

# OFFICE OF INFORMATION PRACTICES

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To: House Committee on Pandemic & Disaster Preparedness

From: Cheryl Kakazu Park, Director

Date: February 4, 2021, 8:30 a.m.  
Via Videoconference

Re: Testimony on H.B. No. 539  
Relating to Threat Assessment

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Thank you for the opportunity to submit testimony on this bill, which would create a program to train, establish, and operate threat assessment teams. The Office of Information Practices (OIP) takes no position on the substance of this bill but offers comments and **suggests an amendment that would place a proposed confidentiality provision in a more appropriate statute than the Uniform Information Practices Act (UIPA).**

This bill proposes to add a new exemption to personal record disclosure under the UIPA for information “[h]eld by a government agency’s threat assessment team established pursuant to part \_\_ of chapter 128A or the Hawaii state fusion center of the office of homeland security pursuant to part \_\_ of chapter 128A relating to the assessment of or intervention with a specific individual.”

OIP notes that if a threat assessment is done under the auspices of the Hawaii State Fusion Center of the Office of Homeland Security, it seems likely it would in fact fall under the existing UIPA exemption to personal record disclosure

for records “[m]aintained by an agency that performs as its or as a principal function any activity pertaining to the prevention, control, or reduction of crime, and which consist of . . . [r]eports prepared or compiled at any stage of the process of enforcement of the criminal laws[.]” Although this proposal as introduced does not include an exception to disclosure for government record requests, OIP notes that threat assessments are also likely to fall under the UIPA’s existing exceptions for government records whose disclosure would frustrate a legitimate government function. Thus, OIP has no objection to the general concept of creating a dedicated exemption to the UIPA for the threat assessments proposed by this bill.

However, the exceptions and exemptions in the UIPA itself are general in nature, rather than being a listing of specific records or offices. **A confidentiality provision for a specific record or the records produced under a specific program is more appropriately placed in the part of the Hawaii Revised Statutes dealing with the specific records or program being protected. Thus, OIP recommends that bill section 4 be deleted, and replaced by adding a section 128A-G to the proposed new part, as follows:**

**§ 128A-G Confidentiality.** Records held by a government agency’s threat assessment team established pursuant to part \_\_ of chapter 128A or the Hawaii state fusion center of the office of homeland security pursuant to part \_\_ of chapter 128A relating to the assessment of or intervention with a specific individual shall be exempt from disclosure under chapter 92F.

Thank you for the considering OIP’s suggested amendment.

DAVID Y. IGE  
GOVERNOR



KENNETH S. HARA  
MAJOR GENERAL  
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TESTIMONY ON HOUSE BILL 539  
RELATED TO THREAT ASSESSMENT

PRESENTATION TO THE  
COMMITTEE ON PANDEMIC & DISASTER PREPAREDNESS

BY

PAUL S. EPSTEIN  
DIRECTOR  
HAWAII STATE FUSION CENTER

FEBRUARY 3, 2021

Chair Representative Linda Ichiyama and Vice Chair Representative Staceylynn K.M. Eli and members of the Pandemic & Disaster Preparedness Committee.

I am Paul Epstein, Director, Hawaii State Fusion Center. Thank you for the opportunity to submit testimony in SUPPORT of HB 539.

The purpose of HB 539 is to protect the community statewide by helping agencies develop threat assessment teams, which include mental health professionals, educators, psychologists, health care providers, social workers, substance abuse counselors, disability service providers, and other individuals. These threat assessment teams all have different information and perspectives that can help find solutions to manage threats through intervention that can ultimately help individuals and make our community safer.

HB539 will help HSFC provide agencies that are developing threat assessment teams an organized, secure, and legal means of sharing information across disciplines. The ultimate goal is to prevent violence. We will continue to work with our partners in government, education, and health care to discuss how, when, and to whom information will be shared.

We have been informed that changes need to be made to the section that refers to sharing of confidential criminal information to non-law enforcement parties. We will submit ASAP proposed revisions to this area of the bill.

Thank you for allowing me to testify in SUPPORT of HB 539.

Paul S. Epstein, [paul.s.epstein@hawaii.gov](mailto:paul.s.epstein@hawaii.gov), 808-277-1884

LATE

DAVID Y. IGE  
GOVERNOR



DR. CHRISTINA M. KISHIMOTO  
SUPERINTENDENT

STATE OF HAWAII  
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**Date:** 02/04/2021

**Time:** 08:30 AM

**Location:** Via Videoconference

**Committee:** House Pandemic & Disaster Preparedness

**Department:** Education

**Person Testifying:** Dr. Christina M. Kishimoto, Superintendent of Education

**Title of Bill:** HB 0539 RELATING TO THREAT ASSESSMENT.

**Purpose of Bill:** Establishes a program within the Hawaii state fusion center to train, establish, and operate threat assessment teams, including for educational institutions.

**Department's Position:**

The Department of Education (Department) supports HB 0539.

Threat assessment is a problem-solving approach to violence prevention that involves assessment and intervention with both students and adults who have threatened violence in some way. Every act of violence is preventable if people recognize the signs. Several major and authoritative publications such as *Enhancing School Safety Using a Threat Assessment Model* and the *Final Report of the Federal Commission on School Safety* have identified actionable steps and best practices in establishing a threat assessment program.

The development and establishment of a threat assessment program in the Department has been a priority of Safety, Security and Emergency Preparedness Branch. The branch has been working and coordinating closely with both the Hawaii Office of Homeland Security, Hawaii State Fusion Center, and other agencies in developing a threat assessment program that would prevent targeted violence in our schools. These partnerships have been invaluable. Developing and establishing a threat assessment program ensures the Department is meeting national school safety and security standards.

Thank you for your opportunity to provide testimony on this measure.

The Hawai'i State Department of Education is committed to delivering on our promises to students, providing an equitable, excellent, and innovative learning environment in every school to engage and elevate our communities. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at [www.hawaiipublicschools.org](http://www.hawaiipublicschools.org).

LATE

**HB-539**

Submitted on: 2/3/2021 4:26:43 PM

Testimony for PDP on 2/4/2021 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Leslie Baunach	Hawaii Association of School Psychologists	Support	No

Comments:

Aloha-

The Hawaii Association of School Psychologists (HASP) supports the intent of HB539 relating to threat assessment. We recommend that for the department of education prek-12 schools, School Psychologists be utilized to develop threat assessment protocols and assist teams, rather than the Fusion center. School Psychologists receive graduate level training specific to school crisis, including threat assessment, and are uniquely equipped to support our schools in this area. Please visit our national website for more information: <https://www.nasponline.org/resources-and-publications/resources-and-podcasts/school-climate-safety-and-crisis/systems-level-prevention/threat-assessment-at-school/threat-assessment-for-school-administrators-and-crisis-teams>

Mahalo,

Leslie Baunach, NCSP  
NASP Delegate-Hawaii, HASP Legislative Chair