

HONOLULU EMERGENCY SERVICES DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

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MUFI HANNEMANN  
MAYOR

ELIZABETH A. CHAR. M.D.  
DIRECTOR

January 28, 2010

The Honorable Ken Ito, Chair and Members  
Committee on Water, Land, and Ocean Resources  
House of Representatives  
The Twenty Fifth Legislature  
Regular Session of 2010  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Ito and Committee Members:

RE: HB 2389 Relating to the Penal Code

The City and County of Honolulu's Emergency Services Department strongly supports the intent of HB 2389, which makes assaulting a Water Safety Officer a Class C felony. The Ocean Safety and Lifeguard Services Division of this Department employs over two-hundred Water Safety Officers who provide lifeguard services for the island of Oahu. During the last five years, there have been 10 documented assault cases on our lifeguard personnel during the normal course of their duties.

Unfortunately, many of the effects of the economic downturn, increased drug use, and homelessness have manifested themselves in the parks and beaches of Oahu. In most cases, the City and County Water Safety Officer is the only figure of authority in the areas where many incidents occur. Our lifeguards do not have any law enforcement authority or training to detain or arrest those who break the law, and are limited to warning or advising people and alerting the appropriate enforcement personnel (HPD, DLNR DOCARE) when offenses occur. This puts lifeguards in a very vulnerable and defensive position, as they must remain on the beach in or near their assigned station, susceptible to retaliation and retribution by the law-breakers when enforcement personnel leave the area.

We feel strongly that our Ocean Safety personnel are essential public safety employees and are deserving of the same level of protection from unnecessary assault and battery enjoyed by other public safety workers.

Our recommendation is rather than amend HRS Chapter 707 to designate a new section and class of employees covered by the law, that Section 711, which includes correctional officers, educators, EMS and mental health care workers in the state, be amended to include Water Safety Officers employed by the state and counties.

We are hopeful that the committee will give this matter the serious consideration it deserves and recognize our Water Safety Officers as essential public safety employees who perform an invaluable service to the citizens of and visitors to the State of Hawaii.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elizabeth A. Char".

Elizabeth A. Char, M.D.  
Director