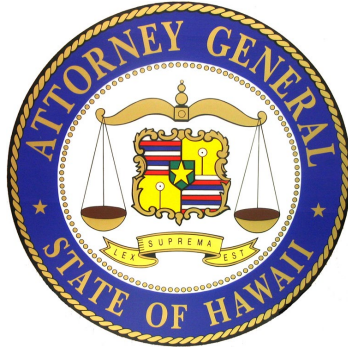


State of Hawai‘i  
Department of the Attorney General



REPORT ON THE LAW  
ENFORCEMENT STANDARDS BOARD

Pursuant to Section 139-9, Hawaii Revised Statutes

Submitted to  
The Thirty-Second State Legislature  
Regular Session of 2024

Section 139-9, Hawaii Revised Statutes (HRS), requires the Law Enforcement Standards Board, established within the Department of the Attorney General for administrative purposes only, to submit a report to the Legislature that includes:

- (1) A description of the activities of the board;
- (2) An accounting of the expenditures from the law enforcement standards board special fund in the previous fiscal year and the remaining balance of the fund; and
- (3) Recommended legislation, if any.

**I. The Law Enforcement Standards Board:**

The Law Enforcement Standards Board (“Board”) was established by Act 220, Session Laws of Hawaii 2018 (“Act 220”), which added to the HRS a new chapter that is codified as chapter 139. The Board is charged with providing programs and standards for training and certification of law enforcement officers. Specifically, as set forth in section 139-3, HRS, the Board shall:

- (1) Adopt rules in accordance with chapter 91 to implement this chapter;
- (2) Establish minimum standards for employment as a law enforcement officer and to certify persons to be qualified as law enforcement officers;
- (3) Establish criteria and standards in which a person who has been denied certification, whose certification has been revoked by the board, or whose certification has lapsed may reapply for certification;
- (4) Establish minimum criminal justice curriculum requirements for basic, specialized, and in-service courses and programs for schools operated by or for the State or a county for the specific purpose of training law enforcement officers;
- (5) 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;
- (6) Employ, subject to chapter 76, an administrator and other persons necessary to carry out its duties under this chapter;
- (7) 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:
  - (A) Subpoena persons, books, records, or documents;

- (B) Require answers in writing under oath to questions asked by the board; and
- (C) Take or cause to be taken depositions as needed in investigations, hearings, and other proceedings, related to the investigation;
- (8) Establish and require participation in continuing education programs for law enforcement officers;
- (9) Have the authority to charge and collect fees for applications for certifications as a law enforcement officer;
- (10) Establish procedures and criteria for the revocation of certification issued by the board;
- (11) Have the authority to revoke certifications; and
- (12) Review and recommend statewide policies and procedures relating to law enforcement, including the use of force.

## II. **Activities of the Board**

At its July 26, 2023 meeting, the Board:

- (1) received the report of Permitted Interaction Group II (PIG II), tasked to propose bylaws for adoption by the Board. PIG II recommended that consistent with advice from the Department of the Attorney General, that rules consistent or mirroring Roberts Rules and the Hawaii Revised Statutes be removed from the Board's bylaws to prevent future inconsistencies. PIG II also recommended that the Board's bylaws be amended to reflect 14 Board members, pursuant to Act 278 of the 2023 Legislative Session;
- (2) Board received the report and drafts position descriptions proposed by Permitted Interaction Group I for Law Enforcement Standards Board staff positions titled "Board Administrator" and "Office Assistant". PIG I also recommended that the Administrator position have a have a minimum qualification of 10 years' experience with 5 years of supervisory experience; preferred qualifications to be 25 years of experience.
- (3) Received report from Vice Chair Adrian Dhakhwa regarding the approved budget for the Law Enforcement Standards Board in the following amounts:
  - (A) Administrator: \$120,000 for fiscal years 2024-2025
  - (B) Office Assistant: \$38,238 for fiscal year 2024, and \$40,248

for 2025

- (C) Office Supplies: \$3,000 for fiscal years 2024-2025
- (D) Nothing for rent and office space, with current plans for the Board office space to be in the State Office Tower

At its August 31, 2023, meeting, the Board:

- (1) Approved the recommendations and proposed Law Enforcement Standards Board Bylaws drafted by Permitted Interaction Group II (PIG II);
- (2) Approved the recommendations and proposed Position Descriptions for (1) Board Administrator and (2) Office Assistant as drafted by Permitted Interaction Group I;
- (3) Received a status report regarding Senate Bill No. 1046 (2021) and House Bill No. 892 (2021) and matters raised in Board legislation that remain unaddressed;
- (4) Discussed proposed amendments to Senate Bill No. 1046 (2022) and House Bill No. 892 (2022) to address concerns regarding consistency with Act 278 of the 2022 Legislative Session, future funding of the board, clarification of Board powers, deadlines for Board to meet statutory requirements, additional Board staffing, and other matters of importance to the purpose and goals of the Law Enforcement Standards Board.

At its September 25, 2023, meeting, the Board:

### **III. Accounting of Expenditures**

No expenditures.

### **IV. Recommended Legislation**

The Board continues to support legislation for 2024 that would be similar to the legislation submitted for the 2022 legislative session and would address the following:

- (1) Deadlines for completing Board responsibilities.
- (2) Other Board costs such as workspace, a contract researcher, travel for board members, and operational costs such as copying and supplies.
- (3) Board Administrator not exempt from civil service requirements under Chapter 76, Hawaii Revised Statutes.

- (4) Five, instead of two, law enforcement officer members.
- (5) Designees for all ex officio members.
- (6) Extend the terms of the members from three to four years.
- (7) Excepting from the certification requirement, those law enforcement officers who were employed before July 1, 2026, and termination of the employment would violate any collective bargaining agreement.