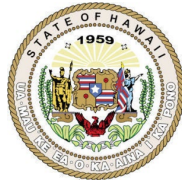


DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
LAW ENFORCEMENT STANDARDS BOARD
425 QUEEN STREET
HONOLULU, HAWAII 96813

TODD G. RAYBUCK
CHAIR

BOARD MEMBERS
SHERRY BIRD
JADE BUTAY
SUZANNE D. CASE
ISAAC W. CHOY
NICHOLAS R. COURSON
ADRIAN DHAKHWA
PAUL FERREIRA
HARRY S. KUBOJIRI
MAX N. OTANI
JOHN PELLETIER
HOLLY SHIKADA
CRAIG TANAKA
RADE VANIC

February 24, 2022

Testimony of Chair Todd G. Raybuck
On Behalf of the
Law Enforcement Standards Board
Before the
Committee on Finance
February 24, 2022, 11:00 am
via Videoconference

In consideration of
House Bill 892 HD1
Relating to Law Enforcement

Honorable Chair Luke, Honorable Vice Chair Yamashita, and Members of the Committee:

I submit the following testimony on behalf of the Members of the Law Enforcement Standards Board ("Board") in **strong support** of this bill, with proposed amendments.

The Board, established by section 139-2, HRS, has not received the funding, staff, and resources it needs to accomplish its mission, as a result the Board also needs an extension of its deadlines. This is the fourth consecutive legislative session the Board has had a request before the Legislature to make necessary amendments to ACT 220 (2018) and provide the essential resources the Board requires to carry out the important work placed upon it by Hawaii State Legislature.

The Board requests the following amendments to House Bill No. 892 HD1:

1. Amend Section 5 of the bill, on pages 19-20, relating to Section 139-6, Hawaii Revised Statutes, to read as follows:
 - a. "(a) No person may be appointed to a law enforcement officer after ~~June 30, 2023~~, June 30, 2024, unless the person: ...", and
 - b. "(b) [The] Beginning on ~~July 1, 2023~~, July 1, 2024, ...".

2. Amend Section 6 of the bill, on pages 20-21, relating to Section 139-7, Hawaii Revised Statutes, to read as follows:
 - a. "(a) ... or the department of the attorney general, after ~~June 30, 2023~~, June 30, 2024, unless the person...".
 - b. "(2) ... applicable county police department or state department before ~~July 1, 2023~~, July 1, 2024, and termination of employment ...".
3. Amend Sections 8 and 9, on pages 21-22, to reflect an appropriation amount of \$483,000 for fiscal year 2022-2023.

The Board believes the extension to the date for certification of law enforcement officers is necessary to provide adequate time to identify and develop the standards and certification process.

The Board is requesting the appropriation of \$483,000 to provide for competitive salaries/fringe benefits for the executive director and clerical position as well as providing the necessary funding for office space and associated expenses to successfully carry out their duties. The amount the Board is requesting through this amendment was the same amount the Board requested before the Thirtieth Session of the Legislature (2020).

The Board's reduced request in House Bill No. 892 (\$292,500) was submitted out of respect to the State's financial crisis brought upon by the COVID-19 pandemic. At the time, the Board believed it was the minimum amount of funds necessary to begin to make forward progress. The Board makes its current request recognizing there are higher than predicted State revenues and improved budget conditions.

The amendments requested and approval of this bill will have a direct positive effect on the Board's ability to execute its responsibilities. Therefore, the Board respectfully requests the passage of this bill with the proposed amendments. Without the amendments and necessary resources requested within this testimony and House Bill 892, the Board will be unable to successfully implement the will of the Legislature.

On behalf of the Law Enforcement Standards Board, mahalo nui loa for your consideration and assistance in moving this important piece of legislation forward.



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

ON THE FOLLOWING MEASURE:

H.B. NO. 892, H.D. 1, RELATING TO LAW ENFORCEMENT.

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

DATE: Thursday, February 24, 2022 **TIME:** 11:00 a.m.

LOCATION: State Capitol, Room 308, Via Videoconference

TESTIFIER(S): Holly T. Shikada, Attorney General,
Lance Goto, Deputy Attorney General, or
Michelle Puu, Deputy Attorney General

Chair Luke and Members of the Committee:

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

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

The law enforcement standards board, established in 2018 by section 139-2, Hawaii Revised Statutes, is responsible for establishing minimum standards for employment as a law enforcement officer and certifying persons qualified as law enforcement officers. It is also responsible for establishing minimum criminal justice curriculum requirements for basic, specialized, and in-service courses and programs for the training of law enforcement officers. It must consult and cooperate with the counties, state agencies, other governmental agencies, universities and colleges, and other institutions, concerning the development of law enforcement officer training schools and programs. The board is also responsible for regulating and enforcing the certification requirements of law enforcement officers.

Pursuant to section 5 of Act 47, Session Laws of Hawaii 2020, the board was tasked to finalize its standards and certification process by December 31, 2021.

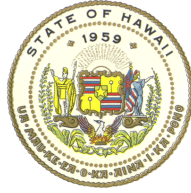
The board needs funding, staff, and resources to comply with its statutory requirements. It also needs an extension of time, beyond December 31, 2021, to complete its tasks. This bill from 2021 extends the deadline to June 30, 2023, but as indicated in its "Report on the Law Enforcement Standards Board" to the Thirty-First State Legislature, Regular Session of 2022, the Board is now requesting that this deadline be extended to June 30, 2024. This bill also gives the board the necessary funding to hire an administrator and cover its costs. Increasing the size of the board and allowing ex-officio members to use designees will expand the perspective of the board while increasing its operational flexibility.

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

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

The Department respectfully requests the passage of this bill.

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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
FINANCE**

**Thursday, February 24, 2022
11:00 AM**

State Capitol, Conference Room 308, Via Videoconference

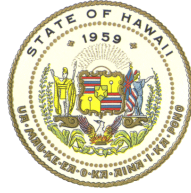
**In consideration of
HOUSE BILL 892, HOUSE DRAFT 1
RELATING TO LAW ENFORCEMENT**

House Bill 892, House Draft 1 proposes to clarify membership and certain powers and duties of the Law Enforcement Standards Board, establish new deadlines for the completion of board responsibilities, and provide appropriate funds and resources to enable the Law Enforcement Standards Board to accomplish its mission. **The Department of Land and Natural Resources (Department) supports this measure.**

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

Thank you for the opportunity to testify on this measure.

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
FINANCE**

**Thursday, February 24, 2022
11:00 AM**

State Capitol, Conference Room 308, Via Videoconference

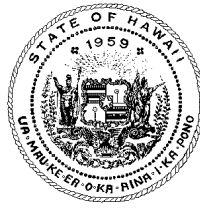
**In consideration of
HOUSE BILL 892, HOUSE DRAFT 1
RELATING TO LAW ENFORCEMENT**

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

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

1177 Alakea Street, 6th Floor
Honolulu, Hawaii 96813

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 892, HOUSE DRAFT 1
RELATING TO LAW ENFORCEMENT.

By
Max N. Otani, Director

House Committee on Finance
Representative Sylvia Luke, Chair
Representative Kyle T. Yamashita, Vice Chair

Thursday, February 24, 2022; 11:00 a.m.
Via Videoconference

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

The Department of Public Safety (PSD) offers comments on House Bill (HB) 892, House Draft (HD) 1, which would clarify the membership and the powers and duties of the Law Enforcement Standards Board.

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

HB 892, HD 1 would permit the membership of the board to be composed of subject matter experts who can devote the necessary time and resources into the board's purpose and function. The bill would also enable the board to establish a uniform standard of minimum continuing education requirements for all law enforcement officers to maintain and to remain in good standing.

As in any operating organization, funding must be allocated to the Law Enforcement Standards Board for it to function as intended and to maintain its viability. The measure's authorization of the hiring of the board administrator as an

exempt employee would expedite the hiring of a highly qualified applicant, provide this individual with flexibility in carrying out his or her duties and responsibilities, and allow the board to hold the administrator accountable in fulfilling the position's duties and responsibilities. PSD is also supportive of the suggestion to raise the appropriation amount in the measure to \$483,000 made by the House Committee on Judiciary and Hawaiian Affairs in Standing Committee Report No. 369-22.

Thank you for the opportunity to present this testimony.

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 FINANCE
ON
HOUSE BILL NO. 892, H.D. 1

February 24, 2022
11:00 a.m.
Room 308 and Videoconference

RELATING TO LAW ENFORCEMENT

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill No. 892, H.D. 1: clarifies the membership requirements and certain duties of the Law Enforcement Standards Board (LESB) to facilitate participation and representation; appropriates \$292,500 in general funds for FY 23 to be deposited into the LESB Special Fund (LESBSF); authorizes 1.00 full-time equivalent (FTE) exempt LESB Administrator position and 1.00 FTE civil service clerical position; and appropriates \$292,500 from the LESBSF in FY 23 to be expended by the Department of the Attorney General (AG) for the positions and operations of the LESB.

B&F notes that the FY 23 Executive Supplemental Budget adds 2.00 FTE positions and \$88,000 in general funds in FY 23 for AG for the LESB.

B&F also notes that, with respect to the general fund appropriation in this bill, 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.

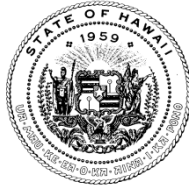
Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- 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



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
ROSS M. HIGASHI
EDUARDO P. MANGLALLAN
PATRICK H. MCCAIN
EDWIN H. SNIFFEN

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 24, 2022
11:00 a.m.
State Capitol, Teleconference

H.B 892 H.D. 1
RELATING TO LAW ENFORCEMENT

House Committee on Finance

The Department of Transportation (DOT) **supports** this bill which would make changes to the Law Enforcement Standards Board (LESB) membership and provide much needed funding for the LESB to perform their duties of certifying law enforcement officers.

The Legislature wisely established the LESB in 2018 to perform this very important function and provided that the Chiefs of Police and the Attorney General be members of the board. The aspect that we would like to draw attention to is the funding. At present, the bill would appropriate \$292,500 for the operation of the office. At the last board meeting, the issue of funding was discussed and we're confident that the LESB can fulfill its duties and responsibilities if given the proper resources.

Thank you for the opportunity to provide testimony.

Mitchell D. Roth
Mayor



Paul K. Ferreira
Police Chief

Kenneth Bugado, Jr.
Deputy Police Chief

County of Hawai`i

POLICE DEPARTMENT

349 Kapi`olani Street • Hilo, Hawai`i 96720-3998
(808) 935-3311 • Fax (808) 961-8865

February 22, 2022

Representative Sylvia Luke
Chairperson and Committee Members
Committee on Finance
415 South Beretania Street, Room 308
Honolulu, Hawai`i 96813

RE : HOUSE BILL 892, HD 1, RELATING TO LAW ENFORCEMENT
HEARING DATE : FEBRUARY 24, 2022
TIME : 11:00 A.M.

Dear Representative Nakashima:

The Hawai`i Police Department **strongly supports** House Bill 892, HD 1, which seeks to clarify membership and certain powers and duties of the Law Enforcement Standards Board, establishes new deadlines for the completion of board responsibilities, and provides appropriate funds and resources to enable the board to accomplish its mission.

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

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

It is for these reasons that we urge this committee to support this legislation. Thank you for allowing the Hawai`i Police Department to provide comments relating to House Bill 892, HD 1.

Sincerely,

PAUL K. FERREIRA
POLICE CHIEF

HB-892-HD-1

Submitted on: 2/22/2022 10:50:13 PM

Testimony for FIN on 2/24/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alan Urasaki	Individual	Support	No

Comments:

In support of this measure. Thank you.