

**JOSH GREEN**  
GOVERNOR  
KE KIA'ĀINA



STATE OF HAWAII  
**DEPARTMENT OF DEFENSE**  
**KA 'OIHANA PILI KAUA**  
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3949 DIAMOND HEAD ROAD  
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**KENNETH S. HARA**  
MAJOR GENERAL  
ADJUTANT GENERAL  
KA 'AKUKANA KENELALA

**STEPHEN F. LOGAN**  
BRIGADIER GENERAL  
DEPUTY ADJUTANT GENERAL  
KA HOPE 'AKUKANA KENELALA

STATE OF HAWAII  
DEPARTMENT OF DEFENSE

TESTIMONY ON HOUSE BILL 1038  
RELATING TO HOMELAND SECURITY  
BEFORE THE HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

BY

MAJOR GENERAL KENNETH S. HARA  
ADJUTANT GENERAL  
DIRECTOR OF HAWAII EMERGENCY MANAGEMENT AGENCY  
AND HOMELAND SECURITY ADVISOR

FEBRUARY 09, 2023

Aloha Chair Tarnas, Vice-Chair Takayama, and members of the committee:

I am Major General Kenneth Hara, Adjutant General, Director of Hawai'i Emergency Management Agency, and Homeland Security Advisor, state of Hawai'i, Department of Defense.

The Department of Defense (DEF) provides written testimony in **SUPPORT** of HB1038.

This proposed legislation acknowledges that Hawai'i has faced a persistent threat of targeted violence against government agencies, educational institutions, and public places that present soft targets for lone offenders. The proposed legislation also recognizes that targeted violence is preventable. Based on research from the United States Secret Service, most attacks on public spaces and schools come from actors who exhibit observable concerning behavior well ahead of committing targeted violence.

The proposed legislation takes a proactive approach to preventing targeted violence by providing outreach, education, and training; technical support for threat assessment; and a centralized mechanism for identifying, analyzing, and disseminating information about threats. This will enable state agencies and the public to be more knowledgeable about the dynamics of targeted violence, allowing the community to mitigate threats through intervention.

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This proposed legislation is crucial in efforts to further protect the citizens of Hawai'i from targeted violence by providing outreach, education, and training on targeted violence and targeted violence prevention; technical support for threat assessment; and a centralized mechanism for identifying, analyzing, and disseminating information about threats.

The measure will enable state agencies and the public to be more knowledgeable about the dynamics of targeted violence, allowing the community to mitigate threats through intervention.

Thank you for the opportunity to provide testimony in SUPPORT of HB1038.

MG Kenneth S. Hara, [Kenneth.s.hara@hawaii.gov](mailto:Kenneth.s.hara@hawaii.gov); 808-672-1001

Frank Pace, Homeland Security Administrator: [frank.j.pace@hawaii.gov](mailto:frank.j.pace@hawaii.gov); 808-369-3570

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HAWAII OFFICE OF HOMELAND SECURITY

TESTIMONY ON HOUSE BILL 1038  
RELATING TO HOMELAND SECURITY  
BEFORE THE HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

BY

FRANK J. PACE  
ADMINISTRATOR  
HAWAII OFFICE OF HOMELAND SECURITY

FEBRUARY 09, 2023

Aloha Chair Tarnas, Vice-Chair Takayama, and members of the committee:

I am Frank Pace, Administrator for the Hawaii Office of Homeland Security.

The Hawaii Office of Homeland Security (OHS) provides written testimony in **SUPPORT** of HB1038.

The State of Hawaii is not immune from and has been impacted by targeted violence. Examples include the 2019 Pearl Harbor shipyard shooting, the 2019 Diamond Head shooting, and the 1999 Xerox shooting. In addition, Hawaii schools and universities receive dozens of threats of mass violence every year. The dramatic increase of tragic incidents nationwide and those that have occurred locally, demonstrate the imperative need for a more organized and concerted effort to prevent targeted violence in our state.

Targeted violence is preventable. Prevention initiatives include training, outreach, and education on targeted violence topics; behavioral intervention/threat assessment management team development; and referrals to community resources. By increasing knowledge about the dynamics of targeted violence, our communities can effectively mitigate threats. Although Hawaii has made progress, the time has come for a more organized statewide effort in order to be truly effective.

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The proposed legislation seeks to address this need by several means including:

- Providing community outreach, education and training for state agencies and the public on targeted violence and how to prevent it.
- Assisting with the development of Behavioral Intervention/Threat Assessment and Management teams in government agencies and the private sector. Specifically, by including direct service providers in prevention efforts and promoting collaboration with government and community-based threat assessment programs.
- Required reporting of threat information by State agencies that will comply with healthcare (HIIPA), and education (FERPA) privacy laws and with respect to Civil Rights and Liberties (CRCL).
- Development of a centralized mechanism for identifying, analyzing, and disseminating information about threats; de-confliction and coordination amongst programs, and provide metrics to measure success and assist in equitable resource allocation.

the proposed legislation seeks to amend Chapter 128A of the Hawai'i Revised Statutes by adding a new section for the Targeted Violence Prevention Program. This will include definitions for key terms such as "targeted violence" and "state agency" that are necessary for the implementation of the program.

Lastly, the proposal requests a (sustained) annual appropriation for two (2) Full-Time Employee (FTE) positions at the Hawai'i State Fusion Center for the administration and management of the Targeted Violence Prevention Program.

Thank you for the opportunity to provide testimony in SUPPORT of HB1038.

Frank Pace, Administrator: [frank.j.pace@hawaii.gov](mailto:frank.j.pace@hawaii.gov); 808-369-3570

# OFFICE OF INFORMATION PRACTICES

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To: House Committee on Judiciary & Hawaiian Affairs

From: Cheryl Kakazu Park, Director

Date: February 9, 2023, 2:00 p.m.  
State Capitol, Conference Room 325

Re: Testimony on H.B. No. 1038  
Relating to Homeland Security

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Thank you for the opportunity to submit testimony on this bill, which would establish a Targeted Violence Prevention program within the Office of Homeland Security (OHS). The Office of Information Practices (OIP) takes no position on the substance of this bill, but offers comments and a **proposed amendment** for the new confidentiality provision on bill page 7.

Proposed section 128A-\_\_, titled Privacy, authorizes OHS to create its own standards for when and how it discloses information rather than following the existing uniform standards for disclosure of government records set by chapter 92F, the Uniform Information Practices Act. This authorization is not limited to personally identifiable information or information collected through the proposed Targeted Violence Prevention program, but instead applies broadly to all information held by OHS, whether personally identifiable or anonymized. Since the provision would authorize OHS to set standards for dissemination of information to other government agencies as well as “other recipient[s]”, and thus appears to be intended to allow OHS to set standards for when non-public information may be shared with other government agencies, **OIP recommends an amendment to**

**narrow the category of information for which OHS may set such standards to what appears to be the focus of the bill—personally identifiable information—in the proposed All-Threats or All-Hazards Statewide Reporting System. Specifically, OIP recommends replacing the proposed section at bill page 7, lines 12-18, with the following:**

**128A- Privacy.** The office of homeland security shall adopt rules that set forth standards for disclosure of personally identifiable information in the system, whether to another state agency, any law enforcement agency, or any other recipient, and shall disseminate such information only pursuant to those rules.

Thank you for considering OIP's testimony.

THE CIVIL BEAT  
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House Committee on Judiciary & Hawaiian Affairs  
Honorable David A. Tarnas, Chair  
Honorable Gregg Takayama, Vice Chair

**RE: Testimony Commenting on H.B. 1038, Relating to Homeland Security**  
Hearing: February 9, 2023 at 2:00 p.m.

Dear Chair and Members of the Committee:

My name is Brian Black. I am the Executive Director of the Civil Beat Law Center for the Public Interest, a nonprofit organization whose primary mission concerns solutions that promote government transparency. Thank you for the opportunity to submit testimony **commenting on the confidentiality provision** of H.B. 1038.

On January 25, 2023, Hawaii News Now published an article about threats that caused the evacuation of a Maui County building. *Maui County Building Evacuated After Mayor's Office Receives 'Troubling' Call*, Hawaii News Now (Jan. 25, 2023). Although the details were minimal, that information provided the public with a better understanding of significant government activity occurring in a public building.

**Please confirm that the confidentiality provision ("Use and dissemination of data and information") is not intended to prevent public disclosure of information that other government agencies receive from the Office of Homeland Security.** If the Maui Police Department could not explain the reason for the evacuation two weeks ago because it was a threat reported to the Office of Homeland Security, then the public will be left in the dark for no good reason.

Excessive and unnecessary secrecy undermines public trust and confidence in government.

Thank you again for the opportunity to testify with comments on H.B. 1038.

**HB-1038**

Submitted on: 2/7/2023 5:17:09 PM

Testimony for JHA on 2/9/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

support