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STATE OF HAWAII | KA MOKU'ĀINA O HAWAII  
**DEPARTMENT OF LAW ENFORCEMENT**

*Ka 'Oihana Ho'okō Kānāwai*

715 South King Street  
Honolulu, Hawaii 96813

TESTIMONY ON SENATE BILL 3009  
RELATING TO THE DEPARTMENT OF LAW ENFORCEMENT

Before the Senate Committee on  
Public Safety and Intergovernmental and Military Affairs  
Wednesday, January 31, 2024; 3:01 p.m.  
State Capitol Conference Room 225, Via Videoconference  
Testifier: Michael Vincent or Jared Redulla

Chair Wakai, Vice Chair Elefante, and members of the Committee:

The Department of Law Enforcement (DLE) **opposes**, Senate Bill 3009.

The bill proposes to 1) Specify the responsibilities of the Department of Law Enforcement's Sheriff Division regarding judicial and legislative security, and 2) Require the Sheriff Division to pursue, obtain, and maintain accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc.

The DLE opposes this bill because its proposed changes to the law are already provided in two existing statutes.

Section 353C-4 of the Hawaii Revised Statutes provides in part:

(c) The duties of state law enforcement officers shall include conducting law enforcement operations and investigations throughout the State and maintaining public safety in state buildings as well as the personal protection of government officials and employees while in the conduct of their duties.

Under section 353C-4, the DLE is already statutorily mandated to provide judicial and legislative security because that section directs that DLE's law enforcement officers ". . . [maintain] public safety in state buildings" and provide ". . . personal protection of

government officials and employees while in the conduct of their duties." All judiciary and legislative buildings are currently being patrolled and serviced by the DLE's Sheriff Division, as well as its criminal investigators. Moreover, all DLE deputy sheriffs and other law enforcement officers have been appointed by the Director of Law Enforcement to have all the powers of police officers. Therefore, every DLE law enforcement officer may enforce every criminal and traffic law, and every rule and regulation pertaining to criminal acts in both judiciary and legislative buildings grounds, roadways, and parks.

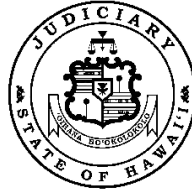
Another stated purpose of SB 3009 is to, "require the Sheriff Division to pursue, obtain, and maintain accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc." This provision is also unwarranted because the Sheriff Division has been required to pursue CALEA accreditation since 2011 with the passage of Act 111, Hawaii Session Laws, 2011, which has been codified in §353C-9, Hawaii Revised Statutes (HRS), which provides:

**[§353C-9] Department accreditation required.** The department shall pursue and obtain accreditation for the sheriff division from the Commission on Accreditation for Law Enforcement Agencies, Inc.

While CALEA accreditation is important, the DLE has determined that the requirement of §353C-9, HRS is insufficient for a state law enforcement agency and has introduced SB3146, and its companion HB2457, with the Governor's administration bills for the specific purpose of expanding the requirement for CALEA accreditation to all divisions and sections within the DLE. These administration bills also create the positions needed for the proper administration of CALEA accreditation and maintenance of that accreditation.

Because the requirements of SB 3009 currently exist in statute and administration bills have been introduced to strengthen and improve law enforcement and security for the community, Capitol, and Judiciary, DLE respectfully requests that this bill be held.

Thank you for the opportunity to testify in opposition to this bill.



## *The Judiciary, State of Hawaii*

### Testimony to the Thirty-Second State Legislature 2024 Regular Session

**Senate Committee on Public Safety and Intergovernmental and Military Affairs**  
Senator Glenn Wakai, Chair  
Representative Brandon Elefante, Vice Chair

Wednesday, January 31, 2024, 3:01 p.m.  
Conference Room 225 & Via Videoconference

by  
Tim Kozak  
Special Assistant to the Administrative Director of the Courts for Judiciary Security

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**Bill No. and Title:** Senate Bill No. 3009, Relating to the Department of Law Enforcement.

**Purpose:** Specifies the statutory duty of the Department of Law Enforcement's (DLE) Sheriff Division to protect legislative and judicial personnel and facilities of the State of Hawaii. Requires the Sheriff Division to obtain national accreditation. Requires representatives from DLE, the Judiciary, and the Legislature to meet annually to determine staffing levels, priorities, and allocation of resources for legislative and judicial security programs.

### **Judiciary's Position:**

The Judiciary strongly supports this measure, which would ensure that the Sheriff Division's official functions and priorities under the newly established DLE specifically include the protection of legislative and judicial personnel and facilities.

This measure addresses an escalating problem of threats and safety risks faced by public agencies and their employees from some members of the public who have negative reactions to government decisions or actions. Some of the most recent examples include:

- The number of threats and other inappropriate communications made towards Hawaii State Judiciary employees increased from 7 in 2017 to 60 in 2023.



Senate Bill No. 3009, Relating to the Department of Law Enforcement  
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- In 2023, security checkpoints with metal detectors were installed at various entrances into the Hawaii State Capitol due to growing security concerns.
- On January 3, 2024, the Hawaii State Capitol was evacuated in response to a mass email claiming that explosives had been placed in state capitol buildings across the country. On January 4, 2024, state courthouses in Honolulu, Kapolei, and Lihue were evacuated in response to bomb threats included in a similar mass email sent to courthouses in multiple states. The bomb threats, which prompted the evacuation of government buildings nationwide on consecutive days, were later found to be false, but in each case sheriff deputies were called upon to search Hawaii facilities to confirm there was no threat.

As the Sheriff Division begins a new era under the direction of the DLE, this measure will provide the Division with a clearly defined role and duty to protect legislative and judicial resources that face growing security threats. The provisions of this measure are consistent with national best practices for law enforcement agencies that provide protection to other government branches. On a broader level, the best practices included in this measure will facilitate any modern policing initiative that the DLE may develop in the future as part of a statewide strategy to address targeted violence against government entities.

Further, this measure fulfills the recommendations the State Auditor made in 2010 to improve the Sheriff Division's ability to carry out its functions. In the 2010 report,<sup>1</sup> the State Auditor found that since its transfer to the former Department of Public Safety (DPS) in 1989, the Sheriff Division, because of its ill-defined role and a lack of mission clarity, was struggling to meet its expanded law enforcement duties and responsibilities. The report noted that as the State's law enforcement needs expanded, confusion over the extent of the State's law enforcement responsibilities had grown. This confusion and uncertainty was attributed in part to vague constitutional language and a broad interpretation of statutory authority. The report also noted a lack of Sheriff Division procedures related to the staffing and service of the courts, raising safety issues. The report included DPS' acknowledgement that there were not enough deputy sheriffs to carry out its functions at many of the courts. Further, in the absence of a formal agreement with the courts, the Sheriff Division lacked staffing standards for the safety of deputy sheriffs, the custodies, and court personnel. The Auditor recommended that DPS perform a risk assessment of each section of the Sheriff Division and consider proposing statutory amendments to align with the division's duties and functions as indicated by the risk assessment. The Auditor further recommended that DPS pursue national accreditation for the Sheriff Division to ensure that proper law enforcement policies and procedures would be enacted and followed.

Accordingly, this measure directly addresses the Auditor's 2010 recommendations by specifying the Sheriff Division's statutory duty to protect legislative and judicial personnel and

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<sup>1</sup> Audit of the Department of Public Safety, Sheriff Division, Hawaii State Auditor Report No. 10-06, June 2010.



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facilities, and requiring the Division to obtain national accreditation. Further, by requiring DLE, the Legislature, and the Judiciary to meet annually to discuss security requirements, this measure ensures that these parties engage in a continuous dialogue to determine staffing levels, priorities, and resource allocations that appropriately respond to changing security needs over time.

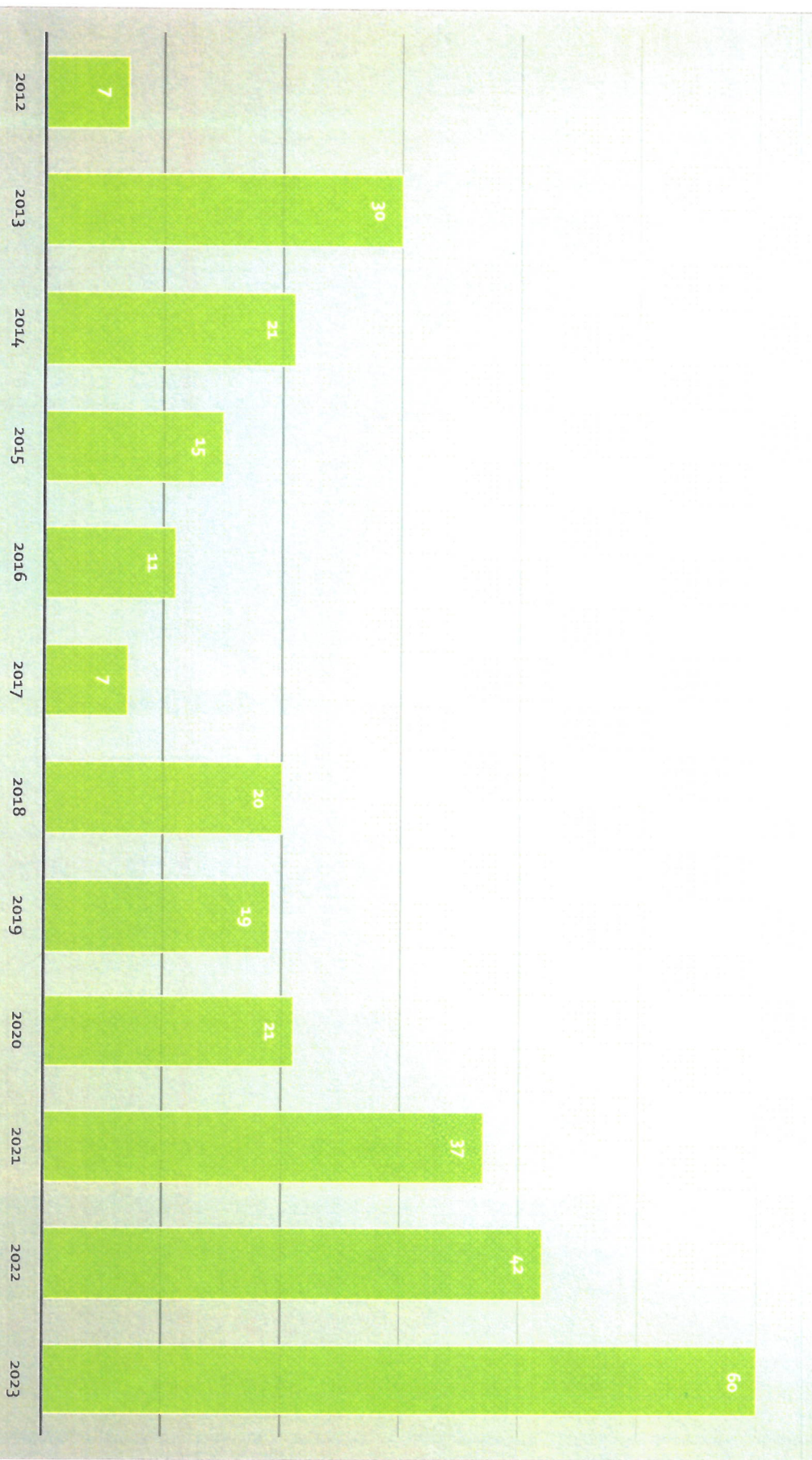
The Judiciary has a strong interest in ensuring the success of the Sheriff Division's operations,. The Judiciary looks forward to enhancing its partnership with the Sheriff Division through this measure, which will improve the Division's ability to assign a sufficient number of onsite sheriff deputies to protect legislative and judicial facilities, avoid a historically under-resourced law enforcement presence in state courthouses, and ensure adequate levels of security resources to protect legislative and judicial operations, employees, and the public.

Thank you for the opportunity to testify on this measure.

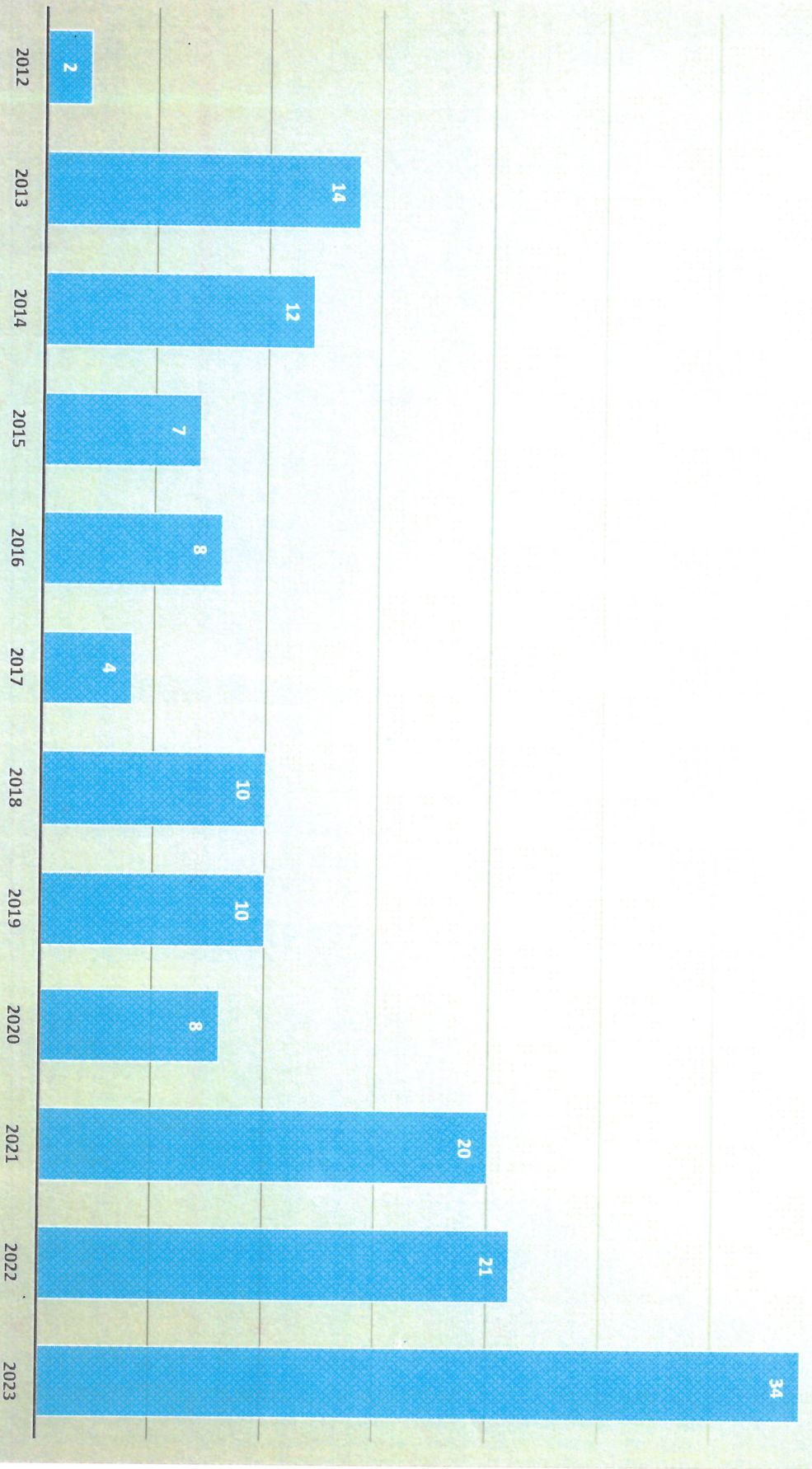
# Threats and/or Inappropriate Communications Towards Judiciary Protected Persons 2012 - 2023



# Threats and/or Inappropriate Communications Toward Judiciary Employees 2012 - 2023

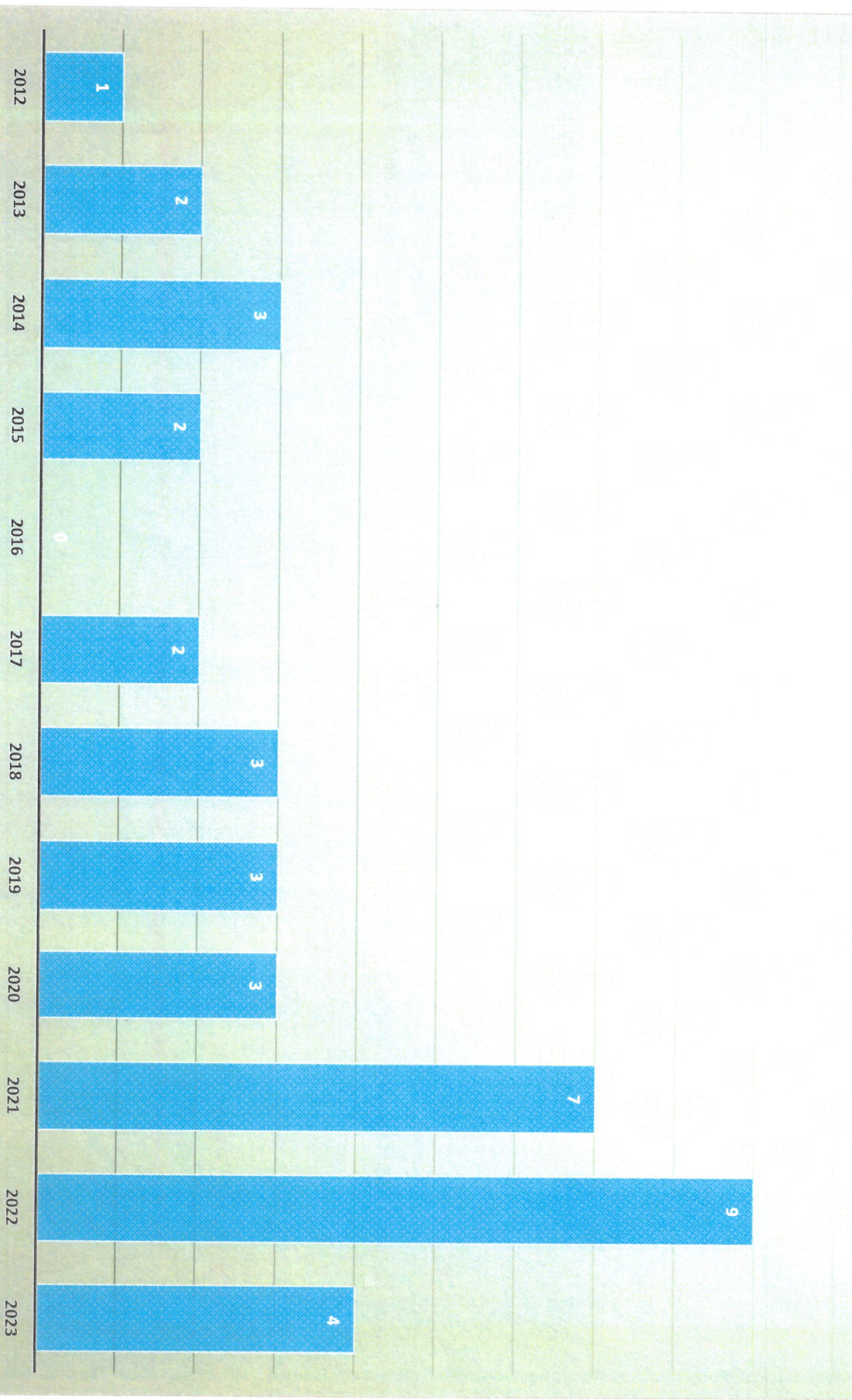


# Threats and/or Inappropriate Communications Towards Judges 2012 - 2023





# Threats and/or Inappropriate Communications Toward Probation Officers 2012 - 2023



**SB-3009**

Submitted on: 1/26/2024 9:05:53 PM

Testimony for PSM on 1/31/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alan Urasaki	Individual	Support	Written Testimony Only

Comments:

I support the intent of the legislation, and urge the committee to support the expanded role of the Sheriff Division and to provide the resources for the implementation of the legislation. Thank you for the consideration. Mahalo.

**SB-3009**

Submitted on: 1/27/2024 2:30:48 PM

Testimony for PSM on 1/31/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Victor K. Ramos	Individual	Support	Written Testimony Only

Comments:

I support and offer the following comment. The fact that a CALEA certification is demanded acknowledges the exceptional and extraordinary level of professionalism and training found in our local police jurisdictions. All police departments are CALEA certified with the exception of Maui Police (expired certification).