

POLICE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

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February 22, 2011

The Honorable Gilbert S. C. Keith-Agaran, Chair  
and Members  
Committee on Judiciary  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran and Members:

Subject: House Bill No. 1010, Relating to the Disclosure of Vital Statistics Records to Law Enforcement Officers

I am Lester Hite, Captain of the Criminal Investigation Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department supports House Bill No. 1010, Relating to the Disclosure of Vital Statistics Records to Law Enforcement Officers. This bill seeks to amend section 338-18 (b) of the Hawaii Revised Statutes which would allow law enforcement officers to obtain vital statistics during the course of an investigation.

The Honolulu Police Department urges you to support House Bill No. 1010, Relating to the Disclosure of Vital Statistics Records to Law Enforcement Officers.

Thank you for the opportunity to testify.

Sincerely,

*Lester Hite*  
LESTER HITE, Captain  
Criminal Investigation Division

APPROVED:

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LOUIS M. KEALOHA  
Chief of Police



**Office of the Public Defender  
State of Hawaii**



**Timothy Ho, Chief Deputy Public Defender  
Testimony of the Office of the Public Defender,  
State of Hawaii to the House Committee on Judiciary**

February 22, 2011, 2:00 p.m.

RE: H.B. 1010: Relating to the Disclosure of Vital Statistics Records to Law Enforcement Officers

Chair Keith-Agaran and Members of the Committee:

This measure would allow law enforcement officers access to our public health statistics records in order to gather evidence in a criminal investigation.

The Office of the Public Defender opposes H.B. 1010.

The Hawaii Constitution guarantees its citizens the right to privacy. Our public health records are confidential, and individuals and agencies are allowed access to those records on an extremely limited basis. We believe that allowing access to law enforcement officers as part of their criminal investigation is an invasion of privacy. All a law enforcement officer would need to show is that the vital statistics are needed as evidence in a criminal investigation.

The argument that death certificates will assist law enforcement with their criminal investigations is unfounded. They receive coroners' reports from the Medical Examiner's Office as part of the normal course of their investigations. These records are detailed reports that list the cause of death, and provide much more information than a death certificate.

Law enforcement officers can apply for search warrants and/or subpoena records they believe are relevant to their investigation. We believe that the judicial approval required for the issuance of search warrants and subpoenas provide an added layer of protection of our privacy rights.

Thank you for the opportunity to comment on this bill.

**LATE TESTIMONY**