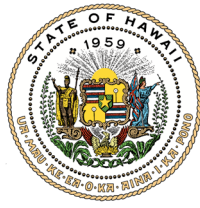


JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



JORDAN LOWE  
DIRECTOR

MICHAEL VINCENT  
Deputy Director  
Administration

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

JARED K. REDULLA  
Deputy Director  
Law Enforcement

TESTIMONY ON SENATE BILL 2236  
RELATING TO LAW ENFORCEMENT

Before the Senate Committee on  
Public Safety and Intergovernmental and Military Affairs  
Friday, January 26, 2024; 3:00 p.m.  
State Capitol Conference Room 225, Via Videoconference

Testifiers: Michael Vincent

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

The Department of Law Enforcement (DLE) submits comments on, Senate Bill 2236.

This bill requires law enforcement to post notice that a search has been conducted on a property if a resident was not present at the time of the search.

The officers of the DLE currently follows the practice outlined in the bill. However, the DLE believes including the names of the officers involved in the search on the notice left at the residence places an unreasonable burden on the on-scene officer in charge of the execution of the warrant as they would be required to stop every officer participating to capture the information. Depending on the size and type of warrant, this has the potential of including numerous officers or personnel and would most likely involve many related or follow-up police reports. The identification of all officers and personnel involved in any search are included in the key, related, and follow-up reports associated with any search. As such, requiring the identification of participating officers in the notice is unnecessary.

Including the reason for the search and the callback number(s) will provide a suspect or their attorney with the ability to follow-up on the events and case for any actions that may be contemplated or necessary by them.,

Finally, the DLE believes that the intent of the proposed language is not to limit the requirement to a search involving a resident, but would include any search of a house, store, or other building when a resident or occupant is not present.

The DLE suggests the proposed language be amended as follows:

(b) If a resident or occupant is absent at the time of the search of a house, store, or other building, the officer shall post notice of the search, which shall include the date, time, [~~officers~~ **involved**], reason for entering, and callback numbers. Any entrances used by law enforcement shall be secured upon completion of the search warrant.

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



**STATE OF HAWAI‘I**  
**OFFICE OF THE PUBLIC DEFENDER**

**Testimony of the Office of the Public Defender,  
State of Hawai‘i to the House Committee on  
Public Safety and Intergovernmental and Military Affairs**

January 25, 2024

S.B. No. 2236: RELATED TO LAW ENFORCEMENT

Chair Wakai, Vice Chair Elefante, and Member of the Committee

The Office of the Public Defender supports S.B. No. 2236.

Intrusions into a person’s home is highly invasive—whether it is through a criminal act or as part of a government investigation. The Hawai'i Constitution guarantees a more enhanced and robust right to privacy and right to be free from unreasonable searches and seizures than the United States Constitution. In the spirit of our robust State Constitution, this bill obligates investigating law enforcement officers entering private property with a search warrant to post a notice that a government intrusion has taken place and requires them to secure the residence to prevent trespasses.

This bill will assure and inform residents that law enforcement has investigated a private space, provides further transparency into government operations, and builds trust between the police and the community.

**LATE**



Committee: Public Safety & Intergovernmental & Military Affairs  
Hearing Date/Time: Friday, January 26, 2024 at 3:00pm  
Place: Conference Room 225 & Videoconference  
Re: Testimony of the ACLU of Hawai'i in SUPPORT of SB 2236  
Relating to Law Enforcement

Dear Chairs Wakai, Vice Chair Elefante and Members of the Committee:  
The American Civil Liberties Union of Hawai'i **supports SB 2236 which requires law enforcement to post notice that a search has been conducted on a property if a resident was not present at the time of the search.**

Our constitutional right under the Fourth Amendment to live free of “unreasonable searches and seizures” to protect our “persons, houses, papers and effects” is one of our most cherished under the U.S. Constitution. Similarly, our Hawai'i Constitution affords individuals the right to be free from unreasonable searches and seizures.<sup>1</sup> Additionally, our Hawai'i Constitution explicitly protects the right to privacy.<sup>2</sup>

Given the highly intrusive nature of searches in houses, stores and buildings, at minimum, law enforcement should be required to post a notice that a search has occurred, and to secure the premises to prevent trespass, theft and further invasions of privacy. This practice comports with the pillars of 21st Century Policing, transparency and greater accountability.

Thank you for the opportunity to testify.

Sincerely,  
**Carrie Ann Shiota**  
Carrie Ann Shiota  
Policy Director  
ACLU of Hawai'i

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<sup>1</sup> Article I, Section 7: The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches, seizures and invasions of privacy shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized or the communications sought to be intercepted.

<sup>2</sup> Article I, Section 6: The right of the people to privacy is recognized and shall not be infringed without the showing of a compelling state interest. The legislature shall take affirmative steps to implement this right.