

JOSH GREEN, M.D.
GOVERNOR



DEPT. COMM. NO. 152

ANNE E. LOPEZ
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STATE OF HAWAII
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VALERIE M. KATO
ACTING FIRST DEPUTY ATTORNEY
GENERAL

December 9, 2022

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

The Honorable Scott K. Saiki
Speaker and Members of the
House of Representatives
Thirty-Second 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 of 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 (808) 586-1500.

Sincerely,

Anne E. Lopez
Attorney General

c: Josh Green, M.D., Governor
Sylvia Luke, Lieutenant Governor
Legislative Reference Bureau (Attn: Karen Mau)
Leslie H. Kondo, State Auditor
Luis Salaveria, Director of Finance, Department of Budget and Finance
Stacey A. Aldrich, State Librarian, Hawaii State Public Library System
David Lassner, Ph.D., President, University of Hawaii

Enclosure

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REPORT OF THE GUN VIOLENCE AND VIOLENT CRIMES COMMISSION

Pursuant to Section 134C-3(e), Hawaii Revised Statutes

Submitted to the Thirty-Second State Legislature
Regular Session of 2023

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 on policy 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 purposes of the GVVCC are 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

(a) Chair

The Attorney General's designee, Philip D. Higdon, Assistant Administrator, Hawai'i Criminal Justice Data Center, serves as the GVVCC Chair.

(b) Members

- (1) The designee of the Chief Justice of the Supreme Court of Hawai'i, Dr. Erin E. Harbinson, Director, Criminal Justice Research Institute, serves as the GVVCC Treasurer;
- (2) The designee of the Director of Health, Dr. Daniel J. Galanis, Epidemiologist, Department of Health;
- (3) The designee of the Director of Public Safety, Deputy Director Jordan Lowe, Department of Public Safety;
- (4) A county prosecuting attorney selected by the chair of the GVVCC, Andrew H. Martin, Prosecuting Attorney, County of Maui, serves as the GVVCC Secretary;
- (5) The designee of the State Public Defender, Assistant Public Defender Lee S. Hayakawa, Office of the State Public Defender, Department of Budget and Finance;
- (6) The Chief of Police of each County:
 - (A) The Chief of Police of the Hawaii County Police Department, Acting Chief Kenneth Bugado;
 - (B) The Chief of Police of the Honolulu Police Department, Chief Arthur "Joe" Logan;
 - (C) The Chief of Police of the Kauai Police Department, Chief Todd G. Raybuck; and

- (D) The Chief of Police of the Maui Police Department, Chief John Pelletier;
- (7) The administrator of the Hawaii State Hospital, Dr. Run F. Heidelberg;
- (8) The Dean of the College of Social Sciences at the University of Hawai'i at Manoa, Dr. Denise Eby Konan; and
- (9) The designee of the Dean of the John A. Burns School of Medicine, Dr. Gerald Busch, serves as the GVVCC Vice Chair.

No appointments/selections were made for the following representatives set forth in section 134C-2, HRS, and those positions remain vacant:

- (10) One representative from a group that advocates for stricter gun safety laws; and
- (11) One representative from a firearm advocacy group.

III. Activities of the GVVCC

The GVVCC conducted one commission meeting and one Permitted Interaction Group (PIG) meeting. The following is a summary of the presentations and discussions. The GVVCC members took no action:

(a) At the GVVCC meeting held on June 6, 2022, all members were present except for the two positions that are currently vacant. The GVVCC took the following actions:

- (1) Reviewed and approved the November 4, 2021, GVVCC meeting minutes.
- (2) Received a presentation by Senator Chris Lee as to the Legislature's intent of the GVVCC. The intent was for law enforcement agencies, mental health agencies, and other stakeholders to come together to determine what necessary or critical data is not being collected, identify gaps and weaknesses in the various data systems in hopes of preventing gun violence and violent crimes, and allocate funds to agencies and the GVVCC to improve data collection and sharing.
- (3) Received a report from the county police chiefs identifying what data is available from police record management systems (RMS) related to gun violence and the use of firearms in the commission of a crime. The police chiefs provided 2020-2021 statistics on what data was available in their respective police data systems related to

gun violence. The four county police departments currently do not collect all the relevant data, and retrieving some data requires manually researching individual reports. Each department would need to update its RMS to attempt to standardize and collect all relevant data. It is necessary for the GVCCC to determine what data needs to be collected and included in all of the systems.

- (A) Hawaii County Police Department - 130 firearms were recovered, and of those, 46 firearms were registered and 84 were not. Five of the recovered firearms were registered to a suspect.
 - (B) Honolulu Police Department – 759 firearms recovered. All other data is not tracked.
 - (C) Kauai Police Department – unable to provide specific data.
 - (D) Maui Police Department - 98 incidents involving firearms, 199 firearms were recovered.
- (4) Received reports from the Permitted Interaction Groups.
- (A) Data Permitted Interaction and Sharing of Data, December 9, 2021, Reporter Dr. Erin E. Harbinson. Discussed what data commission member agencies currently have, what additional data is needed, and how the data will be used. Discussed the need to identify relevant data sources to help narrow the scope. There is still the question of the GVVCC's focus and scope.
 - (B) Research Projects and Research Funding, December 13, 2021, Reporter Denise E. Konan Ph.D. Discussion as to what data is currently available, who holds the data, and what data is accessible. Identify what research projects the GVVCC wants to pursue and what funding will be needed to conduct the research projects. The PIG/GVVCC will utilize a University of Hawaii graduate assistant to assist in identifying what research has already been undertaken by other sources and what that data tells us.
- (5) Received a presentation by University of Hawaii Graduate Assistant Steffanie Sobitz of survey findings related to where Hawaii stands nationally on gun violence. National studies indicate there is no

hard data to suggest that raising the minimum age requirement to purchase a firearm affects firearm sales. It is unknown whether there would be an impact on the gun industry locally. The State reported a 62 percent increase in 2020 compared to 2019 in personal private firearm permit applications processed. In 2020 there were approximately 25,000 permits issued statewide that covered 53,481 firearms registered throughout the year, a 35.5 percent increase from 2019. Half of the firearms were imported from out of state. From 2000 to 2020, the number of statewide permit applications processed increased by 302.5 percent, all of which were legally registered firearms. It is clear that the number of firearms within the State has increased, but Hawaii still ranks lowest in gun ownership among the other states and has the strictest firearm laws.

(b) At its August 25, 2022, Permitted Interaction Group--Data Permitted Interaction and Sharing of Data meeting:

The PIG decided to recommend to the GVVCC that a survey be sent to county police departments to determine what data is currently being collected and to clarify the meaning of violent crimes.

IV. Accounting of Expenditures

The Legislature and Governor Ige approved funding for a permanent Office Assistant IV position to assist the GVVCC in operations and research projects. Recruitment for the position began in July 2022. The position is currently vacant due to no qualified candidates.

V. Proposed Legislation

The GVVCC and the Permitted Interaction Groups have determined there are obstacles to or needs for accomplishing its tasks. The GVVCC will develop plans to propose future legislation, but it has no proposed bills for the 2023 Regular Session.

VI. Findings and Recommendations

The GVVCC continues to 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 of 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 to this issue might require amendments to chapter 134C, HRS.