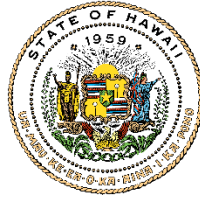


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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
DAWN N. S. CHANG  
Chairperson

Before the House Committee on  
ENERGY & ENVIRONMENTAL PROTECTION

Tuesday, March 21, 2023  
9:30 AM

Via Video Conference, State Capitol, Conference Room 325

In consideration of  
SENATE BILL 70, SENATE DRAFT 1  
RELATING TO THE CONSERVATION AND RESOURCES ENFORCEMENT PROGRAM

Senate Bill 70, Senate Draft 1 proposes to require the Department of Land and Natural Resources (Department) to pursue and obtain accreditation for the Conservation and Resources Enforcement Program from the Commission on Accreditation for Law Enforcement Agencies, Inc. and appropriates funding. **The Department supports this bill with a proposed amendment, and provided that its passage does not replace or adversely impact priorities indicated in the Executive Budget request, and that sufficient additional funds are provided.**

In 2009, the Department's Division of Conservation and Resources Enforcement (DOCARE) participated in the Commission on Accreditation for Law Enforcement Agencies (CALEA) formal accreditation process. The past effort was stymied by the amount of funding needed to implement the standards, and frustration encountered with consultation of new policies with the employee union. Due to these issues, continuing the accreditation effort was not feasible.

The Department is open to participating in the CALEA accreditation process. Participation will require appropriate amounts of additional funding needed for equipment purchases, training and possibly for capital improvements to DOCARE facilities to meet CALEA's standards. Additional annual funding will also be needed to maintain formal participation and affiliation with CALEA.

Lastly, the Department is concerned with the language of the bill which provides DOCARE should attain accreditation by June 30, 2025. Given the volume of policies which will likely need to be drafted and consulted upon with the employee union, as well as the procurement of equipment and services to

implement the CALEA standards and policies, this deadline is not realistic. The Department recommends a minimum of five years be considered as a realistic timeframe to provide the time the Department believes is needed to attain CALEA's accreditation. The Department therefore recommends that SECTION 2 of the measure be amended to read as follows:

SECTION 2. No later than June 30, [~~2025~~,] 2029, the department of land and natural resources shall pursue and obtain accreditation for the conservation and resources enforcement program from the Commission on Accreditation for Law Enforcement Agencies, Inc.

Mahalo for the opportunity to present testimony in support of this measure with a proposed amendment.

Denise Antolini  
59-463 Alapio Road  
Pūpūkea, HI 96712

Re: **SB70** EEP Hearing Mar. 21, 2023, Conference Room 325, 9:30 am

Aloha EEP Chair Lowen, Vice Chair Cochran, and Members of the Committee,

I write in **strong support of SB70, CALEA accreditation for DOCARE *only if* sufficient funding and time is provided for program development, upgrades to personnel and facilities, and reporting compliance.**

For many years, as a law professor devoted to environmental protection and a community member involved in marine stewardship programs, I have worked on various projects to assist DOCARE build capacity and its enforcement toolkit. For example, through my position at the William S. Richardson School of Law, I was the principal investigator for a grant in 2018-19 that assisted DOCARE with designing the new DOCARE Academy, which just completed training for its second class -- 41 new recruits graduated on Friday March 17, 2023, doubling the DOCARE officer capacity statewide. I also worked with DOCARE on the passage of the "ASSET" bill (Act 67, SB2453) in 2016 to expand the enforcement options for sentencing marine resources violators to include community service and an education course. I have also collaborated with the State Judiciary on the biennial trainings for the Hawai'i Environmental Court, established in 2015 by the Legislature. And, for the past ten years, since 2014, I have partnered with DOCARE to place a recent law graduate – a full-time "law fellow" – inside DOCARE to provide legal research and writing capacity particularly related to supporting the enforcement cases in the Environmental Court.

Many years ago, when Laura Thielen was DLNR Chair (2007-2010), **I participated in several meetings with DOCARE and partners as the division launched a major effort to seek CALEA accreditation.** I also followed the work of the Law Fellow during that period whose duties included assisting DOCARE with this complex effort. That effort did not succeed, not due to lack of leadership or officer interest in professionalizing, which was in fact impressive and inspiring, but due to **lack of funding, personnel systems challenges, and lack of capacity.** Here we are, a decade later, and thankfully, DOCARE is in a much stronger position to stretch and lean into this major project. But, DOCARE should **not** be asked to take on this huge task without **substantial funding and flexible timing** regarding compliance.

In short, **CALEA accreditation is an effective way to "professionalize" DOCARE up to national standards, and to align DOCARE with other Hawai'i law enforcement units that are CALEA-accredited.** However, the CALEA standards process is **highly complex and very burdensome in terms of process, documentation, equipment and facilities upgrades, and training.** It is not "one and done," but an ongoing, constant, and demanding engagement with the national accreditors and can require facilities upgrades (major CIP). So, if the Legislature wants DOCARE to obtain and maintain CALEA accreditation – which I fully support – **it must appropriate sufficient funds for personnel, facilities, and equipment.** Last year, when the CALEA bill (SB3019) was heard by EEP-WAL, the appropriation request by DOCARE was **\$1m initial funding then \$750k recurring.** I believe this is still a minimum amount for CALEA but I defer to DOCARE for the appropriate amounts of funding needed for the future fiscal years.

Mahalo nui loa for passing SB70 with the necessary appropriation and flexibility on timing!

Best regards,



Denise Antolini