



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-FIFTH LEGISLATURE, 2010**

ON THE FOLLOWING MEASURE:

S.B. NO. 2226, RELATING TO SENIOR CITIZENS.

BEFORE THE:

SENATE COMMITTEE ON HUMAN SERVICES

DATE: Thursday, January 28, 2010 **TIME:** 1:50 p.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Mark J. Bennett, Attorney General, or
Andrea J. Armitage, Deputy Attorney General

Chair Chun Oakland and Members of the Committee:

The Department of the Attorney General appreciates the intent of this bill, but must oppose it.

The measure would require the Department of the Attorney General to create a "Silver Alert" program for missing senior citizens, similar to the Maile Amber Alert program for missing children.

We have concerns about this bill for several reasons. First, it does not appear to be necessary. We understand that in 2009 in Honolulu, all 89 missing senior citizens with dementia or Alzheimer's disease were located. In 2008, all four seniors reported missing on Kauai were located. In 2008, on the Big Island, twelve seniors were reported missing and eleven of them were located. The numbers from Maui are not readily available; however, there are no outstanding cases of missing senior citizens there at this time. The county police departments have adequate resources in place to locate almost all of the senior citizens reported to be missing.

Second, the Department of the Attorney General would be unable to develop and implement the Silver Alert program without additional funding or other resources.

Third, unlike children, whose parents can waive confidentiality, senior citizens have privacy rights that should be respected to the greatest extent possible. Senior citizens also have a right to travel on their own. The criteria for posting a Silver Alert as stated in the bill are too vague to justify a violation of the senior's privacy rights without the senior's consent.

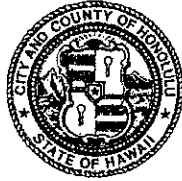
- a. Section 2, paragraph (3) of the bill requires the senior to have "an impaired mental condition." This is not defined and could be interpreted very broadly.
- b. The impaired mental condition must be documented by "the family, legal guardian, or physician of the missing senior citizen." Family is defined as "any person related to the senior citizen by blood, marriage, or adoption, or a reciprocal beneficiary." That definition is extremely broad. Furthermore, a physician may not be able to disclose the senior citizen's medical information due to federal privacy laws.

Finally, adding a Silver Alert to the Maile Amber Alert program could cause the system to be overused and the community to become indifferent to the alerts. For example, on average, the Honolulu Police Department has at least one potentially qualifying Silver Alert case per week.

We respectfully ask the Committee to hold this bill.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org



MUFI HANNEMANN
MAYOR

LOUIS M. KEALOHA
CHIEF

DELBERT T. TATSUYAMA
RANDAL K. MACADANGDANG
DEPUTY CHIEFS

OUR REFERENCE RR-NTK

January 28, 2010

The Honorable Suzanne Chun Oakland, Chair
and Members
Committee on Human Services
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Oakland and Members:

Subject: Senate Bill No. 2226, Relating to Senior Citizens

I am Richard C. Robinson, Captain of the Criminal Investigation Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department opposes Senate Bill No. 2226, Relating to Senior Citizens. Unlike the Maile Amber Alert Program that is used for criminal abductions of children in life-threatening situations, missing person cases are not criminal in nature. The Honolulu Police Department actively investigates cases when a senior citizen is reported missing who has Alzheimer's, dementia, or an impaired mental condition that poses a credible threat to the health and safety of the senior citizen. Because the jurisdiction of the Honolulu Police Department encompasses the entire island of Oahu, there are no jurisdictional communication problems that have prompted similar legislation on the mainland.

Upon receiving the report, an All Points Bulletin is broadcast island-wide for the missing person. Investigators make contact with the family to obtain more detailed information and a photograph of the missing person. A flyer is created and distributed to The Bus, shopping centers, hotel security, sheriffs at the airport, and all patrol districts. Investigators may utilize the police helicopter, tracking dogs, or trained search and rescue personnel to assist in the search if deemed necessary. Areas where the missing person is known to have lived or frequented in the past are also checked.

Serving and Protecting With Aloha

The Honorable Suzanne Chun Oakland, Chair
and Members

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Investigators work with the media to request the public's assistance to help locate these missing senior citizens. These measures have been very successful. In 2008, there were 98 reported Alzheimer's or dementia-related missing persons cases. Of those, 97 were found within twenty-four hours.

Passage of the Silver Alert for Missing Senior Citizens may confuse the public and may be detrimental to the existing Maile Amber Alert Program that is used in only the most severe criminal cases where children are kidnapped and are in immediate danger of death.

The Honolulu Police Department urges you to oppose Senate Bill No. 2226, Relating to Senior Citizens.

Thank you for the opportunity to testify.

Sincerely,



RICHARD C. ROBINSON, Captain
Criminal Investigation Division

APPROVED:



LOUIS M. KEALOHA
Chief of Police