

JOSH GREEN, M.D.
GOVERNOR



STATE OF HAWAII
LAW ENFORCEMENT STANDARDS BOARD
KALANIMOKU BUILDING
1151 PUNCHBOWL STREET, #111B
HONOLULU, HAWAII 96813

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VICE-CHAIR

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RADE VANIC

VICTOR R. MCCRAW
ADMINISTRATOR

March 21, 2026

Chair David A. Tarnas
Vice Chair Mahina Poepoe
House Committee on Judiciary and Hawaiian Affairs
State Capitol, Conference Room 325
415 S. Beretania Street
Honolulu, Hawaii 96813

Re: SB2593, SD1, HD1 Relating to the Law Enforcement Standards Board

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

The Hawaii Law Enforcement Standards Board (LESB) submits this testimony in strong support of SB 2593. This bill amends HRS sections 76-16(b)(41) and 139-3(6), and seeks to exempt newly created staff positions from civil service laws and exclude them from collective bargaining.

The administrative manager, training and curriculum coordinator, and lead investigative agent positions will be critical to getting the LESB to meet the proposed certification deadline of July 1, 2028. The Board's work is specialized in nature and involves security, confidentiality, and professional judgment that are not characteristic of general state employment. The Board's responsibilities require staff who can be entrusted with sensitive information, exercise independent professional judgment, and apply standards uniformly across jurisdictions and agencies statewide.

The security and confidentiality requirements associated with this work, combined with the need to attract highly qualified candidates, justify the exclusion of the identified positions from the civil service laws and collective bargaining. This is essential to ensure that the individuals entrusted with these responsibilities can carry them out with an appearance of impartiality and with full accountability to the Board's regulatory purpose.

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The LESB is administratively attached to the Department of the Attorney General (AG) pursuant to HRS section 139-2(a). The LESB has worked with the AG's Human Resources Division and the Department of Human Resources Development (DHRD). DHRD has reviewed SB 2593 and is willing to agree to the three proposed positions being exempt from civil service and excluded from collective bargaining should SB 2593 become law.

For these reasons, the Hawaii Law Enforcement Standards Board strongly supports SB 2593. The LESB anticipates the necessary funding for these three new positions beginning in Fiscal Year 2027, so we ask that SB 2593 move forward with an amended effective date "upon its approval."

Sincerely,

/s/ Adrian Dhakhwa
Chair, Hawaii Law Enforcement Standards Board

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March 24, 2026

TESTIMONY IN SUPPORT OF SB2593, SD1, HD1
RELATING TO THE LAW ENFORCEMENT STANDARDS BOARD

TO:

Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
House Committee on Judiciary & Hawaiian Affairs

FROM:

Victor McCraw
Administrator, Hawai'i Law Enforcement Standards Board

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

I submit this testimony in support of SB2593, SD1, HD1 in my capacity as Administrator of the Hawai'i Law Enforcement Standards Board.

HRS chapter 139 assigns the Board a unique statewide regulatory function. The Board establishes and maintains minimum standards for the profession of law enforcement across Hawai'i, including employment standards, training standards, certification status, and compliance oversight. These responsibilities are not advisory. They are regulatory, statewide, and must be conducted in a manner that is consistent, neutral, and defensible.

SB2593, SD1, HD1 supports the effective staffing of the Law Enforcement Standards Board (LESB) by exempting three new, essential positions from civil service and excluding them from collective bargaining: the Administrative Manager, the Training and Curriculum Coordinator, and the Lead Investigative Agent. It does not remove any existing position from the State's civil service system or collective bargaining framework but instead establishes exempt and excluded status only for these newly created LESB positions.

Exempt and excluded status for these positions is required based on three fundamental dimensions of the work.

First, the work is unique, specialized, and cannot be staffed through standard civil service recruitment or pay structures. These roles combine statewide law enforcement standards administration and enforcement, sensitive employment-related records management, and ongoing compliance and investigative functions that do not align cleanly with existing civil service class specifications. For these reasons, exempt status is necessary to recruit and retain qualified candidates at competitive, market-based salaries appropriate for these specialized regulatory, training, and investigative functions.

Second, the work requires personnel who are entrusted with sensitive, legally protected certification and professional standards records. The work demands strict confidentiality, disciplined access control, and legally defensible records handling.

Third, the work requires independence from collective bargaining. Exempt and excluded status prevents divided obligations, inherent conflicts of interest, and supports consistent, defensible decision-making.

Administrative Manager

This position is responsible for secure, controlled administration of the Board's statewide certification and training records environment. It supports the Board's regulatory decisions by managing the systems, workflows, and record controls for information that directly affects officer certification status and employment eligibility statewide.

The records involved are not routine administrative files. They include statewide certification and employment compliance records for every certified law enforcement officer in Hawai'i, records used to determine officers' certification eligibility and minimum standards compliance, and materials generated or maintained for certification action review and proceedings. This information is legally sensitive, often personal, and must be handled under strict confidentiality, disciplined access control, and defensible records governance.

This scope and sensitivity require a manager-level position with regulatory records governance responsibility, not routine clerical, or administrative office support.

Law Enforcement Training and Curriculum Coordinator

This position controls the Board's statewide training standards system under HRS chapter 139. The work is to set, maintain, and enforce minimum training and curriculum standards for law enforcement officers statewide, including the Board's approval and oversight of basic, specialized, and in-service training programs.

The position has statewide authority over what training content qualifies, what minimum curriculum must be delivered, who is qualified to instruct, and how compliance is evaluated. It also controls the integrity of certification testing, including development and custody of examinations, answer keys, and examination records. Those materials are confidential and affect employment eligibility, certification status, and career progression.

Exempt and excluded status supports the Board's ability to recruit and retain a qualified candidate for this statewide standards function and protects the independence required to apply training and testing standards consistently across agencies, including when those determinations affect officers who are members of collective bargaining units.

Lead Investigative Agent

This position is the Board's lead for certification-related investigative review and case preparation under HRS chapter 139. The position conducts investigations into certification eligibility, officer misconduct allegations, and violations of administrative rules, and supports certification action proceedings that can result in suspension or revocation.

This work requires specialized investigative expertise and disciplined case management. The position develops investigative plans, obtains and evaluates records and statements, prepares investigative reports and recommendations for Board consideration, and coordinates case files, evidence packages, and witness preparation for administrative hearings and related proceedings.

This position is entrusted with highly sensitive and legally protected materials, including misconduct allegations, personnel and disciplinary records, witness statements, investigative reports, and evidentiary records prepared for contested proceedings. The work demands strict confidentiality, controlled access, and defensible evidentiary handling.

Independence from collective bargaining is an operational necessity for this position because it supports neutral certification action decision-making affecting officers statewide and requires access to confidential investigative and certification materials used in those determinations.

SUMMARY

SB2593, SD1, HD1 establishes the exempt and excluded staffing foundation the Board needs to implement HRS chapter 139 as intended. It authorizes the Board to recruit and retain the specialized personnel required for statewide records governance, statewide training and curriculum standards administration, and certification-related investigative review. These core functions support consistent, neutral, and defensible standards administration statewide and protect the integrity and confidentiality required for certification and professional standards work.

The Board and I are in communication with DHRD. The Board, administratively attached to the Department of the Attorney General, is working with the AG Human Resources staff to iron out these classification issues.

Respectfully submitted,



Victor McCraw
Administrator
Hawai'i Law Enforcement Standards Board



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-Third Legislature, State of Hawaii
House of Representatives
Committee on Judiciary & Hawaiian Affairs

Testimony by
Hawaii Government Employees Association

March 24, 2026

S.B 2593 SD1, HD1 – RELATING TO THE LAW ENFORCEMENT STANDARDS BOARD

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO opposes the purpose and intent of S.B 2593 SD1, HD1 which would remove certain positions within the Law Enforcement Standards Board from the State's civil service system and collective bargaining framework.


HGEA respectfully urges lawmakers to look carefully at the larger policy direction reflected in this bill. While this measure is presented as a response to recruitment and staffing challenges at the Law Enforcement Standards Board, it does not address the true source of the problem. Instead, it asks the Legislature to legitimize a Department of Human Resources Development (DHRD) workaround by moving positions out of the State's civil service and collective bargaining system rather than requiring the State to fix its own failing civil service hiring process. If departments believe hiring is too slow or too difficult, the proper response is to reform civil service recruitment timelines, modernize hiring practices, and address compensation where justified, not to seek legislative approval to bypass Chapters 76.

This is a union busting measure. Over the past six years, the State has increased exempt positions by about 600, or 25 percent. Many of these exempt employees are members of our union, and proposals like this create employees with fewer rights, which weakens our ability to advocate for union members. Furthermore, this increase not only undermines the civil service system, but also points to an ugly truth: one day, exempt positions in state government may outnumber civil service positions.

Furthermore, If the State believes positions should be excluded from collective bargaining, that issue should be addressed through the proper labor relations process, including the Hawaii Labor Relations Board, not inserted into legislation as a shortcut around collective bargaining law. Chapter 89 has existing criteria in determining whether a position should be excluded from collective bargaining.

Thank you for the opportunity to testify in opposition of S.B. 2593 SD1, HD1

Respectfully submitted,


Randy Perreira
Executive Director