

# HB2460 HD1

Measure Title:	RELATING TO LAW ENFORCEMENT.
Report Title:	Law Enforcement; Training Academy; Appropriation (\$)
Description:	Establishes a State Law Enforcement Training Academy within the Department of Public Safety to train all candidates for law enforcement positions in the State. Appropriates funds. (HB2460 HD1)
Companion:	
Package:	None
Current Referral:	PSM, WAM
Introducer(s):	KEOHOKALOLE, FUKUMOTO CHANG, HAR, HASHEM, ICHIYAMA, KONG, C. LEE, NAKASHIMA, NISHIMOTO, SAN BUENAVENTURA, YAMASHITA

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

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

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FIRST DEPUTY

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BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
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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**

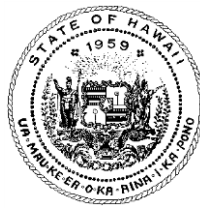
**Before the Senate Committee on  
PUBLIC SAFET, INTERGOVERNMENTAL, AND MILITARY AFFAIRS**

**Thursday, March 17, 2016  
1:45 PM  
State Capitol, Conference Room 229**

**In consideration of  
HOUSE BILL 2460, HOUSE DRAFT 1  
RELATING TO A LAW ENFORCEMENT**

House Bill 2460, House Draft 1 proposes to establish a State Law Enforcement Training Academy within the Department of Public Safety. **The Department of Land and Natural Resources (Department) offers comments on this measure.**

While the Department agrees that this measure would help in recruiting personnel for law enforcement positions within state government and assist in standardizing training among various state departments and agencies, the Department is concerned with the sections of the bill describing the expenses of the academy and compensation for training. As currently written, the bill proposes that expenses of training be borne by the Department of Public Safety. The Department is concerned for the potential impact this bill may have on the Executive Supplemental Budget Request.



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
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Deputy Director  
Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL 2460, HOUSE DRAFT 1  
RELATING TO A LAW ENFORCEMENT

By  
Nolan P. Espinda, Director

Senate Committee on Public Safety, Intergovernmental and Military Affairs  
Senator Clarence K. Nishihara, Chair  
Senator Will Espero, Vice Chair

Thursday, March 17, 2016; 1:45 p.m.  
State Capitol, Conference Room 329

Chair Nishihara, Vice Chair Espero, and Members of the Committee:

The Department of Public Safety (PSD) **opposes** House Bill (HB) 2460 House Draft (HD) 1, which seeks to create a State Law Enforcement Academy under PSD.

As written, the bill proposes to create basic training standards and a basic, standardized training course for prospective law enforcement officers in the State of Hawaii. While PSD understands the value of a basic, standardized law enforcement training, the Department also recognizes that the various enforcement entities have distinct, specific functions that their officers must perform and for which they must be trained. This is especially true when existing staff require refresher training. Furthermore, a related measure, Senate Bill 2755, SD 1 seeks to establish a Law Enforcement Employment Standards and Training Board seeks to develop statewide employment standards and training for law enforcement officers (LEOs).

The Training and Staff Development Division (TSD), of the Department of Public Safety, is currently operating at full capacity conducting recruitment and in-service, training for Corrections and Deputy Sheriffs, as well as, implementing a process for the certification of TSD by the Commission on the Accreditation of Law Enforcement Agencies (CALEA). For PSD to begin training all state LEOs under these circumstances while waiting for the minimum standards to be articulated by the LEO Employment Standards and Training Board (SB 2755, SD 1) is problematic. For these reasons, the Department respectfully requests that this measure be held.

Thank you for the opportunity to provide this testimony.

Greetings Committee Chair Nishihara, my name is Jessica Agonias and I am writing testimony to **SUPPORT** bill HB2460-HD1 (State Law Enforcement Training Academy). This bill is a critical step to reforming the state's criminal justice system. This bill will allow the state to properly train and (most importantly) certify police officers after they have received this training. The certification part of this bill is a "Standards of Conduct" tool that can be used as a legislative 'check-and-balance' for police service. Having a central academy, or a central academic board will also ensure that the quality of officer that is hired by the 'State of Hawaii' receives the best training that meets current national 'best practices.' This legislation is a critical oversight tool that should be amended to broaden the certification (to yearly) and to transfer this program to the Office of the Attorney General (from the Sheriff.) I trust you will amend this bill to help address these two areas. I therefore **support** the passage of this legislation.

HB 2460

Greetings Committee Chair Nishihara, my name is John Figueroa and I am writing testimony to **SUPPORT** bill HB2460-HD1 (State Law Enforcement Training Academy). This bill is a critical step to reforming the state's criminal justice system. This bill will allow the state to properly train and (most importantly) certify police officers after they have received this training. The certification part of this bill is a "Standards of Conduct" tool that can be used as a legislative 'check-and-balance' for police service.

Having a central academy, or a central academic board will also ensure that the quality of officer that is hired by the 'State of Hawaii' receives the best training that meets current national 'best practices.'

This legislation is a critical oversight tool that should be amended to broaden the certification (to yearly) and to transfer this program to the Office of the Attorney General (from the Sheriff.) I trust you will amend this bill to help address these two areas. I therefore **support** the passage of this legislation.

Greetings Committee Chair Nishihara, my name is Lorentina Te'i and I am writing testimony to **SUPPORT** bill HB2460-HD1 (State Law Enforcement Training Academy). This bill is a critical step to reforming the state's criminal justice system. This bill will allow the state to properly train and (most importantly) certify police officers after they have received this training. The certification part of this bill is a "Standards of Conduct" tool that can be used as a legislative 'check-and-balance' for police service. Having a central academy, or a central academic board will also ensure that the quality of officer that is hired by the 'State of Hawaii' receives the best training that meets current national 'best practices.' This legislation is a critical oversight tool that should be amended to broaden the certification (to yearly) and to transfer this program to the Office of the Attorney General (from the Sheriff.) I trust you will amend this bill to help address these two areas. I therefore **support** the passage of this legislation.

Greetings Committee Chair Nishihara, my name is Paulo O.J Paulo and I am writing testimony to **SUPPORT** bill HB2460-HD1 (State Law Enforcement Training Academy). This bill is a critical step to reforming the state's criminal justice system. This bill will allow the state to properly train and (most importantly) certify police officers after they have received this training. The certification part of this bill is a "Standards of Conduct" tool that can be used as a legislative 'check-and-balance' for police service. Having a central academy, or a central academic board will also ensure that the quality of officer that is hired by the 'State of Hawaii' receives the best training that meets current national 'best practices.' This legislation is a critical oversight tool that should be amended to broaden the certification (to yearly) and to transfer this program to the Office of the Attorney General (from the Sheriff.) I trust you will amend this bill to help address these two areas. I therefore **support** the passage of this legislation.

Greetings Committee Chair Nishihara, my name is Robert Ford, and I am writing testimony to **SUPPORT** bill HB2460-HD1 (State Law Enforcement Training Academy). This bill is a critical step to reforming the state's criminal justice system. This bill will allow the state to properly train and (most importantly) certify police officers after they have received this training. The certification part of this bill is a "Standards of Conduct" tool that can be used as a legislative 'check-and-balance' for police service.

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Greetings Committee Chair Nishihara, my name is **Kenneth Clark** and I am writing testimony to **SUPPORT** bill HB2460-HD1 (State Law Enforcement Training Academy). This bill is a critical step to reforming the state's criminal justice system. This bill will allow the state to properly train and (most importantly) certify police officers after they have received this training. The certification part of this bill is a "Standards of Conduct" tool that can be used as a legislative 'check-and-balance' for police service. Having a central academy, or a central academic board will also ensure that the quality of officer that is hired by the 'State of Hawaii' receives the best training that meets current national 'best practices.' This legislation is a critical oversight tool that should be amended to broaden the certification (to yearly) and to transfer this program to the Office of the Attorney General (from the Sheriff.) I trust you will amend this bill to help address these two areas. I therefore **support** the passage of this legislation.

Greetings Committee Chair Nishihara, my name is William Moore and I am writing testimony to **SUPPORT** bill HB2460-HD1 (State Law Enforcement Training Academy). This bill is a critical step to reforming the state's criminal justice system. This bill will allow the state to properly train and (most importantly) certify police officers after they have received this training. The certification part of this bill is a "Standards of Conduct" tool that can be used as a legislative 'check-and-balance' for police service. Having a central academy, or a central academic board will also ensure that the quality of officer that is hired by the 'State of Hawaii' receives the best training that meets current national 'best practices.' This legislation is a critical oversight tool that should be amended to broaden the certification (to yearly) and to transfer this program to the Office of the Attorney General (from the Sheriff.) I trust you will amend this bill to help address these two areas. I therefore **support** the passage of this legislation.

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Greetings Committee Chair Nishihara, my name is Andrew burgess and I am writing testimony to **SUPPORT** bill HB2460-HD1 (State Law Enforcement Training Academy). This bill is a critical step to reforming the state's criminal justice system. This bill will allow the state to properly train and (most importantly) certify police officers after they have received this training. The certification part of this bill is a "Standards of Conduct" tool that can be used as a legislative 'check-and-balance' for police service. Having a central academy, or a central academic board will also ensure that the quality of officer that is hired by the 'State of Hawaii' receives the best training that meets current national 'best practices.' This legislation is a critical oversight tool that should be amended to broaden the certification (to yearly) and to transfer this program to the Office of the Attorney General (from the Sheriff.) I trust you will amend this bill to help address these two areas. I therefore **support** the passage of this legislation.

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**Subject:** Submitted testimony for HB2460 on Mar 17, 2016 13:45PM  
**Date:** Tuesday, March 15, 2016 8:48:13 AM

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**HB2460**

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
leuluniu otineru	Individual	Support	No

Comments: Greetings Committee Chair Nishihara, my name is Leuluniu Otineru and I am writing testimony to SUPPORT bill HB2460-HD1 (State Law Enforcement Training Academy). This bill is a critical step to reforming the state's criminal justice system. This bill will allow the state to properly train and (most importantly) certify police officers after they have received this training. The certification part of this bill is a "Standards of Conduct" tool that can be used as a legislative 'check-and-balance' for police service. Having a central academy, or a central academic board will also ensure that the quality of officer that is hired by the 'State of Hawaii' receives the best training that meets current national 'best practices.' This legislation is a critical oversight tool that should be amended to broaden the certification (to yearly) and to transfer this program to the Office of the Attorney General (from the Sheriff.) I trust you will amend this bill to help address these two areas. I therefore support the passage of this legislation.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Greetings Committee Chair Nishihara, my name is Roy Lovell and I am writing testimony to **SUPPORT** bill HB2460-HD1 (State Law Enforcement Training Academy). This bill is a critical step to reforming the state's criminal justice system. This bill will allow the state to properly train and (most importantly) certify police officers after they have received this training. The certification part of this bill is a "Standards of Conduct" tool that can be used as a legislative 'check-and-balance' for police service. Having a central academy, or a central academic board will also ensure that the quality of officer that is hired by the 'State of Hawaii' receives the best training that meets current national 'best practices.' This legislation is a critical oversight tool that should be amended to broaden the certification (to yearly) and to transfer this program to the Office of the Attorney General (from the Sheriff.) I trust you will amend this bill to help address these two areas. I therefore **support** the passage of this legislation.

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**Subject:** \*Submitted testimony for HB2460 on Mar 17, 2016 13:45PM\*  
**Date:** Tuesday, March 15, 2016 8:50:36 AM

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**HB2460**

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
lucky	Individual	Support	No

**Comments:**

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Greetings Committee Chair Nishihara, my name is Tim Baker and I am writing testimony to **SUPPORT** bill HB2460-HD1 (State Law Enforcement Training Academy). This bill is a critical step to reforming the state's criminal justice system. This bill will allow the state to properly train and (most importantly) certify police officers after they have received this training. The certification part of this bill is a "Standards of Conduct" tool that can be used as a legislative 'check-and-balance' for police service. Having a central academy, or a central academic board will also ensure that the quality of officer that is hired by the 'State of Hawaii' receives the best training that meets current national 'best practices.' This legislation is a critical oversight tool that should be amended to broaden the certification (to yearly) and to transfer this program to the Office of the Attorney General (from the Sheriff.) I trust you will amend this bill to help address these two areas. I therefore **support** the passage of this legislation.



Before the Senate Committee on  
PUBLIC SAFETY, INTERGOVERNMENTAL  
and  
MILITARY AFFAIRS

Tuesday, March 17, 2016  
1:45PM  
State Capitol, Conference Room 229

In consideration of  
House Bill 2460-HD2  
RELATING TO A STATE LAW ENFORCEMENT TRAINING ACADEMY

My name is Aaron Hunger and I am a doctoral researcher at the University of Hawaii at Manoa, a former police officer in Florida and California, and a criminal justice instructor for a private college in Honolulu. I have been honored to be engaged in doctoral research involving the Honolulu Police Department, and its oversight mechanisms since 2010. Together with my teaching, I have over 24 years of police experience. Currently, I am engaged in research with the University of Hawaii at Manoa that (among other issues) seeks to understand the unique structure of the criminal justice institutions on Oahu. As part of that research, I was allowed to aid certain key state senatorial legislators with input on many of this year's police reform legislation whose purpose was to improve oversight and accountability of police services. Based on the unique composition of local policing organizations, one of many questions being answered is what effect (if any) does the absence of critical systemic oversight mechanisms (or their dysfunctionality) produce and how often. Based on the work and research that I have been privileged to be a part of I **SUPPORT** HB2460-HD1, **but strongly recommend the following amendments to the bills language, authority and purpose.**

Based on the analysis of past legislative attempts aimed at effecting similar police certification, training, and hiring improvements; the testimony of several of the directors whose offices are affected by this bill; and the language of past bills whose intent and purpose included similar proposed reform mechanisms, I would recommend the following changes to improve the bills scope, purpose, and authority. These recommendations have been supported (and drafted) by current senatorial legislators, and have been suggested specifically to **improve the "Certification" section of the bill.** These recommendations also begin to address reported problems that exist in police service delivery (statewide), starting with all state-hired law enforcement officers.

1. The first recommendation is that all language within the bill that references "**the department of public safety**" as the overseeing and governing authority should be amended. According to submitted testimony, this is problematic to all of the entities involved, and therefore should be replaced with "**the attorney general**" as the overseeing governmental body. This is recommended based on similarly deferred legislation, which named the state attorney general as a proposed overseeing agent for a state standards boards. Because the Attorney General has testified that they see the wisdom of the positioning I therefore recommend that any training

academies that would be certifying bodies for the state fall under the direction and authority of the attorney general.

2. I would also like to point out that this bill's current language contains an important "standards of conduct" accountability tool written in both **subsection 353C (Persons admissible to training academy) & (Certificate of completion of training course)** beginning on page 3, and ending on page 4. Because this bill's intent includes training academy oversight and state certification, it is an extremely lucid, rational, and logical blueprint for a state licensing starting point. I would therefore recommend that the certification mechanism of this bill be expanded to create the necessary legislative accountability tool that oversees policing policy adherence, which is currently absent at the state level. To best remedy this, it is recommended that subsection 353C (Persons admissible to training academy) and 353C (Certificate of completion of training course) be stricken as currently written and amended to read;

**§353C- Persons admissible and certification of training completion.**

**-1 Certification of State Training.**

Upon the satisfactory completion of the prescribed course of training, the attorney general shall issue to each candidate a certification of the candidate's qualifications for appointment. The certification shall be issued by the attorney general's '*Peace Officers Standards and Training Board*', which shall oversee all state police certification and annual re-certifications.

**-2 Creation of peace officers standards board; composition.**

(a) There is created in the department of the attorney general, for administrative purposes only, the peace officers standards board, which shall consist of four ex officio members and four public members.

(b) The ex officio members of the board shall be:

- (1) The attorney general
- (2) The director of public safety;
- (3) The director of transportation; and
- (4) The chair of the board of land and natural resources.

(c) One public member from each of the four counties shall be appointed by the governor, in accordance with section 26-34. At least two of the four public members holding a position on the board at any given time shall:

- (1) Possess a master's or doctorate degree related to criminal justice;
- (2) Possess a law degree and have experience:
  - (A) Practicing in Hawaii as a deputy attorney general, a deputy prosecutor, deputy public defender, or private criminal defense attorney; or
  - (B) Litigating constitutional law issues in Hawaii;
- (3) Be a recognized expert in the field of criminal justice, policing, or security; or
- (4) Have work experience in a law enforcement capacity; provided that experience in the Honolulu police department shall not be sufficient to qualify under this paragraph.

The public members of the board shall receive no salary, but shall be entitled to reimbursement for necessary expenses, including travel expenses.

**-3 Powers.**

The board shall have the power to do as Adopt rules in accordance with chapter **91** to implement this chapter; Establish minimum standards for employment as a law enforcement officer and certify persons to be qualified as law enforcement officers; Establish minimum criminal justice curriculum requirements for basic, specialized, and in-service courses and programs for schools operated by or for the State for the specific purpose of training law enforcement officers; Consult and cooperate with the counties, agencies of the State, other governmental agencies, universities, colleges, and other institutions concerning the development of law enforcement officer training schools and programs of criminal justice instruction; Employ, subject to chapter 76, an administrator and other persons necessary to carry out its duties under this chapter; Investigate when there is reason to believe that a law enforcement officer does not meet the minimum standards for employment, and in *so* doing, may subpoena persons, books, records, or documents related to the investigation and require answers in writing under oath to questions asked by the council or the administrator; Establish and require participation in continuing education programs for law enforcement officers; Charge and collect fees for applications for certification as a law enforcement officer; and Establish procedures to revoke a certification issued pursuant to section -6 (b) for serious misconduct.

**-4 Peace Officers standards board special fund; established.**

There is established in the state treasury the peace officers standards board special fund. The revenues of the special fund shall consist of appropriations made by the legislature, fees charged by the board, grants, gifts, and interest on moneys deposited in the special fund. The special fund shall be used to defray the expenses of the board in implementing this chapter.

**-5 Training programs.**

The board shall establish and maintain law enforcement training programs through the proposed academy, and shall coordinate with effected state law enforcement agencies to ensure annual re-certification of individual officers through normally scheduled annual departmental training.

**-6 Standards.**

(a) No person may be appointed as a law enforcement officer unless the person:

- (1) Has satisfactorily completed a basic program of law enforcement training approved by the board; and
- (2) Possesses other qualifications that the board has established for the employment of law enforcement officers, including minimum age, education, physical and mental standards, citizenship, good conduct, moral character, and experience.

(b) The Attorney General shall issue a certificate evidencing satisfaction of the requirements of this section to an applicant who

satisfies the requirements of subsection (a) or satisfactorily completes a program or course of instruction in another jurisdiction equivalent in content and quality to that required under subsection (a).

(c) The board may deny or revoke the certificate of an applicant or law enforcement officer who fails to meet or maintain the standards required under this section (a).

**-7 Employment of state law enforcement officers.**

(a) Except as provided under subsection 6, no person may be appointed as a law enforcement officer in the department of public safety, the department of transportation, or the department of land and natural resources unless the person has a valid certificate issued by the board.

(b) This section shall not apply to a person 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 authorizing agent.

(c) All rights, powers, functions, and duties of the department of land and natural resources, the department of transportation, and the department of public safety relating to law enforcement standards are transferred to the department of the attorney general. All officers and employees whose functions are transferred by this Act shall be transferred with their functions and shall continue to perform their regular duties upon their transfer, subject to the state personnel laws and this Act. No officer or employee of the State having tenure shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act, and such officer or employee may be transferred or appointed to a civil service position without the necessity of examination; provided that the officer or employee possesses the minimum qualifications for the position to which transferred or appointed; and provided that subsequent changes in status may be made pursuant to applicable civil service and compensation laws. An officer or employee of the State who does not have tenure and who may be transferred or appointed to a civil service position as a consequence of this Act shall become a civil service employee without the loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefits or privileges and without the necessity of examination; provided that such officer or employee possesses the minimum qualifications for the position to which transferred or appointed. If an office or position held by an officer or employee having tenure is abolished, the officer or employee shall not thereby be separated from public employment, but shall remain in the employment of the State with the same pay and classification and shall be transferred to some other office or position for which the officer or employee is eligible under the personnel laws of the State as determined by the head of the department or the governor.

Additionally it is recommended that HB2460-HD1 be amended to include the following Sections,

SECTION 5. All appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the department of land and natural resources, the department of transportation, or the department of public safety shall be transferred to the department of the attorney general with the functions to which they relate.

SECTION 6. All rules, 'policies, procedures, guidelines, and other material adopted or developed by the department of land and natural resources, the department of transportation, and the department of public safety to implement provisions of the Hawaii Revised Statutes which are reenacted or made applicable to the department of the attorney general by this Act, shall remain in full force and effect until amended or repealed by the department of the attorney general pursuant to chapter 91, Hawaii Revised Statutes. In the interim, every reference to the department of land and natural resources, the department of transportation, or the department of public safety or the chair of the board of land and natural resources, the director of transportation, or the director of the department of public safety in those rules, policies, procedures, guidelines, and other material is amended to refer to the department of the attorney general or the attorney general as appropriate.

Once these amendments have been adopted, this bill would provide a significant advancement towards police reform throughout the state. Additionally if amended, this bill would allow all state law enforcement officers the opportunity to professionalize in line with the practices of 49 (every other) state. This should have the effect of boosting all state hired law enforcement officer's moral and professional opportunities, should the legislature implement this bill with input and cooperation of all of the agencies involved.

**MOST IMPORTANTLY**, this bill provides the opportunity to create a Standards and Training Board for state hired police officers (if amended as above) that does not involve agencies or union actors that (currently) have strong opposition to such legislation, instead working with state run agencies and policing managers that have expressed a willingness to professionalize and advance. I strongly **SUPPORT** this legislation, and ask that you consider the above listed amendments.

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**Subject:** Submitted testimony for HB2460 on Mar 17, 2016 13:45PM  
**Date:** Wednesday, March 16, 2016 1:14:51 PM

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**HB2460**

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Individual	Oppose	No

Comments: Terrible Bill

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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