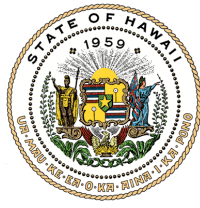


JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



JORDAN LOWE  
DIRECTOR

MICHAEL VINCENT  
Deputy Director  
Administration

JARED K. REDULLA  
Deputy Director  
Law Enforcement

SYLVIA LUKE  
LT GOVERNOR  
KE KE'ENA

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII  
**DEPARTMENT OF LAW ENFORCEMENT**

*Ka 'Oihana Ho'okō Kānāwai*

715 South King Street  
Honolulu, Hawaii 96813

TESTIMONY ON SENATE BILL 2003  
RELATING TO LAW ENFORCEMENT

Before the Senate Committee on  
Public Safety and Intergovernmental and Military Affairs  
Wednesday, January 24, 2024; 3:01 p.m.  
State Capitol Conference Room 225, Via Videoconference  
Testifier: Michael Vincent

Chair Wakai, Vice Chair Elefante, and members of the Committee:

The Department of Law Enforcement (DLE) submits comments on Senate Bill 2003 which seeks to increase law enforcement training to include cultural competency, implicit bias, racial and ethnic sensitivity, and crisis intervention.

Pursuant to section 52D-1, HRS, ". . . the powers, duties, and functions of each police commission shall be prescribed by the charter of each county." It is unclear whether this chapter is the appropriate vehicle for the training requirements of this bill, but to avoid any potential unforeseen conflicts the DLE is recommending that this committee explore other options to move the goals of this bill forward.

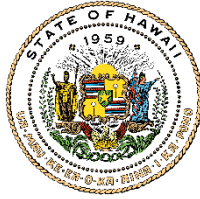
The law enforcement goals of this bill are significant to all sectors of our community. Courts and legislative bodies have made it clear that our law enforcement officers are required to take a closer look, if they can safely do so, with the goal of better understanding any interaction, encounter, or response for the purpose of helping those who may be in crisis, suffering from some physical, psychological, or substance disorder influencing their behavior. Officers do their best to look at the entire picture, which also includes culture, bias, and various areas of sensitivity which may also be an influencing factor in these situations.

The training contemplated by this bill should be included in the training and efforts of law enforcement to address crisis intervention. This can be accomplished through Chapter 139, Law Enforcement Standards or through deferral of this measure and supporting SB 2345 and SB 2246 which are coordinated bills focused on crisis intervention training and response from law enforcement and non-law enforcement partners. SB 2345 establishes crisis intervention officers within state and county law enforcement agencies and addresses crisis intervention training for law enforcement officers and departments state-wide. SB 2246 addresses these issues from the Department of Health side of the response.

Thank you for the opportunity to submit comments on this bill.

JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621  
HONOLULU, HAWAII 96809

DAWN N.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
RYAN K.P. KANAKA'OLE  
FIRST DEPUTY  
DEAN D. UYENO  
ACTING DEPUTY DIRECTOR - WATER  
AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES  
ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**LATE**

Testimony of  
DAWN N. S. CHANG  
Chairperson

Before the Senate Committee on  
PUBLIC SAFETY & INTERGOVERNMENTAL & MILITARY AFFAIRS

Wednesday, January 24, 2024  
3:01 PM  
State Capitol, Conference Room 225

In consideration of  
SENATE BILL 2091  
RELATING TO THE PUBLIC UTILITIES

Senate Bill 2091 proposes to require all telecommunications service providers to communicate relevant information relating to the de-energization of electrical lines to public safety or emergency response offices for the affected areas, requires electrical utilities to maintain their equipment to reduce wildfire risk, and requires electrical utilities to create a wildfire mitigation plan. **The Department of Land and Natural Resources (Department) supports this measure with comments.**

The Department supports requiring telecommunications service providers to notify the public when electrical utilities determine that de-energization of powerlines is necessary due to the threat of wildfire. The Department supports requiring electric utility companies to operate lines and equipment in a manner that minimizes the risk of wildfire, particularly the maintenance of vegetation below and surrounding transmission lines. Where feasible, the Department recommends the installation of transmission lines underground. For transmission lines less than 200 kV, the department recommends maintaining vegetation 30 feet out from lines and equipment. For lines greater than 200 kV, the Department recommends maintaining vegetation 40 feet out from the lines and equipment. For all vegetation maintenance, the Department also recommends electrical utilities follow all state and federal guidelines regarding threatened and endangered species that may occur within their utility easement. The Department also supports requiring electrical utilities to prepare a wildfire mitigation plan and protocols for de-energizing electrical lines. The Department recommends that the Division of Forestry and Wildlife and the county fire departments be consulted during the creation of these plans.

Mahalo for the opportunity to comment on this measure.

**DEPARTMENT OF THE PROSECUTING ATTORNEY  
KA 'OIHANA O KA LOIO HO'OPI'I  
CITY AND COUNTY OF HONOLULU**

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 768-7400 • FAX: (808) 768-7515 • WEB: <https://honoluluprosecutor.org/>

STEVEN S. ALM  
PROSECUTING ATTORNEY  
LOIO HO'OPI'I



THOMAS J. BRADY  
FIRST DEPUTY PROSECUTING ATTORNEY  
HOPE MUA LOIO HO'OPI'I

**THE HONORABLE GLENN WAKAI, CHAIR  
SENATE COMMITTEE ON PUBLIC SAFETY  
AND INTERGOVERNMENTAL AND MILITARY AFFAIRS  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawai'i**

January 24, 2024

**RE: S.B. 2003; RELATING TO LAW ENFORCEMENT.**

Chair Wakai, Vice-Chair Elefante and members of the Senate Committee on Public Safety and Intergovernmental and Military Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following **comments**, supporting the intent of S.B. 2003, with **suggested amendments**.

The purpose of S.B. 2003 is to require that all officers under the county police departments and the State Department of Law Enforcement be educated on implicit bias, mental health, crisis intervention, and other such training matters. While the Department understands the importance of this type of training, we **respectfully ask that the definition of "police officer" be removed** from the bill, as Chapter 52D already pertains to all county police departments (and officers thereof), and no further definition is needed.

As written, the definition of "police officers" found in S.B. 2003 (p. 1, Ins. 11-15; and p. 4, Ins. 12-16) appears to go beyond the scope of Chapter 52D, and could potentially encompass the Department's investigators. Technically, our investigators are under the direction and control of the Honolulu Prosecuting Attorney, and their duties are limited only to Department business; they do not have any sort of "patrol" duties that are typically associated with police officers and other types of law enforcement officers. Also, neither the Honolulu Police Commission nor the Honolulu Police Department has any actual authority over our investigators.

Based on the foregoing **comments**, the Department of the Prosecuting Attorney of the City and County of Honolulu respectfully asks that the definition of "police officer" be removed from S.B. 2003 (p. 1, Ins. 11-15; and p. 4, Ins. 12-16). Thank you for the opportunity to provide feedback on this measure.

POLICE DEPARTMENT  
KA 'OIHANA MĀKA'I O HONOLULU  
**CITY AND COUNTY OF HONOLULU**  
801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 • WEBSITE: [honolulu.pd.org](http://honolulu.pd.org)

RICK BLANGIARDI  
MAYOR  
MEIA



ARTHUR J. LOGAN  
CHIEF  
KAHU MĀKA'I  
  
KEITH K. HORIKAWA  
RADE K. VANIC  
DEPUTY CHIEFS  
HOPE LUNA NUI MĀKA'I

OUR REFERENCE **DM-SK**

January 24, 2024

The Honorable Glenn Wakai, Chair  
and Members  
Committee on Public Safety and  
Intergovernmental and Military Affairs  
State Senate  
415 South Beretania Street, Room 225  
Honolulu, Hawai'i 96813

Dear Chair Wakai and Members:

**Subject: Senate Bill No. 2003, Relating to Law Enforcement**

I am Donn Manzano, Acting Captain of the Training Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports the intent of Senate Bill No. 2003, Relating to Law Enforcement, requiring the establishment of training in cultural competency, implicit bias, and racial and ethnic sensitivity, as well as crisis intervention training.

Currently, the HPD annually trains its officers on implicit bias and bias-based profiling, including racial and ethnic sensitivity. Since 2022, each graduating recruit class has received eight hours of certified training in mental health first aid, which covers the proposed areas of instruction in the bill.

The HPD has concerns regarding the language of the bill setting specific hours for training. Training hours vary on the curriculum used (which includes those provided by the City and County of Honolulu and nationally recognized training). The HPD would recommend the language be amended to state that the outlined training be provided to officers, rather than specific, set amounts of training hours.

The Honorable Glenn Wakai, Chair  
and Members

Page 2

January 24, 2024

The HPD appreciates the committee's consideration of our comments and concerns regarding Senate Bill No. 2003, Relating to Law Enforcement, and thanks you for the opportunity to testify.

Sincerely,



Donn Marzano, Acting Captain  
Training Division

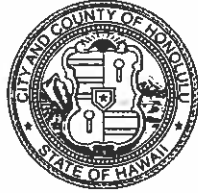
APPROVED:



Arthur J. Logan  
Chief of Police

POLICE COMMISSION  
KOMIKINA MĀKA'I O HONOLULU  
CITY AND COUNTY OF HONOLULU

ALI'I PLACE  
1060 RICHARDS STREET, SUITE 170  
HONOLULU, HAWAII 96813 · AREA CODE (808) 723-7580



RICK BLANGIARDI  
MAYOR  
MEIA

OUR REFERENCE

January 23, 2024



DOUG CHIN  
CHAIR  
LĀLĀ

KENNETH SILVA  
VICE-CHAIR  
HOPE LĀLĀ

ANN BOTTICELLI  
ELIZABETH CHAR  
GERARD 'JERRY' GIBSON  
CARRIE K. S. OKINAGA  
JEANNINE A. SOUKI

The Honorable Glen Wakai, Chair  
and Members  
Committee on Public Safety and Intergovernmental  
and Military Affairs  
State Senate  
Hawaii State Capitol  
415 S. Beretania Street, Room 225  
Honolulu, Hawaii 96813

Dear Chair Wakai and Members:

Subject: Senate Bill No. 2003, Relating to Law Enforcement

The Honolulu Police Commission (Commission) appreciates the intent of Senate Bill No. 2003, Relating to Law Enforcement (Bill) and has these comments for the Committee's consideration.

First, the Commission understands that the Honolulu Police Department (Department) requires all officers and civilian employees to regularly complete bias and cultural competency training that includes modules regarding implicit bias, racial and ethnic sensitivity, and cultural competency. The City and County of Honolulu also requires all of its employees including HPD to regularly complete sexual harassment training, anti-bias training, and ethics training. We hope the Department is able to and will provide more information to the Committee regarding its efforts to train officers on these important subject matters.

Second, Section 6-1606 of the Revised Charter of the City and County of Honolulu (Charter) states, "...Except for purposes of inquiry or as otherwise provided in this charter, neither the commission nor its members shall interfere in any way with the administrative affairs of the department." The current version of the Bill may conflict with the existing Charter.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Chin".

DOUG CHIN  
Chair

DC:ey



TO: The Honorable Glenn Wakai  
Chair, Senate Committee on Public Safety and Intergovernmental and Military Affairs  
The Honorable Brandon J.C. Elefante  
Vice Chair, Senate Committee on Public Safety and Intergovernmental and Military Affairs

FROM: Trisha Chaung  
Advocacy Manager, NAMI Hawaii

RE: SB 2003 – RELATING TO LAW ENFORCEMENT

HEARING: January 24, 2024 at 3:01 PM

**POSITION: NAMI Hawaii supports SB 2003, with comments**

NAMI Hawaii writes in support of SB 2003, with specific comments for Section 3. As a key partner and deliverer of Hawaii's CIT program, NAMI Hawaii believes that the wording "The training shall include, at a minimum, eight hours of core instruction." should be amended to reflect the current capacity of CIT instructors and the positive reception of the current curriculum, which is a 40-hour, one-week training with site visits and multiple visiting instructors. The current curriculum provides instruction that is not included in SB 2003's suggestions for core instruction, such as cultural competence in responding to veterans, information about substance use and dual diagnosis, introspective lessons for the officers on their own cultural frameworks, real-life stories from individuals with mental illness and their families, and techniques that promote mental wellness for officers. **We highly encourage that amendments to SB 2003 include feedback from officers who have completed CIT training, specifically when determining the components and length of "core instruction," and include input from CIT champions, both within and outside law enforcement, regarding the CIT program's current capacity and needs.**

The lack of mental health crisis services across the U.S. has resulted in law enforcement officers serving as first responders to most crises. A Crisis Intervention Team (CIT) program is an innovative, community-based approach to improve the outcomes of these encounters. CIT programs create connections between law enforcement, mental health providers, hospital emergency services and individuals with mental illness and their families.

Besides bringing community leaders together, CIT programs also give police officers more tools to do their job safely and effectively. Research shows that CIT is associated with improved officer attitude and knowledge about mental illness. In Memphis, for example, CIT resulted in an 80% reduction of officer injuries during mental health crisis calls. CIT also keeps law enforcement's focus on crime by reducing the time officers spend responding to a mental health call.

Hawaii's CIT program was established in 2018, through a collaboration between NAMI Hawaii, the Honolulu Police Department, and Hawaii Health & Harm Reduction. This testimony is coincidentally being submitted on a current CIT instruction week. As of August 2023, approximately 200 officers in Honolulu County and 38 officers in Hawaii County have completed CIT training. We have a growing wait-list of officers eager to receive CIT training, but have a limited roster of available instructors. We remain committed to our vision of certifying all officers in the state in CIT, and thus strongly support the intent of SB 2003.

NAMI Hawaii believes that *every* person in crisis, and their families, should receive a humane response that treats them with dignity and connects them to appropriate and timely care. Thank you for the opportunity to provide testimony on SB 2003.



**Hawaiian  
Electric**

**TESTIMONY BEFORE THE SENATE COMMITTEE ON  
PUBLIC SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS**

**SB 2091**

**Relating to Public Utilities**

Wednesday, January 24, 2024

3:01 PM

State Capitol, Conference Room 225

Jimmy D. Alberts  
Senior Vice President & Chief Operations Officer  
Hawaiian Electric

Chair Wakai, Vice Chair Elefante, and Members of the Committee:

My name is Jimmy D. Alberts and I am testifying on behalf of Hawaiian Electric providing comments and requesting amendments on SB 2091.

Hawaiian Electric understands the importance of having a robust wildfire mitigation strategy while providing safe, reliable power at a reasonable cost for our customers and communities. Nearly six months after the tragic Maui wildfires, Hawaiian Electric continues to press ahead with recovery efforts and identifying utility best practices and new technologies to prevent such a tragedy from ever happening again in our service territory.

The Maui wildfires have prompted us to revisit the assumptions and determinations of risk shaping our wildfire mitigation efforts. Hawaiian Electric intends to work closely with the community to address key issues such as whether a preemptive power shutoff program is appropriate for Hawai'i. We also have accelerated and intensified the implementation of our own Wildfire Mitigation Plan and have taken other immediate action steps, including implementing fast trip settings on circuits, re-

inspecting all lines for vulnerabilities, and initiating the process for replacing poles, conductor and fuses in high-risk areas.

While we agree with the intent of this bill to set forth regulatory requirements regarding a Wildfire Mitigation Plan, Hawaiian Electric is requesting your consideration of the attached amendments that would provide a more well-rounded wildfire mitigation plan. We believe the suggested amendments will help clarify the roles and responsibilities of the electric utility and the Public Utilities Commission with respect to such plans. The amendments do not remove any of the requirements on a Wildfire Mitigation Plan already present in the bill, they only consolidate them with additional requirements.

We appreciate the Committee's consideration of the requested amendments and comments to SB 2091. Thank you for this opportunity to testify.

## **HAWAIIAN ELECTRIC PROPOSED REVISIONS FOR SB 2091:**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Chapter 269, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

"§269- Telecommunications providers to notify of deenergization of electrical lines. (a) In preparation for receiving notifications regarding the deenergization of electrical lines, all facilities-based mobile telecommunications service providers shall:

- (1) Designate contact points or persons within the company to receive notifications from an electric utility for expected deenergization of electrical lines; and
- (2) Develop uniform protocols prior to a deenergization event to respond appropriately to an outage.

(b) Upon receipt of a notification regarding the deenergization of electrical lines, a facilities-based mobile telecommunications service provider shall communicate relevant information relating to the deenergization of electrical lines to public safety or emergency response offices for the affected areas.

§269- Electric utility companies; wildfire mitigation plan.

### **(a) As used in this Section:**

- (1) "Electric utility" means a public utility that exists for the furnishing of power.**
- (2) The "Commission" shall refer, unless otherwise indicated, to the Public Utilities Commission.**
- (3) "Plan" means a plan as described in subsection (f).**

~~[(a)]~~**(b)** Each electric utility ~~[company]~~ in the State shall construct, maintain, and operate the company's electrical lines and equipment in a manner that shall minimize the risk of catastrophic wildfire posed by the electrical lines and equipment.

~~[(b) Each electric utility company shall prepare and submit an annual wildfire mitigation plan to the public utilities commission for review and approval. The wildfire mitigation plan shall include:~~

- ~~(1) Protocols for deenergizing electrical lines that consider the associated impacts on public safety, including protocols related to mitigating the public safety impacts on critical first responders and health and communication infrastructures;~~

- ~~(2) Procedures for notifying a customer who may be impacted by the deenergizing of electrical lines;~~
- ~~(3) Procedures for notifying public safety offices, critical first responders, health care facilities, and telecommunications service providers who are within the deenergizing areas about the deenergizing of electrical lines; and~~
- ~~(4) Protocols for deenergizing electrical lines when the deenergization may impact customers or entities who are dependent on the infrastructure."]~~

**(c) The Commission may periodically convene community outreach meetings for the purpose of helping electric utilities identify, adopt, and carry out best practices regarding wildfires, including, but not limited to, risk-based wildfire protection and risk-based wildfire mitigation procedures and standards.**

**(d) An electric utility must have and operate in compliance with a risk-based wildfire mitigation plan that is filed with the Commission and has been evaluated and approved by the Commission. The plan must be based on reasonable and prudent practices and on Commission standards adopted by rule. The electric utility must design the plan in a manner that seeks to protect public safety, reduce risk to utility customers, and promote electrical system resilience to wildfire damage.**

**(e) An electric utility shall submit and then on an annual basis update a risk-based wildfire mitigation plan on a schedule determined by the Commission. The plan must, at a minimum:**

- (1) Identify areas that are subject to a heightened risk of wildfire.**
- (2) Identify a means for mitigating wildfire risk that reflects a reasonable balancing of mitigation costs with the resulting reduction of wildfire risk.**
- (3) Identify preventive actions and programs that the electric utility will carry out to minimize the risk of utility facilities causing a wildfire.**
- (4) After seeking input from relevant governmental entities, identify a protocol for the deenergizing of power lines and adjusting of power system operations to mitigate wildfires, promote the safety of the public and first responders and preserve health and communication infrastructure. The protocol shall include:**

- (i) Protocols for deenergizing electrical lines that consider the associated impacts on public safety, including protocols related to mitigating the public safety impacts on critical first responders and health and communication infrastructures;
  - (ii) Procedures for notifying a customer who may be impacted by the deenergizing of electrical lines;
  - (iii) Procedures for notifying public safety offices, critical first responders, health care facilities, and telecommunications service providers who are within the deenergizing areas about the deenergizing of electrical lines; and
  - (iv) Protocols for deenergizing electrical lines when the deenergization may impact customers or entities who are dependent on the infrastructure.
- (5) Describe the procedures, standards and time frames that the electric utility will use to inspect utility infrastructure in areas that the public utility identifies under paragraph (1) of this subsection.
- (6) Describe the procedures, standards and time frames that the electric utility will use to carry out vegetation management in areas that the public utility identifies under paragraph (1) of this subsection.
- (7) Identify the estimated development, implementation and administration costs for the plan.
- (8) Identify the community outreach and public awareness efforts that the electric utility will use with respect to wildfires.
- (9) Identify the timelines, as applicable, for development, implementation, and administration of any aspects of the plan.
- (f) The Commission shall evaluate an electric utility's plan and plan updates through a public process.
- (g) Not more than 180 days after an electric utility files a plan or plan update, the Commission shall approve or approve with conditions the plan or update if the Commission finds that the plan or update is based on reasonable and prudent practices and designed to meet all applicable rules and standards adopted by the Commission. The Commission may, in approving the plan or update with conditions, make modifications to the plan or update that it believes represent a reasonable balancing of mitigation costs with the resulting reduction of wildfire risk. The Commission will issue a decision explaining any such

modifications at the time it approves the plan. In evaluating a plan, the Commission may consult with and consider information from governmental entities, including counties, as well as other industry organizations, provided that the Commission identifies the nature of such consultation in its decision.

(h) The Commission may adopt rules for the implementation of this section. The rules may include, but need not be limited to, procedures and standards regarding vegetation management, public power safety shutoffs and restorations, pole materials, circuitry and monitoring systems.

(i) In its decision pursuant to subsection (h), the Commission shall determine the reasonable costs to develop, implement and administer the plan and shall authorize the electric utility to recover such costs in rates. The Commission shall establish a method to allow timely recovery of the costs it authorizes for recovery. The Commission will assess these costs on a statewide basis based on the development, implementation and administration costs for the plan; it will not assess the costs based on the utility service territory which is particularly affected by any aspect of the plan. The electric utility shall track the costs it actually incurs to develop, implement and administer the plan. In its submission under subsection (f), the electric utility shall report on such costs as actually incurred for the most recent past period for which such information is available. If the actual costs are less than the amounts the Commission determined were reasonable in its decision under subsection (h), the Commission shall direct the electric utility to refund or credit such costs to ratepayers. If the actual costs are equal to or greater than the amounts the Commission determined were reasonable in its decision under subsection (h), then the Commission shall not direct the electric utility to refund to ratepayers the amount the Commission previously determined was reasonable, but may disallow the recovery from ratepayers of any additional costs the Commission finds were unreasonable. In connection with any such review, (i) actual costs that are no more than 15% greater than the costs the Commission previously determined were reasonable shall be presumed prudent and authorized for recovery from ratepayers absent proof by clear and convincing evidence that such costs were unreasonable, and (ii) the electric utility shall have the burden of proving the reasonableness of actual costs that are more than 15% greater than the costs the Commission previously determined were reasonable.

(j) No electric utility shall be civilly liable for the death of or injury to persons, or property damage, as a result of or in connection with any the followings acts or omissions:

(1) Any act taken in accordance with a plan or updated plan approved by the Commission under this Section; or

**(2) Any failure to take an action proposed by an electric utility in a plan or updated plan and thereafter removed from the plan by modification of the Commission.**

**(k) In any action seeking to hold an electric utility civilly liable for the death of or injury to persons, or property damage, no inference of liability may be drawn solely based on a failure by the electric utility to adhere to the requirements of an approved plan.”**

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.





STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I  
OFFICE OF THE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
KA 'OIHANA PILI KĀLEPA  
335 MERCHANT STREET, ROOM 310  
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JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA

NADINE Y. ANDO  
DIRECTOR | KA LUNA HO'OKELE

DEAN I HAZAMA  
DEPUTY DIRECTOR | KA HOPE LUNA HO'OKELE

**Testimony of the Department of Commerce and Consumer Affairs**

**Before the  
Senate Committee on Public Safety and Intergovernmental and Military Affairs  
Wednesday, January 24, 2024  
3:01 p.m.  
Conference Room 225**

**On the following measure:  
S.B. 2091, RELATING TO PUBLIC UTILITIES**

Chair Wakai and Members of the Committee:

My name is Michael Angelo, and I am the Executive Director of the Department of Commerce and Consumer Affairs' (Department) Division of Consumer Advocacy. The Department offers comments on this bill.

The purpose of this bill is to: (1) require all telecommunications service providers to communicate relevant information relating to the deenergization of electrical lines to public safety or emergency response offices for the affected areas; (2) require all electric utility companies to operate electrical lines and equipment in a manner that shall minimize the risk of catastrophic wildfire posed by the electrical lines and equipment; and (3) require each electric utility company to prepare a wildfire mitigation plan and protocols for deenergizing electrical lines.

The Department strongly supports public safety or emergency response offices obtaining access to information related to deenergization of electrical lines. The Department offers that the potential to use existing notification processes to generate the

notifications contemplated by this bill should be undertaken as a potential means for minimizing implementation costs. For example, the Wireless Emergency Alerts (“WEA”) system allows federal, state, and local government agencies to send alerts during critical emergency situations, such as those involving imminent threats to safety, life, or recommendations for saving lives and property<sup>1</sup>

The Department supports requiring electric utility companies to construct, maintain, and operate electrical equipment in a manner to minimize risks during catastrophic wildfires. The Department offers, however, that determinations of how the electric utility companies should construct, maintain, and operate their electrical equipment in a manner to minimize risks should be undertaken as part of holistic review of the resilience of the State’s electrical system regarding hazardous conditions including, but not limited to, wildfires, high wind events, and flooding. Such a process should explore industry standards regarding wildfire prevention, and more generally, hazard mitigation. Significantly, the process should include the opportunity to receive public feedback, be vetted publicly, and build upon previous stakeholder driven efforts such as the work performed by the Resilience Working Group, which was part of Hawaiian Electric’s Integrated Grid Planning Process.<sup>2</sup>

Given Hawaii’s state-wide risk to a multitude of hazards, the Department offers support for a holistic system-wide approach to reducing risk to those hazards. The Department is supportive of prioritizing safety and reliability during a range of natural hazards and a process that incorporates state-wide stakeholder feedback. To that end, the Department notes our recommendation in Docket No. 2022-0135, regarding Hawaiian Electric Company’s Climate Adaptation Transmission and Distribution Resilience Program, recommending that the Commission:

open a new docket under Hawaii Revised Statutes § 269-7 to assess the vulnerabilities of the systems of Hawaii’s regulated utilities to threats and disasters, whether they be manmade or caused by extreme natural events. The proposed proceeding would allow for identification and a thorough

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<sup>1</sup> See <https://www.honolulu.gov/dem/preparedness/stay-informed.html>.

<sup>2</sup> See e.g., Resilience Working Group Report for Integrated Grid Planning: <https://www.hawaiianelectric.com/a/7883>

assessment of critical vulnerabilities to the state's regulated utility systems, and risk mitigations to be proposed, evaluated, and prioritized. The targeted outcome of such an effort would be to support the development of plans that rely on risk assessments prioritizing mitigation measures that should be implemented to address critical vulnerabilities efficiently and cost-effectively.<sup>3</sup>

On November 21, 2023, the Commission issued Order No. 40396, opening a non-docketed proceeding, "Directing Public Utilities to Develop and File Reports Related to their Ongoing Efforts and Future Mitigation Plans to Address Natural Hazards." The Department offers that this non-docketed proceeding offers the opportunity to develop the actions needed to protect ratepayers on a state-wide basis, which could include the electric utilities' wildfire mitigation plans.

Thank you for the opportunity to testify on this bill.

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<sup>3</sup> Docket No.2022-0135, Department's Response to Life of the Land's Motion for Leave to File Post Fire Information Requests to PUC & HECO, filed on September 18, 2023, at 3.



Hawai‘i

Committee: Committee on Public Safety and Intergovernmental and Military Affairs  
Hearing Date/Time: Wednesday, Wednesday, January 24 at 3:01pm  
Place: Room 225 & Videoconference  
Re: Testimony of the ACLU of Hawai‘i PROVIDING COMMENTS on SB2003 Relating to Law Enforcement

Aloha Chair Wakai, Vice Chair Elefante and Members of the Committee:

The ACLU of Hawai‘i would like to provide comments on Senate Bill 2003 Relating to Law Enforcement, requires police commissions and the Department of Law Enforcement (DLE) to establish and police and law enforcement officers to complete training programs on cultural competency and implicit bias and racial and ethnic sensitivity. The bill also requires police commissions to establish policies for and to ensure that all full-time police officers receive crisis intervention training related to interaction with persons with mental disabilities and homeless persons.

While we laud the effort made by this bill to increase law enforcement sensitivities to the racial and ethnic diversity in Hawai‘i, as well as the need for more awareness of implicit bias, crisis intervention complexities and a need for more training related to interactions with the mentally ill, the ACLU of Hawai‘i believes strongly that alternative crisis response systems are preferable to policing to assist with those experiencing mental illness and/or homelessness.

Hawai‘i’s ongoing housing crisis continues to lead our policy makers to criminalize those in poverty with burdensome regulation and exclusion. This sadly includes a substantial percentage of Native Hawaiians, Pacific Islanders, and those struggling with mental illness.

Alternative crisis response systems have been proven to work in places like Oregon.<sup>1</sup>

President Obama’s Task Force on 21<sup>st</sup> Century Policing<sup>2</sup> made a number of recommendations regarding training and education for law enforcement. These included:

- Community policing and problem-solving principles

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<sup>1</sup> Crisis Assistance Helping Out On the Streets (CAHOOTS) Program: <https://whitebirdclinic.org/cahoots/>

<sup>2</sup> Final Report of the President’s Task Force on 21<sup>st</sup> Century Policing May 2015: [https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)

- ☒ Interpersonal and communication skills
- ☒ Bias awareness
- ☒ Scenario-based, situational decision making
- ☒ Crisis intervention
- ☒ Procedural justice and impartial policing
- ☒ Trauma and victim services
- ☒ Mental health issues
- ☒ Analytical research and technology
- ☒ Languages and cultural responsiveness

The report notes the need for “not only effective, efficient policing but also procedural justice and fairness and recommends that law enforcement agencies engage community members in the training process.

As such, should the bill proceed, we ask that it be amended to require police commissions and the Department of Law Enforcement engage with the community members and organizational stakeholders who work in this arena to develop the training programs required by this bill.

Without community input, any training programs implemented by law enforcement will likely have little practical impact on how police officers and law enforcement protect and serve their communities.

Mahalo for the opportunity to testify.

Sincerely,

***Josh Frost***

Josh Frost  
Policy Assistant  
ACLU of Hawai‘i  
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*The mission of the ACLU of Hawai‘i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai‘i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai‘i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai‘i has been serving Hawai‘i for over 50 years.*

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TESTIMONY OF  
LEODOLOFF R. ASUNCION, JR.  
CHAIR, PUBLIC UTILITIES COMMISSION  
STATE OF HAWAII

TO THE  
SENATE COMMITTEE ON PUBLIC SAFETY AND INTERGOVERNMENTAL AND  
MILITARY AFFAIRS

January 24, 2024  
3:01 p.m.

Chair Wakai, Vice Chair Elefante, and Members of the Committee:

**MEASURE:** S.B. No. 2091

**TITLE:** RELATING TO PUBLIC UTILITIES.

**DESCRIPTION:** Requires all telecommunications service providers to communicate relevant information relating to the deenergization of electrical lines to public safety or emergency response offices for the affected areas. Requires all electric utility companies to operate electrical lines and equipment in a manner that shall minimize the risk of catastrophic wildfire posed by the electrical lines and equipment. Requires each electric utility company to prepare a wildfire mitigation plan and protocols for deenergizing electrical lines.

**POSITION:**

The Public Utilities Commission (“Commission”) offers the following comments for consideration.

**COMMENTS:**

The Commission appreciates the intent of this measure to ensure coordinated and effective response to the deenergization of electrical lines in emergency situations, and to require that electric utilities operate in accordance with a wildfire mitigation plan. Given how critical utility services are to effective emergency response, the Commission agrees that it is imperative for telecommunications providers and electrical utilities to have clear protocols for working with key stakeholders and customers when there is a need to deenergize electrical lines. The Commission understands the importance of reducing the

likelihood and impact of wildfires across the State and is committed to supporting such efforts in its work.

To effectuate the second part of this measure, the Commission would first determine additional detailed requirements of wildfire mitigation plans for electric utilities, including protocols for deenergizing electrical lines. The Commission would review wildfire mitigation plans with input from relevant and expert stakeholders to ensure maximum effectiveness given the complexity and importance of the work. The Commission understands that wildfire mitigation plans are of great interest and importance to the State at this critical juncture and will work to ensure that requirements for such plans are comprehensive, based on best practices, tailored to the unique needs of Hawaii, and created in coordination with those most impacted by the actions identified therein. The Commission observes that other bills, including S.B. 3096, also request that the Commission require and approve wildfire risk mitigation or protection plans from electric utilities. The Commission finds that the approach provided in S.B. 3096 would allow for effective development of risk-based wildfire protection plans (including consideration of line deenergization protocols), and appropriate cost recovery mechanisms for utilities.

Thank you for the opportunity to testify on this measure.

**SB-2003**

Submitted on: 1/21/2024 3:48:28 AM

Testimony for PSM on 1/24/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
David Fukuzawa	Individual	Support	Written Testimony Only

Comments:

Dear Honorable Senators:

I submit this testimony in support of this bill SB2003. I believe this measure would enhance the service and protection of the people in our state with our various law enforcement agencies. In Honolulu, we have been having too many errors made on the part of law enforcement.

Thank you,

David Fukuzawa



**SB-2003**

Submitted on: 1/22/2024 6:02:07 PM

Testimony for PSM on 1/24/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael EKM Olderr	Individual	Support	Written Testimony Only

Comments:

I support this bill, though I should add due to the severity and the community impact that the combined training should be around 20-30+ hours every 1-2 years. And I hope that they vet that the information that is given for the training is not outdated and won't give the police a pass. It's a serious issue that each officer should have in the forefront of their minds each time they are out on patrol.

# OFFICE OF BOARDS & COMMISSIONS

ELLEN CHING, ADMINISTRATOR



DEREK S.K. KAWAKAMI, MAYOR  
REIKO MATSUYAMA, MANAGING DIRECTOR



Testimony of  
**Ellen Ching**  
Administrator, Office of Boards & Commissions  
County of Kaua'i

Before the  
**Senate Committee on Public Safety and Intergovernmental and Military Affairs**  
January 24, 2024 at 3:01 p.m.  
Conference Room 225 and Videoconference

In consideration of  
**SB 2003**  
**Relating to Law Enforcement**

Honorable Chair Wakai, Honorable Vice Chair Elefante, and Members of the Committee:

The County of Kaua'i Office of Boards & Commissions submits **comments** on SB 2003 which requires police commissions to establish and police officers to complete training programs on cultural competency and implicit bias and racial and ethnic sensitivity; requires the Department of Law Enforcement to establish and law enforcement officers to complete training programs on cultural competency and implicit bias and racial and ethnic sensitivity; requires police commissions to ensure that all full-time police officers receive crisis intervention training related to interaction with persons with mental disabilities; and requires police commissions to establish policies for officer interaction with persons with mental disabilities and homeless persons.

Although we **support the intent** of the bill, we have concerns that the Kaua'i County Charter<sup>i</sup>, expressly prohibits the Police Commission from engaging in this activity. The Charter states, "except for purposes of inquiry, no board or commission, nor its members shall interfere in any way with the routine administrative affairs of its department normally administered by the department head." Thus, should this measure be adopted, we would be caught in a difficult position between a worthy objective and the inability to conduct the activities to fulfill its purpose.

Thank you for this opportunity to testify. Should you have any questions or need more information, please feel free to contact me.

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<sup>i</sup> Kaua'i County Charter, Section 23.02 Boards and Commissions. M., p. 49  
<https://www.kauai.gov/files/assets/public/v/1/boards-and-commissions/documents/the-charter-of-the-county-of-kauai-2022.pdf>

**LATE**

**SB-2003**

Submitted on: 1/24/2024 11:24:24 AM

Testimony for PSM on 1/24/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Victor K. Ramos	Individual	Oppose	Written Testimony Only

Comments:

The counties respective Police Commissions (PC) have no authority to make any policy. Policy is the responsibility of the respective Police Chiefs and their staff.

If Police Commissioners are granted said authority, the respective County Charters must be changed to reflect said authority. If said authority is given to Police Commissions, commission members must have law enforcement training AND experience before they are selected as PC members.