

Aloha kakou,

My name is Laulani Teale. I am a community peacemaker, and I assist in that capacity with the Aha o 'Iolani, a widely diverse consortium of groups focused on the caretakership and pono use of 'Iolani Palace and its grounds. Although I am writing today as an individual, I am in support of the peaceful efforts of the Aha o 'Iolani to cooperatively resolve the differences between vastly divergent viewpoints. I think that all of us need to support this effort.

**Although I am sure that the measure was well-intended, I ask that it please not be passed from this committee, as it would cause great harm to efforts toward peace.**

First, it simply does not make sense for the Department of Public Safety to have the job of enforcing the rules of the Department of Land and Natural Resources. There is much more room for misunderstanding and error in the intent and application of these rules, particularly as they apply to other laws such as the Hawai'i State Constitution, and the many issues surrounding caretakership, historic preservation, traditional practices, sovereignty, gatherings, permitting and, somewhat ironically, public safety.

Secondly, peace and mutual understanding are important for appropriate enforcement of any law. It has taken years for peaceful independence activists and DOCARE officers to build mutually respectful relationships. Please consider the importance of this. While there are still intense disagreements over the application (and indeed, legality) of DLNR's Administrative Rules, and while DOCARE has certainly shown its commitment to enforcing those rules, communication and common sense have decreased the volatility of conflict dramatically over the last year. I would not want to see a resumption of the types of unnecessary, resource-wasting and highly problematic confrontation that have often plagued enforcement in the area. This would certainly work against the goal of saving taxpayer money, and cause difficulty for everyone.

Thirdly, related to this last thought, the State of Hawai'i must spend smartly in all of its efforts. It needs to target its limited energy toward real problems, and to find creative, budget-smart solutions to addressing these. Community caretakership and good communication should be nurtured and supported, because they are low-cost, effective, and pono; conversely, the potential for avoidable misapplication of force should not.

Transferring enforcement from one State Department to another does not save any money. It wastes money, due to transitional friction and administrative complexity. If the resources of DLNR are of concern, then perhaps a better solution might be to transfer some of the State's overall enforcement budget to them, specifically targeting existing areas of need, such as cultural resource protection training and constitutional and historic education for all officers, to reduce negative enforcement incidents, miscommunication, and the potential abuse of peaceful cultural practitioners. As long as the State is involved in the protection of cultural sites, DOCARE officers need to be empowered to effectively protect all resources, including native practices. Meanwhile, plans for long-term solutions -- such as the peaceful return of 'Iolani Palace to the Hawaiian people -- should be concurrently considered and developed, for the benefit of everyone.

Mahalo nui loa for your time and attention.

Aloha me ka 'oia'i'o,,



# LATE TESTIMONY

1288 Kapiolani Blvd, Apt 1905  
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February 2, 2011

Representative Henry J. C. Aquino, Chair  
Representative Ty Cullen, Vice Chair  
Members of the Committee on Public Safety & Military Affairs

Aloha mai kakou

Regarding House Bill 532 (and related Senate Bill 57), Relating to 'Iolani Palace, which proposes to transfer law enforcement jurisdiction over 'Iolani Palace from the Department of Land and Natural Resources to the Department of Public Safety. I am here to speak against HB 532.

The rationale for such proposal is that the DLNR law enforcement officers are stretched thin by the vast array of land and natural resources under the department's jurisdiction, including public parks, forests, beaches, oceans, and other public lands. The bill also provides that the legislature further finds that the Department of Public Safety, Sheriffs' division, which has jurisdiction over the adjacent State Capitol, is the more appropriate law enforcement agency to have jurisdiction over the 'Iolani Palace buildings and grounds, but does not state why it believes this.

Unfortunately, given the short notice for this proposal, I was not able to secure information as to the scope of cases that has faced DLNR law enforcement officers regarding 'Iolani Palace over the past five years, nor to review the current staffing of the Department of Public Safety Sheriff's Division to enable a sound decision as to the basis for the proposal.

The mission of the Department of Public Safety is to preserve the peace by protecting all persons and properties within premises under the control of the judiciary and all state facilities. 'Iolani palace is not a "state facility" per se; its grounds have been classified as a park. Further, the Dept of Public Safety is the lead agency of the State Law Enforcement Coalition, formed to meet the mandates of the federal Homeland Security Act. Thus, it appears their scope of responsibility concerns itself with major threats to the peace of the community.

**In 2009, the Friends of 'Iolani Palace expressed their sentiment that they wanted Native Hawaiians to take the lead regarding appropriate protocols/policies for the 'Iolani Palace grounds and to have DLNR adopt/enforce policies based on what Native Hawaiians feel is appropriate. As a result, the 'Aha O 'Iolani, comprised of over 40 Native Hawaiian organizations has been formed and have been working with DLNR on its Hawaii Administrative Rules, with the first possible change to be addressed soon in a public hearing. Membership ranges from Royal Societies to Independence groups. Further, DLNR as the author of rules that govern 'Iolani**

**Palace brings a humanitarian approach to its law enforcement at 'Iolani Palace, especially when approaching and dealing with Native Hawaiian activist groups, something that will be missing from the approach that would be used by the Department of Public Safety Sheriff's Division. Enforcement of laws at 'Iolani Palace isn't always clearly defined, and requires sensitive, caring, informed law officers, else, situations may escalate into unnecessary confrontations. Further, inference of moving law enforcement to the Department of Public Safety is that there is some sense of need to protect it and all persons within its premises from some large scale threat to the population.**

**I fear that this proposal is not so much about DLNR's shortage of staffing, but rather is directed to the Native Hawaiian community, since it is predominantly that community who uses 'Iolani Palace for functions and protests. Thus, if this is the underlying unspoken heart of this bill, recommend the legislature seek some guidance from leaders in the Native Hawaiian community, such as the 'Aha O 'Iolani.**

Further, if the basis is shortage of staffing, would the movement of work associated with 'Iolani Palace address that shortage or is their caseload much larger that perhaps other sites should be considered to transfer to the Department of Public Safety?

Mahalo for this opportunity to testify against passage of HB532.

LEIMOMI KHAN