

TITLE XX

LAW ENFORCEMENT STANDARDS BOARD

CHAPTER XX-2

LAW ENFORCEMENT OFFICER CERTIFICATION

DRAFT (5-12-2025)

§XX-2-1 Purpose and Scope

- (a) This chapter establishes the minimum certification standards for law enforcement officers in the State of Hawaii, as required under HRS §139-3 and §139-6.
- (b) These rules apply to all individuals seeking certification as a law enforcement officer under HRS Chapter 139, including officers employed by:
 - (1) County police departments;
 - (2) The Department of Law Enforcement;
 - (3) The Department of the Attorney General;
 - (4) The Department of Land and Natural Resources; and
 - (5) Any other state or county agency with law enforcement authority.
- (c) This chapter establishes:
 - (1) Eligibility requirements for initial and provisional certification;
 - (2) Application, background investigation, and character review procedures;
 - (3) Certification classifications, including conditional, executive, lateral, and alternative certifications;
 - (4) Certification maintenance, reinstatement, and ineligibility conditions; and
 - (5) Agency reporting responsibilities for certification applicants and status changes.
- (d) The definitions in Chapter XX-1 apply to this chapter. Any additional terms specific to certification requirements are defined within this chapter.
- (e) This chapter is supported by and cross-referenced with the following LESB rules:
 - (1) Chapter XX-1: General provisions and definitions;
 - (2) Chapter XX-3: Training standards and academy requirements for certification;
 - (3) Chapter XX-4: Instructor qualifications for LESB-approved training;
 - (4) Chapter XX-5: Training credit, continuing education, and compliance tracking;
 - (5) Chapter XX-6: Certification actions, suspension, revocation, and appeals; and
 - (6) Chapter XX-9: Waivers, variances, and temporary certification provisions.
- (f) Training requirements referenced in this chapter, including those addressing equivalency, transitional training, or cultural competency, shall be interpreted in conjunction with Chapter XX-3. [Eff. 7/1/26] (Auth: HRS §§139-2, 139-3) (Imp: HRS §§139-3, 139-6)

§XX-2-2 New-Hire Certification Requirements

(a) General eligibility for new-hire certification

Per HRS §139-6(a), no person may exercise law enforcement authority unless certified by the Board. New-hire officers must complete certification before performing solo law enforcement duties. To qualify for initial certification, an applicant shall:

- (1) Be at least twenty-one (21) years of age;
- (2) Be a U.S. citizen or lawful permanent resident;
- (3) Possess a high school diploma or GED;
- (4) Be employed, or have a conditional offer of employment, from a law enforcement agency recognized by the Board;
- (5) Successfully complete a medical and psychological fitness evaluation, as required by the employing agency or approved by the Board;
- (6) Successfully complete all training required under Chapter XX-3;
- (7) Pass a background investigation in accordance with §XX-2-4;
- (8) Have no felony convictions or disqualifying misdemeanor offenses, as defined in Chapter XX-6; and
- (9) Have no prior certification denial, suspension, or revocation in any jurisdiction, unless the action has been rescinded or reviewed and waived by the Board in accordance with Chapter XX-6.

(b) Prerequisites for certification application

A person may complete a Board-recognized Phase I training program prior to employment. However, an application for certification shall not be accepted unless the person:

- (1) Provides proof of successful completion of Phase I training;
- (2) Submits documentation of a completed background investigation in accordance with §XX-2-4; and
- (3) Is employed or sponsored by a law enforcement agency recognized by the Board.

(c) Provisional certification for incumbent law enforcement officers

(1) Any officer actively serving in a Hawaii law enforcement agency as of the effective date of these rules, who has not previously been required to obtain Board certification, may apply for provisional certification under the following conditions:

(A) The officer submits an application to the Board within eighteen (18) months of the effective date of these rules;

(B) The officer undergoes a background investigation as described in §XX-2-4. The Board may suspend certification to investigate conduct that occurred prior to the effective date that meets the mandatory certification action criteria in Chapter XX-6; and

(C) The officer completes a Board-approved transitional training program in accordance with Chapter XX-3.

(2) Officers granted provisional certification shall have a period of eighteen (18) months to:

(A) Successfully complete any additional training required by the Board to meet certification standards; and

(B) Address any deficiencies identified during the review process.

(3) Provisional certifications issued under this section shall expire eighteen (18) months from the date of issuance, unless extended by the Board for good cause.

(4) Failure to achieve full certification within this period shall result in an administrative suspension of provisional certification and termination of law enforcement authority, unless and until the Board restores conditional certification status or determines that the requirements of §XX-2-5(a)(3) have been met.

(5) Officers whose provisional certification has expired and who remain uncertified may reapply for certification only upon request of an employing agency and approval by the Board.

(d) Appeals and due process

An officer whose application for certification is denied under this section based on disqualifying conduct or eligibility criteria may appeal the decision in accordance with §XX-2-6 and Chapter XX-6. [Eff. 7/1/26] (Auth: HRS §§139-2, 139-3) (Imp: HRS §139-3)

§XX-2-3 Certification of Incumbent Officers

(a) Applicability

This section establishes the certification process for law enforcement officers employed in the State of Hawaii prior to the implementation of Board certification requirements, as mandated under HRS Chapter 139.

(b) Certification requirement for incumbent officers

(1) Any officer employed prior to July 1, 2026, must obtain certification from the Board by December 31, 2027.

(2) Incumbent officers shall complete a Board-mandated transitional training program rather than a full basic academy, as described in §XX-3-9.

(c) Certification process

(1) Certification by grandfathering

(A) A law enforcement officer who is employed by a recognized law enforcement agency in the State of Hawaii on the effective date of these rules shall be granted certification if the officer:

(i) Meets the requirements for new-hire certification set forth in §XX-2-2; and

(ii) Has not been subject to certification denial, suspension, or revocation in another jurisdiction, unless otherwise reviewed and approved under Chapter XX-6.

(B) The employing agency shall submit documentation verifying that the officer meets the requirements for certification.

(C) The Board shall issue certification upon verification that the application is complete and the officer meets the criteria in §XX-2-2.

(2) Conditional certification for officers with training standardization requirements

(A) A law enforcement officer who meets the employment, character, and background requirements of §XX-2-4, but who has not completed a training program that meets the Board's minimum standards under Chapter XX-3, may be granted conditional certification.

(B) Conditional certification shall be valid for a period not to exceed twenty-four (24) months, during which the officer shall complete all Board-mandated supplemental or remedial training.

(C) Upon submission of documentation verifying completion of the required training, the Board shall grant full certification.

(D) Failure to complete the required training within the prescribed period may result

in administrative suspension or revocation of certification, in accordance with §XX-2-6 and Chapter XX-6.

(3) Individual certification eligibility review

(A) A law enforcement officer with a history of criminal convictions, sustained misconduct findings, or prior certification action in another jurisdiction shall be subject to an individual eligibility review by the Board.

(B) The Board shall consider:

(i) The nature and severity of the prior conduct or findings;

(ii) Whether the conduct would disqualify a new-hire applicant under §XX-2-2;

and

(iii) Whether the officer has demonstrated sufficient rehabilitation or corrective efforts to satisfy the Board that certification is appropriate.

(C) Following review, the Board may:

(i) Grant full certification;

(ii) Deny certification; or

(iii) Issue conditional certification, subject to additional training, monitoring, or compliance requirements under Chapter XX-6.

(d) Appeals and due process

(1) An officer whose application is denied under subsection (c)(3) may appeal the decision in accordance with §XX-2-6 and the procedures set forth in Chapter XX-7.

(2) An officer granted conditional certification under subsection (c)(2) or (c)(3) may request an extension of the remedial training period, subject to Board approval pursuant to Chapter XX-9.

(3) Employment actions taken by an employing agency in response to certification status shall be governed by applicable collective bargaining agreements and internal agency policies. [Eff. 7/1/26] (Auth: HRS §§139-2, 139-3) (Imp: HRS §§139-3, 139-6)

§XX-2-4 Background Investigation and Character Review

(a) Employing agencies shall conduct a comprehensive background investigation on all applicants for certification, which shall include:

(1) A criminal history check at the federal, state, and local levels;

(2) A review of prior law enforcement employment history, including any disciplinary actions;

(3) Personal and professional reference checks;

(4) Social media and online conduct screening, where legally permissible;

(5) Financial history review, where applicable and in compliance with state and federal laws; and

(6) Drug and substance abuse screening, as determined by the employing agency.

(b) LESB may audit any background investigation file to ensure compliance with certification standards.

(c) An applicant shall be disqualified from certification if they:

(1) Have been convicted of a felony or a misdemeanor involving moral turpitude;

(2) Have been terminated for cause from a previous law enforcement position due to misconduct related to dishonesty, excessive use of force, or civil rights violations;

(3) Have falsified, misrepresented, or omitted material information in their certification application; or

(4) Have a documented history of unethical or unprofessional behavior that, in the Board's determination, is incompatible with law enforcement service. [Eff. 7/1/26]
(Auth: HRS §139-2, §139-3) (Imp: HRS §139-3, §139-6)

§XX-2-5 Certification Compliance Deadlines and Extensions

(a) Certification prerequisites for new officers

(1) A person shall not perform field training activities or initiate contact with the public under the authority of a law enforcement agency unless the person has been issued a conditional certification by the Board.

(2) Conditional certification shall be issued only after the applicant:

(A) Completes a Board-recognized Phase I training program;

(B) Passes a background investigation in accordance with §XX-2-4; and

(C) Is employed or sponsored by a law enforcement agency recognized by the Board.

(3) Full certification shall be awarded upon successful completion of all certification training phases defined in Chapter XX-3 and demonstration of competence through Board-approved assessments.

(4) Conditional certification issued under this section shall be valid for a period not to exceed six (6) months, unless extended by the Board for good cause. Failure to achieve full certification within this period shall result in administrative suspension of conditional certification and termination of law enforcement authority, unless and until the Board restores conditional certification status or determines that the requirements of §XX-2-5(a)(3) have been satisfied.

(b) Extensions for good cause

(1) An officer or their employing agency may request an extension under Chapter XX-9 if the officer is unable to complete certification within the required time frame due to:

(A) Military leave or deployment, including National Guard activation;

(B) Authorized extended leave under the Family and Medical Leave Act (FMLA);

(C) Leave due to documented injury or illness;

(D) Pregnancy-related leave or agency-approved maternity or paternity leave;

(E) Unavoidable training delays not caused by the officer, including limited academy availability; or

(F) Any other good cause as determined by the Board.

(2) The extension request shall:

(A) Be submitted at least thirty (30) days before the certification deadline, unless circumstances prevent timely submission;

(B) Include documentation substantiating the reason for the request; and

(C) Outline a reasonable completion plan for certification within the additional time requested.

(3) No extension under this section shall exceed the maximum extension period permitted under Chapter XX-9.

(c) Consequences of non-compliance

(1) Officers who fail to complete certification within the prescribed time frame, including any approved extension, shall be reported to the Board as ineligible for certification.

(2) An officer who fails certification for reasons not involving disqualifying conduct—

such as academic or performance deficiencies—may reapply for certification only after a waiting period of six (6) months.

(3) Officers denied certification due to conduct that meets the decertification criteria under Chapter XX-6 shall be permanently ineligible for reapplication unless otherwise authorized by the Board. [Eff. 7/1/26] (Auth: HRS §139-2, §139-3) (Imp: HRS §139-3, §139-6)

§XX-2-6 Certification Requirements for Executive-Level Officers

(a) Eligibility for Executive-Level Certification

(1) A law enforcement officer holding the rank of lieutenant or higher, with at least ten (10) years of full-time law enforcement experience, may qualify for executive-level certification if their duties are primarily administrative.

(2) For the purpose of executive-level certification, “primarily administrative” shall mean that the applicant is not assigned to routine or regular patrol duties.

(3) Officers eligible under this section shall complete executive certification training requirements within eighteen (18) months of assuming an executive position.

(b) Training Requirements

(1) An applicant for executive certification shall complete a minimum of 100 hours of LESB-approved executive training, which may include:

- (A) Leadership and command decision-making;
- (B) Law enforcement budgeting and resource management;
- (C) Policy development and strategic planning; and
- (D) Crisis management and high-risk incident command.

(c) Alternative Certification Pathways

(1) Officers possessing a POST Executive Certification or equivalent from another state that meets or exceeds Hawaii’s standards may apply for reciprocity certification under Chapter XX-3.

(2) Officers who previously held executive-level certification in Hawaii and left law enforcement for more than five (5) years must complete a refresher executive training program before reinstatement.

(d) Exemptions from Entry-Level Certification Requirements

(1) Officers qualifying for executive certification under this section are exempt from basic academy training requirements under §XX-2-2, provided they meet all executive training standards.

(2) Any officer failing to meet executive certification requirements may apply for standard certification if they meet the criteria under §XX-2-2. [Eff. 7/1/26] (Auth: HRS §139-2, §139-3) (Imp: HRS §139-3, §139-6)

§XX-2-7 Certification of Lateral Officers and Military Equivalents

(a) Purpose

This section establishes the process for certification of law enforcement officers who are currently or previously certified in another United States jurisdiction or who have recent, qualifying military law enforcement experience, and who seek certification in the State of Hawaii.

(b) Eligibility

To be eligible for certification under this section, the applicant shall:

(1) Be employed or sponsored by a Hawaii law enforcement agency recognized by the Board;

(2) Hold valid certification or licensure from another U.S. state, territory, or federal agency, or have completed an equivalent military law enforcement program;

(3) Submit documentation of the training and experience underlying such certification, which shall be reviewed by the Board to determine whether it is substantially equivalent to the Board's minimum training requirements;

(4) Undergo a background investigation consistent with the standards set forth in §XX-2-4; and

(5) Meet the minimum employment requirements specified in §XX-2-1.

(c) Training requirements

Applicants shall complete any Board-prescribed supplemental training not previously covered through equivalent experience or instruction. The content, format, and delivery of this training shall be defined in Chapter XX-3.

(d) Equivalency review

The Board shall evaluate the applicant's prior training and experience to determine:

(1) Whether equivalency with Board-approved standards exists; and

(2) Whether supplemental or remedial training is required to address competency gaps.

(e) Conditional certification

An applicant may be granted conditional certification under the following terms:

(1) The applicant may perform law enforcement duties only under the direct supervision of a certified officer;

(2) Any required supplemental training must be completed within six (6) months unless extended by the Board for good cause; and

(3) Conditional certification is not a guarantee of full certification and may be rescinded if training requirements are not met.

(f) Full certification

Full certification shall be issued upon successful completion of all required supplemental training and a determination by the Board that the applicant meets or exceeds all applicable standards.

(g) Denial

The Board may deny certification if:

(1) The applicant fails to meet eligibility or training equivalency standards; or

(2) Disqualifying conduct is identified during the background investigation as defined under §XX-2-4. [Eff. 7/1/26] (Auth: HRS §§139-2, 139-3) (Imp: HRS §§139-3, 139-6)

§XX-2-8 Alternative Certification Levels

(a) Authority to establish alternative certification

(1) Pursuant to sections 139-3, 139-5, and 139-6, Hawaii Revised Statutes, the Board may establish alternative levels of certification to ensure that certification requirements align with the operational needs of law enforcement agencies while maintaining compliance with statutory training standards.

(2) The Board may create additional certification classifications for officers whose enforcement responsibilities do not require full authority certification, provided that such classifications meet the minimum statutory training requirements under chapter 139, Hawaii Revised Statutes.

(b) Eligibility for alternative certification

(1) Alternative certification levels may apply to officers who:

(A) Are employed by state, county, or municipal agencies with enforcement responsibilities that do not require full authority certification; and

(B) Perform specialized enforcement functions requiring a certification level tailored to their role and legal authority.

(2) Officers certified under an alternative certification level shall be subject to training standards approved by the Board and must complete all required training within eighteen (18) months of appointment.

(3) Alternative certifications shall be subject to renewal and continuing education requirements as set forth in Chapter XX-5.

(c) Specialized or reserve certifications

(1) The Board may establish specialty officer certifications consistent with the operational needs of agencies.

(2) Alternative certification classifications may include, but are not limited to:

(A) **Reserve peace officers** – Part-time, limited-duty officers working under the direct supervision of fully certified officers;

(B) **Specialized agency officers** – Officers performing non-patrol functions such as natural resource enforcement, regulatory investigations, or transportation security; and

(C) **Limited authority officers** – Officers assigned to specific regulatory or compliance enforcement duties requiring certification but not full patrol authority.

(d) Training and compliance requirements

(1) Training requirements for alternative certifications shall be approved by the Board and proportionate to the scope of an officer's enforcement responsibilities.

(2) Agencies employing officers under alternative certification levels shall:

(A) Ensure compliance with all Board-mandated training requirements;

(B) Submit annual training reports verifying completion of required coursework; and

(C) Provide the Board with a written justification for employing officers under an alternative certification category.

(3) Officers certified under alternative certification levels shall be subject to certification action procedures under Chapter XX-7 if they fail to comply with Board-approved training or professional standards. [Eff. 7/1/26] (Auth: HRS §§139-2, 139-3, 139-5, 139-6) (Imp: HRS §§139-3, 139-6)

§XX-2-9 Law Enforcement Training Academy Approval and Instructor Standards

(a) Purpose

This section establishes standards for Board-approved training academies and instructors, ensuring that all officers receive training consistent with the requirements of chapter 139, Hawaii Revised Statutes.

(b) Board-approved training academies

(1) Certification requirement

An individual seeking certification under this chapter must complete basic training at a law enforcement academy approved by the Board, as required by §XX-3-3.

(2) Academy approval and compliance

(A) Approved academies shall comply with curriculum requirements set forth in

Chapter XX-3; and

(B) The Board shall conduct periodic reviews and audits to verify compliance.

(c) Instructor qualifications

(1) Instructors must be certified or approved by the Board, in accordance with standards established in Chapter XX-4.

(2) An employing agency may petition the Board for approval of non-certified subject-matter experts, as provided in Chapter XX-4.

(d) Training credit eligibility

(1) Training credit policies shall be administered in accordance with Chapter XX-5.

(2) Instruction shall qualify for training credit only if it meets both instructor and curriculum standards adopted by the Board. [Eff. 7/1/26] (Auth: HRS §§139-2, 139-3, 139-6) (Imp: HRS §§139-3, 139-6)

§XX-2-10 Certification Applicant Status Reporting

(a) A law enforcement agency or Board-approved training provider shall notify the Board in writing within ten (10) business days of any of the following occurrences:

(1) An applicant for certification withdraws from or is dismissed from a training program;

(2) An applicant fails to progress to the next phase of training within a period of twelve (12) months; or

(3) An applicant is no longer sponsored or employed by a recognized law enforcement agency.

(b) Notifications shall include the applicant's:

(1) Full name;

(2) Date of withdrawal, dismissal, or status change; and

(3) Reason for the change in status, if known.

(c) The Board may use this information for:

(1) Certification tracking;

(2) Compliance audits; or

(3) Historical reference. [Eff. 7/1/26] (Auth: HRS §§139-2, 139-3) (Imp: HRS §§139-3, 139-6)