

State of Hawai'i
Department of Land and Natural Resources
Division of Conservation and Resource Enforcement
Honolulu, Hawai'i

July 24, 2026

Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

Subject: Request to Delegate Authority to the Enforcement Chief of the Division of Conservation and Resource Enforcement to Negotiate, Approve, Execute, Amend, Extend, Renew and Terminate Memoranda of Understanding with County Police Departments and the State Department of Law Enforcement for the Temporary Housing of Detainees.

BACKGROUND:

The Department of Land and Natural Resources (DLNR), Division of Conservation and Resource Enforcement (DOCARE) officers have all powers and authority of a police officer, including the power of arrest, but DOCARE does not have facilities that are suitable for short-term detention of people arrested or held by DOCARE officers. County police departments and the State Department of Law Enforcement (DLE) have facilities that are suitable, and regularly used for, the detention of people arrested or held by county police departments and the DLE.

Occasionally, DOCARE officers need to arrest or detain a person in the interest of public safety and in the furtherance of law enforcement objectives. DOCARE seeks to enter memoranda of understanding (MOU) with the DLE and county police departments that are willing to provide short-term housing of DOCARE detainees. The intent of the MOU that may be negotiated and entered by DOCARE and county police departments, or DLE is to ensure safe, secure, and humane temporary housing of DOCARE detainees.

DISCUSSION:

Hawaii Revised Statutes (HRS) § 199-4(a) provides DOCARE officers have all the powers and authority of a police officer, including the power of arrest, and in addition to enforcing to title 12, chapters 6D, 6E, and 6K, and the rules adopted thereunder, may enforce all other state laws and rules, and county ordinances within all lands and waters of the State. Further, HRS § 199-4(b) provides DOCARE officers are authorized to take any person arrested to a police station or before a district judge, or issue a summons and citation, warning the person to appear and to answer to the charge against the person at a certain place and time.

As authorized in HRS § 199-4(a), the Enforcement Chief of DOCARE has “charge, direction, and control, subject to the direction and control of the board, of all matters relating to the enforcement of title 12, chapters 6D, 6E, 6K, and rules adopted thereunder and such other matters as the board may from time to time direct.” The Board of Land and Natural Resources may delegate to DOCARE officers “such authority as may be required” for their law enforcement duties as provided in HRS § 199-2.

Additionally, HRS § 199-3(a)(3) states DOCARE officers are authorized to cooperate with enforcement authorities of the State, counties, and federal government in development of programs and mutual aid agreements for conservation and resources enforcement activities within the State.

The short-term housing of detainees is sometimes a necessary step in DOCARE’s enforcement of the law. Therefore, DOCARE seeks a delegation of authority from this Board to DOCARE’s Enforcement Chief to negotiate and enter in MOU for the short-term housing of DOCARE detainees.

County police departments and DLE have no obligation to enter the MOU described in this submittal, but may wish to do so in the furtherance of public safety and in cooperation and coordination with DOCARE as partners in law enforcement.

DOCARE seeks authority for the Enforcement Chief to negotiate the terms of the MOU between DOCARE, the DLE and the county police departments, but generally, the terms would be as follows:

County Police Department and DLE would agree to: provide secure detention space and supervision of DOCARE detainees at their facility; maintain reports of admission, release, and any incident reports as required by law; notify DOCARE immediately of medical emergencies, behavioral incidents, or facility issues involving DOCARE detainees, provide meals, blankets, and, if medication is required, coordinate administration of prescribed medication in consultation with DOCARE and in accordance with the county police department’s cell facility procedures; and assist DOCARE in ensuring timely medical attention is provided to DOCARE detainees in the event of a medical emergency.

DOCARE would agree to: retain legal custody of DOCARE detainees at all times; provide transportation to and from the county or DLE facility; provide the county police department and DLE with any necessary medical, behavioral, or security information about detainees; complete a medical screening questionnaire with the detainees and obtain a health or mental health clearance for incarceration from a licensed physician if the detainee has a medical or mental health condition; reimburse the county police department and DLE for all costs associated with temporary housing of detainees.

Any MOU with a county police department and DLE will require DOCARE to negotiate specific terms that suit the needs of that county police department, the DLE and DOCARE. This will include detention facility location, reimbursable costs, and so forth. DOCARE anticipates that any county police department, or the DLE entering in such MOU will request reimbursable costs including lodging, meals, toiletries, cleaning, transportation, routine medical care, security, administrative services, and damages to county police department or DLE facilities. DOCARE's payment of these reimbursable costs would come from DOCARE's general funds.

Any action taken under any MOU executed by DOCARE and the DLE, or county police department shall be required to comply with all applicable federal, state, and county laws, regulations, and policies governing the temporary housing of detainees, including standards of care, safety, and facility security.

RECOMMENDATION:

The Division of Conservation and Resource Enforcement requests that the Board of Land and Natural Resources:

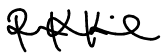
- A. Authorize the Enforcement Chief of the Division of Conservation and Resource Enforcement to negotiate, approve, execute, amend, extend, renew, and terminate memoranda of understanding with county police departments and the State Department of Law Enforcement for the temporary housing of short-term detainees as described herein, subject to review and approval by the Department of the Attorney General.

Respectfully submitted,



Jason K. Redulla
Enforcement Chief
Division of Conservation & Resources
Enforcement

APPROVED FOR SUBMITTAL:



Ryan Kanaka'ole
Chairperson
Board of Land and Natural Resources