

HONOLULU EMERGENCY SERVICES DEPARTMENT
OCEAN SAFETY & LIFEGUARD SERVICES DIVISION
CITY AND COUNTY OF HONOLULU

3823 LEAHI AVENUE • HONOLULU, HAWAII 96815
Phone: (808) 922-3888 • Fax: (808) 922-0411

MUFI HANNEMANN
MAYOR



ELIZABETH A. CHAR, M.D.
DIRECTOR

RALPH S. GOTO
OCEAN SAFETY ADMINISTRATOR

March 5, 2010

The Honorable Ken Ito, Chair,
The Honorable Sharon E. Har, Vice Chair, and Members
Committee on Water, Land, and Ocean Resources
House of Representatives
The Twenty Fifth Legislature
Regular Session of 2010
State Capitol
Honolulu Hawaii 96813

Dear Chair Ito, Vice Chair Har, and Members:

RE: SB 2249, SD 1, SSCR 2503 Relating to the Penal Code

Please find attached testimony from three employees of the Ocean Safety and Lifeguard Services Division, in support of SB 2249, SD 1, SSCR 2503, that will make an assault on a Water Safety Officer employed by the counties or state a class C felony.

The Division strongly supports the intent of this bill and urges your favorable consideration of the matter.

Sincerely,

Ralph S. Goto
Division Administrator

RSG: eq
Attachments (3)

Emergency Services Department
Ocean Safety and Lifeguard Services Division
City and County of Honolulu
January 28, 2010

Aloha,

My name is Captain Dwight Perkins of the Ocean Safety and Lifeguard Services Division, Training Unit.

Two years ago I was assaulted in my office entry way at the Ocean Safety and Lifeguard services Division Training Unit at Ala Moana Beach Park.

A male approximately 30 to 35 years old knocked on the training unit door, where we train all the City and County of Honolulu beach lifeguards, and when I opened the door he ran into the office entry way demanding to see someone in the office. I asked the individual if he had an emergency that I could help him with and he said no. I stated that the individual he was looking for was not here and that I would leave a message for him if he would like to. He stated no and said I'm going to just stay here until he comes back. I said he is not coming back today and I am closing the building for the day and you have to leave. The individual stated I am not going to leave, I'm going to wait here until he comes back. I then stated to him again that he had to leave the building and if he didn't I was going to call the police. When I said this the individual became very upset, ran at me, got me in a head lock and tried to hit and wrestle me to the ground. I pushed him away and he came back at me again trying to get the phone out of my hand that I was calling 911 with. I then pushed him off me again and out the door of the building and he ran away. This was an unprovoked attack on me.

After this incident I received more information about this individual. He had in the past had non physical confrontations with other lifeguards in the Waikiki and Ala Moana areas. After pressing charges I found out that there were other assault cases pending against this individual.

I went to court hearings for this case four or five times ending in this person being released from custody.

Thank you for your time,
Respectfully

Captain Dwight Perkins

To whom it may concern:

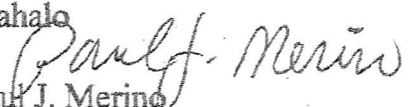
My name is Paul Merino and I am currently employed with the Ocean Safety Lifeguard Services for the City and County of Honolulu. I have prepared a written statement supporting SB2249, assault bill.

While working at station 2-alpha, Waikiki beach I was requested by a lady to responded down the beach to a first aid. I arrived at the scene of a 65-year-old visitor who had a large laceration to her left calf muscle. While I was managing the first aid I inquired as to how this injury had occurred. The woman pointed out a young man who was sand sliding in the shoreline on a hard wooden sand slider board. She said that the board he was using got away from him and hit her. I finished giving the woman first aid and watched as the young man would run down the beach and throw his hard wood sand slider down onto the wet sand and slide along the waters edge. The beach was packed with visitors and I felt the activity of the sand slider was dangerous to the public.

I approached the young man and asked him if he would stop his activity due to the crowded conditions. He refused to stop stating that there was no law against it. I called on my radio to our dispatch and I requested a police officer. When the young man heard me request police assistance he punched me in the face from the side when I was not looking. He then grabbed his board and ran away. I was cut on the inside of my mouth and was bleeding slightly. I returned to the lady that I had given first aid to and helped her walk off of the beach to seek medical attention.

Incidents like this have occurred several times to other lifeguards through out my 31-year career as a lifeguard. The public perceives the lifeguards as front line authority at our island beaches. With the passing of assault bill 2249 it will give the lifeguard added protection and the confidence to continue to help with public safety at our beaches. Hopefully it will educate the public to the severity of an assault on a lifeguard, public safety officer.

Mahalo


Paul J. Merino

Goto, Ralph

From: Kim, Daniel
Sent: Sunday, February 21, 2010 5:28 PM
To: Goto, Ralph
Subject: Harassment while driving rescue truck

Dear Ralph Goto,

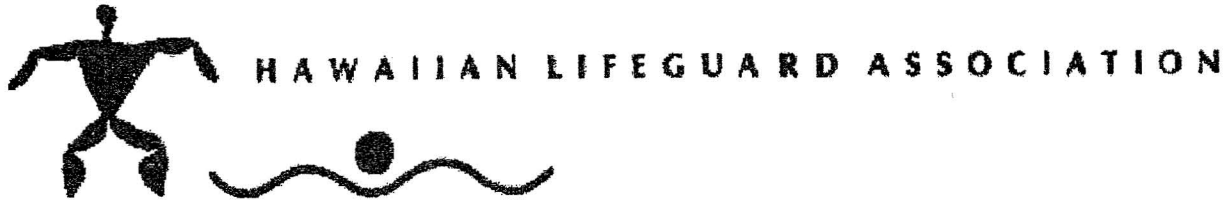
A few months ago while driving our city & county rescue truck to go and get gas at Kapolei, I was confronted with threats from a driver on Farrington Hwy. This person was in a midsize car and as I was driving he pulled up next to me telling me to pull over. I was feeling very threatened as this person was 6'4" with lots of tattoos and a very heavy built of 200 plus pounds. He kept yelling at me and pointing to the side of the road in which he wanted me to exit to, I held up my radio in the truck saying to him that I was going to call the police. This did not faze him or deter him in any way as he kept on following me towards my destination. I feared for my safety so as I exited at Kapolei I saw a traffic officer and drove towards him to seek help. The officer then pulled over the other driver and kept him at his car, the officer asked me what I wanted to do about the situation. I told him that I wanted the driver arrested but the officer said that I had no evidence or proof that this driver wanted to kick my butt. The driver of the other car said that I cut him off and I told the officer that I didn't know that I did such a thing, this person really wanted to cause harm to me with his posturing, language and verbal threats. The officer said that he could not arrest this person and that the only thing I could do was make a traffic harassment claim which I did to protect myself. The reason for making this claim the officer insisted would help if this person caused further harassment and that it was the only thing I could do. I felt helpless and unprotected!!

Another instance happened while working the beach as an Ocean Safety WSO II at Pokai Bay. I remember it clearly because it was Thanksgiving and it was at the start of my work day. Our Lieutenants always wanted us to park in the Lifeguard parking stalls while staying off of the ramp at Pokai Bay the reason for this was that it was mainly used for the handicapped people and it was a no parking zone. So as I pulled up to park in my stall a truck was present in the area, a man was standing by his truck. I told the man politely if he could move his truck and that we needed to park in the Lifeguard parking stall because our Lt.s expected us to. As I politely asked this man if he could move his vehicle he replied with "What like me get my son to kick your ass", I said to him that it was inappropriate for him to threaten me that way. Finally, after a lot of coaxing he moved his vehicle but he was willing to call his son to beat me up just for a parking stall.

I would really appreciate you as lawmakers to make the right decision in passing this law to protect the Ocean Safety Lifeguard; we are public servants and are trying our best to save lives. Passing this bill will help give us the confidence in order to do our job to the best of our ability so please consider in making the right decision in helping us help you. The life of someone you know may be saved one day from our brave and outstanding Ocean Safety Lifeguard.

Aloha,
Daniel Kim
Ocean Safety Lieutenant
District 4

3/5/2010



March 5, 2010

The Honorable Kenneth Ito, Chair and Members
Committee on Water, Land, and Natural Resources
The House of Representatives
The Twenty Fifth Legislature
Regular Session 2010
State Capitol
Honolulu Hawaii 96813

Dear Chair Ito and Members:

Re: SB 2249 Relating to the Penal Code

The Hawaiian Lifeguard Association supports the intent of SB 2249 which would make it a Class C felony to assault a water safety officer in the course of his/her duties while providing ocean safety services to the public on the beaches and near shore waters of our State.

Water Safety Officers and Ocean Safety Officers in the State of Hawaii are at high risk of assault while performing their normal duties of protecting the public. There have been at least 10 documented cases of lifeguards being assaulted while on duty in the last five years. These cases illustrate not only the potential and reality of physical harm and injury to lifeguards, but also the negative impact on the safety of public who are unprotected because the officer is distracted from his/her primary duty of beach and ocean hazard vigilance, rescue, and emergency medical treatment.

This is a serious problem for Water Safety and Ocean Safety Officers on Oahu, Maui, Kauai, and Hawaii Island. While performing their duties, lifeguards are extremely visible, exposed, and vulnerable to retaliation and attacks. They are not within the confines of an office, vehicle, or station, but work out of an open lifeguard tower on the beach. Constant distraction and concern for personal safety certainly compromises lifeguards' ability to watch the public they are charged with protecting.

PMB271 • 758 Kapahulu Avenue, Ste A • Honolulu, Hawaii 96816 •
(808) 922-3888

Facsimile (808) 922-0411 • Email: lifeguards@aloha.com

Hawaiian Lifeguard Association

SB 2249

Page 2

The HLA respectfully suggests that rather than amending HRS Chapter 707 to create a new section, that the bill be reworded to amend Chapter 707, Section 711, to include Water Safety Officers employed by the State and/or Counties. The other work groups covered by Chapter 707-711 are correctional officers, educators, EMS workers, and workers at State mental health facilities.

Water Safety Officers are frontline health, safety, public trust employees who are called upon by the public for assistance in a wide variety of law enforcement, rescue, and emergency medical situations.

We feel that this group of employees both needs and deserves enhanced legal protection from assaults by the public during the performance of their duties.

We urge your favorable consideration of this matter and thank you for the opportunity to testify.

Sincerely,

Jan Prins, PhD
President