

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture
DEPT. COMM. NO. 500
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State of Hawai'i
DEPARTMENT OF AGRICULTURE
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December 20, 2024

The Honorable Ronald D. Kouchi,
President and Members of the Senate
Thirty-third State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Nadine Nakamura,
Speaker and Members of the House
of Representatives
Thirty-third State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Nakamura, and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the Annual Report on the Agricultural Crimes as required by SR 138, SD1, 32nd Legislature (2024). In accordance with Section 93-16, Hawaii Revised Statutes, I am also informing you that the report may be viewed electronically at <https://hdoa.hawaii.gov/meetings-reports/legislative-reports/>.

Sincerely,

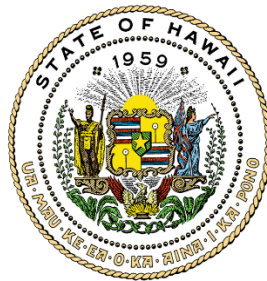
A handwritten signature in black ink that reads "Sharon Hurd".

Sharon Hurd
Chairperson, Board of Agriculture

Attachment



IN RESPONSE TO SR 138, SD1,
OF THE THIRTY SECOND LEGISLATURE, 2024,
REQUESTING THAT THE DEPARTMENT OF AGRICULTURE ESTABLISH A TWO-
YEAR AGRICULTURAL CRIME PILOT PROJECT



December 2024

INTRODUCTION

The 2024 Senate resolved that the Hawaii Department of Agriculture (HDOA) that the HDOA establish a two-year agricultural crime pilot project to examine and assess the effectiveness of prosecuting agricultural crime cases, including those of agricultural theft, vandalism, and trespass in the State. Additionally, the Senate further resolved to:

- (1) Create a Crimestoppers Anonymous phone line specifically for individuals who wish to report an agricultural crime, but do not wish to be named; and
- (2) Create a more comprehensive, accessible online form that makes it easier for farmers and ranchers to report agricultural crimes. Further resolved that the Department of Law Enforcement submit a report of its study, including findings and recommendations, and any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2025.

The HDOA and the Hawaii Department of Law Enforcement (DLE) have been working very closely to examine and assess the effectiveness of prosecuting agricultural crimes in Hawaii. To that end, the Departments have agreed that the single biggest issue is the lack of high-visibility law enforcement presence on the State's largely remote agricultural lands. Often crime occurs suddenly, when seconds count. However, a lack of regular patrols on remote agricultural lands means that farmers and ranchers must secure their lands on their own. Consequently, this creates a higher risk of confrontation, especially with hunters and others who may be armed. To address the issue of agricultural crimes in Hawaii, the HDOA and DLE have worked together to formulate a response plan to reduce agricultural crimes in Hawaii. That plan includes:

AGRICULTURAL CRIME STRATEGIC PLAN OUTLINE

Goal: To reduce agricultural crime in Hawaii

I. INFORMATION GATHERING

- A. Data collection
- B. Through community meetings with neighborhood boards, rancher, and farming groups
- C. Developing communication routes-Reporting phone number/ hotline and an app.
- D. Media campaign-flyers, press releases, webpage to increase public awareness and participation.

II. DATA ANALYSIS

- A. What does the data tell us after analysis?
- B. We need to learn what is driving the agricultural crime problem such as desire, opportunity, black market, competition, shortages of sought after crops and commodities)

III. DATA DRIVEN ENFORCEMENT

- A. High visibility patrols in hot spot areas identified from data analysis.
- B. Covert surveillance of hot spot areas
- C. Working with community in a hot spot area to harden targets and properties.

IV. NEW TRAINING CURRICULUM

- A. Review of agriculture and livestock statutes
- B. Inspection authority for law enforcement including brands, receipts, and documents.
- C. Identification and recognition of common and valuable agricultural commodities
- D. Review of trespass and property damage statutes

V. POTENTIAL NEW STATUTES

- A. Create a new DLE Agriculture Enforcement Section with uniform patrols and detectives.
- B. Mandate academy training requirements for all Hawaii law enforcement agencies on agriculture crime in a new legislative proposal.

VI. REVIEW OF EFFECTIVENESS

- A. Was the goal of reducing agricultural crime achieved?

A Proposal for a New Agricultural Enforcement Division

The DLE proposes to work with HDOA and the Legislature to fund and create a dedicated law enforcement division solely focused on addressing agricultural crimes.

To reduce and prevent and investigate violent crime that is linked to agricultural crime, the State of Hawai'i's Department of Law Enforcement (DLE) proposes to create a law enforcement division position that serves the entire state, focusing exclusively on investigating agricultural crime, and coordinating with other law enforcement agencies to investigate and analyze criminal activity (such as narcotics manufacturing or human trafficking) taking place on agricultural lands, for a period of two years. The purpose of creating a specialized division focusing on agricultural crimes within the DLE is to provide ranchers and farmers with a dedicated

resource that can address their concerns and work with community members to prevent violent crimes, instances of vigilantism, and compile data from criminal activity reporting to create an accurate picture of how widespread agricultural crime is throughout the state, and how many other criminal activities it may tie into.

A local farmer was shot and killed on his own property on February 17th, 2024, stemming from a fight over his livestock and trespassers on his ranch (Tamashiro, 2024). The violent crime deeply impacted the local community, with one lawmaker calling on state resources to “figure out a way so we can break legs” (Blair, 2024). This highlights the pressing need for the specialized investigation and data tracking of agricultural crime in the state, in addition to developing prevention methods for both agricultural crime and instances of vigilantism by community members who do not feel adequately supported by current law enforcement initiatives related to agriculture.

In a report reviewing 2019, the United States Department of Agriculture noted that agricultural theft and vandalism, and the expense of security measures to prevent these crimes in Hawai'i cost farmers roughly \$14,400,000 (United States Department of Agriculture, 2020). In 2020, the state Department of Agriculture reported 66 cases of felony agriculture theft, 30 trespassing cases, and 48 Other Related Offenses cases in Hawai'i county (THE STATE OF HAWAII & DEPARTMENT OF AGRICULTURE, 2020). That same year, Hawai'i county was the only county in the state to experience an increase in its violent index crimes, rising 68% higher than it was in 2019 (Kaneakua et al., 2023). Though there is no direct correlation between the rising index percentage and agricultural crime, there is a heightened opportunity for violent crime to occur when weapons are present during disputes on farms and ranches. For example, trespassing cases that stem from illegal hunting activities represent an increased danger of violence when firearms used for hunting are present.

It is likely that agricultural crime is underreported throughout the state, with ranchers and farmers pointing out the difficulty of the reporting process, and the lack of manpower to address their concerns (Ladao, 2024). The rural landscape of ranching and farming areas creates an additional barrier for responding law enforcement agencies who may be understaffed or are not prioritizing agricultural crime, which leaves community members lacking equitable access to emergency law enforcement services. U.S. Census-designated rural areas account for 95% of all land in the state of Hawai'i (Liddell, 2024); on average, community members living in rural areas earn less income and experience significantly higher food insecurity (United States Department of Agriculture, 2024). The USDA also estimates that there are more than 6,500 farms operating in Hawai'i

(Heaton & Heaton, 2024), responsible for exporting \$349 million dollars in agricultural products (United States Department of Agriculture, 2024). Hawai'i imports more than 80% of its food supply (Jany, 2023); the ability to prevent, investigate, and prosecute agricultural crimes statewide must be prioritized to ensure community safety on all islands.

The proposal will support three important areas:

Community Engagement: The new division will serve the entire state of Hawai'i through in-person and virtual engagement with agricultural community members and county law enforcement agencies to ensure reporting and the investigation of criminal activity related to or taking place on agricultural lands. All reports submitted will be used to generate data about agricultural crime in Hawai'i, which will be shared with relevant county and state agencies (such as the state's Department of Agriculture and the Department of Land and Natural Resources).

Prevention and Intervention: In the agricultural investigation and enforcement role, the division will be responsible for several important law enforcement functions. First, the division will be tasked with the criminal investigation of agriculture related crimes on Hawaii farm and ranch lands. These crimes include but are not limited to the investigation of agricultural product theft, theft of livestock, firearms violations, trespassing, criminal property damage, and theft of farm and ranch equipment. Second, the division will be responsible for proactive crime prevention activities, which include, but are not limited to participating in community meetings on crime reduction and speaking at agriculture industry and trade meetings about agricultural related crimes and crime prevention. Third, the division will be responsible for proposing and crafting new legislation to strengthen prosecution of agricultural crimes in Hawaii. Finally, the division will be responsible for providing training on agricultural crimes to new recruits, in-service officer training, law enforcement management meetings. It is reasonable to expect that dedicated reporting and response methods statewide will prevent or reduce instances of violent vigilantism.

Focused and Strategic Enforcement: By creating a uniform, dedicated response to agricultural crime, DLE can identify more accurately the impact of agriculture crime in Hawai'i, in addition to creating investigative opportunities to address crime taking place in rural areas or on agricultural land, such as narcotics manufacturing or human trafficking. Using its position as a state agency (as opposed to county agency), DLE will be able to provide a detailed and comprehensive picture of criminal activity related to agriculture to better support new enforcement initiatives, regulations, legislation, and other priorities.

Design and Implementation:

To support the new Division, the Director of Law Enforcement will commission the new division with full police authority across the State of Hawaii. Furthermore, the division will be issued a firearm and empowered to have full arrest authority for all crimes.

The primary duties of the new proposed agriculture enforcement division are:

1. Conducts in-depth investigations of crimes occurring on Hawaii agricultural lands and take law enforcement actions for violations of the Hawaii Penal Code, Agriculture Statutes, and Conservation and Resources Statutes, rules and regulations as enumerated in the Hawaii law and prepares investigation reports for submission to respective courts for civil or criminal prosecution.
2. Conducts undercover investigations by purchase of agriculture products, stolen agriculture equipment from persons alleged or known to be illicit or stolen merchandise traffickers; prepares investigational reports for submission to respective courts for civil or criminal prosecution.
3. Conducts in-depth investigations of illegal diversion of agricultural products and livestock from farmers and ranchers. health practitioners.
4. Conducts investigations of thefts of agriculture products from legitimate commerce, including carriers and warehouse facilities.
5. Determines and investigates sources of agriculture products illegally located and distributed within the community.
6. Conducts investigations of illegal cultivation of a variety of plant life, restricted and controlled under the Uniform Controlled Substance Act, Chapter 329 of the Hawaii Revised Statutes.
7. Executes and serves search warrants, arrest warrants, and subpoenas issued as the results of investigations, prepares written reports to be submitted for prosecution.
8. Participates in the Drug Enforcement Administration's Organized Crime Drug Enforcement Task Force (OCDETF) as well as other Federal task forces that benefit the investigation of agricultural crimes.
9. Coordinates, assists and further investigates incidents or crimes initiated by the Departments of Agriculture and Land and Natural Resources related to farmers and ranchers.

10. Conducts investigations into the possession, use and distribution activities of suspects involved in the illegal diversion of agricultural products and livestock.

11. Conducts seizure and forfeiture cases on currency, vehicles and property permitted under the provisions of Chapter 712 of the Hawaii Revised Statutes. Participates and coordinates in the Federal asset-sharing program with the U.S. Drug Enforcement Administration.

12. Coordinates and cooperates with Federal, State, and County agencies in conducting investigations that are of mutual interest.

13. Testifies in both civil and criminal court on behalf of the State of Hawaii as the result of investigations presented for prosecution.

Compliance Monitoring

1. Responsible for and conducts inspections, both regulatory and administrative, of all farmers and ranchers required to keep records under State agricultural laws.

2. Initiates, obtains and serves Administrative Inspection Warrants, prepares investigational reports and presents them to the respective courts for civil or criminal prosecution.

Additional Responsibilities

1. Maintains liaison and assists Federal, State, County, Military and other municipal agencies involved in the enforcement of the State agriculture laws.

2. Assists various County Police Departments, Vice Sections in conducting undercover investigations of distributors presented for prosecution.

3. Provides technical, educational, and consultative services to the medical profession, to government agencies, enforcement agencies, the public, and to specific professional groups relative to the enforcement of State agriculture laws.

4. Maintains records and prepares required reports related to agricultural crimes in Hawaii and specifically crimes involving firearms, other weapons, illegal drugs, and crimes of violence.

5. Makes recommendations for new laws or proposes amendments to current laws to make the agricultural enforcement environment in Hawaii better.
6. Attends staff meetings, training and seminars.
7. Performs other related duties as assigned.

Such a newly proposed Agricultural Enforcement Division would support the following goals and objectives (many related to the HDOA/DLE plan above):

- **Prevent** violent activity related to agricultural crimes (homicide, assault);
- **Obtain** accurate data through criminal complaints to understand how widespread agricultural crime and its impacts are in Hawai'i;
- **Increase** trust between community members and law enforcement;
- **Educate** agricultural community members on crime prevention methods, reporting procedures, and ways to identify illegal activity taking place on their lands;
- **Secure** the state's limited local agricultural products that serve both as exports and local supplies;
- **Reduce** instances of violent crime and other criminal activity related to or taking place on agricultural lands and annual economic losses stemming from agricultural crime.

Capabilities and Competencies

Below are key capabilities and competencies that are essential for the success of a law enforcement division dedicated to responding to agricultural crimes in Hawai'i:

Funding: Adequate funding for a new division is required to ensure the hiring of qualified candidates and to complete work to successfully record and investigate criminal activity related to agriculture. Funding for a new division will be very high with entire new employees, infrastructure, training and equipment on a recurring basis will be needed.

Outreach and Education: While a standalone investigative law enforcement position is a valuable resource to DLE's efforts, there will also be substantial focus on ensuring that the public, stakeholders, and partner agencies are aware of the responsibilities of the new position, reporting procedures, and how to receive and use data obtained from agricultural crime reporting. The safety and support of our rural community

members will be emphasized, as will the need for the protection and security of Hawai'i's indigenous and specialized agricultural products.

Logistics and Operations: The Department of Law Enforcement will be the solo agency responsible for creating, hiring, and overseeing the division position created to address agricultural crime. The division will be responsible for coordinating with county law enforcement agencies to share information, assist or request assistance when necessary, and understanding how the department can best utilize data gathered from reporting to prevent or analyze violent crimes on agricultural land.

Safety and Security: Safety and security of the division is paramount to the program. DLE's hiring and training process will ensure that the division is adequately equipped to perform their duties as assigned, with assistance when necessary. Outreach communication and mitigation planning with law enforcement agencies and stakeholders will be undertaken to ensure that DLE is able to coordinate with others during large-scale operations, as well as strengthening security measures that farmers and ranchers can undertake to 1) secure their property, and 2) document and share as much information as possible during the commission of a crime on their land.

Data Collection and Analysis: Data points to be collected during agricultural criminal activity include: the types of criminal activity, the number of weapons present, the number of people injured, the number of people killed, estimated or real economic loss from the crime(s), the rate of agricultural crime per county per quarter, satisfaction surveys from ranchers and farmers, and trends among the types of agricultural crime taking place in the state. An analysis of this data can be performed through DLE's analysts who are already on staff.

Evaluation and Continuous Improvement: DLE will be responsible for routinely evaluating the effectiveness of the position, as well as the job performance of the division, in accordance with state and federal laws. As well, the agricultural industry can provide DLE with feedback and suggestions for improvement related to their handling of agricultural crime complaints and reporting. Another way to evaluate the successes or failures of the proposal is to track how many arrests, convictions, and sentences result from investigations.

IMPROVEMENTS IN REPORTING AGRICULTURAL CRIMES:

The DLE has initiated two new ways to report agricultural crime in the community. The first way is to go to the DLE's website, Law.Hawaii.gov and fill out an online form with information pertaining to the agricultural crime. Information is then

recorded and sent to DLE's law enforcement staff for review and future potential investigation or follow-up.

Second, the DLE has initiated a smartphone application known as "SaferWatch" which will allow the public to load a smartphone app on their personal telephones and be able to report crime quickly. The application also allows for the submission of photos and videos which can be beneficial in responding to crimes.

CONCLUSION:

The HDOA and DLE have been working together closely to improve the effectiveness of prosecuting agricultural crimes in Hawaii. Over the last few months, the Departments have collaborated to create a new focus on reducing crime and increasing community safety.

ACTIONS TAKEN TO DATE:

No Trespassing signs – 1000 signs have been procured for distribution to departments, agencies, associations, and individuals; a second 1000 signs have been ordered for distribution.

National Agriculture Statistic Survey (NASS) Agricultural Crimes survey – to be distributed to 1500 farmers and ranchers in mid-January 2025; statewide results, including county level data to be published in March 2025. Previous NASS Agricultural Crime surveys have been published for 2004 and 2019; this third data collection for 2024 will be repeated for the 2026 and 2028 years, subject to availability of funding, estimated to be \$100,000 per survey. The 2024 data collection cost was about \$90,000.

Anonymous tip line poster – the poster displays a phone number to report an agriculture crime via phone call or text message and provides a weblink to report a crime.