

LAW ENFORCEMENT STANDARDS BOARD

FRIDAY, OCTOBER 18, 2019, 10:00 AM

**Department of the Attorney General
425 Queen Street, 2nd Floor Conference Room
Honolulu, Hawaii**

MEETING MINUTES

- I. Call to Order; Public Notice; and Quorum Determination
At 10:03 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.
Present were Todd Raybuck, Tivoli Faaumu, Clare Connors, Noland Espinda, Harry Kubojiri, Craig Tanaka, Nicholas Courson, Gary Yamashiroya, Samuel Jelsma, Sherry Bird, and Jason Redulla (DLNR). The attendees constituted a quorum.

(Prior to the meeting, the following was distributed to the Board members: the agenda, minutes of the meeting on November 7, 2018, draft minutes of the meeting on August 13, 2019, Act 220 (2018), the 2019 annual Board report to the Legislature, the Resolution approved by the Board on August 13, 2019, Act 124 (2018), draft legislation for the 2020 Legislative Session, and a proposed draft of the 2020 annual Board report to the Legislature.)
- II. Introduction of Members. Completed.
- III. Public Testimony. Chief Raybuck asked if there was any public testimony on the agenda items and there was no response.
- IV. Approval of minutes of meeting on August 13, 2019.
There was a motion to approve the minutes of the meeting on August 13, 2019, and a second. The Board voted unanimously to approve the minutes.
- V. Review of Act 220 (2018), which created the Law Enforcement Standards Board. Discussion held about the definition of "law enforcement officer" on page 3, line 9. Definition was acceptable.
- VI. Review and discuss the "Report of the Law Enforcement Standards Board submitted to the Thirtieth State Legislature, Regular Session of 2019". Review and discuss the "Resolution Requesting More Time and Resources to Finalize Training Standards and Certification of Law Enforcement Officers by the Law Enforcement Standards Board," which was approved by the Board at its meeting on August 13, 2019.

TFaamu raised concern about item #10 on page 2 of the report regarding the Board's responsibility to establish procedures and criteria for the revocation of certification issued by the Board and the possibility of collective bargaining issues with board decertification. He noted that if a law enforcement officer is decertified, the officer will no longer be qualified, and will need to be removed.

TRaybuck noted that Nevada POST minimum training requirements did not affect collective bargaining. He suggested that departments could get advance notice of who was deficient, so the organization could address compliance issues.

GYamashiroya noted that other POSTs could have remedial procedures to get recertified.

TFaamu noted that law enforcement organizations currently have to report disciplinary actions taken to the Legislature, and asked whether they would now have to report disciplinary actions to the Board. He felt that organizations need to have a duty to report.

TFaamu felt that training requirements are a simple task to address, but our duties and responsibilities regarding decertification are not as clear, and could be more difficult to address.

CConnors suggested that Board investigations of conduct that might lead to decertification needs to be looked at.

TFaamu indicated that Board review of training issues may be easy, but review of conduct issues will be more difficult.

TRaybuck suggested that domestic violence convictions that triggered the federal firearm prohibition should be grounds for decertification.

NCourson suggested that the Board may want to take a narrow approach to item #4, on page 11 of Act 220: "has taken other prohibited action as established by the board, by rule."

GYamashiroya suggested that we could let law enforcement agencies go through termination proceedings and then follow up with decertification. It would depend on Board rules.

- VII. Review and discuss the draft "Report of the Law Enforcement Standards Board submitted to the Thirtieth State Legislature, Regular Session of 2020" and the proposed legislation to make amendments to chapter 139, Hawaii Revised Statutes, and Act 220 (2018), as attached to the report. Decision-making on the draft report and proposed legislation.

Budget request discussed.

TFaamu suggested that Board should ask for eight months pay for the new position.

CConnors suggested that the Board needs to account for travel and other expenses.

NEspinda suggested that the Board look to other states that already have boards and use them as models to justify what the Board is asking for.

CConnors indicated that the Department will look at travel issues and how it arrived at that proposed appropriation amount and get back to the Board. Suggested that the appropriation amount be amended to \$375,000, from \$275,000, to cover other expenses.

There was a motion to approve the draft Report and proposed legislation with the amended appropriation amount of \$375,000, and a second. The Board voted unanimously to approve the Report and legislation with the amendment.

VIII. Meeting adjourned.

(Minutes approved by the Board on October 15, 2020)