

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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

KIRK W. CALDWELL
MAYOR



LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE

KH--NTK

February 7, 2014

The Honorable Della Au Belatti, Chair
and Members
Committee on Health
House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Belatti and Members:

Subject: House Bill No. 2239, Relating to the Disclosure of Public Health Statistics
Records to Law Enforcement Officers

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

The Honolulu Police Department supports House Bill No. 2239, Relating to the
Disclosure of Public Health Statistics Records to Law Enforcement Officers.

Police investigators often need timely access to important public health statistics records
such as birth certificates, death certificates, and marriage certificates in order to properly and
thoroughly investigate crimes without unnecessary delay. Obtaining such documents outside of
this time-consuming process of obtaining a court order would significantly improve the
efficiency, impact, and effectiveness of police investigations. In addition, it would improve the
quality and speed of delivering cases for prosecution and will ultimately benefit the public.

The Honolulu Police Department urges you to support House Bill No. 2239, Relating to
the Disclosure of Public Health Statistics Records to Law Enforcement Officers.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

A handwritten signature in black ink, appearing to read "Louis M. Kealoha", is written over a horizontal line.

LOUIS M. KEALOHA
Chief of Police

A handwritten signature in black ink, appearing to read "Keith Horikawa", is written over a horizontal line.

KEITH HORIKAWA, Captain
Criminal Investigation Division

TESTIMONY OF THE HAWAI'I POLICE DEPARTMENT

HOUSE BILL 2239

**RELATING TO THE DISCLOSURE OF PUBLIC HEALTH STATISTICS RECORDS TO LAW
ENFORCEMENT OFFICERS.**

BEFORE THE COMMITTEE ON HUMAN SERVICES
AND
BEFORE THE COMMITTEE ON HEALTH

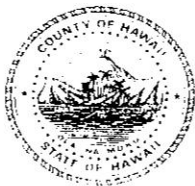
DATE : Friday, February 7, 2014
TIME : 10:30 A.M.
PLACE : Conference Room 329
State Capitol
415 South Beretania Street

PERSON TESTIFYING:

Acting Police Chief Paul K. Ferreira
Hawai'i Police Department
County of Hawai'i

(Written Testimony Only)

William P. Kenoi
Mayor



Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT

349 Kapiolani Street • Hilo, Hawai'i 96720-3998
tXCSN 935-3311 • Fax (808) 961-8868

February 5, 2014

Representative Mele Carroll
Chairperson and Committee Members
Committee on Human Services
Representative Della Au Belatti
Committee on Health
415 South Beretania Street, Room 329
Honolulu, Hawai'i 96813

RE: HOUSE BILL 2239, RELATING TO THE DISCLOSURE OF PUBLIC HEALTH STATISTICS RECORDS TO LAW ENFORCEMENT OFFICERS

Dear Representatives Carroll and Belatti:

The Hawai'i Police Department supports House Bill 2239 with its purpose being to authorize the Department of Health to provide public health statistics records to law enforcement officers to facilitate criminal investigations.

There already exists within the applicable statute a list of persons who are deemed to have a direct and tangible interest in a public health statistics record and the proposed legislation would add law enforcement officers to that list. The addition of the law enforcement officers would come with the attendant proviso of a signed statement indicating the officer is acting within the scope of the officer's official capacity and seeking records only as evidence in a criminal investigation.

It is probable the records sought may be as simple as a birth or death certificate relating to a victim in which identification information is important in the pursuit of justice in a criminal investigation.

For these reasons, we urge this committee to approve this legislation.

Thank you for allowing the Hawai'i Police Department to provide comments relating to House Bill 2239.

Sincerely,

PAUL K. FERREIRA
ACTING POLICE CHIEF



ALAN M. ARAKAWA
MAYOR

OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411



GARY A. YABUTA
CHIEF OF POLICE

CLAYTON N.Y.W. TOM
DEPUTY CHIEF OF POLICE

February 6, 2014

The Honorable Mele Carroll, Chair
And Members of the Committee on Human Services
House of Representatives
State Capitol
Honolulu, HI 96813

The Honorable Della Au Belatti, Chair
And Members of the Committee on Health
House of Representatives
State Capitol
Honolulu, HI 96813

RE: House Bill No. 2239– Relating to the Disclosure of Public Health Statistics
Records to Law Enforcement Officers

Dear Chairs Carroll and Belatti, and Members of the Committees:


The Maui Police Department supports the passing of HB 2239. This bill authorizes the Department of Health to provide public health statistics records to law enforcement officers to facilitate criminal investigations.

The passage of this bill will provide evidentiary support to criminal investigations and enhance the ability of law enforcement to thoroughly investigate criminal cases where statistical records could affect its outcome.

The Maui Police Department again asks for your support in the passage of HB 2239.

Thank you for the opportunity to testify.

Sincerely,

for 
GARY A. YABUTA
Chief of Police

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



LATE

GARY L. GILL
ACTING DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

HOUSE COMMITTEE ON HEALTH

HB 2239, Relating to the Disclosure of Public Health Statistics Records to Law Enforcement Officers

Testimony of Gary L. Gill
Acting Director of Health

February 7, 2014

1 **Department's Position:** Support.

2 **Fiscal Implications:** No General Fund impacts.

3 **Purpose and Justification:** This bill amends section 338-18(b), Hawaii Revised Statutes (HRS), to add
4 law enforcement officers as defined by section 710-1000(13), HRS, to the list of persons permitted to
5 obtain birth, death and marriage records. This bill requires law enforcement officers requesting certified
6 copies of vital records from the Department of Health to provide official identification and a signed
7 statement, verifying under penalty of criminal prosecution, that the person is a law enforcement officer,
8 acting in the officer's official capacity, and in need of the records for a criminal investigation. This bill
9 will be beneficial to the public interest because it would allow crimes where vital records are needed as
10 evidence, to be investigated more quickly and efficiently, while still protecting the privacy of the
11 records.

12

13 Thank you for the opportunity to provide written testimony in support of HB2239.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SEVENTH LEGISLATURE, 2014**

ON THE FOLLOWING MEASURE:

H.B. NO. 2239, RELATING TO THE DISCLOSURE OF PUBLIC HEALTH STATISTICS RECORDS TO LAW ENFORCEMENT OFFICERS.

BEFORE THE:

HOUSE COMMITTEE ON HEALTH

LATE

DATE: Friday, February 7, 2014

TIME: 10:30 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): David M. Louie, Attorney General, or
Lance M. Goto, Deputy Attorney General.

Chair Belatti and Members of the Committee:

The Department of the Attorney General strongly supports this bill.

The purpose of this bill is to amend section 338-18(b), Hawaii Revised Statutes (HRS), to authorize the Department of Health to: (1) allow law enforcement officers to inspect public health statistics records, and (2) issue certified copies of any such records or part thereof to law enforcement officers; and thereby facilitate law enforcement's efforts to obtain public health statistics records during the course of criminal investigations.

County police and prosecutors, the Department of the Attorney General, the Department of Public Safety, and numerous federal law enforcement agencies sometimes need public health statistics records for their criminal investigations. Such records can be extremely important to law enforcement investigators, and can help investigators complete their cases in a more timely and effective manner.

Section 338-18(b), HRS, lists persons who are permitted to obtain public health statistics records after they have established a direct and tangible interest in the records. Law enforcement officers, however, are not currently included on this list, even though they do have a substantial need for and interest in the records. As a result, law enforcement officers generally cannot obtain public health statistics records unless they have a court order, a process that can be time consuming, and interrupt or delay investigations. Some investigations cannot be delayed for any length of time because delays can compromise physical evidence, the safety of victims or others in the community, the availability of witnesses, or the ability to locate suspects.

This bill amends section 338-18(b) to add law enforcement officers to the list of persons permitted to obtain public health statistics records. To address concerns that the requestor is in fact a law enforcement officer requesting the records for an official law enforcement purpose, this bill requires the officer to provide identification and a signed statement, verifying under penalty of criminal prosecution, that the person is a law enforcement officer, acting in the officer's official capacity, and in need of the records for a criminal investigation.

Law enforcement officers need public health statistics records for many reasons. They may need death certificates to determine or confirm that a witness, victim, or suspect has died. That information may be critical to how the case is investigated or how much resources are committed to the case. Investigators, attempting to locate a witness or serve an arrest warrant on a defendant, need to know if the witness or defendant has died. Investigators, assessing a complaint that a sex offender has failed to comply with sex offender registration requirements, should know that the offender died before they invest any time or resources on the case.

Investigators may also need birth certificates to determine the age of the victim or defendant. The ages of the victim and defendant are sometimes extremely important in sexual assault investigations when the charges depend on their ages. The age of the victim may also be important for investigation of offenses involving child abuse, promoting pornography for minors, and endangering the welfare of a minor. Investigators may need marriage certificates to help locate relatives or family members of witnesses, victims, or suspects. Marriage certificates may also be needed in criminal investigations to confirm a person's marital status, determine when someone was married, or determine a person's name prior to marriage.

This bill will give law enforcement officers the tools necessary to investigate crimes more quickly and efficiently, while still protecting the confidentiality of the records.

The Department respectfully requests passage of this bill.