

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

April 1, 2022

Senator Karl Rhoads
Chairperson and Committee Members
Committee on Judiciary
Senator Donovan M. Dela Cruz
Chairperson and Committee Members
Committee on Ways and Means
415 South Beretania Street, Room 016
Honolulu, Hawai'i 96813

RE : HOUSE BILL 892, HD 2, SD 1, RELATING TO LAW ENFORCEMENT
HEARING DATE : April 5, 2022
TIME : 10:05 A.M.

Dear Senators Rhoads and Dela Cruz:

The Hawai'i Police Department **strongly supports** House Bill 892, HD 2, SD 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 2, SD 1.

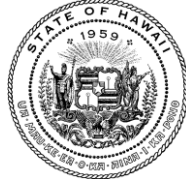
Sincerely,

Handwritten signature of Paul K. Ferreira in black ink.

PAUL K. FERREIRA
POLICE CHIEF

DAVID Y. IGE
GOVERNOR

JOSH GREEN M.D.
LT. GOVERNOR



ISAAC W. CHOY
DIRECTOR OF TAXATION

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

To: The Honorable Karl Rhoads, Chair;
The Honorable Jarrett Keohokalole, Vice Chair;
and Members of the Senate Committee on Judiciary

The Honorable Donovan M. Dela Cruz, Chair;
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair;
and Members of the Senate Committee on Ways and Means

From: Isaac W. Choy, Director
Department of Taxation

Date: Tuesday, April 5, 2022

Time: 10:05 A.M.

Place: Via Video Conference, State Capitol

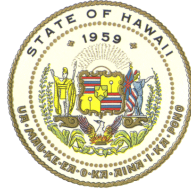
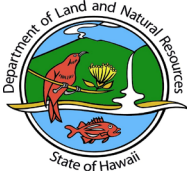
Re: H.B. 892, H.D. 2, S.D. 1, Relating to Law Enforcement

The Department of Taxation (Department) supports H.B. 892, H.D. 2, S.D. 1, an Administration measure, and offers the following comments for the committee's consideration.

H.B. 892, H.D. 2, S.D. 1, makes several changes to the statutes governing the Law Enforcement Standards Board (LESB) to clarify its membership, its powers and duties, and applicable deadlines for the completion of its responsibilities. Notably, the measure allows the designees of the Attorney General, Director of Public Safety, and Chiefs of Police of the four counties to be members on the LESB. This will allow the same flexibility that is currently afforded to the Director of Transportation, Chairperson of the Board of Land and Natural Resources, and Director of Taxation. The measure also provides funds and resources to enable the board to accomplish its mission. The measure has a defective effective date of July 1, 2050.

The Department is in strong support of this measure's membership designation provision as the Director of Taxation is a member of the LESB. Thank you for the opportunity to testify.

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committees on
WAYS AND MEANS
and
JUDICIARY**

**Tuesday, April 5, 2022
10:05 AM**

State Capitol, Conference Room 016, Via Videoconference

**In consideration of
HOUSE BILL 892, HOUSE DRAFT 2, SENATE DRAFT 1
RELATING TO LAW ENFORCEMENT**

House Bill 892, House Draft 2, Senate 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.

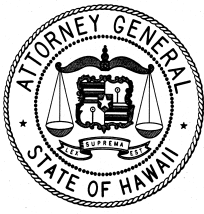
Thank you for the opportunity to testify on this measure.

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



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

ON THE FOLLOWING MEASURE:

H.B. NO. 892, H.D. 2, S.D. 1, RELATING TO LAW ENFORCEMENT.

BEFORE THE:

SENATE COMMITTEES ON WAYS AND MEANS AND ON JUDICIARY

DATE: Tuesday, April 5, 2022 **TIME:** 10:05 a.m.

LOCATION: State Capitol, Room 211 and Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Lance Goto,
Deputy Attorney General, at 586-1160)

Chairs Dela Cruz and Rhoads and Members of the Committees:

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

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 (HRS), 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 and requires an extension of time, beyond December 31, 2021, to complete its tasks. This carry-over bill from 2021 extends the tasks deadline to June 30, 2024, and also gives the board the necessary funding to hire staff and cover its costs by including an appropriation amount of \$483,000. 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.

With respect to the appropriation amount, the Department recommends the following amendments to section 9 on page 22, so that lines 7-13 would read as follows:

- (1) One permanent full-time equivalent (1.0 FTE) administrator position exempt from chapter 76, Hawaii Revised Statutes, and one permanent full-time equivalent (1.0 FTE) clerical position subject to chapter 76, Hawaii Revised Statutes; and
- (2) Work space, a contract researcher, travel for board members, and operational costs such as copying and supplies.

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 and the board, therefore, needs the discretion and ability to hire or terminate the administrator without complying with civil service requirements.

The Department respectfully requests the passage of this bill with the proposed amendments.



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

April 3, 2022

ONLINE/FAX: 808-586-6091; 808-586-7348

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

The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice-Chair
Senate Committee on Ways and Means
Hawaii State Capitol, Rooms 208, 221
415 South Beretania Street
Honolulu, HI 96813

And

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

Re: **HB892 HD2, SD1-Relating to Law Enforcement**

Dear Chairs Dela Cruz and Rhoads, Vice-Chairs Keith-Agaran and Keohokalole, and Honorable Committee members:

I serve as the President of the State of Hawaii Organization of Police Officers ("SHOPO") and write to you on behalf of our Union in **strong opposition** to HB892 HD2, SD1. This bill seeks to have a Law Enforcement Standards Board ("Board") duplicate certifications, standards, and law enforcement training already established and managed by the respective county police departments through their accredited training academies. I respectfully ask how and why you think another layer of training and certification is going to solve the current officer staffing crisis that is only getting worse, and when many current recruits are unable to pass the rigorous training standards required by each county police training academy. If anything, this injection of another bureaucratic board will exacerbate an already dire situation at the expense of community safety.

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Lihue, Hawaii 96766-5708
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Maui Chapter Office
1887 Wili Pa Loop, Suite 2
Wailuku, Hawaii 96793-1253
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The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice-Chair
Senate Committee on Ways and Means
and
The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice-Chair
Senate Committee on Judiciary
Re: HB892 HD2, SD1-Relating to Law Enforcement
April 3, 2022
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It was expressed by the Committee on Public Safety, Intergovernmental, and Military Affairs that this Board has the “important task of establishing the minimum standards for employment as a law enforcement officer.” However, those standards have already been established over the many years by each respective county in conjunction with their human resources departments. Not a single committee has pointed out where any current county police training academy has somehow failed to establish or meet “minimum” law enforcement standards, certifications, or to develop superior officer training schools and programs. We view the perpetuation of this Board as part of the George Floyd defund police crusade, which by the way did not involve any of our officers, the Ethan Ferguson sex assault case where we understand DLNR was warned by HPD not to hire him but nonetheless did anyway, and the Kealoha debacle which involved only three (3) out of more than 2000 union member officers who were appropriately dealt with and held criminally responsible for their wrongdoing. Nonetheless, this bill paints with a broad brush and seeks to add another needless bureaucratic layer at an inopportune time when we are in the midst of a staffing crisis like we have never seen before. Rather than doing something productive to help us recruit and retain police officers, HB 892 HD2, SD1 makes it that much more difficult for us to recruit and retain an adequate number of police officers to police our communities. This bill comes at the same time that the legislature is calling for two new police stations, creating a new police district, and increasing the police presence in such areas as Waianae and South Kona, while making it more difficult for someone to become a police officer by creating additional standards and certification through this Board.

The bill and the establishment of this Board directly infers that the county police departments and their respective training academies are subpar, do not currently incorporate acceptable and reasonable minimum standards of employment, and do not have acceptable criminal justice curriculums. We have not heard a single legislator come forward with any evidence that this is true in the slightest. However, the Board, in essence, will usurp the training curriculum and standards implemented by the respective county police department’s training academies. Given the prior testimony from Chief Paul Ferreira, Chief Todd Raybuck, and HPD Captain Mikel Kunishima in support of the bill, which basically amounts to an admission by them that their training curriculums are flawed and lacking, maybe they know something we don’t know about the quality of their training staff and the training curriculum their departments utilize on the Big Island, Kauai, and Honolulu which they tout but now seem to feel they need help with their training programs by enlisting the aid of outside sources, third parties, and

The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice-Chair
Senate Committee on Ways and Means
and
The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice-Chair
Senate Committee on Judiciary
Re: HB892 HD2, SD1-Relating to Law Enforcement
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studies.¹ If a police chief and a training Captain do not know by now how to properly train their recruits and officers then they do not deserve to be in that position.²

Aside from the significant monetary expenditure (\$483,000.00) for a single fiscal year being allocated to fund this Board and the meritless assumption that our county police academies are deficient, it is unclear why this Board is needed for “certifications” when all four (4) county police departments and their respective police academies are accredited by the Commission on Accreditation for Law Enforcement Agencies (“CALEA”). CALEA is nationally known as the gold standard benchmark in law enforcement and its accreditation seals are internationally recognized as the “Marks of Professional Excellence” for public safety agencies. Our county officers are highly trained, experienced, and investigate the broad range of crimes set forth in the Hawaii penal code as codified in the Hawaii Revised Statutes. Our officers are held to the highest professional standards and are investigated and held accountable for the slightest deviations or infractions. The policies and training of each county police department have much in common, but they also have special provisions and aspects tailored to each island’s unique demands and diverse communities. The money required to fund this Board could be better spent on expanding our prison system so that the same criminals we arrest over and over can be properly incarcerated rather than being allowed to roam the streets to continue terrorizing our law abiding citizens.

We also find it highly ironic that this same legislative body is pushing for funding to have DLNR’s conservation and resources enforcement program obtain CALEA certification, thus further rendering the Board as a wasteful black hole money pit. See SB 3019 SD1, HD1. By endorsing CALEA certification, this legislative body clearly believes CALEA is a credible and valid accreditation.

The bill will also create two tiers of police officers, one group that is grandfathered under the existing standards of each county police department, and a second group that will fall under

¹ The bill allows the police chiefs to send a “designee” to participate on the Board. The police chiefs themselves should be required to participate rather than pass their responsibilities on to someone else. If the police chiefs want this bill, they should not have the option of passing the buck to an underling.

² On the other hand, we would wholeheartedly support uniform racial and ethnic sensitivity training for Chief Raybuck given his past transgressions in that area.

The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice-Chair
Senate Committee on Ways and Means
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The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice-Chair
Senate Committee on Judiciary
Re: HB892 HD2, SD1-Relating to Law Enforcement
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the new standards the Board establishes. For a para-military organization, this will create dissention among the ranks particularly when we are desperately in need of recruits to mitigate the severe staffing crisis that is compromising public safety.

In addition, decisions made by the Board will potentially impact collective bargaining and undermine the mandatory negotiation requirements set forth in HRS §89-9 that are part of our constitutional rights under the Hawaii Constitution. The Board can also act to revoke an officer's certification which may also indirectly conflict with our collective bargaining agreement, the outcome of a grievance proceeding, and HRS §89. We do not believe these intended or unintended ramifications were thoroughly considered and vetted before the Board was established in the first instance. The Board will require a labor specialist to fully understand HRS §89 and its implications, which does not appear to be the criteria for any of the Board members.

If this Board continues forward, we suggest and recommend that in order to make the Board truly all-inclusive and transparent, a Board position should be created for the appointment of a representative from our Union for the purpose of providing insight and input on training, certification, standards, and collective bargaining. Our Union and members operate on the front lines in the battle against crime and have the necessary training, current experience and knowledge that others on the Board will not possess. If the true intent is to make things better, having a Union representative on the Board will further that objective. While we appreciate and acknowledge the amendment that added five county law enforcement officers including an officer from each of the four counties, the bill is silent as to how these officers will be selected. We recommend that the county officers should hold the rank of lieutenant or lower and be nominated by the Union for the governor's appointment.

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

In summary, this Board is unnecessary and a waste of financial resources that is undeserving of any funding. This bill duplicates certifications, standards, and law enforcement training already established and managed by the respective county police departments through their accredited training academies. The funding for this Board could be better spent on other

The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice-Chair
Senate Committee on Ways and Means
and
The Honorable Karl Rhoads, Chair
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Senate Committee on Judiciary
Re: HB892 HD2, SD1-Relating to Law Enforcement
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meaningful projects especially during the economic woes many in our community are suffering from the Covid-19 pandemic.

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

Respectfully submitted,

ROBERT "BOBBY" CAVACO
SHOPO President

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 SENATE COMMITTEE ON WAYS AND MEANS
ON
HOUSE BILL NO. 892, H.D. 2. S.D. 1

April 5, 2022
10:05 a.m.
Room 211 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. 2, S.D. 1: clarifies the membership requirements and certain duties of the Law Enforcement Standards Board (LESB) to facilitate participation and representation; appropriates \$483,000 in general funds for FY 23 to be deposited into the LESB Special Fund (LESBSF); authorizes an assumed 1.00 full-time equivalent (FTE) exempt LESB Administrator position and 1.00 FTE civil service clerical position (while leaving the FTEs blank); and appropriates \$483,000 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:

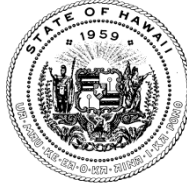
- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support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



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

April 5, 2022
10:05 a.m.
State Capitol, Teleconference

H.B 892, H.D. 2, S.D. 1
RELATING TO LAW ENFORCEMENT

Senate Committee(s) on Judiciary and Ways and Means

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.

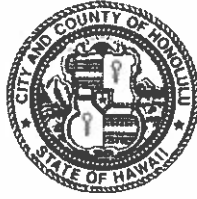
The Legislature wisely established the LESB in 2018 to perform this very important function and provided that the Chiefs of Police and the Attorney General be members of the board. The aspect that we would again like to draw attention to is the funding. The latest draft of the bill would appropriate 483,000. for the operation of the office. While this amount is less than what the board authorized the Chairman to request, we are nonetheless grateful for your support.

Thank you for the opportunity to provide testimony.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org

RICK BLANGIARDI
MAYOR



RADE K. VANIC
INTERIM CHIEF

OUR REFERENCE **MK-SK**

April 5, 2022

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
The Honorable Donovan M. Dela Cruz, Chair
and Members
Committee on Ways and Means
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 016
Honolulu, Hawaii 96813

Dear Chairs Rhoads and Dela Cruz and Members:

Subject: House Bill No. 892, H.D. 2, S.D. 1, Relating to Law Enforcement

I am Mikel Kunishima, Captain of the Training Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 892, H.D. 2, S.D. 1, Relating to Law Enforcement. In 2018, the Law Enforcement Standards Board (LESB) was established by Section 139-2 of the Hawaii Revised Statutes (HRS). The board is responsible for establishing statewide uniform minimum standards for employment of law enforcement officers. With the passage of this bill, the LESB would establish criteria and standards for certifying, training, denying, and/or revoking a law enforcement officer's certification.

The HPD also supports clarifying the membership and powers of the LESB; requiring the board to consider studies relevant to its objective and conduct its own study to evaluate how to satisfy its duties; establishing new deadlines for the completion of the board's significant responsibilities; and appropriating the funds to enable the board to accomplish its mission.

The Honorable Karl Rhoads, Chair
and Members
The Honorable Donovan M. Dela Cruz, Chair
and Members
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April 5, 2022

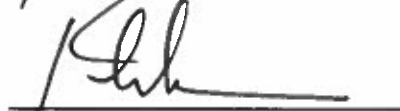
The HPD urges you to support House Bill No. 892, H.D. 2, S.D. 1, Relating to Law Enforcement.

Thank you for the opportunity to testify.

Sincerely,


Mikel Kunishima, Captain
Training Division

APPROVED:



For
Rade K. Vanic
Interim Chief of Police

HB-892-SD-1

Submitted on: 4/5/2022 12:00:53 AM

Testimony for JDC on 4/5/2022 10:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Carrie Ann Shirota	Testifying for ACLU of Hawai'i	Oppose	Written Testimony Only

Comments:

Aloha Chairs, Vice Chairs and Committee Members:

The ACLU of Hawai'i supports the establishment and continuation of the Law Enforcement Standards Board. **However, we oppose the provision below that would allow one group of police officers to be grandfathered under the existijng standards of each county police department, and a second group would fall under the new standards that the Law Enforcement Standards Board establishes.**

SECTION 6. Section 139-7, Hawaii Revised Statutes, is amended to read as follows:

"~~[§139-7]~~ **Employment of law enforcement officers.** (a) No person shall be appointed or employed as a law enforcement officer by any county police department, the department of public safety, the department of transportation, the department of land and natural resources, the department of taxation, or the department of the attorney general, after June 30, 2024, unless the person possesses a valid certification issued by the board pursuant to section 139-6(b).

(b) This section shall not apply to a person ~~[employed]~~:

(1) Employed on a probationary basis, except that employment on a probationary basis may not exceed the period authorized for probationary employment as determined by the board~~[-]~~; or

(2) Who entered into employment with the applicable county police department or state department before July 1, 2024, and termination of employment would violate any valid collective bargaining agreement."

As you deliberate on this measure, we ask that you consider the following questions:

- In terms of public policy, what is the compelling justification to create two tiers of standards?
- Does the proposed two tiers align with the purpose of the Law Enforcement Standards Board to establish consistent training and certification statewide?
- Is there precedence to create a two tiered standards system in other professions? Do we allow attorneys who took the bar twenty years ago to meet lesser professional standards than recently admitted attorneys to the Hawai'i State Bar?

In closing, the ACLU of Hawai'i supports this measure contingent upon the adoption of an amendment deleting the grandfather clause that creates a two tiered standards system.

Thank you for the opportunity to submit testimony regarding **HB892 HD2 SD1**.

Sincerely,

Carrie Ann Shirota

ACLU of Hawai'i Policy Director