

**Report to the Twenty-Eighth Legislature
Regular Session of 2015**

**FISCAL YEAR 2014-2015 GENERAL FUND APPROPRIATION
FOR THE CONSERVATION AND RESOURCES
ENFORCEMENT PROGRAM**



**Prepared by:
Division of Conservation and Resources Enforcement
Department of Land and Natural Resources
State of Hawaii**

**In response to:
Section 14.3 of Act 122, Session Laws of Hawaii 2014**

**Honolulu, Hawaii
December 2014**

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BACKGROUND

Section 14.3 of Act 122, Session Laws of Hawaii 2014, appropriated \$577,000 in general funds for Fiscal Year (FY) 2014-2015 to the Department of Land and Natural Resources' (Department) Conservation and Resources Enforcement Program (LNR 405) for overtime and other cost differentials; uniforms, body armor and utility gear, vehicle and vessel fuel and oil, repair and maintenance, and utilities. In conjunction with this appropriation, Section 14.3 provided that the Department report to the 2015 Legislature the expenditures and benefits of the \$577,000 amount, including an itemization and description of the direct benefits resulting from the expenditure amount.

REPORT OF EXPENDITURES

For comparison purposes, the expenditure information provided below is for the reporting period of July 01 to October 31, 2014. In general, the Department's Division of Conservation and Resources Enforcement (DOCARE) overall FY 2015 expenditures for the referenced period are in line, for the most part, to the expenditure levels of FY 2014; this in part that no Conservation and Resource Enforcement Officer (CREO) positions were filled within the reporting period.

| <u>EXPENSES FOR THE PERIOD JULY 01 - OCTOBER 31</u> | | |
|------------------------------------------------------------|-----------------|------------------|
| <u>Expense Description</u> | <u>FY2015</u> | <u>FY2014</u> |
| OVERTIME/OTHER COST DIFFERENTIALS (68,000) | 67,444.50 | 42,450.67 |
| UNIFORM, BODY ARMOR, DUTY GEAR (37,000) | 185.12 | 3,737.07 |
| VEHICLE FUEL/OIL/MAINTENANCE (112,000) | 1,510.49 | 4,782.28 |
| VEHICLE/VESSEL FUEL & OIL (150,000) | 51,581.73 | 30,763.20 |
| VEHICLE/VESSEL REPAIR/MAINTENANCE (150,000) | 22,491.52 | 28,693.83 |
| UTILITIES (60,000) | <u>8,875.02</u> | <u>10,515.69</u> |
| | 152,088.38 | 120,942.74 |

Two (2) CREO positions have since been filled in early November and two (2) candidates were selected for hire in the latter part of the month. Additionally, ten (10) vacant CREO positions are in the active recruitment process. Once all positions are filled, DOCARE anticipates all expenditure category totals to exceed the supplemental funding appropriated amounts.

PRE AND POST EXPENDITURE MEASURES OF EFFECTIVENESS

While DOCARE has received an increase in operating funds for FY 2015 and is humbly grateful, the overall benefit of this increase will be minimal and will provide limited means to fund the personal services, current expenses, equipment, training and motor vehicle costs for new hires. The table below, illustrates DOCARE’s FY 2014 Performance Measures and FY 2015 estimated Performance Measures. Though DOCARE is adding 2-4 CREO’s to its enforcement workforce, their hiring will not immediately impact the current estimated measures due to training and required certifications requirements within their first six months of employment.

| | Actuals | Estimated |
|------------------------------------------------------------------------------|---------|-----------|
| | FY 2014 | FY 2015 |
| <u>MEASURES OF EFFECTIVENESS:</u> | | |
| 1. % OF TIME SPENT ON AQUATICS RESOURCES ENFORCEMENT | 41.45 | 36 |
| 2. % OF TIME SPENT ON FORESTRY AND WILDLIFE RESOURCES ENFORCEMENT | 14.5 | 15 |
| 3. % OF TIME SPENT ON STATE PARKS ENFORCEMENT | 15.23 | 15 |
| 4. % OF TIME SPENT ON PUBLIC LANDS AND CONSERVATION DISTRICT USE ENFORCEMENT | 4.9 | 3 |
| 5. % OF TIME SPENT ON BOATING AND OCEAN RECREATION ENFORCEMENT | 21.1 | 25 |
| 6. % OF TIME SPENT ON OTHER ENFORCEMENT | 2.83 | 6 |
| <u>PROGRAM ACTIVITIES:</u> | | |
| 1. NUMBER OF ENFORCEMENT MILES | 905844 | 950000 |
| 2. NUMBER OF ENFORCEMENT HOURS | 183750 | 200000 |
| 3. NUMBER OF ARRESTS MADE | 106 | 50 |
| 4. NUMBER OF CITATIONS ISSUED | 1263 | 1650 |
| 5. NUMBER OF INVESTIGATIONS ASSIGNED | 3563 | 3000 |
| 6. NUMBER OF INSPECTIONS PERFORMED | 15476 | 12000 |

OVERTIME AND OTHER COSTS DIFFERENTIALS

During the years of the State’s sluggish economy, DOCARE was forced to curtail overtime and work which would create costs differentials, such as night time work. These conditions were met with strong criticism by the public who complained that as a law enforcement agency, DOCARE was not capable of fulfilling its statutory duties and meet core operational functions.

Additionally, a CREO’s primary responsibility is enforcement of the State of Hawaii’s natural, cultural and historic resources and ensuring public safety for local residents and visitors. However, due to DOCARE's specialized capabilities, the Division has seen an increased call for enforcement assistance and has been tasked with extended operations in support of other state and federal government agencies, including presidential protection, security of federal government officials, the enforcement of maritime security zones as

well as support of disaster response to tsunamis, hurricanes and other hazards. A most recent example is Hurricane Iselle, in August 2014. For the six (6) days that DOCARE provided assistance, overtime and night differential costs exceeded \$80,000. These tasks have proven to be significantly costly, substantially depleting DOCARE's operational funding, and are often provided without reimbursement.

The additional funding provides DOCARE with increased opportunities to provide for overtime work on holidays and to fund cost differentials for work performed during night hours. This also provides the public with increased confidence in DOCARE's effectiveness and the ability to meet public expectations of service and increased deterrence of criminal activities.

EQUIPMENT: UNIFORMS, BODY ARMOR AND DUTY GEAR

Prior to receiving the additional \$577,000 general fund appropriation, DOCARE's ability to hire and recruit for vacant CREO positions was difficult due to initial start-up costs associated with the hiring, training and equipping of newly hired personnel. These costs include equipping new hires with uniforms, body armor and duty gear, all of which are required and standardized equipment. These start-up costs were significant in relation to the overall DOCARE operational budget at that time, and paralyzed DOCARE's efforts to hire new CREO personnel. With the additional general fund appropriation monies, DOCARE is able to fund the initial estimated outfitting and training costs (est. \$74,000 per officer) and salaries (est. \$130,000) for roughly 5 new hires, but will require more funding in order to fund the costs for all of its vacancies

VEHICLE AND VESSEL FUEL COSTS, MAINTENANCE/REPAIR AND UTILITIES

DOCARE relies on its vehicle and vessel fleet to perform core program enforcement functions. Although FY 2015 fuel and vehicle maintenance/repairs expenditures for the first four months are in line to the expenditure levels in FY 2014, for the same period, DOCARE anticipates all expenses to increase substantially with the increase of enforcement staff. The vehicles assigned to the new officers are part of the 42% of the DOCARE fleet ten years or older that susceptible to more wear and tear than the newer vehicles in the DOCARE fleet. In essence, more wear and tear results in higher repair costs.