



LATE TESTIMONY

TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL TWENTY-EIGHTH LEGISLATURE, 2015

ON THE FOLLOWING MEASURE:

S.B. NO. 568, RELATING TO LAW ENFORCEMENT STANDARDS BOARD.

BEFORE THE:

**SENATE COMMITTEES ON PUBLIC SAFETY AND MILITARY AFFAIRS AND ON
TRANSPORTATION AND ON WATER AND LAND**

DATE: Tuesday, February 10, 2015 **TIME:** 1:05 p.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Russell Suzuki, Attorney General, or
Lance M. Goto, Deputy Attorney General.

Chairs Espero, Nishihara, and Thielen and Members of the Committees:

The Department of the Attorney General (the "Department") appreciates the intent of this measure, but has strong concerns.

The purpose of this bill is to establish an unpaid law enforcement standards board, in the Department, for administrative purposes only that will develop minimum standards for state and county law enforcement officers in this State, establish and maintain a curriculum and training program for these officers, and manage and enforce a certification program for these officers.

All rights, powers, functions, and duties of the state and county law enforcement agencies, relating to law enforcement standards, will be transferred to the Department. All officers and employees whose functions are transferred shall also be transferred with their functions and shall continue to perform their regular duties subject to state personnel laws. All appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property of the state and county law enforcement agencies relating to the functions transferred to the Department shall be transferred to the Department with the related functions.

The Department has numerous concerns. The unpaid law enforcement standards board will have great responsibilities, including the adoption of rules, establishment of minimum standards for law enforcement officers, maintenance of a curriculum and training program for the officers, management and enforcement of the certification program for the officers, and

employment of an administrator and other personnel to help the board carry out its duties. This will be a very ambitious and costly endeavor.

With regard to State law enforcement agencies, the State departments included in this bill are the Department of Public Safety, the Department of Transportation, and the Department of Land and Natural Resources. There are other departments with police powers who have not been included but probably should be, such as the Department of Taxation, Department of Commerce and Consumer Affairs, Department of Accounting and General Services, Department of Defense, and of course the Department of the Attorney General.

On page 6 of the bill, at lines 3-4, the board is being given the power and duty to investigate any allegations of wrongdoing or criminal activity by state or county law enforcement agencies or law enforcement officers. The board is not a law enforcement or investigative entity and should not be conducting criminal investigations.

Section 5 of the bill, starting at page 9, provides that all rights, powers, functions, and duties of the state and county law enforcement agencies, relating to law enforcement standards, will be transferred to the Department; and that all officers and employees whose functions are transferred shall also be transferred with their functions and shall continue to perform their regular duties subject to state personnel laws. And section 6 of the bill, at page 11, provides that all appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property of the state and county law enforcement agencies relating to the functions transferred to the Department shall be transferred to the Department with the related functions. It is not clear what these provisions mean, but the bill may be proposing to take all of the state and county functions, personnel, equipment, records, contracts, and appropriations of the state and county law enforcement agencies, related to law enforcement standards, away from them and transfer them to the Attorney General to be managed by the board. This proposal would create many issues and concerns. It is not clear what would be "related to law enforcement standards," but it could be interpreted to include everything related to the training and certification of the law enforcement officers. If this were the case, it would create a great problem for many of the agencies, because the statewide law enforcement standards training and certification would likely be based on minimum standards for law enforcement officers. Many of the agencies, however, would probably be required to conduct

trainings and certifications above those minimum standards, particularly for specialized skills and programs. By taking away their equipment and personnel for training and certification, the agencies will not be able to provide those important trainings.

It should also be noted that facilities will probably need to be provided to house the personnel and equipment transferred to the Department, and to conduct the statewide trainings.

DAVID Y. IGE
GOVERNOR



LATE TESTIMONY

Testimony of
FORD N. FUCHIGAMI
DIRECTOR

Deputy Directors
JADE T. BUTAY
ROSS M. HIGASHI
EDWIN H. SNIFFEN

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

IN REPLY REFER TO:
(808) 587-1965

February 10, 2015
1:05 PM
State Capitol, Room 229

S.B. 568 RELATING TO LAW ENFORCEMENT

Senate Committee(s) on Public Safety, Intergovernmental & Military Affairs
and Transportation and Water & Land

The Department of Transportation offers **comments** on S.B. 568 which proposes to establish a law enforcement standards board within the Department of the Attorney General to certify county police officers, state public safety officers, and employees of the Departments of Transportation and Land and Natural Resources with police powers. And, effective January 1, 2018, state and county agencies would be prohibited from hiring non-certificated personnel as law enforcement officers. The comments provided are relating only to state law enforcement personnel.

The bill proposes legislative action to affect current law enforcement officers that touch on matters that are subject to collective bargaining and the exclusive bargaining agent for the newly created collective bargaining unit 14. Although the bill provides that no officer or employee to suffer law of salary and other condition of work, the bill requires current officers to receive a valid board certificate which within two years. Failure to obtain a valid certificate will result in the current law enforcement officer suffering salary reductions or loss of position, or a change in other conditions of work.

The bill also proposes standards of training which is an excellent idea for State law enforcement officers. The Committee may consider the establishing of training standards for state law enforcement to include civil enforcement and the training program may be placed with the Department of Human Resources and Development and/or supported by the Department of the Attorney General to ensure uniformity in training and re-call training. In addition to establishing training standards, the Committee should also support the State agencies with appropriations to pursue accreditation of a comprehensive, well thought out, uniform set of written directives for reaching administrative and operational goals, while also providing direction to personnel.

Thank you for the opportunity to testify and to provide comments.

LATE TESTIMONY

WRITTEN ONLY

TESTIMONY BY WESLEY K. MACHIDA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE SENATE COMMITTEES ON PUBLIC SAFETY, INTERGOVERNMENTAL
AND MILITARY AFFAIRS; TRANSPORTATION; AND WATER AND LAND
ON
SENATE BILL NO. 568

February 10, 2015

RELATING TO A LAW ENFORCEMENT STANDARDS BOARD

Senate Bill No. 568 creates a Law Enforcement Standards Board within the Department of the Attorney General (AG) to certify county police officers, State public safety officers, and other State employees with police powers. The certification would ensure a high standard of professionalism and uniform statewide standards for law enforcement officers. The bill transfers statewide law enforcement standards personnel to AG. The bill also establishes the Law Enforcement Standards Board Special Fund to be administered by AG to defray costs in carrying out provisions of the bill.

The proposed Law Enforcement Standards Board Special Fund would generate revenues through legislative appropriations, board fees, grants, gifts, and interest. The bill appropriates unspecified sums of general funds and special funds in FY 16 and FY 17 for the certification process.

While the Department of Budget and Finance does not take any position on the policy of establishing a Law Enforcement Standards Board, as a matter of general policy, the department does not support the creation of special funds which do not meet the requirements of Section 37-52.3, HRS. Special or revolving funds should: 1) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program; 2) provide an appropriate means of

financing for the program or activity; and 3) demonstrate the capacity to be financially self-sustaining.

In regards to Senate Bill No. 568, it is difficult to determine whether the proposed special fund will be self-sustaining. It is also unclear what the financial and programmatic impacts will be for the other departments and the county police departments.

A BILL FOR AN ACT 568

Good Day Senators, My name is Ricky Boyd and I am a Student at Remington College of Honolulu hear to testify for Bill 568, I thank you for your time.

This bill states and talks about how law enforcement should be properly provided in every type of area and with this bill you are looking at I believe this will enlighten the true colors of our fellow law enforcement crew that they surely deserve.

In the beginning of this bill it mentions how the state of Hawai'i does not feature any type of certifications for the local police here, from what I can see from this non-certification there is a possibility that the citizens here must not appreciate nor respect our fellow law enforcement because it probably feels unprofessional.

if we can get this bill to pass not only will it make them shine like stars but it will also brighten the day and night when they are professionally certified and we can all recognize it.

Thank you for listening, have a wonderful day.

LATE TESTIMONY

From: PSMTestimony
To: mailinglist@capitol.hawaii.gov
Subject: RE: Submitted testimony for SB568 on Feb 10, 2015 13:05PM

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Tuesday, February 10, 2015 10:58 AM
To: PSMTestimony
Cc: luckylotu@gmail.com
Subject: Submitted testimony for SB568 on Feb 10, 2015 13:05PM

SB568

Submitted on: 2/10/2015

Testimony for PSM/TRAUTL on Feb 10, 2015 13:05PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Lucky Lotu	Remington College Honolulu C.J. Student Coalition	Support	No

Comments:

Senate Bill NO. 568

Aloha ladies and gentlemen, my name is Lucky Lotu. I am currently enrolled as a criminal justice student here in Remington College. I would to thank you all for this great opportunity to speak on the behalf of the state bill NO.568.

I am in full support of this bill should be placed as a mandatory standard. In this case, police should have mental health training annually or yearly to sustain the peace among the people in the community. I believe if we work together to fulfill the task at hand we can lessen the burden that our law enforcement are going through. Therefore I agree to support this bill without no doubt in my mind.

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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Sent: Tuesday, February 10, 2015 7:55 PM
To: PSMTestimony
Cc: etvuong@hotmail.com
Subject: *Submitted testimony for SB568 on Feb 10, 2015 13:05PM*

LATE TESTIMONY

SB568

Submitted on: 2/10/2015

Testimony for PSM/TRA/WTL on Feb 10, 2015 13:05PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Erik Vuong	Individual	Support	No

Comments:

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Subject: RE: Submitted testimony for SB568 on Feb 10, 2015 13:05PM

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Tuesday, February 10, 2015 10:51 AM
To: PSMTestimony
Cc: leuluniuotineru@yahoo.com
Subject: Submitted testimony for SB568 on Feb 10, 2015 13:05PM

SB568

Submitted on: 2/10/2015

Testimony for PSM/TRA/WTL on Feb 10, 2015 13:05PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
leuluniu otineru	Remington College Honolulu CJ Student	Support	No

Comments:

Senate Bill NO. 568

Aloha ladies and gentlemen. My name is Leuluniu Otineru, I'm attending to Remington College studying for my Bachelor's degree in Criminal Justice. I would like to thank you all for being here and giving me this opportunity to speak on the behalf of senate bill NO. 568.

Training programs

Establishes a law enforcement standards board for the certification of county police officers, state public safety officers, and employees of the departments of transportation, beginning on 1/1/2018, prohibits appointment or hiring of these officers unless certified by the law enforcement standards board.

I support on this because it is satisfactorily must completed a basic program of law enforcement training approved by the board. Which included minimum of age, education, physical and mental standards, citizenship, good conduct, moral character, and experience but to helped the community to build up the relationship between the people and the law enforcement. Strongly agreed on this bill much more understand8ing to the community and it feels safer to the public. According to the senate bill, I would need clarity for the terms of "significant." It does not have any clarification of the required time that needs to have in order to qualify for the position. Attorney general appointed to legislation by each mayors is considered not an appropriate selection if they need to be certified by this board. This will cause a conflict of interest.

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LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 4:42 PM
To: PSMTestimony
Cc: stevenkhamel@gmail.com
Subject: Submitted testimony for SB568 on Feb 10, 2015 13:05PM
Attachments: Steven SB 568.docx

SB568

Submitted on: 2/9/2015

Testimony for PSM/TRA/WTL on Feb 10, 2015 13:05PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Steven Hamel	Individual	Support	No

Comments:

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LATE TESTIMONY

SB568

Submitted on: 2/9/2015

Testimony for PSM/TRAWTL on Feb 10, 2015 13:05PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jonathan Bussey	Remington College Honolulu C.J. Student Coalition	Support	No

SB No. 568

I would like to thank the Senators for allowing me to voice my opinion on this bill. My name is Jonathan Bussey and I am a Bachelor Student attending the Remington College Campus in Honolulu for Criminal Justice. I have twenty-four years as a government employee and a total of thirty-three years of military service in the United States Air Force. I am writing you on behalf of this bill to give my input.

I do support the Senate Bill 568 over the House Bill 1210. The House Bill 1210 has too many loose ends allowing a wide range of gray areas to manipulate. I am in favor of Senate Bill 568 because it is a little more in detail in regards of responsibility and showing some form of continuity in regards to certification, standards for performance, and has more binding endorsements on S.B.568 in comparison to the H.B. 1210. Senate Bill establishes the power to terminate positions of less than satisfactory performance and enforce continuity. The Senate Bill is the most important ingredient to regulating the problems relating to the law enforcement standards board. The soul objective is for nothing more than transparency, fairness of victims and officers, and the correction of officers to give the public the sense of security that they are professionals that must ensure the highest form of standards. The demanded of community oversight of police is a must. This bill will basically go hand in hand with the Honolulu Police Commission Mission Statement, Honolulu, Metropolitan Police Recruit minimum Qualification Requirements, and Selection Values. Any other bill, that does not meet these requirements in language equal to S.B. 568 is less that satisfactory to protect and serve the community.

Under the Powers section of page 6, item 9, there should be a response date placed on the area of Investigations and allegations. It should state a minimum report and maximum reporting time on reports that are to be reviewed. As for training, this gives more in detail as to what is the scope of operation in reference to having access to the data when requested to transferred to the board for review. This will show continuity within the training and certification. As for the certification and being registered within the state, I agree that officers must be certified such as doctors, lawyers, security guards and nurses. In the Armed Forces, all military are certified to perform their specialty no matter if they are Military Police or a Chaplains Assistant. All officers are shall be accountable for maintaining their certification and if they do not due to any malicious act, threats, assault or domestic abuse will be subject to their certification to be revoked. The goal of the Commission is to be stern on the rules and regulations, direct with what they are recommending and comply with they're guidelines as a departmental agency of investigative matters. Prosecutors and members of the Police Citizens Advisory Council say a transparent review of helps encourage trust.

With the approval of S.B.568, the disciplinary actions that were identified in February Advertiser on can be fixed to less this kind of conduct. Officers that are called out to respond will follow the proper procedures when there is an altercation and file a report, even if it is involving a fellow officer. This will contribute to eliminating the "Dark Figure of Crime."

LATE TESTIMONY

SB568

Submitted on: 2/9/2015

Testimony for PSM/TRA/WTL on Feb 10, 2015 13:05PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Edwin Villanueva	Remington College Honolulu Student Coalition	Support	No

To all the state senate committee and chairperson thank you for taking the time to read my statement concerning senate bill 568. My name is Edwin Villanueva. I am a senior student at Remington College working on Bachelor's Degree in Criminal Justice and will be graduating in August. I am strongly in support of S.B. 568. In light of the recent situation that occurred just a few months ago e.g. domestic violence involving a police officer, the alleged police brutality that was caught on film during a shakedown in a game room, and the officer who was involved in the extortion of a bar, I believe this bill would benefit the state of Hawaii in many ways. Creating a state board that would provide some governmental oversight on how law enforcement officers conduct their job with the highest of integrity both at the city and county and the state level would be step forward in the right direction.

The objective of law enforcement officers is to protect and serve. They also have the authority to take a life when dangerous circumstances arise. Recent events covered by the media during the past few months clearly show that the integrity of the Honolulu Police Department has been jeopardized by a few officers who have overtly used their authority to extent of scrutiny. What is disturbing is the fact that these officers carry a firearm and badge to acknowledge their role in society. I believe passing senate bill 568 would be a step forward in reorganizing the Honolulu Police Department as well as other law enforcement authorities e.g. Hawaii State Sheriff, The Department of Land and Natural Resourced etc. in the state of Hawaii.

Having said this, the first step is creating a state board that would overlook in the hiring and licensing process of law enforcement officers. The key in the hiring process is licensing and extensive training which means that candidates who are looking for a career as law enforcement officers in the state of Hawaii must have some sort of experience or education such as a two year college degree in order to be hired. Law enforcement officers who are already in the system must also be licensed and must undergo constant retraining as society is changing and new laws are enacted. I have noticed that recent events highlighted by the media have shown a divide between citizens and law enforcement officers. Creating a state board would be a buffer between law enforcement officers and citizens who are concern about the overuse of law enforcement authority. In light of the situation that occurred recently which further the scrutiny of law enforcement officers, there are many officers who still believe that carrying badge and upholding the law is a sense of responsibility that they should abide by.

Sincerely,
Edwin Villanueva

LATE TESTIMONY

SB568

Submitted on: 2/10/2015

Testimony for PSM/TRAWTL on Feb 10, 2015 13:05PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Valenitia Augafa	Remington College Honolulu C.J. Student Coalition	Support	No

Good morning ladies and gentlemen. My name is Valenitia Augafa and I was given a wonderful opportunity this morning to discuss the creation of a State level Standards Board in the Senate Bill Number 568. There has been a great deal of problematic situations surrounding both the Honolulu Police Department and the Department of Public Safety. However, I feel if we implement the Standards Board that is proposed in the bill we will be able to eliminate some of the issues that have been brought to our attention. Honolulu Police Department's motto is making Honolulu the safest place to live work and play. With a well understood and respected motto, society has an idea with expectation of the Honolulu Police Department, and double standards of the law is not one of them. If the internal model of the police policy and procedure is problematic and has the ability to be dismissed by the individuals expected to not only follow the law but uphold it, then how can we believe in the system of the Honolulu Police Department? Currently we have a model structure that is in place for the Honolulu Police Department and any misgiving that might arise within our department, nevertheless, it is flawed. The way it is structured shows the Chief of Police as the final authority pertaining to any actions or misconduct that may arise. Such as, a patrol officer finds his/her self in a domestic violence dispute with their significant other, they could be placed on desk duty with limited powers, or on full active status pending the outcome of an investigation that would take place. Now, our countries legal system was founded on the idea that justice is fair and equal without any reservations toward an individual, until all facts have been presented in court, thus, the idea innocent until proven guilty. The only issue with this surrounds the public servants of the system. We grant more power and privilege to individuals that serve the public in positions of power, such as the Police Officers and the Sheriffs Deputies. These individuals hold a lot more control over our rights, lively hood, and our freedom. They use individual discretion in every situation they are requested to intervene upon. For instance, whether or not they should arrest someone, or just detain them, who they should focus more attention on, how they are going to handle a situation or to what level of degree the situation is that they are about embark on. This can place a lot of strain on an individual whether they are a police officer, or an average citizen. Occasionally, a police officer make a mistake, in which their actions are dictated and scrutinized over. The reason for this is because we give an officer so much power and control that we have placed higher standards on their actions and decisions.

With that being said, this bill requires incoming candidates to have a higher learning level of education. This should provide the officer with more tools and equipment mentally for the task they are given, along with more experience dealing with, handling and understanding a variety of people. Picture this for a moment, I am fresh out of high school and I don't really know what direction I want my life to head in. I have little to no work experience, but I am physically fit and I have graduated high school with passing grades such as C's and D's which means my GPA is around 1.5-2.0. I decided, one day when I turned 20 years old that I am going to join the Police department. So I put in an application and go through the physical agility requirements, along with the written test, which I barely pass. Now I am accepted into the Honolulu Police Academy. I complete the academy training and all requirements, and the city of Honolulu gives me a badge and a gun and tells me to protect and serve my community. Would you have faith in me both mentally and physically to uphold our traditions and the State's legal requirements?

The creation of law enforcement standards board would entail 11 voting members all from different backgrounds, experiences, understandings, and education levels. This will ensure a

diverse yet well rounded scope of thoughts and ideas for the State level requirements. Still, I am uncertain of what it is meant by "significant" experience. In section 2, subsection 1, part 1 and part 2. It reads "Three members with significant law enforcement experience shall be appointed by the governor, in accordance with section 26-34" and "two members who are educators or personnel at a Hawai'i institution of higher education with significant law enforcement or criminal justice knowledge shall be appointed by the governor, in accordance with section 26-34." Should the people that will hold these positions have connection with the law enforcement? Or should they be bias and impartial? What is the time frame that significant means? Should the people who are required to be licensed by this board be the voting members of this board? Is there a possibility to incorporate the Health and Human Services Department as a voting member on this board? The Attorney General is a key member of this Standards board, however the job description states chief of law enforcement officer and chief of law. This could cause a potential conflict of interest if the Attorney General needs to be licensed by this Standards board as well. Who will this board report to?

Overall, this bill is a good bill and it supports the needs of the people. It will help reduce the amount of mistrust that the community feels and hopefully place faith in its stead. This bill has the potential to reduce the amount of alarming and problematic situations that we have found surrounding our public servants. The creations of a State level Standards Board is a step in the right direction we should implement this bill with minor amendments. Thank you for your time and cooperation.

LATE TESTIMONY

SB568

Submitted on: 2/9/2015

Testimony for PSM/TRA/WTL on Feb 10, 2015 13:05PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
william	Remington College Honolulu C.J. Student Coalition	Support	No

Hello my name is William Moore I am a Remington College Honolulu C.J. Student Coalition. I am testifying on behalf of Bill 568. Bill 568 has the ability to become a major regulation force for the law enforcement department as it stands in Hawaii, procedures for revoking police officers' certification are non-existing. Bill 568 would allow the law enforcement standards board to invoke the use of several laws and acts such the Lautenberg amendment would deal with the large amounts of misconduct the plague the law enforcement departments of Hawaii. These types of misconduct are happening more frequently because those in power pick and choose which laws to follow and uphold when it is convenient for them. This bill would include eleven members on the board of standards who come from various areas of law enforcement with highly credible background. They will be given the power to oversee departments of law enforcement and deal with matters swiftly and appropriately without bias uncertainty. These swift acts will improve many departments' standings and image without causing unwanted attention to small in house matters. This bill provides a great plan for providing oversight; however, there are a few aspects of this bill that are unclear such powers under section 3-1 that reference chapter 91 there is no explanation of the rules or guidelines in the this chapter. Those details must be made clear. Section 5 talks about training programs through agencies and institutions. Are these programs the same ones that current law enforcement personnel are certified under? Will new programs be implemented or adjustments made to the current

programs? Will there be retraining for those who are part of misconduct or termination and replacement? Who will run these training and certification programs? Even with these question I still stand in full support of this bill.

LATE TESTIMONY

SB568

Submitted on: 2/9/2015

Testimony for PSM/TRAWTL on Feb 10, 2015 13:05PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Deslynn Ching	Remington College Honolulu C.J. Student Coalition	Support	No

Hello my name is Deslynn Ching and I would like to thank you for this opportunity to submit testimony on SB 568 this bill creates a standards board for all law enforcement which will certify them to work in Hawaii. This is longer overdue the bill shows where other professions must be licensed its odd that we are the only state that doesn't license our police in light of recent events it's time to license the police. I stand in support of this bill.

~~LATE~~ TESTIMONY

SB568

Submitted on: 2/10/2015

Testimony for PSM/TRAWTL on Feb 10, 2015 13:05PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Kenny Wusstig	Individual	Support	No