



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2018**

ON THE FOLLOWING MEASURE:

S.B. 2909, S.D. 1 RELATING TO LAW ENFORCEMENT.

BEFORE THE:

SENATE COMMITTEE ON WAYS AND MEANS

DATE: Wednesday, February 21, 2018 **TIME:** 10:10 a.m.

LOCATION: State Capitol, Room 211

TESTIFIER(S): **WRITTEN TESTIMONY ONLY**

(For further information, please contact Jeffrey A. Keating, Deputy Attorney General at 587-2919)

Chair Dela Cruz and Members of the Committee:

The Department of the Attorney General ("Department") appreciates the intent of this bill in establishing an enforcement division within the Department and transferring the State law enforcement positions within the Department of Public Safety ("PSD"), Department of Land and Natural Resources ("DLNR"), and the Department of Transportation ("DOT") to this proposed new division within the Department.

However, we oppose this bill because it is contrary to Article V, Section 6 of the State Constitution which provides:

All executive and administrative offices, departments and instrumentalities of the state government and their respective powers and duties shall be allocated by law among and within not more than twenty principal departments in such a manner as to group the same according to common purposes and related functions.

The Department's principle function is to appear for the State, to be the attorneys for the State, see chapter 28, Hawaii Revised Statutes, and not to take over enforcement matters that are purposely grouped according to related functions of the various departments. The existing placement of these enforcement functions apart from the Department allows the Department to objectively fulfill its responsibilities to defend the State and its officials.

But if this measure is pursued despite the constitutional concern, the Department, along with PSD, DLNR, and DOT, still opposes this bill because we believe the needs, capabilities, and responsibilities of each of the respective State law enforcement branches must be fully assessed before consolidated under a single department. Issues of infrastructure, funding, jurisdiction, responsibilities, federal mandates, parity, training, CALEA (Commission on Accreditation for Law Enforcement Agencies), policies and procedures, at a minimum, need to be taken into consideration and worked on among the departments.

Further still, the issues of support staff and facilities need to be addressed because the transfer of State law enforcement positions to the Department will also require the transfer of many types of support staff including secretarial, fiscal, human resources, labor relations, and other positions as well as office spaces and facilities.

Finally, the establishment of this consolidated enforcement division within the Department will require funds to accomplish, which are not provided in this bill.

Based on the above, we respectfully request that this measure be held.

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
WAYS AND MEANS**

**Wednesday, February 21, 2018
10:10AM
State Capitol, Conference Room 211**

**In consideration of
SENATE BILL 2909, SENATE DRAFT 1
RELATING TO LAW ENFORCEMENT**

Senate Bill 2909, Senate Draft 1 proposes to establish an enforcement division within the Department of the Attorney General (AGs) and transfers to the AGs Enforcement Division, the law enforcement activities of the Department of Land and Natural Resources (Department) - Division of Conservation and Resources Enforcement (DOCARE); the Department of Public Safety - state law enforcement officers and the Narcotics Enforcement Division; and the Department of Transportation - Harbors Division. **The Department opposes this measure.**

The protection of Hawaii's precious natural resources strongly depends on the collaboration of the Department's various divisions, and other external partners such as federal and county government, private entities, and non-governmental organizations. The synergistic relationship of DOCARE with the Department's Divisions and our external partners provides an avenue of strong, meaningful enforcement of Hawaii's natural resource laws.

Over the history of the Department, DOCARE has played an essential role with assessing the enforceability of rules promulgated by other Department divisions. DOCARE has also assisted other Divisions in providing manpower and resources to assist in managing Department lands and facilities, and enforcing their rules.

The Department believes that removing DOCARE from the Department will have a detrimental effect on Hawaii's natural resources. This move will essentially break the important relationships which have been built carefully over many years. For these reasons, the Department is unable to support this measure.

Thank you for the opportunity to comment on this measure.



The Nature Conservancy
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Testimony of The Nature Conservancy of Hawai'i
Opposing SB 2902 SD1 Relating to Law Enforcement
Senate Committee on Ways and Means
Wednesday, February 21, 2018, 10:10AM, Room 211

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of the lands and waters upon which life depends. The Conservancy has helped to protect nearly 200,000 acres of natural lands in Hawai'i. We manage 43,000 acres in 14 preserves and work in 19 coastal communities to help protect the near-shore reefs and waters of the main Hawaiian Islands. We forge partnerships with government, private parties and communities to protect Hawai'i's important watershed forests and coral reefs.

The Nature Conservancy opposes S.B. 2909 SD1, especially its provisions that would transfer the conservation and resources enforcement functions of the Department of Land and Natural Resources (DLNR) to the Department of the Attorney General (AG).

The AG's mission, mandate, and capacity make it entirely ill-equipped to take on the lead role and responsibility for on-the-ground and in-the-water enforcement of laws related to Hawai'i's natural environment, including related habitat, plants and animals. This is not a criticism of the AG, it is just the simple fact that conservation of natural resources is not in the agency's expertise, whereas it is squarely within the mission and expertise of the DLNR.

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SB-2909-SD-1

Submitted on: 2/17/2018 12:37:28 PM

Testimony for WAM on 2/21/2018 10:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Individual	Oppose	No

Comments:

I oppose SB2909 SD1 and would like to keep DOCARE under the auspices of DLNR. It will be important for the AG to provide training for all conservation enforcement officers to aid in investigative protocols and policy.