

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



JORDAN LOWE
DIRECTOR

DEPT. COMM. NO. 309

MICHAEL VINCENT
Deputy Director
Administration

SYLVIA LUKE
LT GOVERNOR
KE KE'ENA

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LAW ENFORCEMENT

Ka 'Oihana Ho'okō Kānāwai

715 South King Street
Honolulu, Hawaii 96813

JARED K. REDULLA
Deputy Director
Law Enforcement

No: #2023-0125

December 14, 2023

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

The Honorable Scott K. Saiki, Speaker
and Members of the House of
Representatives
Thirty-Secondth Legislature
State Capitol, Room 431
Honolulu, HI 96813

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

For your information and consideration, I am transmitting a copy of the Department of Law Enforcement (DLE)'s Annual Report on the Activities of the Statewide Illegal Fireworks Task Force to the 2024 Legislature. In accordance with Section 93-16, Hawaii Revised Statutes, this report will be posted on DLE's website for ease of public viewing once the DLE's website's design is completed and activated on the internet.

Sincerely,

Jordan Lowe
Director



DEPARTMENT OF LAW ENFORCEMENT
REPORT TO THE 2024 LEGISLATURE

ILLEGAL FIREWORKS TASK FORCE

DEPARTMENT OF LAW ENFORCEMENT
REPORT TO THE 2024 LEGISLATURE

ILLEGAL FIREWORKS TASK FORCE

INTRODUCTION

On June 7, 2023, Governor Green signed Act 67, Relating to Fireworks into law. Act 67 has many purposes including:

- a. The establishment of an illegal fireworks task force to plan, coordinate, and engage in law enforcement operations to interdict illegal fireworks;
- b. Develop a comprehensive strategic plan to stop the importation of illegal fireworks and explosives into Hawaii;
- c. Promote compliance with the state fireworks control laws; and
- d. Ensure the safety and security of the airports, harbors, and other facilities and institutions in the State against the discharge of illegal fireworks and explosives.

Among the four enumerated purposes listed in Act 67 is the important purpose of developing a comprehensive strategic plan to stop the importation of illegal fireworks and explosives into Hawaii. To that particular purpose, Act 67 designated the following government officials as members of the fireworks task force:

- a. Attorney General;
- b. Deputy Director of the Harbors Division of the Department of Transportation;
- c. Chief of Police of each county police department; and
- d. Prosecuting Attorney of each county.
- e. United States Attorney's Office, District of Hawaii;
- f. United States Department of Homeland Security;

- g. Federal Bureau of Alcohol, Tobacco, Firearms and Explosives;
- h. Federal Bureau of Investigation;
- i. United States Coast Guard;
- j. United States Customs and Border Protection; and
- k. Office of Homeland Security Investigations of the United States Department of Homeland Security.

PRIORITIZATION

Act 67 lists four important purposes relating to fireworks enforcement in Hawaii. While all these purposes are important, the Department of Law Enforcement (hereinafter referred to as “DLE”) Director was forced to prioritize his, and the task force’s efforts, because the 2023 calendar year was progressing towards the holiday season, and the new year, when there would be widespread use of illegal fireworks. As such, the Director prioritized the rapid establishment of an illegal fireworks task force to plan, coordinate, and engage in law enforcement operations to interdict illegal fireworks as his highest priority.

After the 2023 holiday season, the DLE Director intends to hold task force meetings with the government officials listed earlier to develop the comprehensive plan as called for in Act 67.

This report hereafter outlines the activities of the Statewide Fireworks Task Force (hereinafter referred to as the “IFTF”) during the last half of calendar year 2023.

CHALLENGES

Immediately after Act 67 was signed into law, the DLE began a review of past efforts by the Legislature to study the problem of illegal fireworks in Hawaii. In its well written 2019 Legislative Reference Bureau Report, *“Blast From the Past: An Update to the Report of the Illegal Fireworks Task Force to the Legislature for the Regular Session of 2011”*, the LRB’s authors described the challenges surrounding illegal fireworks in Hawaii as:

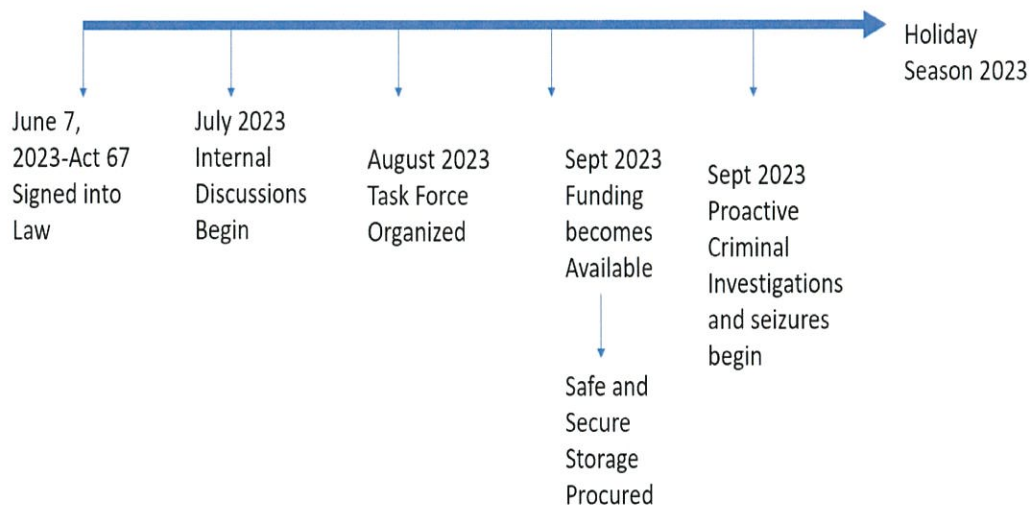
- a. The lack of a clearly defined illegal fireworks problem;
- b. Insufficient resources to adequately address the illegal fireworks problem;
- c. Difficulties in prosecuting illegal fireworks cases;
- d. The financial burdens and risks associated with the storage and disposal of seized fireworks;
- e. Various deficiencies related to inspections for illegal fireworks;
- f. The lack of cooperation between stakeholders; and
- g. Inconsistencies in the various state and county fireworks laws.

In addition to these challenges, the DLE reviewed what traditional fireworks law enforcement looked like. That review showed that while there were some past instances of bulk fireworks seizures and associated arrests, more frequently, enforcement was focused on fireworks users who either set off illegal fireworks (such as “aerials”) or who set off fireworks at inappropriate times and places. Additionally, the criminal justice system’s appetite for apprehension and prosecution for fireworks offenses seemingly lacked priority when compared to more serious crimes occurring in the community. Anecdotal conversations with prosecutors further revealed that fireworks prosecutions were often dropped for discretionary reasons.

The DLE believes that the biggest challenge in fireworks enforcement is overcoming the local community’s high acceptance and tolerance for the use of illegal fireworks. Hawaii has both a longstanding tradition and a cultural acceptance of fireworks that spans both decades and generations of our modern historical existence. That tradition and culture continuously fuels the popularity of fireworks in Hawaii. Consequently, wholesale change along with new, sustainable, and daily efforts must be placed in any counter-fireworks efforts in Hawaii.

PLANNING EFFORTS

TIMELINE FOR THE ILLEGAL FIREWORKS TASK FORCE



In July 2023, the DLE Director convened internal meetings amongst law enforcement staff to begin the effort of rapidly standing up the IFTF so the real work of interdicting fireworks could begin in earnest. The Director's overall goal of planning was simple. Despite the long list of challenges that have traditionally overshadowed good and efficient fireworks enforcement, the IFTF would overcome them and produce real results. To that end, the DLE Director brought together law enforcement officers from the State's Narcotics Enforcement Division and the Sheriff Division to begin planning how the IFTF could become operational quickly. The Narcotics Enforcement and Sheriff Divisions both have longstanding ability, capacity, and knowledge to confront traditional forms of contraband such as drugs and weapons and the flourishing marketplaces where these forms of contraband exist. Consequently, because illegal fireworks are similarly contraband, the traditional enforcement methods used by these law enforcement officers: surveillance, undercover work, and parcel interdiction easily applied to fireworks interdiction. From these

discussions, the DLE Director and his internal working team laid out a plan to stand up the IFTF quickly so it could become operational before the 2023 holiday season, when illegal fireworks become very common in the community.

The DLE Director's Plan included:

1. Gaining cooperation with prosecutors;

Beginning in August 2023 and onward, DLE's planning group met several times with prosecuting attorneys within the Department of the Attorney General's Criminal Justice Division to discuss how fireworks investigations could be prosecuted successfully. These meetings were cordial, professional and resulted in a high-level of cooperation between the IFTF and prosecutors. From these meetings, a high level of optimism was gained that criminal fireworks cases could and would be prosecuted in the State courts.

2. Meeting with representatives of the Department of Health to learn about safe storage requirements;

IFTF members met with Department of Health employees to learn about the state and federal laws and regulations that govern the safe and secure storage of seized fireworks and the process necessary to safely dispose of fireworks. Once again, the IFTF was met with a high-level of cooperation from the Department of Health. From these meetings, the IFTF was able to gain an understanding of the requirements and procedures to gain a safe and secure storage place and to destroy fireworks.

3. Obtaining a safe and secure storage place for seized fireworks;

Obtaining a safe and secure storage place to store seized fireworks and the accompanying financial burdens of maintaining such a place has been a longstanding challenge for law enforcement. This challenge was identified in the Legislature's past studies in both 2011 and 2019.

The most painful part of safe and secure storage of fireworks is navigating the many state and federal requirements that apply to the storage of fireworks. For example, federal laws govern how much fireworks materials can be stored in a single place relative to how close the storage is to inhabited buildings and roadways. Consequently, when this regulation is applied to finding an appropriate storage space within the highly congested communities on Oahu, there are few, if any, locations that can be used.

However, despite the pain and difficulty of locating a safe, secure, and appropriate storage facility, the DLE has procured a short-term lease for a fireworks storage space and is currently in the process of procuring long term storage. Additionally, DLE is in very cooperative discussions with another State agency to obtain additional safe and secure storage space using property in that agency's inventory.

4. Organizing a multi-agency law enforcement team to begin offensive/proactive operations to interdict fireworks;

In August 2023, the DLE began organizing a multi-agency team to begin proactive operations to interdict illegal fireworks. As a result, DLE was able to organize the IFTF with membership consisting of law enforcement and prosecutors at all levels of county, state, and federal governments.

The IFTF presently consists of members from:

- a. The Department of Law Enforcement (DLE)
- b. The Department of Public Safety's Narcotics Enforcement Division (NED)
- c. The Department of Public Safety's Sheriff Division (SD)
- d. The Honolulu Police Department (HPD)
- e. The Department of the Attorney General - Criminal Justice Division (CJD)
- f. United States Customs and Border Protection (CBP)
- g. Homeland Security Investigations (HSI)
- h. The United States Postal Inspection Service (USPIS)

Additionally, the DLE is in discussions with the neighbor island police departments to participate in IFTF operations. To that end, memorandums of understanding (MOUs) are being drafted to formalize their participation and assistance.

5. Provide initial safety training to IFTF officers and prosecutors so that safety became prioritized during task force operations;

Immediately after Act 67 was signed into law, the DLE Director understood that an intensive and focused effort to confront illegal fireworks meant that the IFTF would have to gain specialized workplace safety knowledge to work in the fireworks and explosives environment. Consequently, DLE brought the PETR Explosives Group, a Colorado-based company, to Honolulu to provide the IFTF with training on fireworks safety, transport, storage, and regulatory compliance. The training was well-received and IFTF attendees were provided with the necessary knowledge to work safely amongst fireworks.

6. Creating and sustaining a public-private partnership between law enforcement and private businesses;

One pioneering approach that the DLE and IFTF is using to confront the problem of illegal fireworks is creating a healthy public-private partnership between law enforcement and private businesses that would aid in detecting and interdicting illegal fireworks. To that end, IFTF members have fostered cooperative relationships with several shipping and delivery companies in Hawaii. Those companies have opened their doors to IFTF members allowing the IFTF to examine parcels that may contain illegal fireworks.

ENFORCEMENT STRATEGY

Traditional or classical criminology often describes the cause of crime as a function of both opportunity and desire. Where there is high opportunity and high desire, classical criminologists explain that crime will likely occur. Therefore, in keeping with that criminological theory, the DLE Director realized that reducing opportunity and desire in the criminal fireworks realm through deterrence and law enforcement “omnipresence” would be an overall goal in both reducing “desire” and “opportunity” to commit fireworks crimes. One simple way to create deterrence and omnipresence in the community would be for law enforcement officers to conduct a “sweep” with the goal of arresting as many fireworks offenders as possible in the community. Such a “sweep” would immediately show the community that the IFTF would have “zero-tolerance” for fireworks offenders.

However tempting sweeps would be, the DLE Director also quickly realized that any practical fireworks enforcement that cast a “wide net” to

apprehend as many offenders as possible would be both expensive, inefficient, and not likely to stem the flow of illegal fireworks in Hawaii. Consequently, the DLE Director chose a “surgical” approach to fireworks enforcement.

Presently, the IFTF’s strategy is to use intelligence-led policing to confront the illegal fireworks problem in Hawaii. An intelligence-led policing strategy allows the DLE Director and the IFTF to use its law enforcement, staffing, and financial resources to address illegal fireworks smartly and place those resources where they can be used wisely and “surgically.” Consequently, intelligence has led the IFTF to concentrate its efforts on importers, traffickers, and distributors of illegal fireworks and their associated financial resources. Moreover, in keeping with that intelligence, like drugs and other contraband, DLE is focusing on Hawaii’s ports of entry, namely Hawaii’s airports, harbors, and both United States and private mail distribution systems. This focused approach on traffickers would then reduce the desire and opportunity to import and distribute illegal fireworks, and in turn, cascade into reducing demand by other importers, traffickers, and even end users.

Additionally, the IFTF is already conducting intensive criminal investigative operations including:

- a. Intelligence collection and analysis;
- b. Criminal surveillance;
- c. Interdiction; and
- d. Covert operations.

RESULTS OF THE IFTF’S ACTIVITIES THUS FAR

As of December 14, 2023, the IFTF has already seized approximately 135,000¹ pounds of illegal fireworks on Oahu and investigations are continuing. As the new year approaches, DLE expects that its investigations will lead to arrests and additional seizures.

It is important to further note that the IFTF’s on-going law enforcement operations have already had a chilling effect on the community. As investigations are ongoing, specific details cannot yet be revealed. However, the IFTF has learned from “the street” that those involved in illegal fireworks trafficking organizations on Oahu are already aware of the

¹ This amount may increase because one additional seizure is pending.

IFTF and have grown increasingly wary that they may become the IFTF's "next project." In short, the DLE and IFTF's goal of reducing opportunity and desire to commit crime, while increasing omnipresence is working. Consequently, the IFTF's warning to fireworks traffickers is simple:

Stop trafficking illegal fireworks now or you will be targeted for investigation.

WHAT WE KNOW ABOUT FIREWORKS FROM THE TASK FORCE'S ACTIVITIES THUS FAR

There are several things known to the IFTF thus far that pertain to the illegal fireworks problem in Hawaii. First, illegal fireworks are being smuggled into Hawaii year-round and like other forms of contraband, fireworks are likely being smuggled into Hawaii daily. This is evident by the ease with which the IFTF has already seized fireworks, the sheer amounts that have been seized, and the wide use of shipping, air transport and mail channels used to distribute goods in Hawaii. Consequently, if law enforcement is to make any progress toward confronting the illegal fireworks problem, there must be a well-funded, well-staffed, and sustained effort to address illegal fireworks by interdiction at points of entry in Hawaii. The DLE has just started its enforcement efforts by surveillance at points of entry, and in less than three months' time, about 135,000 pounds of fireworks have already been seized. If the effort continues throughout the year, the amounts of fireworks seized could be staggering.

Second, the IFTF knows that the flourishing fireworks black market in Hawaii is founded upon well-established networks and organizations in the Hawaii underground. Thus, any law enforcement efforts to confront fireworks in earnest must be designed to disrupt and dismantle these underground trafficking networks and organizations. This can only be done through long-term and comprehensive investigations that aim to not only interdict illegal fireworks, but also identify, investigate, and prosecute kingpins, conspirators, and their associated criminal finances and assets.

Most importantly, the IFTF knows that any earnest effort to counter illegal fireworks can only be done with a dedicated criminal investigative unit with sustained staffing and funding. The ease with which illegal fireworks have already been seized indicates that fireworks traffickers are frequently distributing fireworks into Hawaii; and with little thought of being caught. Consequently, the DLE and the IFTF urge the Legislature to consider the creation of a full-time criminal investigation unit within the DLE with funding, staffing, and equipment to confront the fireworks problem on a

year-round, daily, and permanent basis. While the task force concept mandated in Act 67 has been highly successful thus far, participation in the task force is part-time and members have a primary job they must do in addition to task force work. Only a full-time approach can bring the necessary cultural and traditional changes necessary to confront the fireworks problem at-large in Hawaii.

COMMUNITY OUTREACH:

In an ongoing effort to reduce illegal or unwanted fireworks in the community, the Department of Law Enforcement (DLE) and the Honolulu Fire Department (HFD) partnered with the Department of the Attorney General, the United States Department of Homeland Security, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives to host a community fireworks collection event which was held on December 17, 2023. The goal of the event was to reduce the number of fireworks in the community and thereby reduce the risks of injury and fire associated with fireworks. The event was an amnesty program, and no questions were asked about the person dropping off the fireworks. This event resulted in approximately 500 pounds of illegal fireworks collected. The illegal fireworks will be safely disposed of later.

THE FUTURE

Soon, the DLE will bring its efforts to statewide communities by synergizing partnerships with the neighbor island police departments, private partners, and community members.

Presently, the funding provided to the IFTF in Act 67 has been budgeted for and an expenditure plan has been created. That expenditure plan allots various amounts of funding to the important needs that must be funded for the task force to do its work. The IFTF knows that to maintain its efforts, sustained funding must be provided. Consequently, the DLE Director will be asking the Legislature to provide funding to sustain IFTF operations.

CONCLUSION

The DLE has created a statewide fireworks task force and is currently interdicting fireworks regularly in Hawaii. As a result, approximately 135,000 pounds of illegal fireworks have already been seized. Additionally, because criminal investigations are ongoing, specific details on those investigations, as well as discussions over tactics, techniques, and procedures would frustrate legitimate government interests. Members

of the Legislature who have questions are respectfully requested to contact the DLE Director's Office.