

**TESTIMONY**

**SB 218**

**LATE**

LINDA LINGLE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
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Testimony of  
LAURA H. THIELEN  
Chairperson

Before the Senate Committees on  
WATER, LAND, AGRICULTURE & HAWAIIAN AFFAIRS  
and  
PUBLIC SAFETY & MILITARY AFFAIRS

Friday, February 13, 2009  
2:45 p.m.  
State Capitol, Conference Room 229

In consideration of  
SENATE BILL 218  
RELATING TO IOLANI PALACE

Senate Bill 218 relating to Iolani Palace seeks to transfer law enforcement jurisdiction over Iolani Palace grounds from the Department of Land and Natural Resources (Department) to the Department of Public Safety (PSD). The Department acknowledges that the protection of Iolani Palace requires the coordinated and unified law enforcement efforts of the Department and PSD, as well as the Honolulu Police Department (HPD).

Iolani Palace (Palace), adjacent buildings and grounds have been and remain important cultural and historic gathering place for the people of Hawaii. The vast majority of visitors to the Palace and adjacent buildings have been respectful of the areas history and Hawaii's rich legacy that the Palace represents. Others have not been so respectful.

Law enforcement personnel from PSD, like all other state law enforcement officers as well as county police, have total and complete law enforcement jurisdiction and authority on all Department lands and facilities at all times. This authority granted by the Legislature is found in Chapter 199, Hawaii Revised Statutes.

The Department is working closely with our law enforcement partners from PSD, Department of the Attorney General (AGs), and HPD have prepared response plans to enable our agencies to respond to illegal activity within the Palace complex. This coordinated response ensures that the Department will be able to pool its limited resources to address evolving threats to the Palace, the Archives Building, and other areas of the Palace complex. Without the support of PSD, the Department would not be able to exclusively respond to all incidents or provide full coverage of events, particularly in late evenings and during the night. The Department appreciates the coordinated support by PSD. The Department recognizes that it will take multiple agencies,

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ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

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including PSD, the AGs, and HPD to protect the Palace, the Archives Building, adjacent structures and the grounds of this historically significant place.

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LINDA LINGLE  
GOVERNOR



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**LIVE TESTIMONY**

TESTIMONY ON SENATE BILL 218  
RELATING TO IOLANI PALACE

by  
Clayton A. Frank, Director  
Department of Public Safety

Senate Committee on Water, Land, Agriculture & Hawaiian Affairs  
Senator Clayton Hee, Chair  
Senator Jill N. Tokuda, Vice Chair

Senate Committee on Public Safety & Military Affairs  
Senator Will Espero, Chair  
Senator Robert Bunda, Vice Chair

Friday, February 13, 2009; 2:45 p.m.  
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Senator Hee, Senator Espero, and Members of the Committees:

Senate Bill 218 Relating to Iolani Palace seeks to transfer law enforcement jurisdiction over Iolani Palace and the park grounds from the Department of Land and Natural Resources (DLNR) to the Department of Public Safety (PSD). The Department of Public Safety does not support this bill.

As things stand right now, the PSD Sheriffs Division supports the DLNR DOCARE law enforcement division whenever they have enforcement and manpower issues, and augments their law enforcement officers numbers with our Deputies, with the decisions on how to proceed being made by DLNR and DOCARE officers. The DOCARE officers are sworn police officers in every respect, and they know the unique concerns regarding the palace and its grounds. Our

Deputies add to the amount of boots on the ground we can put on the scene, and has worked very well up to this point.

The Sheriffs Division are undertaking additional duties in the very near future, such as staffing the Kapolei courthouse and patrolling the new HCDA Kakaako district, starting March 1<sup>st</sup>. To add Iolani Palace and the entire grounds, its unique problems, along with their specific rules and regulations, none of which our Deputies are conversant with, will add a burden which we should not be undertaking. Adding to the problem, our Deputies are paid at a lower level than the DLNR officers, which will cause many problems in the near future, should we undertake DLNR enforcement duties.

Thank you for this opportunity to testify on this matter.

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**SB 218, RELATING TO THE ʻĪOLANI PALACE**  
Senate Committees on Water, Land, Agriculture, and Hawaiian  
Affairs,  
and Public Safety and Military Affairs

February 13, 2009  
Room: 229

2:45 p.m.

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The Office of Hawaiian Affairs (OHA) **OPPOSES** S.B. 218, which would transfer law enforcement jurisdiction over the buildings and grounds of ʻĪolani Palace from the Department of Land and Natural Resources (DLNR) to the Department of Public Safety (DPS). This bill would be redundant, create more bureaucracy and strip enforcement authority over one of the most significant Native Hawaiian culture sites from the state agency that is statutorily mandated to manage and administer historical sites.

OHA notes that Section 353C-2 already authorizes the DPS to enforce violations at ʻĪolani Palace. Section 353C-2 states that the director of the DPS may:

Preserve the public peace, prevent crime, detect and arrest offenders against the law, protect the rights of persons and property, and **enforce and prevent violation of all laws and administrative rules of the state** as the director deems to be necessary or desirable or upon request, **to assist other state officers or agencies that have primary administrative responsibility over specific subject matters or programs.** [Emphasis added]

This bill is unnecessary because it would provide the DPS with power it already possesses. Moreover, S.B. 218 would confuse the management of ʻĪolani Palace. While the DLNR would still be responsible for managing and administering ʻĪolani Palace should this measure be passed, the agency would presumably not be able to enforce its own rules and regulations for the historic site. Instead, DLNR would have to defer to another agency for this enforcement.

Enforcement is a key component of management, and it would be unwise to separate the two, as this bill attempts to do.

In addition, DLNR is the agency that has the most expertise in managing and enforcing rules and laws for sites such as ʻIolani Palace that are culturally significant to Native Hawaiians. OHA notes that on Oʻahu alone, DLNR manages the Kūkaniloko Birthstones State Historic Site, the Puʻu o Mahuka Heiau State Historic Site, the Ulupō Heiau State Historic Site, the Royal Mausoleum State Monument and the Keaiwa Heiau State Recreation Area. The DPS does not manage any Native Hawaiian cultural sites.

Finally, Section 1 of S.B. 218 notes that the DLNR's law enforcement officers are "stretched thin." Yet Section 5 of the measure requires DPS to present to the Legislature "a plan, including funding projections, to assume law enforcement functions over Iolani Palace as provided by this Act." If the Legislature is prepared to allocate additional funds to cover increased enforcement at ʻIolani Palace, OHA suggests that lawmakers simply appropriate more money to the DLNR to do the job it is statutorily mandated to do.

OHA respectfully urges the Committees to HOLD S.B. 218 for the above-mentioned reasons. Mahalo for the opportunity to testify.

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## IOLANI PALACE

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### TESTIMONY OF KIPPEN DE ALBA CHU

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COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS

Senator Clayton Hee, Chair  
Senator Jill N. Tokuda, Vice Chair

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Will Espero, Chair  
Senator Robert Bunda, Vice Chair

Friday, February 13, 2009

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Chairs Hee and Espero, Vice Chairs Tokuda and Bunda, and members of the joint Committee, thank you for this opportunity to comment on Senate Bill 218.

The Friends of Iolani Palace neither supports nor opposes this measure due to the overlapping jurisdictions of various law enforcement agencies for the 11-acre Iolani Palace complex. The Friends has worked with DOCARE, State Sheriffs, AG Investigations Division, the U.S. Attorney, and the Honolulu Police Department to varying degrees, because all of these agencies can and have responded to incidences at the Palace in the past. Currently, DOCARE is tasked as the lead law enforcement agency and acts as the central command in the event of a takeover attempt, as was the case on two occasions in 2008. If DOCARE cannot respond with sufficient manpower, and depending on the nature of the civil disturbance, all other agencies will step in and respond accordingly.

Thank you again for allowing us to comment on this measure.

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