created department. Consolidation would allow for effective management, accountability, standardization, and accreditation under CALEA.

HB-2171

Submitted on: 2/2/2022 9:06:30 AM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Scott Chong	Individual	Support	No

Comments:

I fully support HB2171 and believe consolidating State Law Enforcement and creating an LE agency will significantly improve the recruitment, training, operations, and command and control of State Law Enforcement resources and personnel.

HB-2171

Submitted on: 2/2/2022 9:11:57 AM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
maxim leha	SHERIFF DIVISION	Support	No

Comments:

Aloha, My name is Maxim Leha I am a Deputy Sheriff for the State of Hawaii I'm submitting my testimony to fully support HB2171 and believe consolidating State Law Enforcement and creating an LE agency will significantly improve the recruitment, training, operations, and command and control of State Law Enforcement resources and personnel. Please support the creation of the Department of Law Enforcement and the consolidation of state law enforcement under this newly created department. Consolidation would allow for effective management, accountability, standardization, and accreditation under CALEA.

HB-2171

Submitted on: 2/2/2022 9:16:18 AM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sarah Rice	Individual	Support	No

Comments:

I fully support HB2171 and believe consolidating state law enforcement and creating an LE agency will significantly improve the recruitment, training, operations, and command and control of state law enforcement resources and personnel. I support the creation of the Department of Law Enforcement and the consolidation of state law enforcement under this newly created department. Consolidation would allow for effective management, accountability, standardization, and accreditation under CALEA.

HB-2171

Submitted on: 2/2/2022 9:21:26 AM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Christopher Kunishige	Individual	Support	No

Comments:

I fully support HB2171 and believe consolidating State Law Enforcement and creating an LE agency will significantly improve the recruitment, training, operations, and command and control of State Law Enforcement resources and personnel.

HB-2171

Submitted on: 2/2/2022 9:25:39 AM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
ty	Individual	Support	No

Comments:

I am in support of HB217. Streamlining agencies to better provide law enforcement services to the state of Hawaii state wide.

HB-2171

Submitted on: 2/2/2022 9:28:40 AM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Delvin Honda Honda	Individual	Support	No

Comments:

I fully support HB2171 and believe consolidating State Law Enforcement and creating an LE agency will significantly improve the recruitment, training, operations, and command and control of State Law Enforcement resources and personnel.

HB-2171

Submitted on: 2/2/2022 9:36:35 AM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Curtis Martin	Individual	Support	No

Comments:

I fully support HB2171 and believe consolidating State Law Enforcement and creating an LE agency will significantly improve the recruitment, training, operations, and command and control of State Law Enforcement resources and personnel.

HB-2171

Submitted on: 2/2/2022 10:04:58 AM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gilbert Landagora	Dept of Public Safety; Sheriff's	Support	No

Comments:

I am in full support in the creation of a Department of Law Enforcement and the consolidation of state law enforcement functions and duties statewide.

Lt. Gilbert Landagora

Kauai Sheriff