



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

H.B. NO. 2352, RELATING TO LAW ENFORCEMENT.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

DATE: Wednesday, February 14, 2024 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Adrian Dhakhwa, Deputy Attorney General

Chair Tarnas and Members of the Committee:

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

The purposes of this bill are to: (1) clarify membership requirements for the law enforcement standards board to facilitate participation and representation; (2) enable the board to research the impact of uniform standards, certification, and training on existing legal requirements; (3) establish new deadlines for the completion of the board's responsibilities; and (4) exempt the board administrator from civil service.

The law enforcement standards board, established in 2018 by section 139-2, Hawaii Revised Statutes, is responsible for establishing minimum standards for employment as a law enforcement officer. The board is also responsible for creating and overseeing the certification, re-certification, and revocation of certification processes for law enforcement officers. It must establish minimum criminal justice curriculum requirements for basic, specialized, and in-service courses and programs for the training of law enforcement officers. The board is also responsible for investigating law enforcement officers when there is reason to believe that an officer does not meet the minimum standards for employment.

This bill will aid the board in accomplishing its statutory duties by increasing the size and perspective of the board and allowing ex-officio members to use designees. Currently, only the Chairperson of the Board of Land and Natural Resources and the Director of Taxation are allowed to use designees, whereas the other ex-officio

members do not have the same flexibility. This bill will also help the board accomplish its goals by extending a board member's term from three years to four years, which will enhance the commitment and stability of board members.

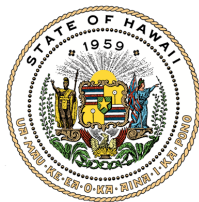
Currently, collective bargaining rules and employment laws govern various aspects of a law enforcement officer's career. Explicitly authorizing the board to study and evaluate these rules and laws will allow the board to establish standards, certification procedures, and training requirements that comport within the existing framework.

Additionally, the board was given an original deadline of July 1, 2019, to establish its standards and certification process. That deadline was pushed back to December 31, 2021. The Legislature provided full funding for the board's administrator and support staff for Fiscal Year 2023-2024, and this bill sets forth a realistic deadline of July 1, 2026, to accomplish all of the statutory duties listed in section 139-3, Hawaii Revised Statutes.

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

The Department respectfully requests the passage of this bill.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



JORDAN LOWE
DIRECTOR

MICHAEL VINCENT
Deputy Director
Administration

SYLVIA LUKE
LT GOVERNOR
KE KE'ENA

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LAW ENFORCEMENT
Ka 'Oihana Ho'okō Kānāwai
715 South King Street
Honolulu, Hawaii 96813

JARED K. REDULLA
Deputy Director
Law Enforcement

TESTIMONY ON HOUSE BILL 2352
RELATING TO LAW ENFORCEMENT

Before the House Committee on Judiciary and Hawaiian Affairs

Wednesday, February 14, 2024; 2:00 p.m.

State Capitol Conference Room 325, Via Videoconference

Testifiers: Michael Vincent, or Jared Redulla

Chair Tarnas, Vice Chair Takayama, and members of the Committee:

The Department of Law Enforcement (DLE) **supports** House Bill 2352.

This bill clarifies the membership of the Law Enforcement Standards Board and adds to certain powers and duties of the Board, and establishes new deadlines for the completion of board responsibilities.

This is an important measure to assist the law enforcement community with the membership requirements and broader participation of law enforcement on the Board, direction to guide the Board in its duties, and deadlines to help establish benchmarks for successful accomplishment of the Board's work.

Thank you for the opportunity to testify in support of this bill.

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

JAMES KUNANE TOKIOKA
DBEDT DIRECTOR

DANE K. WICKER
DBEDT DEPUTY DIRECTOR



BRENNON T. MORIOKA
CHAIR, STADIUM AUTHORITY

RYAN G. ANDREWS
STADIUM MANAGER

CHRIS J. SADAYASU
DEPUTY STADIUM MANAGER

An Agency of the State of Hawaii

TESTIMONY
OF
RYAN G. ANDREWS, STADIUM MANAGER
STADIUM AUTHORITY
Department of Business, Economic Development, and Tourism
Before the

**HOUSE COMMITTEE ON
JUDICIARY & HAWAIIAN AFFAIRS**

February 14, 2024
2:00 PM
State Capitol, Conference Room 325

In consideration of
BILL H.B. 2370
RELATING TO THE STADIUM AUTHORITY

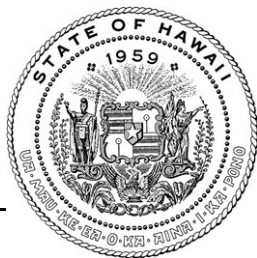
Chair Tarnas, Vice Chair Takayama and members of the Committee.

The Stadium Authority supports House Bill 2370, which proposes amendments to section 109-1, Hawaii Revised Statutes to clarify the requirement to establish a quorum to do business and validate acts of the Stadium Authority.

The current statute is not specific on the requirement for establishing a quorum and the voting requirement to adopt a measure. The Stadium Authority board has had trouble in meeting the quorum requirement set forth in section 92-15, HRS, due to vacancies and a lack of clarity in section 109-1, Hawaii Revised Statutes with its application to non-voting members. This bill will clarify that a majority of the Stadium Authority's currently appointed voting members is required to do business, and the concurrence of a majority of the Stadium Authority's currently appointed voting members is required to take official action.

By establishing clear requirements for quorum and conducting official Stadium Authority business, the public will benefit from transparent and accountable decision-making processes. It enhances public trust in the Authority's actions, as citizens can be confident that decisions are made by a legitimate and representative body.

Thank you for the opportunity to testify.



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**
KA 'OIHANA HO'OMOHALA PĀ'OIHANA, 'IMI WAIWAI
A HO'OMĀKA'IKAI

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

JAMES KUNANE TOKIOKA
DIRECTOR

DANE K. WICKER
DEPUTY DIRECTOR

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Statement of
JAMES KUNANE TOKIOKA
Director

Department of Business, Economic Development, and Tourism before the

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

February 14, 2024
2:00 PM
State Capitol, Conference Room 325

In consideration of
HB 2370
RELATING TO THE STADIUM AUTHORITY

Chair Tarnas, Vice Chair Takayama and members of the Committee.

The Department of Business, Economic Development and Tourism (DBEDT) supports HB 2370, which proposes amendments to section 109-1, Hawaii Revised Statutes to clarify the requirement to establish a quorum to do business and validate acts of the Stadium Authority.

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Thank you for the opportunity to testify.



STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS

" A Police Organization for Police Officers Only "
Founded 1971

February 12, 2024

Via Online

The Honorable David A. Tarnas, Chair
The Honorable Gregg Takayama, Vice-Chair
House Committee on Judiciary & Hawaiian Affairs
Hawaii State Capitol, Rooms 442, 404
415 South Beretania Street
Honolulu, HI 96813

Re: **HB 2352 – Law Enforcement Standards Board**

Dear Chair Tarnas, Vice-Chair Takayama, 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 **opposition** to HB 2352. This bill proposes multiple changes to existing law concerning the Law Enforcement Standards Board (“Board”). Along with eliminating the Board’s previous deadline to finalize its standards, this bill also widens the breadth of the Board’s powers to include review of and conducting its own studies. The bill also adds benchmark dates in 2026 for when its approved trainings and certifications would be applicable as requirements for existing and incoming law enforcement officers.

SHOPO opposes this bill because it creates duplicate certifications, standards, and law enforcement training already established and managed by the respective county police departments through their accredited training academies and does not adequately address collective bargaining rights guaranteed under the Hawaii Constitution.

As you may already know, 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.

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The Honorable David A. Tarnas, Chair
The Honorable Gregg Takayama, Vice-Chair
House Committee on Judiciary & Hawaiian Affairs
February 12, 2024
SHOPO Testimony Page 2
Re: HB 2352 – Law Enforcement Standards Board

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. Ironically, this same legislative body is currently pushing for DLNR's conservation and resources enforcement program to obtain CALEA certification, see e.g., SB 70, and thus, this legislative body clearly believes CALEA is a credible and valid accreditation. It remains unanswered as to how 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.

The bill's proposal to make the Board certification requirement inapplicable to a person "who entered into employment with the applicable county police department or state department before July 1, 2026," *and* when the "termination of employment would violate any valid collective bargaining agreement," has the potential to create dissension among the ranks as it creates two tiers of police officers (those grandfathered and those not) and does not adequately address our members' collective bargaining rights guaranteed under the Hawaii Constitution. See HRS § 89-9. Collective bargaining is required anytime there are changes to wages, hours or working conditions of our members. We maintain our serious concern that the Board's power to revoke an officer's certification may also indirectly conflict with our collective bargaining agreement, the outcome of a grievance proceeding, and HRS chapter 89.

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 that additional county law enforcement officers including an officer from each of the four counties are proposed to sit on the Board, 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.

Finally, we recommend that the appointment of the public members of the Board should be with the advice and consent of the senate like any other board or commission and that the police chiefs themselves should be required to participate rather than pass their responsibilities on to someone else.

The Honorable David A. Tarnas, Chair
The Honorable Gregg Takayama, Vice-Chair
House Committee on Judiciary & Hawaiian Affairs
February 12, 2024
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Re: HB 2352 – Law Enforcement Standards Board

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/or defer until further consideration is given to the issues and concerns we have raised.

Respectfully submitted,

ROBERT “BOBBY” CAVACO
SHOPO President

RC jmo

HB-2370

Submitted on: 2/13/2024 2:26:46 PM

Testimony for JHA on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nicholas Chagnon	Individual	Support	Written Testimony Only

Comments:

This is an important bill that enhances the function of the LE standards board, something we sorely need.