

UNAPPROVED DRAFT

LAW ENFORCEMENT STANDARDS BOARD

**THURSDAY, OCTOBER 15, 2020, 10:00 AM
MEETING HELD VIA VIDEO CONFERENCE PURSUANT TO THE
GOVERNOR'S THIRTEENTH EMERGENCY PROCLAMATION.**

MEETING MINUTES

I. Call to Order; Public Notice; Roll Call and Quorum Determination.

At 10:01 a.m., the meeting was called to order by Chair Todd Raybuck, who noted that the meeting was conducted pursuant to part I of chapter 92 Hawaii Revised Statutes and Board compliance with the notice requirements pursuant to those provisions.

Board members present: Todd Raybuck, Tivoli Faaumu, Clare Connors, Paul Ferreira, Susan Ballard, Craig Tanaka, Henry Haina, Gary Yamashiroya, Isaac Choy, Nicholas Courson, Lynn Araki-Regan, Harry Kubojiri, Sherry Bird, and Samuel Jelsma. The attendees constituted a quorum.

Also present from the Attorney General's Office: Dana Viola, Daniel Jacob, Krissy Awakuni, Lia Tengan, and Lance Goto.

Introduction of Members. Completed.

(Prior to the meeting, the following items were distributed to the Board members: the meeting notice and agenda, unapproved minutes from October 18, 2019 and December 17, 2019 meetings, proposed legislation and justification sheet, the draft annual report of the Board, and Act 47 (20)).

II. Public Testimony. Chief Raybuck asked if there was any public testimony on the agenda items. There was no public testimony offered.

III. Approval of Board minutes:

Minutes for October 18, 2019. There was a motion to approve the minutes of the meeting on October 18, 2019, and a second. The Board completed a roll call vote to approve the minutes. All Ayes with SBallard being excused.

Minutes for December 17, 2019. There was a motion to approve the minutes of the meeting on December 17, 2019, and a second. The Board completed a roll call vote to approve the minutes. All Ayes with SBallard being excused.

- IV. Review and discuss the Proposed Legislation for 2021 to address membership, funding, resources, and deadlines for the Board. LGoto gave an overview of the revisions to the bill.

TFaamu raised concerns about item #11 on page 17 of the bill regarding the Board's authority to revoke certifications. He questioned at what point throughout the process of collective bargaining grievances and procedures does the Board revoke certification.

TRaybuck noted that similar concerns were discussed at the October 18, 2019 meeting. He expressed that this is a challenge that the Board must face as it goes forward. Guidelines must be established.

GYamashiroya said that the Board needs to resolve how it will do things. In the future, the Board needs to discuss the basis in which it will be denying, approving, and revoking certifications. The Board will also need to decide on the process for approving applications.

NCourson raised concerns about the language used in section 139-7 (b) (2), on page 19, lines 4-7. It may be interpreted as an exception to the certification requirement for all current law enforcement officers.

LGoto indicated that this language was added during the last legislative session, possibly to address concerns on collective bargaining. He suggested that the Board could take this language out and address the issue during the next session.

After further Board discussion, TRaybuck said he appreciated the conversation, felt there was a need to clarify the concerns, and did not want to cause harm to current officers.

NCourson indicated that he was not going to make a motion regarding his concerns.

TFaamu moved to approve the bill as written and was seconded by CTanaka. The Board completed a roll call vote to approve the bill. All Ayes with SBallard being excused.

- V. Annual Report of the Law Enforcement Standards Board to be submitted to the Thirty-First State Legislature, Regular Session of 2021.

NCourson moved to amend section II by adding a new paragraph (6) to reflect that the Board discussed Board administrative procedures.

There was a motion to approve the annual report as amended, and a second by GYamashiroya. The Board completed a roll call vote to approve the report. All Ayes, with SBallard being excused.

- VI. Act 47 (20), HB 285 HD 1, SD 2, CD 1, Relating to Public Safety. LGoto gave an overview of the new Board revisions on Act 47 that was passed in last year's session starting on section 3. There were no questions or concerns.
- VII. Legal counsel for the Board. The Attorney General has approved for Deputy Daniel Jacob to provide legal counsel to the Board on issues regarding the Sunshine Law.
- VIII. Discussion and approval on allowing the Chair to send letters on behalf of the Board to selected state Police Office Standards Boards for info sharing and assistance in establishing Hawaii Law Enforcement standards.

NCourson agrees that sending letters to other Standards Board would move the Board forward, and would give us insight on how other states handle collective bargaining issues and what the structure of their administrative staffing is like.

NCourson made a motion to allow the Chair to send letters to selected state Police Office Standards Boards. Seconded by LAraki-Regan. The Board completed a roll call vote and approved the motion. All Ayes with SBallard being excused.

TRaybuck will draft the letters on behalf of the Board and will send them out.

- IX. Staff responsibilities, expectations, and challenges with lack of funding.

The Board's previous request to the Legislature was not fulfilled. In the new request, the Board has asked for funding in order to hire full-time staff that can work on Board duties consistently and push it forward.

- X. Board Administrative Procedures. (Considerations to start building a framework for Board operations, such as Board rules and administrative procedures.)

Board discussed possible meeting schedule.

DJacob informed the Board that under the Sunshine Law, a permitted interaction group can be created that allows the Board to identify a particular area in which they want to address, where more than two people but less than a quorum can meet freely to discuss topics assigned. This permitted interaction group would have to be created at the first meeting, at the second meeting they would report what they discussed, and at the third meeting the Board can discuss and take action.

TRaybuck suggested that the Board meet in December.

NCourson moved to adjourn the meeting and was the motion was seconded by TFaamu. The meeting was adjourned at 11:21 AM.