



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2021**

ON THE FOLLOWING MEASURE:

S.C.R. NO. 169/S.R. NO. 134, URGING THE OFFICE OF THE GOVERNOR TO CREATE A TASK FORCE TO DEVELOP RECOMMENDATIONS TO ENFORCE THE SUPPLEMENTAL EMERGENCY PROCLAMATIONS TO MITIGATE THE FURTHER SPREAD OF THE CORONAVIRUS DISEASE 2019 IN HAWAII.

BEFORE THE:

SENATE COMMITTEES ON HEALTH AND ON GOVERNMENT OPERATIONS

DATE: Monday, March 29, 2021 **TIME:** 1:10 p.m.

LOCATION: State Capitol, Via Videoconference

TESTIFIER(S): Clare E. Connors, Attorney General, or
Lance M. Goto, Deputy Attorney General

Chairs Keohokalole and Moriwaki and Members of the Committees:

The Department of the Attorney General (Department) submits comments.

The purpose of these resolutions is to urge the Office of the Governor to create a task force to develop recommendations to the Legislature on the roles and responsibilities of the Department and the state and county law enforcement agencies to enforce the supplemental emergency proclamations which require social distancing, wearing of face coverings, and the prohibition of gatherings.

Beginning with the Second Supplementary Proclamation on March 21, 2020, the Governor's emergency proclamations have required travelers to self-quarantine upon arrival from out of state, subject to certain exceptions and conditions. The self-quarantine requirement applies to both visitors and returning Hawai'i residents, and is intended to contain the spread of COVID-19 by restricting the movement of potentially infected arriving travelers during the period they would likely be contagious. For accuracy, we suggest amending page 2, lines 4 to 6 of the resolutions, to read as follows:

WHEREAS, the self-quarantine mandate was meant to ~~[deter visitor traffic and]~~
contain the spread of COVID-19 by restricting the mobility of those who travel to Hawaii during the period they might be contagious; and

Additionally, as correctly stated in the resolutions, the statewide enforcement of emergency order violations requires an effective response. Traditional law enforcement, such as county police, are best suited to quickly and effectively respond to reported violations and issue warnings or citations. To provide support, the Department temporarily extended beyond its primary investigative responsibilities and expertise, which include criminal fraud, civil actions, and state agency administrative reviews, toward a traditional policing role with the expectation that once emergency order requirements are eased, the Department investigators would return to their primary mission. The Department has a limited ability to provide the traditional policing function.

Looking forward, the Department supports the establishment of an independent state law enforcement department to collaborate statewide with county police departments. This new independent state law enforcement entity would be staffed, trained, equipped, and physically available to effectively address time-critical, public safety issues, such as the enforcement of COVID-19 emergency orders, and would serve as an additional deterrent against potential violations.

The Department appreciates this opportunity to provide comments.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515

STEVEN S. ALM
PROSECUTING ATTORNEY



THOMAS J. BRADY
FIRST DEPUTY
PROSECUTING ATTORNEY

**THE HONORABLE JARRETT KEOHOKALOLE, CHAIR
SENATE COMMITTEE ON HEALTH**

**THE HONORABLE SHARON Y. MORIWAKI, CHAIR
SENATE COMMITTEE ON GOVERNMENT OPERATIONS**

**Thirty-first State Legislature
Regular Session of 2021
State of Hawai`i**

March 29, 2021

RE: S.C.R. 169 / S.R. 134; URGING THE OFFICE OF THE GOVERNOR TO CREATE A TASK FORCE TO DEVELOP RECOMMENDATIONS TO ENFORCE THE SUPPLEMENTAL EMERGENCY PROCLAMATIONS TO MITIGATE THE FURTHER SPREAD OF THE CORONAVIRUS DISEASE 2019 IN HAWAII..

Chair Keohokalole, Chair Moriwaki, Vice Chair Baker, Vice Chair Dela Cruz, members of the Senate Committee on Health, and members of the Senate Committee on Government Operations, the Department of the Prosecuting Attorney, City and County of Honolulu (“Department”), submits the following testimony in **support** of S.C.R. 169 / S.R. 134, and **respectfully asks to be added to the proposed list of task force members.**

Over the past year, Hawaii’s law enforcement agencies—and the people of Hawaii, as a whole—have been faced with the daunting task of upholding never-before-seen public safety mandates (e.g. social distancing, wearing face masks, self-quarantine), imposed by emergency proclamations issued by the Governor and Mayors, a rarely-used mechanism in our laws (i.e. Chapter 127A, Hawaii Revised Statutes). While the Department believes a majority of Hawaii’s residents have dutifully complied with these mandates, the Honolulu Police Department reportedly issued a staggering 60,000 citations between March and October 2020 alone, to individuals—both residents and visitors—who violated the emergency proclamations.¹ Once citations are issued, our Department is tasked with processing and prosecuting these matters as appropriate, and we have done our utmost to do so, while adjusting to the constantly-changing landscape—as many agencies

¹ Tsuji, Ryan Kalei and Yunji de Nies, with Honolulu Police Department Deputy Chief John McCarthy, “Video: Honolulu Police Department has issued 60,00 coronavirus-related violations,” data provided at -28:50 minutes. Available online at <https://www.staradvertiser.com/2020/10/28/breaking-news/watch-live-honolulu-police-department-deputy-chief-john-mccarthy-joins-honolulu-star-advertisers-spotlight-hawaii/>; last accessed on March 28, 2021.

have had to do—and amidst unfolding public health concerns, economic uncertainty, unprecedented court closures and other emergency measures.

Given the tens of thousands of citations issued for violating the Governor and Mayor’s emergency proclamations and orders in 2020, and the thousands more anticipated in 2021—particularly as travel restrictions continue to be loosened—the Department strongly supports this or any concerted effort to coordinate law enforcement procedures related to COVID-19, moving forward. That said, while the Department of the Attorney General has done an admirable job of communicating and coordinating efforts between the various county prosecutors, there are inevitably **significant differences between the existing policies, procedures, and infrastructure of each Prosecuting Attorney, which are most efficiently and effectively communicated if we are “at the table” (albeit remotely) in real-time, rather than having the Attorney General act as our go-between.**

To some extent, it may be said that our laws are only as effective as their enforcement, and the Department strongly believes that prosecution is as vital a component of law enforcement as the work of our county police departments. In order to be part of a truly coordinated effort between police and prosecution, **our Department respectfully asks that we be added to the list of task force members listed in S.C.R. 169 / S.R. 134, page 3, lines 5-11.**

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the passage of S.C.R. 169 / S.R. 134, and respectfully asks to be added to the list of task force members. Thank you for the opportunity to testify on this matter.

SR-134

Submitted on: 3/25/2021 3:46:21 PM

Testimony for HTH on 3/29/2021 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Yulia Muzychenko	Individual	Oppose	No

Comments:

Last year his proclamation did more damage than good. We had enough. Economy due to Governor's proclamations fell super low, people are leaving Hawaii by big numbers, tourists are reluctant to visit. We have over 40% of unemployment. The Governor did not have his best interest for Hawaiian residents, he ruined Hawaii and its economy, while his pockets are full of money, we suffer. No thank you. People should be able to do their own decisions how they want to deal with this pandemic. I oppose to this and I hope more people will do before all our rights and freedom are completely taken away.

SR-134

Submitted on: 3/26/2021 1:24:33 PM

Testimony for HTH on 3/29/2021 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Gerard Silva	Individual	Oppose	No

Comments:

This is a Direct Violation of The 1st Amendment and the Nurenburge Act. This is the United States of America not some Communist State. All of you can be prosecuted Under the !st Amendment of the Nurenburge Act. We the people will come afure You on both Counts all throught the Nurenburge Act cares the Death penalty For anyone the trys to Force anyone to take a Vacine our for Froceing them to Were a Mask that will only make you sick and does not protect anyone this has bin proven in Hundreds of Studys to Date.

Very soon it will be our turn!!

SR-134

Submitted on: 3/27/2021 9:30:48 PM

Testimony for HTH on 3/29/2021 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Diamond	Individual	Oppose	No

Comments:

Dear Legislators,

I heartily oppose SRC169. Creating a special class of people (task force) for perpetuating state of emergency would be again opening the door to more harm than good. People are responsible for their health not government, or we are in danger of creating a medical apartheid in our Aloha state. Is that what we want for our children? Complete reliance on government? Rather than treating people like immature children, let them decide how to stay protected from this or any other virus. There is ample information on how to stay protected and tens of thousands of doctors all who effectively treat this virus by a protocol of Vit D3, C, Zinc, etc and therapeutic. See Dr. Zelenko protocol how to effectively mitigate this virus. And there are many others. Why is that not mentioned from our Health Department? Will regulations accomplish individual health, to stop the virus?

Aside, we don't have an emergency! If you consider data for the total number of death for the last 5 years, there are about the same.

Pandemic, emergency, disaster was never used in our country to cancel equal protection for ALL and never should be.

Please, think of our children and grandchildren and keep our state PONO.

Please, vote No to SCR 169

Ua mau ke ea o ka 'Āina i ka pono

"The life of the land and people is perpetuated in righteousness and justice"

LATE

SR-134

Submitted on: 3/28/2021 7:04:44 PM

Testimony for HTH on 3/29/2021 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
marc thyssen	Individual	Oppose	No

Comments:

I Marc Thyssen, vehemently oppose the creation of any Task force to Enforce supplemental emergency proclamations to mitigate the spread of Covid. This measure of enforcement and other measures to curb opposing viewpoints that the State is trying to pass will make Hawaii a Fascist Communist state. The opposite of the kind, understanding Aloha state that we are so Proud of. We must oppose these fascist measures to keep our freedoms intact!

LATE

SR-134

Submitted on: 3/28/2021 11:35:31 PM
Testimony for HTH on 3/29/2021 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Gary Decker	Individual	Oppose	No

Comments:

NO! The emergency is invalid! Do not expand or strengthen it!

We need freedom now! eliminate the lockdown!