

HB-629

Submitted on: 2/2/2021 9:46:59 PM

Testimony for JHA on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Urasaki	Individual	Support	No

Comments:

In support of passing this measure. Thank you.

HB-629

Submitted on: 2/3/2021 12:34:27 PM

Testimony for JHA on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sherry Evans	Individual	Support	No

Comments:

My name is Sherry Leilani Evans. I live at 84-636 Widemann St. Makaha. We have lived in the Westside beginning the 1950's.

We enjoy what used to be a rural lifestyle and as Native Hawaiians have a deep cultural respect for the 'aina.

I strongly support HB 629 because combining resources is smart during this changing time of limited resources. Our/human existence is dependent on the environment for survival. This is the cornerstone of Hawaiian values. The named 2 areas are just the tip/ beginning of so many others that need care and attention and protection from the selfish, entitled interlopers.

Please remember your responsibility to future generations of island people. HB629 can't be ignored.

Mahalo!

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
JUDICIARY AND HAWAIIAN AFFAIRS**

**Thursday, February 4, 2021
2:00 PM**

State Capitol, Via Video Conference, Conference Room 325

**In consideration of
HOUSE BILL 629
RELATING TO LAW ENFORCEMENT**

House Bill 629 proposes to establish an Enforcement Division in the Department of the Attorney General. The measure also proposes to transfer to the Department of the Attorney General's Enforcement Division the law enforcement activities of the Department of Land and Natural Resources-Division of Conservation and Resources Enforcement (DOCARE); the Department of Public Safety state law enforcement officers and the Narcotics Enforcement Division; and the Department of Transportation Harbors Division. **The Department of Land and Natural Resources (Department) opposes this measure.**

The Department notes the 2019 Legislative Reference Bureau's (LRB) report entitled "Joining Forces? Potential Consolidation of State Law Enforcement Duties in Hawaii" directed the Bureau to conduct a study examining the consolidation of law enforcement activities and responsibilities that are currently divided among various state divisions and agencies. The Bureau's study concluded that it was unclear whether a consolidation would be desirable or beneficial. The study suggests detailed discussions with the affected agencies should take place to identify all potential issues concerning consolidation such as costs, additional labor, employment and personnel issues. The Department believes these discussions need to take place before any potential consolidation to understand the impact to the public and avoid disruption of law enforcement services.

Given the diversity of the responsibilities of the agencies identified for consolidation in this measure, the Department is concerned that consolidation may dilute the primary natural resources law enforcement mission of DOCARE and may result in displaced priorities. Natural

resources law enforcement activities are unique and specialized, and it is necessary that natural resources law enforcement activities remain closely affiliated with the Department to ensure focus on the Department's mandated priorities. The Department is also concerned that this measure will cause the loss of its enforcement arm and the capability to directly enforce rules and regulations that are critical to environmental protection.

The Department notes the transfer of its law enforcement functions and its Conservation and Resources Enforcement Officer positions may also create the need for non-law enforcement employees such as those in clerical and administrative positions that support law enforcement functions to be transferred as well. As such, this measure may directly impact other non-law enforcement related employees of the Department who may be affected by the transfer of these functions to the proposed Attorney General Enforcement Division.

Thank you for the opportunity to comment on this measure.

HB-629

Submitted on: 2/3/2021 12:51:28 PM

Testimony for JHA on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Zach Nye	PSD Sheriffs	Support	No

Comments:

I believe this bill is an excellent measure in order to streamline and coordinate law enforcement agencies(at the State level) and services which in the long run would be more beneficial to the State. As well as allow for the investigative side of law enforcement(Attorney General) to work with the law enforcement officers(State Police Divisions) in unison and coordination for the timely and successful prosecution of crimes under the Law for the State of Hawaii. Very respectfully Zach Nye

HB-629

Submitted on: 2/3/2021 12:53:50 PM

Testimony for JHA on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Darius Kila	Individual	Support	No

Comments:

Aloha,

Submitting testimony in support of HB629. The lack of staff, does not justify what's been put in place. Time & time again you're seeing our community step up in response to the needs our community. I hope is passing this bill we can see the responsibilities be spread out amongst these agencies & have our community beaches be safe for all to enjoy.

Mahalo,

Darius K. KILA

MÄ• 'ili, HI



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 Judiciary and Hawaiian Affairs

Testimony by
Hawaii Government Employees Association
February 4, 2021

H.B. 629 – RELATING TO LAW ENFORCEMENT

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO conceptually supports the intent of specific concepts in H.B. 629 which establishes an enforcement division within the Department of the Attorney General by transferring the law enforcement activities of the Department of Land and Natural Resources – Division of Conservation and Resources Enforcement, the Department of Public Safety state law enforcement officers and narcotics enforcement division, and the Department of Transportation harbors division. We take no position on the sections of the bill that address independent process servers.

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 now, 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. Since the Attorney General serves as the chief law enforcement officer of the State of Hawaii, it is indisputable and logical that the Department of the Attorney General have a statewide law enforcement division in which the AG can direct. Centralization of our state law enforcement under the Attorney General will ensure consistency in training and uniformity with policies & 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.

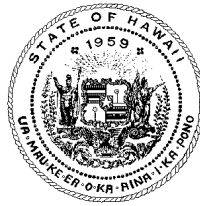
We continue to believe that although some progress has been made, the current department-specific, and oftentimes division-specific, structure is fractured, inconsistent, and cumbersome. We must do more to create a structured environment where our dedicated law enforcement officers can thrive.

Thank you for the opportunity to testify in support of the creation of a Law Enforcement Division within the Department of the Attorney General.

Respectfully submitted,

Randy Perreira
Executive Director

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 629
RELATING TO REALIGNMENT OF LAW ENFORCEMENT.

By
Max N. Otani, Director

House Committee on Judiciary and Hawaiian Affairs
Representative Mark M. Nakashima, Chair
Scot Z. Matayoshi, Vice Chair

Thursday, February 4, 2021; 2:00 p.m.
Via Video Conference

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee:

The Department of Public Safety (PSD) offers comments on House Bill (HB) 629, which proposes the realignment of State law enforcement agencies under the Department of the Attorney General.

PSD is supportive of the concept of one central state law enforcement entity for the State of Hawaii. The proposed realignment would bring the DLNR (Department of Land and Natural Resources) DOCARE (Division of Conservation and Resources Enforcement), PSD's Sheriffs Division, DOT's (Department of Transportation) Harbors Division, PSD's Narcotics Enforcement Division, and the Department of the Attorney General's Investigation Division together under one unified command in the Department of the Attorney General. With this structure, standardized training for all State of Hawaii Law Enforcement Officers (LEOs) could be coordinated with the Law Enforcement Standards Board.

PSD appreciates the work of the proponents in introducing a measure that is thorough and well-crafted. The bill proposes to protect the rights of current employees of the affected agencies, to include PSD's Staff

Investigators (Internal Affairs Office) as the self-policing unit of the combined divisions, and makes provision for the service of process by civil process servers. But while PSD is supportive of the proposed realignment, it does not endorse the placement of the centralized state law enforcement arm under the umbrella of Department of the Attorney General. There would be an apparent conflict of interest to have the law enforcement arm of the State in the same Department that prosecutes the cases they present, and to have the responsibility to defend them in potential civil and criminal litigation at the same time. In following the model of other state, local, and federal jurisdictions, the police departments are separate entities from the Prosecutor's Offices. PSD will continue to collaborate with our law enforcement partners to determine where the centralized law enforcement arm for the State should be placed or whether it would be preferable to structure it as a standalone department.

Thank you for the opportunity to provide this testimony.



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

ON THE FOLLOWING MEASURE:

H.B. NO. 629, RELATING TO LAW ENFORCEMENT.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

DATE: Thursday, February 4, 2021 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Via Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Michelle L. Agsalda,
Deputy Attorney General, at 587-2978)

Chair Nakashima and Members of the Committee:

The Department of the Attorney General (Department) appreciates the intent of this bill in consolidating state law enforcement functions within a single state entity, but has concerns with the placement of the proposed division within the Department of the Attorney General (Department).

The purposes of this bill are to: establish an enforcement division in the Department; transfer the law enforcement activities of the Department of Land and Natural Resources, the Department of Public Safety, and the Department of Transportation to the proposed division; specify the persons authorized to serve civil legal process; require the Department to maintain a list of independent civil process servers; and shield the State and the Department from liability arising from the acts of independent civil process servers.

The Department supports the consolidation of state law enforcement functions. Consolidation would have numerous benefits, including: aligning core competencies and functions across state agencies; increasing efficiency in accomplishing core competencies and functions; increasing information integrity across state agencies; increasing clarity concerning jurisdiction and chain of command; increasing capacity to respond to challenges faced by the State; increasing accountability; reducing

redundancies across state agencies; and reducing costs to accomplish core competencies and functions.

Placing a consolidated law enforcement division within the Department, however, raises concerns and potential conflicts. The Department's principle functions include representing the State in criminal, civil and administrative matters; prosecuting criminal offenders; conducting criminal, civil and administrative investigations; giving legal opinions; and providing advice and counsel to public officers and state agencies. See, *generally*, chapter 28, Hawaii Revised Statutes. As the Chief Law Enforcement Officer for the State, the Attorney General is concerned with ensuring that state law enforcement is effective and responsive and, therefore, shares the Legislature's interest in achieving these goals through a re-alignment of resources.

To this end, the Department has been analyzing: how best to consolidate state law enforcement functions into a single entity; what administrative structure would best fit such an entity; and how this effort can be coordinated and resourced. 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.

The Department has held discussions with state law enforcement partners regarding these issues, and will work with members of the Legislature to examine and discuss these issues and develop a structure and plan for a consolidated state law enforcement entity that would provide the best chance of success.

We therefore respectfully request that this bill be held pending these further discussions.

LATE

HB-629

Submitted on: 2/4/2021 12:41:22 PM

Testimony for JHA on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alex McBarnet	Individual	Oppose	No

Comments:

Dear Chair Nakashima and committee members,

Thank you for allowing my testimony today.

As a current DLNR/DOCARE officer for the past 15 years, I **OPPOSE HB 629**.

Conservation and Resources law enforcement is a specialized field which requires its present state to remain under the control of the Board of Land & Natural Resources.

The recent public concerns over the management of DOCARE is a staffing issue. The Honolulu Police Department did a staff study in 2015 which estimated that 300 additional officers would be needed on Oahu to fulfill DLNR/DOCARE duties. Currently, Oahu has around 15 field officers.

Once the economy recovers, additional funding specific to conservation law enforcement should be set aside for staffing.

Respectfully submitted,

Alex McBarnet

LATE

HB-629

Submitted on: 2/4/2021 1:20:34 PM

Testimony for JHA on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl B.	Individual	Oppose	No

Comments:

OPPOSE.

We don't need another police division. We don't need more police. WE NEED MORE MENTAL HEALTH and EDUCATION.

LATE

HB-629

Submitted on: 2/4/2021 1:31:49 PM

Testimony for JHA on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Margaret Leahy Conner	Individual	Oppose	No

Comments:

I oppose this measure.

KA LĀHUI HAWAII

KŌMIKE KALAI'ĀINA

LATE

BEFORE THE HOUSE JUDICIARY AND HAWAIIAN AFFAIRS COMMITTEE

February 4, 2020

HOUSE BILL 629
Relating to Law Enforcement

Aloha Chair Nakashima, Vice Chair Matayoshi and Members of the Committee,

Ka Lāhui Hawai'i Kōmike Kalai'āina submits the following written testimony in **STRONG OPPOSITION** to House Bill 629 which establishes an enforcement division under the attorney general.

This measure provides the attorney general, one person in our government, with sweeping law enforcement appointment, oversight and powers that undermines the jurisdictions of other agencies. Furthermore the current attorney general has targeted and criminalized peaceful protesters on Mauna Kea. On July 17, 2019, 38 Kupuna were arrested, handcuffed and taken away in vans for protecting a sacred Mauna Kea. The attorney general's response to this was to pursue prosecution and then go after non profits that helped to ensure the well being of the peaceful protesters that include Kupuna atop Mauna Kea.

Ka Lahui Hawai'i Kōmike Kalai'āina recognizes this measure part of a strategy to increase and streamline the attorney general's ability to criminalize future peaceful protesters on Mauna Kea.

Me ka oiai'o,

M. Healani Sonoda-Pale
Public Affairs Officer, Ka Lāhui Hawai'i Kōmike Kalai'āina

PO BOX 240454 • Honolulu Hawai'i 96824 | www.kalahuihawaii.net | email • klhpoliticalactioncommittee.com

LATE

HB-629

Submitted on: 2/4/2021 2:00:15 PM

Testimony for JHA on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Raul Nohea Goodness	Individual	Oppose	No

Comments:

I strongly oppose HB629.

This bill, if passed, would consolidate too much enforcement power under the single office of the attorney general. Enforcement actions are better managed under the particular agencies, and should not report directly to a single head. I am concerned this will lead to excessive political influence and criminalization of Kanaka Maoli, such as in the case of Mauna Kea Access Road.