



Supreme Court — THE JUDICIARY • STATE OF HAWAII

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Mark E. Recktenwald
CHIEF JUSTICE

May 11, 2020

The Honorable Clare E. Connors
Attorney General, State of Hawai'i
425 Queen Street
Honolulu, HI 96813

Dear Attorney General Connors,

This letter is in response to Governor David Y. Ige's May 4, 2020 letter to me, which I received on May 8, 2020 (a copy of the letter is enclosed). The letter asks the Judiciary to consider implementing the following measures to assist in the enforcement of the travel quarantine order:

1. Confirming bail requested by law enforcement or prosecutors, which would be in the range of \$2,000 to \$5,000 for the misdemeanor Quarantine Violation offense, and which would reflect the seriousness of a violation of the travel quarantine order;
2. Immediate setting of arraignment and plea, whether or not a defendant posts bail, thereby allowing for a quick disposition of the matter which may include the defendant leaving the State, or for the immediate setting of conditions of bail, such as electronic bracelet monitoring.

With respect to the first item, bail must be set by judges on an individualized basis consistent with constitutional and statutory requirements, which do not authorize bail schedules. See Pelekai v. White, 75 Haw. 357, 861 P.2d 1205 (1993).

With respect to the second item, the administrative judges are open to discussing expedited arraignment and pleas for cases involving alleged violations of travel quarantine restrictions. These conversations should take place on a county by county basis and include, among others, the office of the public defender, the county police departments, and the county prosecutors. Any discussion must take into consideration my orders restricting entry to Judiciary facilities for anyone who

The Honorable Clare E. Connors
Attorney General, State of Hawai'i
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has traveled in the past 14 days. Please contact the
administrative judges to follow up.

Sincerely,



Mark E. Recktenwald
Chief Justice

Enclosure: Letter from Governor David Ige to Chief Justice
Mark Recktenwald dated May 4, 2020

cc (w/enclosure):

The Honorable David Y. Ige
Public Defender James S. Tabe
Acting Prosecuting Attorney Dwight Nadamoto,
City and County of Honolulu
Prosecuting Attorney Mitchell Roth, County of Hawai'i
Prosecuting Attorney Don S. Guzman, County of Maui
Prosecuting Attorney Justin Kollar, County of Kaua'i
Chief Susan Ballard, Honolulu Police Department
Chief Paul Ferreira, Hawai'i Police Department
Chief Tivoli Faaumu, Maui Police Department
Chief Todd Raybuck, Kaua'i Police Department
Myles Breiner, Esq., President, Hawai'i Association of
Criminal Defense Lawyers



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

May 4, 2020

The Honorable Mark E. Recktenwald
Chief Justice
Supreme Court of Hawai'i
Ali'iōlani Hale
417 South King Street
Honolulu, Hawai'i 96813

Dear Chief Justice Recktenwald:

As you know from the actions I and the county mayors have been forced to take during the last few months, the pandemic caused by the coronavirus and COVID-19 have required the implementation of extraordinary measures to ensure the safety and health of our state. These have included stay-at-home orders issued in compliance with national guidance identifying what businesses and operations must continue while the rest of the state ceases most activities.

Unfortunately for Hawai'i's economy, tourism is not an essential activity under our current emergency framework. Yet, travel to our state continues, with both tourists and returning residents arriving in significant numbers each day. To mitigate the risks presented by this pandemic, I have implemented a 14-day quarantine for all arriving travelers to the State of Hawai'i. This measure is informed by the current public health guidance and scientific data concerning the incubation period of this disease, and is applicable across the board, with exceptions only for travelers engaged in operations identified as essential.

I am writing to you because enforcement of this travel quarantine has proven daunting. While the state Department of Transportation, along with the state Department of Health, have worked hard to develop robust screening protocols at our airports, our state and local law enforcement agencies have been tasked with enforcing the travel quarantine order. As a result, there have been a number of arrests. Most of the arrestees have quickly posted bail and immediately created a public safety concern, with some continuing to commit violations of the very order in place to protect our community.

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I would very much appreciate if the Judiciary would consider implementing the following measures to assist in the enforcement of the travel quarantine order:

1. Confirming bail requested by law enforcement or prosecutors, which would be in the range of \$2,000 to \$5,000 for the misdemeanor Quarantine Violation offense, and which would reflect the seriousness of a violation of the travel quarantine order;
2. Immediate setting of arraignment and plea, whether or not a defendant posts bail, thereby allowing for a quick disposition of the matter which may include the defendant leaving the State, or for the immediate setting of conditions of bail, such as electronic bracelet monitoring.

Thank you for your attention to this request, and please feel free to contact Attorney General Clare Connors with any additional follow up.

With warmest regards,

A handwritten signature in black ink, appearing to read "David Y. Ige". The signature is fluid and cursive, with a large, sweeping flourish at the end.

David Y. Ige
Governor, State of Hawai'i

c: Clare Connors, Attorney General, State of Hawai'i