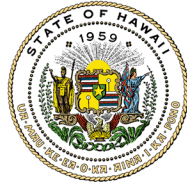


DAVID Y. IGE  
GOVERNOR



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MAJOR GENERAL  
ADJUTANT GENERAL

STEPHEN F. LOGAN  
COLONEL  
DEPUTY ADJUTANT GENERAL

STATE OF HAWAII  
**DEPARTMENT OF DEFENSE**  
3949 DIAMOND HEAD ROAD  
HONOLULU, HAWAII 96816-4495

STATE OF HAWAII  
DEPARTMENT OF DEFENSE

TESTIMONY ON SENATE BILL 2150  
RELATING TO DISORDERLY CONDUCT

PRESENTATION TO  
THE SENATE COMMITTEE ON JUDICIARY

BY

PATRICIA KICKLAND  
PROGRAM MANAGER, STOP SCHOOL VIOLENCE PROGRAM  
OFFICE OF HOMELAND SECURITY

JANUARY 30, 2020

Chair Rhoads, Vice Chair Keohokalole, and Members of the Senate Committee on Judiciary: I am Patricia Kickland, Program Manager for the Students, Teachers, and Officers Preventing School Violence (“STOP”) program. STOP operates as part of the Hawaii State Fusion Center under the State of Hawaii Office of Homeland Security, Department of Defense (“DOD”). DOD provides written testimony in **SUPPORT** of SB 2150 and suggests amendments. This Bill seeks to amend the offense of disorderly conduct to include engaging in conduct with intent to convey certain false or misleading information.

The STOP program seeks to prevent acts of targeted school violence, such as school shootings and bombings. STOP resources may be used to train students and school personnel on preventing student violence against others and themselves; to develop and operate anonymous reporting systems for threats of school violence; to develop and operate school threat assessment and intervention teams; and to support any other measure that may provide a significant improvement in training, threat assessments and reporting, and violence prevention.

School threat assessment teams, which include school personnel, mental health professionals, law enforcement, and other interdisciplinary team members, can be trained to distinguish between credible versus negligible threats. These teams then mitigate threats against schools by making sure that the students who make the threats get the help needed to avoid future acts of violence.

Since the STOP program began operating in Hawaii on September 20, 2019, there have been at least twenty-five (25) threats of targeted violence against Hawaii public K-12 schools. Many threats of shootings and bombings came from social media. Other threats

came from handwritten notes, graffiti, and telephone calls. Even though none of the threats has come to fruition, the threats themselves have caused trauma to students, parents, and school personnel. Schools have gone into lockdown. Attendance has suffered. School events have been cancelled. The constant barrage of threats has caused communities to wonder whether the next threat could be real. At the same time, when students keep hearing about bogus threats, students develop complacency and may be less likely to report new threats to trusted adults.

Some of the recent school threats were not cries for help or credible precursors to violence. Instead, some of those school threats were meant as pranks. The intent was disruption. The effects included anxiety among parents and interference in students' education. In cases such as those, there should be an option for a measured law enforcement response.

This Bill provides a proportionate option to help law enforcement discourage the prank threats against schools. The petty misdemeanor level disorderly conduct charge in this Bill is less serious than felony terroristic threatening and provides more discretion for schools and law enforcement to respond to negligible prank threats. Note that for petty misdemeanor cases in Hawaii, police have the choice to counsel a child, guide the child into diversion programs, or cite a child, not just arrest a child. Likewise, if prosecutors do file petitions in family court for petty misdemeanor charges like this proposed disorderly conduct offense, family court probation officers may take the case along a diversion track. Given that a petty misdemeanor level charge allows for so many opportunities for rehabilitation and prevention, STOP supports this Bill for the purpose of preventing the prank threats that are psychologically and emotionally harming our school communities.

STOP does recommend that this Bill be amended to include simulated firearms in the alternative to firearms, so as to avoid problems of proof. For example, social media threats showing photographs of students with guns may not be sufficient evidence to prove that the objects depicted in the photographs qualify as "firearms" under the law. Please consider amending the Bill on page 3, line 2, by inserting the following definition after the word "firearm:" "or simulated firearm. For purposes of this section, "simulated firearm" means any object that: (i) Substantially resembles a firearm; (ii) Can reasonably be perceived to be a firearm; or (iii) Is used or brandished as a firearm." This language is consistent with the simulated firearms definition used elsewhere in the Hawaii Revised Statutes, such as HRS Sec. 707-716(1)(e).

Thank you for the opportunity to submit testimony in support of SB 2150.

Patricia Kickland, Program Manager  
STOP School Violence Program  
Office of Homeland Security



**SB-2150**

Submitted on: 1/27/2020 11:09:37 PM

Testimony for JDC on 1/30/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dara Carlin, M.A.	Individual	Support	No

Comments:

**SB-2150**

Submitted on: 1/24/2020 5:23:29 PM

Testimony for JDC on 1/30/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Karin Nomura	Individual	Support	No

## Comments:

I support this bill as someone who has had to take out a Temporary Restraining Order (TRO) against a party that became parties to harass and threaten bodily injury (numerous threats if I didn't sell my property or move that I would be physically attacked by a group of them and/or shot, have been mentioned over the years – the fireworks that popped late at night that sounded like gun shot or rifle shot being the agitator/concern in the beginning...) and had on a number of occasions caused property damage. While contacting HPD, I was informed that there was nothing they could do and for the first property damage incident that while I called them about the occurrence when I learned of it, was after the fact, so no one would be dispatched to my location. For the harassment, told that as the issue is not by a public restroom, but conducted on the property of the parties and their guests who were invited, again, nothing could be done. Maybe with the addition of the "or" will assist with issues that are not deemed "public place" or "open to the public" and be accepted as any occurrence where this type of behavior and action is conducted.