

DAVID Y. IGE
GOVERNOR



DEPT. COMM. NO. 140

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December 16, 2021

The Honorable Ronald D. Kouchi
President and Members of the Senate
Thirty-First State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki
Speaker and Members of the House of
Representatives
Thirty-First State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the Department of the Attorney General's Report on the Gun Violence and Violent Crimes Commission, as required by section 134C-3(e), Hawaii Revised Statutes (HRS). In accordance with section 93-16, HRS, I am also informing you that the report may be viewed electronically at <http://ag.hawaii.gov/publications/reports/reports-to-the-legislature/>.

If you have any questions or concerns, please feel free to call me at 586-1500.

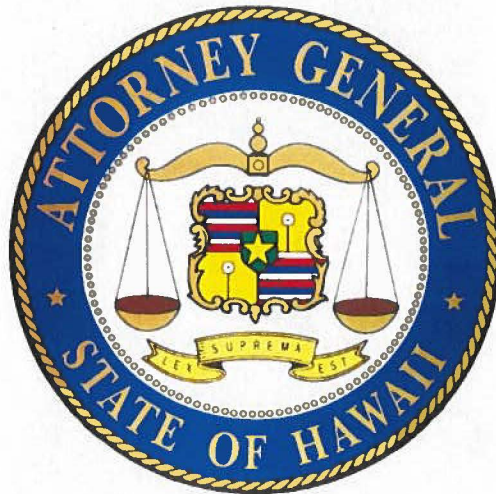
Respectfully,

Holly T. Shikada
Attorney General

c: David Y. Ige, Governor
Josh Green, Lieutenant Governor
Legislative Reference Bureau (Attn.: Karen Mau)
Leslie H. Kondo, State Auditor
Craig K. Hirai, Director of Finance, Department of Budget and Finance
Stacey A. Aldrich, State Librarian, Hawaii State Public Library System
David Lassner, PhD., President, University of Hawaii

Enclosure

State of Hawai'i
Department of the Attorney General



REPORT ON THE GUN VIOLENCE AND
VIOLENT CRIMES COMMISSION

Pursuant to Section 134C-3(e), Hawai'i
Revised Statutes

Submitted to
The Thirty-First State Legislature
Regular Session of 2022

Act 74, Session Laws of Hawaii 2020 (Act 74), was enacted on September 15, 2020. It added a new chapter to the Hawaii Revised Statutes (HRS) and established the Gun Violence and Violent Crimes Commission (GVVCC). Pursuant to section 134C-1, HRS, the GVVCC is placed within the Department of the Attorney General for administrative purposes only. Section 134C-3(e), HRS, requires the GVVCC to submit a report of its findings and recommendations relating to preventing gun violence and violent crimes, including any proposed legislation, to the legislature no later than forty days prior to the convening of the regular session of 2022 and each regular session thereafter.

I. The Gun Violence and Violent Crimes Commission

The purpose of the GVVCC is to address gun violence and violent crimes in Hawai'i and to provide coordination, facilitation, and planning among state, county, and federal agencies, and other partners as appropriate to carry out its purpose.

Pursuant to the statute, the GVVCC shall endeavor to:

1. Identify relevant data that may be used to reduce gun violence and violent crimes;
2. Identify areas in which relevant data is not available;
3. Maximize the sharing between the agencies represented on the commission and other appropriate stakeholders of data relevant to reducing gun violence and violent crimes; and
4. Coordinate and conduct research on gun violence and violent crimes.

The GVVCC may also work with and engage stakeholders for the purposes of chapter 134C, HRS.

II. GVVCC Members

After Act 74 became law, the GVVCC was formed and the following members were appointed or designated:

The Attorney General's designee, Christopher D.W. Young, Administrator, Hawai'i Criminal Justice Data Center, serving as the GVVCC Chair;

The designee of the Chief Justice of the Supreme Court of Hawai'i, Dr. Erin E. Harbinson, Director, Criminal Justice Research Institute, serving as the GVVCC Treasurer;

The designee of the Director of Health, Dr. Daniel J. Galanis, Epidemiologist, Department of Health;

The designee of the Director of Public Safety, Deputy Director Jordan Lowe, Department of Public Safety;

A county prosecuting attorney selected by the chair of the GVVCC, Andrew H. Martin, Prosecuting Attorney, County of Maui, serving as the GVVCC Secretary;

The designee of the public defender, Assistant Public Defender Lee S. Hayakawa, Public Defenders Office;

The Chief of Police of the Hawaii County Police Department, Chief Paul K. Ferreira;

The designee of the (Interim) Chief of Police of the Honolulu Police Department, Assistant Chief Darren Chun;

The Chief of Police of the Kauai Police Department, Chief Todd G. Raybuck;

The Acting Chief of the Maui Police Department, Chief Dean Rickard;

The administrator of the Hawaii State Hospital, Dr. Run F. Heidelberg;

The Dean of the College of Social Sciences at the University of Hawai'i at Manoa, Dr. Denise Eby Konan; and

The designee of the Dean of the John A. Burns School of Medicine, Dr. Gerald Busch, serving as the GVVCC Vice Chair.

No appointments/selections were made for the following role groups set forth in the statute:

One representative from a firearm advocacy group; and

One representative from a group that advocates for stricter gun safety laws.

At the first GVVCC meeting held on October 19, 2021, all members were present except for a representative from a firearm advocacy group and a representative from a group that advocates for stricter gun safety laws. Those two positions are currently vacant.

III. Activities of the GVVCC

The GVVCC conducted two meetings and the following is a summary of the discussions and actions taken by Commission members:

At its October 19, 2021, meeting, the GVVCC:

1. Formed the GVVCC commission executive committee.
 - a. Chair: Christopher D.W. Young
 - b. Vice Chair: Dr. Gerald Busch
 - c. Secretary: Andrew H. Martin
 - d. Treasurer: Dr. Erin E. Harbinson
2. Reviewed, discussed, and approved the policy to address written and oral testimony during GVVCC meetings.
3. Reviewed and discussed chapter 134C, HRS. Commission members identified the need to define the scope of "gun violence and violent crimes" for the purpose of the commission's work. Definitions will allow the commission to focus the limited commission resources. Commission members were encouraged to put their ideas and concerns in writing and submit them to the chair for inclusion in future commission meetings.
4. Discussed the need for criteria and a selection process to select a representative from a group that advocates for stricter gun laws and a representative from a firearm advocacy group. Chapter 134C, HRS, does not appear to provide any direction or guidance on the issue.
5. Commissioner Konan provided a briefing on types of research that could be done once topic areas are identified and shared that the University of Hawai'i is in a position to support needed research. Commissioner Konan stressed the need for funding to accomplish identified research projects.
6. Established permitted interaction groups:
 - a. A Data Group was established to determine what data is available and what is not available. The Data Group will also determine who holds the data and determine use and sharing of the identified data. The Data Group will report findings and make recommendations on this topic area.
 - b. A Research Projects and Research Funding Group was established to determine research topics/areas and funding required to complete the research identified to meet the Commission's needs.

The Research Group will report findings and make recommendations on this topic area.

7. Discussed the possibility of funding some evidence-based community violence intervention programs with Coronavirus State Fiscal Recovery Funds. A follow up proposal in that regard is pending.

At its November 4, 2021, meeting, the GVVCC:

1. Reviewed, discussed, and approved the October 19, 2021, GVVCC meeting minutes.
2. Reviewed, discussed, and approved requesting clarification and advice from the legislature on how to select representatives to the GVVCC from the two advocacy groups. Concerns were raised that section 134C-2, HRS, does not provide direction on the selection process of members from advocacy groups or which advocacy groups should be considered for membership.
3. Additional concerns were raised that the presence of representatives from a firearm advocacy group and a group that advocates for stricter gun safety laws (groups that tend to hold opposing views related to firearms), would create tension among the other members of the GVVCC and prevent free discussion and sharing of confidential or protected data. Commission members that were present raised concerns that based on applicable policies or laws that restrict dissemination of certain types of data, there would not be a method to share data with members from non-governmental agencies. Having advocacy groups on the commission would result in certain members being prevented from fully participating or sharing data.
4. Additional questions were raised whether a conflict of interest would be created that would preclude attendance at GVVCC meetings if lawsuits are filed by the advocacy groups against governmental agencies on the GVVCC.
5. Reviewed and discussed required funding to enable gathering and synthesizing information needed for the optimal operation of the GVVCC.

Because Act 74 became law in the midst of the COVID-19 pandemic, organizing the GVVCC and coordinating the initial meetings and activities did not occur until 2021, so the newly established GVVCC did not have time to develop concrete ideas for legislation and vote to recommend any specific bills for the 2022 Legislative Session.

IV. Accounting of Expenditures

The GVVCC was not appropriated any funds for its operations or research projects and did not make any expenditures. Funding for an office assistant would help the GVVCC to operate and begin conducting data gathering and research, but no appropriation request is being made at this time. Once research projects have been identified, funding will be needed to move forward on the research.

V. Proposed Legislation

As the GVVCC and the permitted interaction groups it has established determine if there are obstacles to or needs for accomplishing its task, it will develop plans to propose future legislation, but it has no proposed bills for the 2022 Legislative Session.

VI. Findings and Recommendations

The GVVCC intends to develop and submit recommendations and findings on the status of gun violence in the next legislative report. The GVVCC plans to identify and discuss potential issues and concerns relating to the sharing and open discussion of protected personal information, including criminal history data and medical and mental health data, among GVVCC members. Until issues surrounding obtaining and sharing data are resolved, the GVVCC members' ability to discuss the protected datasets will be limited and the GVVCC may have limited ability to accomplish all of the tasks required by chapter 134C, HRS. The solution of this issue might require amendments to chapter 134C, HRS.