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February 4, 2025

Committee on Public Safety & Military Affairs
Sen. Brandon J.C. Elefante, Chair
Committee on Health and Human Services
Sen. Joy. A. San Buenaventura, Chair
415 South Beretania Street, Conf. Rm. 325
State Capital
Honolulu, HI 96813

Re: Testimony in Support of Senate Bill No. 228
Hearing: February 7, 2025, 3:10 PM

Dear Chairs Elefante and San Buenaventura and Committee members:

I am writing in regard to Senate Bill No. 228, relating to “excited delirium.” Specifically, I write to support the support prohibition on use of excited delirium (or any other non-scientific, non-medical “diagnosis”) in the context of government action.

Senate Bill No. 228 appears, first of all, to acknowledge and adopt the fact that “excited delirium,” including so-called excited delirium syndrome, is not a valid medical diagnosis. This conclusion is correct and appropriate. As Senate Bill No. 228 reflects, excited delirium is not a recognized diagnosis in the current Diagnostic and Statistical Manual of Mental Disorders (“DSM-5”), which is the primary diagnostic tool for mental health providers in the United States. Excited delirium is also not recognized as a valid diagnosis by most medical professional organizations, including the American Medical Association and the World Health Organization.

Senate Bill No. 228 also appears to correctly distinguish between description of the observations of a police officer or trial witness and that officer or witness’s attempt to give a medical diagnosis such as excited delirium. Senate Bill No. 228 would allow, for instance, an officer or witness to report that an individual was yelling or running or

committing any other observed act. Senate Bill No. 228 simply precludes officer or witnesses from going beyond their observations by drawing unfounded medical conclusions which they are unqualified to make. This distinction is sound.

The lack of genuine scientific or medical basis for use of excited delirium as a diagnosis should, on its own, be sufficient to preclude its use by government agents, as is established in Senate Bill No. 228. However, it should not be overlooked that excited delirium diagnoses are, by and large, made in the context of deceased or otherwise injured people, usually minorities, and are used to justify often severe levels of force used against them, usually by government agents. Thus, the harms in allowing unwarranted and unqualified diagnosis of a made-up disorder go beyond simply truth and dishonesty.

The complexities underlying police power, government, race, and violence are politically fraught and have been the subject of heavy reporting and debate in recent years. In considering Senate Bill No. 228, however, I urge the legislators to remember that, regardless of their individual opinions on those issues, this bill does not claim to do anything more than ensure adherence to accepted medical standards. There should be no serious opposition to the idea that medical diagnoses be limited to medically and scientifically accepted practices, regardless of politics.

I appreciate your patience and consideration of these comments. Thank you.

Sincerely,
/s/ Seth Patek
Deputy Public Defender

SB-228

Submitted on: 2/3/2025 7:27:48 PM

Testimony for HHS on 2/7/2025 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Louis Erteschik	Testifying for Hawaii Disability Rights Center	Support	In Person

Comments:

We believe this bill has a lot of merit. The concept of excited delirium has been sadly used in several cases to justify or excuse or certainly negate liability for police misconduct in cases involving death. We have seen instances where individuals who had a mental illness were confronted by police officers who did not exercise proper de—escalation techniques and used excessive force. In civil trials which sought to achieve some measure of justice and compensation the defense of excited delirium was presented to “explain” the cause of death. Our understanding is that this concept has been medically debunked and yet it has confused juries who then rendered verdicts in favor of the police department or the municipality.

We are lawyers and not doctors at the Hawaii Disability Rights Center but it does seem to us that this concept has been abused and that further discussion should occur at the Legislature to determine whether it has any place in our civil or criminal justice system.

SB-228

Submitted on: 2/3/2025 10:54:58 PM

Testimony for HHS on 2/7/2025 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Ilima DeCosta	Testifying for Hui Malama Pono Hawaii	Support	In Person

Comments:

Mahalo for the opportunity to testify in strong support of SB228, which would prohibit the use of "excited delirium" from any official governmental report related to the death of a person in police custody.

SB228 would finally prohibit the use of junk science - like the term "excited delirium" - from being recognized as a valid medical diagnosis or cause of death in the State. SB228 would prohibit any local health officer or local agent of the Department of Health from stating on a certificate of death or in any report that the cause of death was "excited delirium".

SB228 would prohibit law enforcement officers from using the term "excited delirium" to describe an individual in an incident report. SB228 establishes a new Hawaii Rule of Evidence that deems evidence that a person experienced or suffered an "excited delirium" inadmissible in a civil action.

The 'ohana of Sheldon Paul Haleck - a native Hawaiian air guardsman who died after an encounter with Honolulu police officers between the King Kamehameha Statue and Iolani Palace - believe their son should not have died as a result of a jaywalking infraction. I agree.

Hawaii residents deserve to have the best trained police force and the use of either excessive force or junk science to cover up any use of excessive force should not be acceptable.

Hawaii residents suffering from a behavioral health crisis deserve to be treated with respect and to survive their encounters with law enforcement.

Increased training for both law enforcement and support agencies like CORE would decrease the likelihood of future unintended deaths while in police custody. Increased training and the end of the use of junk science will also improve the public's waning trust in law enforcement.

Please pass SB228 onto the next committee for a hearing and onto the Governor for his signature. Mahalo



Committee: Senate Committee on Public Safety and Military Affairs
Senate Committee on Health and Human Services
Hearing Date/Time: Friday, February 7, 2025 at 3:10pm
Place: Conference Room 225 & Via Videoconference
Re: Testimony of the ACLU of Hawai'i in SUPPORT of SB228
Relating to Excited Delirium

Dear Chairs Elefante and San Buenaventura, Vice Chairs Wakai and Aquino, and Members:

The ACLU of Hawai'i **supports SB228**, which (1) prohibits recognizing “excited delirium” as a medical diagnosis or cause of death, (2) prohibits law enforcement from using the term in an incident report, and (3) makes evidence of “excited delirium” inadmissible in civil cases.

“Excited delirium” (or “excited delirium syndrome”) is not a real medical diagnosis. Yet for too long, it has been invoked to justify law enforcement violence—especially against people of color and those experiencing mental health crises.

Sheldon Haleck.¹ George Floyd.² Elijah McClain.³ Daniel Prude.⁴ Tyre Nichols.⁵ Angelo Quinto.⁶ Adam Trammell.⁷ All were killed by police.

To justify tasing, choking, asphyxiating, pinning, kneeling on, crushing, handcuffing, pepper-spraying, drugging, clubbing, baton-striking, beating, punching, or kicking these individuals, officers gave the same excuse: “*I thought he had excited delirium.*”

¹ Nick Grube, *Autopsy: Honolulu Man Dies After ‘Violent Physical Struggle’ With Cops*, Honolulu Civil Beat (July 14, 2015), <https://www.civilbeat.org/2015/07/autopsy-honolulu-man-dies-after-violent-physical-struggle-with-cops>.

² Julia Jones, *Authorities claimed these Black men had excited delirium just before they died. But the diagnosis itself is a problem and should be abandoned, a new study says.* CNN (Mar. 12, 2022), <https://www.cnn.com/2022/03/12/us/excited-delirium-police-deaths-study/index.html>.

³ Colleen Slevin, *Paramedics told investigators that Elijah McClain had ‘excited delirium,’ a disputed condition*, Associated Press (Dec. 6, 2023), <https://apnews.com/article/elijah-mcclain-paramedics-trial-excited-delirium-cb42ae9846ab9e4fc07eff970872143a>.

⁴ Chris Gelardi, *What Killed Daniel Prude? The Cops and New York AG Said a Diagnosis That’s Since Been Debunked.* The Intercept (Dec. 21, 2024), <https://theintercept.com/2024/12/21/new-york-police-daniel-prude-excited-delirium-debunked>.

⁵ Adrian Sainz, *Former supervisor: ‘No need’ for officers to beat Tyre Nichols*, The Philadelphia Tribune (Sept. 20, 2024), https://www.phillytrib.com/news/across_america/former-supervisor-no-need-for-officers-to-beat-tyre-nichols/article_effb2309-0e63-50ff-ae59-462b48db07d2.html.

⁶ Daniela Pardo & Jackson Ellison, *Antioch family led the effort to ban excited delirium diagnosis in California*, Spectrum News 1 (Dec. 15, 2023), <https://spectrumnews1.com/ca/southern-california/inside-the-issues/2023/12/15/antioch-family-led-the-effort-to-ban-excited-delirium-diagnosis-in-california>.

⁷ Gina Barton, *A mentally ill man died after being hit 18 times with a Taser in his home. The police officers weren’t charged.* Milwaukee Journal Sentinel (Apr. 27, 2018), <https://www.jsonline.com/story/news/local/milwaukee/2018/04/27/no-charges-against-west-milwaukee-officers-death-mentally-ill-man-hit-18-times-taser/552071002>.

But “excited delirium” has no basis in medicine. It has no consistent definition or diagnostic criteria.⁸ The American Medical Association states, “current evidence does not support ‘excited delirium’ or ‘excited delirium syndrome’ as a medical diagnosis.”⁹ The World Health Organization’s International Classification of Diseases 10th Revision (the official global standard for diagnosing diseases) and the DSM-5 (the authoritative classification system for mental health disorders used by medical professionals in the United States) both exclude it.¹⁰ And major U.S. medical organizations—including the American Psychiatric Association¹¹, the National Association of Medical Examiners¹², the American College of Emergency Physicians¹³, and the American College of Medical Toxicology¹⁴—explicitly reject it.

Its roots expose why: it is a racist and scientifically baseless theory, weaponized to shield law enforcement from accountability. In the 1980s, at the height of the crack cocaine epidemic, Dr. Charles Wetli, a medical examiner, began attributing to “excited delirium” the sudden deaths of cocaine users in police custody, as well as a group of Black women sex workers in Miami who had used cocaine.¹⁵ A serial killer had actually murdered these women, yet Dr. Wetli insisted genetics explained why Black people were more prone to dying from “excited delirium.”¹⁶ Decades later, researchers and litigation defense experts funded by TASER International (now

⁸ Gonin et al., *Excited Delirium: A Systematic Review*, *Academic Emergency Medicine*, Oct. 9, 2017), <https://onlinelibrary.wiley.com/doi/full/10.1111/acem.13330> (“The overall quality of studies was poor. A universally recognized definition is lacking, remaining mostly . . . based on clinical subjective criteria.”).

⁹ American Medical Association, *Policy H-130.932: Pharmacological Intervention for Agitated Individuals in the Out-of-Hospital Setting* (2021), <https://policysearch.ama-assn.org/policyfinder/detail/excited%20delirium?uri=%2FAMADoc%2FHOD.xml-H-130.932.xml>.

¹⁰ Kevin Fiscella, MD, MPH, et al., *‘Excited Delirium’: Dehumanizing and Unscientific*, National Commission on Correctional Health Care (Sept. 21, 2022), <https://www.ncchc.org/excited-delirium-dehumanizing-and-unscientific> (“[E]xcited delirium is not recognized by DSM-5 or by any single ICD-10 code.”).

¹¹ American Psychiatric Association, *Position Statement on Concerns About Use of the Term ‘Excited Delirium’ and Appropriate Medical Management in Out-of-Hospital Contexts* (Dec. 2020), <https://www.psychiatry.org/getattachment/7769e617-ee6a-4a89-829f-4fc71d831ce0/Position-Use-of-Term-Excited-Delirium.pdf> (“The term ‘excited delirium’ (ExDs) is too non-specific to meaningfully describe and convey information a person. ‘Excited delirium’ should not be used until a clear set of diagnostic criteria are validated.”).

¹² National Association of Medical Examiners, *Excited Delirium Statement* (Mar. 2023), <https://name.memberclicks.net/assets/docs/Excited%20Delirium%20Statement%203%20-%202023.pdf> (“[T]he terms ‘Excited Delirium’ or ‘Excited Delirium Syndrome’ . . . are not endorsed by NAME . . .”).

¹³ Carmen Lee, MD, MAS, *ACEP Rejects ‘Excited Delirium’*, *ACEP Now* (Apr. 5, 2024), <https://www.acepnow.com/article/acep-rejects-excited-delirium/?singlepage=1> (“[E]xcited delirium should not be used among the wider medical and public health community, law enforcement organizations, and ACEP members acting as expert witnesses testifying in relevant civil or criminal litigation.”).

¹⁴ Andrew I. Stolbach, MD, MPH, FACMT, et al., *ACMT Position Statement: End the Use of the Term ‘Excited Delirium’*, *American College of Medical Toxicology* (May 1, 2023), https://www.acmt.net/wp-content/uploads/2023/05/PS_230501_End-the-Use-of-the-Term-Excited-Delirium.pdf.

¹⁵ Brianna da Silva Bhatia, MD, et al., *‘Excited Delirium’ and Deaths in Police Custody: The Deadly Impact of a Baseless Diagnosis*, *Physicians for Human Rights* (Mar. 2022), <https://phr.org/our-work/resources/excited-delirium>.

¹⁶ *Id.*

Axon Enterprises) published and distributed materials to police chiefs and medical examiners nationwide to broaden the term's use and acceptance.¹⁷

Hawai'i is not immune to this dangerous, psuedoscientific excuse for police violence. On March 16, 2015, Sheldon Haleck—a U.S. Air National Guard veteran—was experiencing a mental health crisis outside Iolani Palace. He was unarmed, non-violent, and not committing a crime. Yet three Honolulu police officers tased him 3 times and pepper-sprayed him 12 times in under 5 minutes.¹⁸ Sheldon died the next day. The Ninth Circuit ruled Sheldon's family had enough evidence to take their Fourth Amendment excessive force case to trial.¹⁹ Still, they lost. Why? HPD hired three serial Taser/Axon defense experts—Stacey Hail, John G. Peters, and Mark Kroll²⁰—who convinced the jury that he died from “excited delirium,” not police violence.²¹

Sheldon's parents, Verdell and William Haleck, fought for years seeking justice, only to see the legal system fail them. Their heartbreak is a stark reminder that, as long as “excited delirium” remains an available defense, families of those killed by police will continue to face insurmountable obstacles to holding officers accountable. Notably, other lawsuits in Hawai'i involving deaths in police custody have invoked the same defense.²²

As one medical group succinctly puts it, “it is time to discontinue the use of this term.”²³ By preventing law enforcement from relying on the baseless and prejudicial defense of “excited delirium,” SB228 ensures that only medically valid, evidence-based explanations are used in official reports and legal proceedings.

Other states—including California, Colorado, and Minnesota²⁴—have already taken this step. Hawai'i should do the same.

¹⁷ Jason Szep, Tim Reid, and Peter Eisler, *Special Report: How Taser inserts itself into investigations involving its weapons*, Reuters (Aug. 24, 2017), <https://www.reuters.com/article/world/special-report-how-taser-inserts-itself-into-investigations-involving-its-weapo-idUSKCN1B417M>.

¹⁸ Chelsea Davis, *Appeals Court: HPD officers used excessive force during deadly tasing near Iolani Palace*, Hawai'i News Now (July 10, 2018), <https://www.hawaii.newsnow.com/story/38617628/us-court-of-appeals-hpd-officers-used-excessive-force-during-deadly-tasing-near-iolani-palace>.

¹⁹ *Silva v. Chung*, 740 F. App'x 883 (9th Cir. 2018).

²⁰ Yoohyun Jung and Nick Grube, *Who – Or What – Is To Blame For The Death Of Sheldon Haleck?*, Honolulu Civil Beat (May 22, 2019), <https://www.civilbeat.org/2019/05/who-or-what-is-to-blame-for-the-death-of-sheldon-haleck>.

²¹ Yoohyun Jung, *Defense: 'Excited Delirium,' Not Excessive Force, Killed Sheldon Haleck*, Honolulu Civil Beat (May 31, 2019), <https://www.civilbeat.org/2019/05/defense-excited-delirium-not-excessive-force-killed-sheldon-haleck>.

²² Jack Truesdale, *'Excited Delirium': Dubious Syndrome Often Cited In Killings By Police Is Benched By Examiners*, Honolulu Civil Beat (Apr. 3, 2023), <https://www.civilbeat.org/2023/04/excited-delirium-dubious-syndrome-often-cited-in-killings-by-police-is-benched-by-examiners>.

²³ *Supra* note 14.

²⁴ Andy Mannix, *Minnesota Gov. Walz signs law banning 'excited delirium' for police*, Minnesota Star Tribune (June 5, 2024), <https://www.startribune.com/minnesota-gov-walz-signs-law-banning-excited-delirium-for-police/600371297>.

The ACLU of Hawai‘i proposes one amendment to ensure that “excited delirium” is not used to block accountability for families in the future:

- Section 1: in adding a new section in Chapter 338 of the Hawai‘i Revised Statutes, add the following language (as already reflected in the House companion bill, HB36):
 - (d) A state or county government entity, or employee or contractor of a state or county government entity, shall not document, testify to, or otherwise use in any official capacity or communication excited delirium as a recognized medical diagnosis or cause of death.

This would foreclose the ability of serial defense experts (like those mentioned above), who are often contracted by state/county government entities, to keep submitting expert reports and testifying about “excited delirium”—which is precisely what happened in Sheldon’s case.

For these reasons, the ACLU of Hawai‘i respectfully asks that you move this measure forward with the proposed amendment.

Sincerely,



Jongwook “Wookie” Kim
Legal Director
ACLU of Hawai‘i
wkim@acluhawaii.org

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 founded in 1965 that provides its services at no cost to the public and does not accept government funds.

SB-228

Submitted on: 1/31/2025 3:07:31 PM

Testimony for HHS on 2/7/2025 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Victor K. Ramos	Individual	Oppose	Written Testimony Only

Comments:

Absolutely ridiculous bill. If the term applies, the term should be used.

SB-228

Submitted on: 2/1/2025 8:09:37 AM

Testimony for HHS on 2/7/2025 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Krista Haleck	Individual	Support	Written Testimony Only

Comments:

I am in full support of SB228 to ban the term 'excited delirium' from being used in the State of Hawaii. The goal is to ensure that no other family will suffer the heartbreak and disappointment Sheldon Haleck's family has from being denied justice for their loved one. In memory of Sheldon Haleck, this bill should be passed to ban the use of the term 'excited delirium' or any words or references related to that term.

I urge the committee to pass SB228. I ask that you take this testimony into consideration and I thank you for the opportunity to testify.

SB-228

Submitted on: 2/1/2025 9:14:18 AM

Testimony for HHS on 2/7/2025 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Lottie Lyons	Individual	Support	Written Testimony Only

Comments:

Support for HB36, Relating to Excited Delirium

I strongly support HB36, Relating to Excited Delirium. This bill will ban ‘excited delirium’ or any words related to that term from being used in the State of Hawai‘i. The goal is to ensure that no other family will suffer the heartbreak and disappointment Sheldon Haleck’s family has from being denied justice for their loved one.

I urge the committee to pass HB36. I ask that you take this testimony into consideration and I thank you for the opportunity to testify.

SB-228

Submitted on: 2/1/2025 12:10:07 PM

Testimony for HHS on 2/7/2025 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Micah Corry	Individual	Support	Written Testimony Only

Comments:

I strongly support SB228, Relating to Excited Delirium. This bill will ban ‘excited delirium’ or any words related to that term from being used in the State of Hawaii. The goal is to ensure that no other family will suffer the heartbreak and disappointment Sheldon Haleck’s family has from being denied justice for their loved one.

SB-228

Submitted on: 2/3/2025 12:50:48 PM

Testimony for HHS on 2/7/2025 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Gulstan Elleighton Silva	Individual	Support	Written Testimony Only

Comments:

I fully support SB228, relating to Excited Delirium in honor of Sheldon Haleck so that his death wasn't in vain

The Senate
Thirty-Third Legislature
Regular Session of 2025

Committee on Public Safety and Military Affairs
&
Committee on Health and Human Services

SB 228
A Bill For An Act

Relating to Excited Delirium

7 February 2025

This testimony is in SUPPORT of SB 228, relating to excited delirium.

My name is Carmael K Stagner. I am a private citizen and resident of the State of Hawaii.

Please help our local health agents and/or officers of the Department of Health to protect their licenses, and stay within their ethical and professional standards of care by disallowing the use of “excited delirium’ as a cause of death on any and all reports,

Also, please allow law enforcement officers to provide safe de-escalation techniques in our communities without having to complete psychiatric or psychological assessments relating to “excited delirium” as part of reducing risk of harm to self or others while in the line of duty.

Sincerely,

Carmael K Stagner
(808) 673-0143
1065 Kawaiahao St 1801
Honolulu, HI 96814

SB-228

Submitted on: 2/1/2025 5:05:08 PM

Testimony for HHS on 2/7/2025 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Peggy Haleck	Individual	Support	Written Testimony Only

Comments:

I strongly support SB228, Relating to Excited Delirium. This bill will ban ‘excited delirium’ or any words related to that term from being used in the State of Hawaii. The goal is to ensure that no other family will suffer the heartbreak and disappointment Sheldon Haleck’s family has from being denied justice for their loved one.

I urge the committee to pass SB228. I ask that you take this testimony into consideration and I thank you for the opportunity to testify.

SB-228

Submitted on: 2/1/2025 5:12:21 PM

Testimony for HHS on 2/7/2025 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Vince Haleck	Individual	Support	Written Testimony Only

Comments:

I strongly support SB228, Relating to Excited Delirium. This bill will ban ‘excited delirium’ or any words related to that term from being used in the State of Hawaii. The goal is to ensure that no other family will suffer the heartbreak and disappointment Sheldon Haleck’s family has from being denied justice for their loved one. We miss him dearly and his absence from our family can never be replaced.

I urge the committee to pass SB228. I ask that you take this testimony into consideration and I thank you for the opportunity to testify.

SB-228

Submitted on: 2/3/2025 2:07:13 PM

Testimony for HHS on 2/7/2025 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
DONALD F RUMFORD	Individual	Support	Written Testimony Only

Comments:

Aloha, My name is Donald Rumford, citizen of Honolulu, My testimony is in favor for SB 228 to ban the use of 'excited delirium' or any other term with delirium from being stated as cause of death on any official document.

The term "excited delirium" seems to be used more these days. I feel real cause of death should be stated and a not vague loose term!

I urge the committee to pass SB 228 in memory of Sheldon Haleck.. Mahalo for the opportunity to make a comment!

February 3, 2025

Hawaii Senate Committee on Health and Human Services
Hawaii Senate Committee on Public Safety and Military Affairs

Re: HI SB228, Excited Delirium, Written Testimony of Julia Sherwin

Dear HHS and PS/MA Committee Members:

I am a pro bono lawyer for the Lawai International Center on Kauai, and a longtime civil rights lawyer in Oakland, California. I am writing to thank Senators Elefante, Chang, and Fevella for co-sponsoring SB228 concerning “Excited Delirium,” to support the bill, and to request one small amendment to the bill, which will then match HB36 on Excited Delirium. I provided amendments for California’s excited delirium bill, AB360 -- on which your SB228 is based -- and advocated for the passage of California’s bill. California’s excited delirium legislation passed with 113 “Yes” votes and only one “No” vote in the entire legislature, and was signed into law in October 2023.

I handle wrongful death cases involving law enforcement, and have worked to debunk excited delirium for two decades. I co-authored the Physicians for Human Rights (PHR) report on excited delirium, entitled *Excited Delirium and Deaths in Police Custody: The Deadly Impact of a Baseless Diagnosis* (March 2022)(<https://phr.org/our-work/resources/excited-delirium/>). The PHR report includes information I gathered over many years concerning the junk science nature of the excited delirium theory, its racist and sexist roots, and the bankrolling and promotion of the theory by TASER International (now known as Axon Enterprise) and its lawyer and paid defense experts. The PHR report also includes my physician co-authors’ review of the medical literature concerning excited delirium, and conclusion that the theory of excited delirium has no medical basis. The World Health Organization, the American Medical Association, the American Psychiatric Association, the American Psychological Association, and now the National Association of Medical Examiners all recognize that excited delirium is not a valid diagnosis or cause of death.

I have handled many cases involving restraint asphyxia deaths in police custody during the last two decades. I have spoken at conferences concerning law enforcement contacts with the mentally ill, including the International Congress on Law and Mental Health. In 2020, I gave a presentation about excited delirium and its history at an international Death in Custody medical conference that had participants from 27 countries in attendance. I have also provided pro bono consultation to Minnesota Attorney General Keith Ellison and his lead special prosecutor, Steve Schleicher, to assist them in prosecuting the Minneapolis police officers who killed George Floyd, and to help them rebut the excited delirium defense when it arose in their case.

Excited delirium was debunked in Miami in the 1980’s but the theory’s founder, Charles Wetli, MD, continued to promote the theory nationally. BBC Radio recently released an excellent 30-minute program concerning the history of excited delirium, which you can find wherever you get your podcasts. It is the BBC Radio program by Jon Ronson entitled “The Most Mysterious Deaths,” from his “Things Fell Apart” program, Season 2, Episode 1, <https://www.bbc.co.uk/sounds/play/m001v3dw>.

Following Dr. Wetli's lead, TASER International then promoted excited delirium as an alternate cause of death when people died after being Tased, or Tased and restrained as happened to Sheldon Haleck in Honolulu. The company extensively promoted the "excited delirium" theory in law enforcement training and among forensic pathologists. The PHR report provides a thorough discussion of the history of the theory that I discovered during my years of investigation.

I ask you for one small amendment to SB228, to track Representative Gregg Takayama's HB36 on Excited Delirium. HB36 includes this vitally important language from California's excited delirium legislation, which is missing from SB228:

"A state or county government entity, or employee or contractor of a state or county government entity, shall not document, testify to, or otherwise use in any official capacity or communication excited delirium as a recognized medical diagnosis or cause of death." (See HB36, § 338(d)).

Here is the text of California's law:

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB360

The requested language is important because there is a cottage industry of paid experts who continue to write and testify about excited delirium as a recognized medical diagnosis or cause of death, as happened in the case involving the death of Sheldon Haleck.

The primary medical underpinning for excited delirium is a 2009 "White Paper Report on Excited Delirium Syndrome" published by the American College of Emergency Physicians (ACEP). ACEP's 2009 "White Paper" endorsing the existence of excited delirium was the result of a 2008 conference in Las Vegas organized by the Institute for the Prevention of In-Custody Deaths, Inc. (IPICD). The IPICD was founded by TASER International's in-house lawyer, Michael Brave, along with longtime TASER defense expert and trainer, John Peters. Messrs. Brave and Peters were the only two founding members of the IPICD Board of Directors when the company was formed in 2005. (TASER International has since changed its name to Axon Enterprise).

The IPICD advertised its conference as "the first consensus conference that focuses upon excited delirium," and promised "attendees will help make law enforcement, medical, and legal history through topic-specific breakout groups focused on arriving at a 'consensus' about excited delirium." The IPICD promised, "The findings from this seminal event will then be published in leading medical, legal, and law enforcement journals."

The IPICD conference was a propaganda conference organized by defense experts in TASER and restraint death cases. I attach my letter to ACEP asking it to withdraw its "White Paper" on excited delirium, which includes the press release for the IPICD conference. I have highlighted on the press release the speakers at the conference whom I know to be defense experts in TASER and/or restraint asphyxia death cases. ACEP's 2009 "White Paper" was the result of the 2008 IPICD propaganda conference. Many of its authors are longtime defense experts in TASER and/or restraint death cases, including especially Drs. Chan, Ho, Mash, and Vilke. Dr. Ho was TASER/Axon's longtime Medical

Director. Reportedly, TASER/Axon paid the medical center where Dr. Ho works as a physician, \$140,000 per year to fund his position.

After our Physicians for Human Rights (PHR) report was published in 2022, ACEP -- which has longtime defense experts and TASER/Axon-affiliated experts among its more prominent members -- doubled down on “excited delirium.” In response to the PHR report, ACEP simply substituted “hyperactive” for “excited.” In October 2023, ACEP finally withdrew its White Paper report endorsing excited delirium.

In September 2023, I deposed prominent ACEP member, and White Paper co-author, Gary Vilke for the third time, in my restraint asphyxia case *Mario Gonzalez, Deceased, v. City of Alameda*. Dr. Vilke admitted he has been a defense expert in at least 50 to 75 restraint asphyxia cases, and possibly even more than 100 cases. He admitted that by the time of trial the following month in the *Gonzalez* case, he would make over \$50,000 as a defense expert from that case alone. By the time of his deposition, Dr. Vilke had already made over \$41,000 for his work as a defense expert in that single case. In the previous four years, Dr. Vilke had testified as an expert in court or depositions 78 times. He admitted that, in every single case involving law enforcement, he always testifies that the officer did not cause or contribute to the person’s death. Dr. Vilke and his defense expert colleagues, including the defense experts in the trial involving Sheldon Haleck’s death, relied on the ACEP White Paper to bolster their defense testimony. Dr. Vilke admitted in deposition that he does not tell medical journals, nor the conflict-of-interest officials at the university where he works, that he is a longtime, paid defense expert in TASER and restraint death cases. Defense experts like Dr. Vilke, who are contractors of public entity Defendants, will continue to testify that excited delirium is a valid medical diagnosis and cause of death unless the law prohibits them from doing so.

Charles Wetli, the forensic pathologist who was the first proponent of the “excited delirium” theory in the 1980’s, said in 1990 that seventy percent of people who die from excited delirium are Black men, and “it may be genetic.” (Russ Rymer, “Murder Without a Trace,” *In Health*, May/June 1990). He and his colleague Dr. Fishbain published a report on excited delirium in 1985 with seven cases they asserted were excited delirium deaths. All seven of the decedents had been restrained, and at least four of them had been hogtied/hobble restrained.

When I deposed Dr. Vincent Di Maio, an author of the book *Excited Delirium Syndrome*, he admitted that he and his wife made up the term Excited Delirium Syndrome. He also admitted that TASER International had purchased 1,000 to 1,500 copies of his book within a year of its publication, to distribute to forensic pathologists for free. The PHR report contains further information from my two decades of research into the origins and junk science nature of the theory.

I deposed Drs. Wetli and Di Maio in 2014. They admitted in their depositions that there had never been any peer-reviewed medical literature substantiating excited delirium as a diagnosis or cause of death (neither Dr. Di Maio’s book nor the ACEP White Paper were peer reviewed); excited delirium had never appeared in any version of the Diagnostic and Statistical Manual of Mental Disorders (DSM), the main diagnostic tool for physicians and psychotherapists that would provide a code for excited delirium if it were legitimate; there had never been any ICD-9 or ICD-10 code for excited delirium, which means it cannot legitimately be assigned as a cause of death on death certificates, although it was still being used on them; and excited delirium had not been accepted by the World

Health Organization, the American Medical Association, the American Psychiatric Association, or the American Psychological Association.

I will use Sheldon Haleck's case as an example. Sheldon was a combat veteran from a law enforcement family. Upon his graduation from Kaiser High School in Hawai'i Kai, Sheldon joined the military. He served in the Hawai'i Air National Guard for 12 years until his honorable discharge. Sheldon had combat deployments to Afghanistan and Iraq, as well as numerous humanitarian deployments, including to Thailand after the 2004 tsunami. Sheldon's service to our country left him with PTSD.

On March 16, 2015, Honolulu Police officers stopped Sheldon for jaywalking in front of 'Iolani Palace. He was unarmed and non-threatening. Officers Tased Sheldon, pepper sprayed him, forced him into a prone position with officers on his back, hogtied him, and an officer put his knee on Sheldon's neck, until Sheldon became unresponsive and was later pronounced deceased. Sheldon left a loving wife, a 2-year-old son and 13-year-old stepson, parents, and an extended family who loved him deeply. Sheldon's family brought a federal lawsuit arising out of his death, but lost at trial because the jury believed the Honolulu Police Department's junk science defense of "excited delirium." The defense experts in the Halecks' trial included Stacey Hail, MD, and John Peters, two longtime TASER/Axon defense experts (Mr. Peters formed the IPICD with TASER's in-house lawyer). Without the additional language from HB36 I have quoted above, which is part of California's excited delirium law, these paid experts will continue to promote excited delirium as a legitimate medical diagnosis or cause of death in Hawai'i.

Sheldon's parents have no recourse in their own case, but now advocate for the passage of Hawai'i legislation prohibiting the use of the debunked theory of "excited delirium," as California has done, to protect other families.

Mahalo nui loa for your time and attention.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Julia Sherwin', with a long horizontal stroke extending to the right.

Julia Sherwin

October 2, 2023

American College of Emergency Physicians (ACEP)

Re: Excited Delirium/Hyperactive Delirium

Dear ACEP Members:

I am writing to request that you rescind your endorsement of Excited Delirium, a/k/a Hyperactive Delirium, and withdraw your 2009 White Paper on “excited delirium” at your upcoming meeting this weekend. I am a longtime civil rights lawyer handling wrongful death cases involving law enforcement, and have worked to debunk “excited delirium” for two decades. I co-authored the report from Physicians for Human Rights (PHR) on excited delirium, entitled *Excited Delirium and Deaths in Police Custody: The Deadly Impact of a Baseless Diagnosis* (March 2022). The report includes information I gathered over many years concerning the junk science nature of the “excited delirium” theory, its racist and sexist roots, and the bankrolling and promotion of the theory by TASER International (now known as Axon Enterprise) and its lawyer and paid defense experts. My PHR physician co-authors also include a review of the medical literature concerning the junk science theory.

I have spoken at conferences concerning law enforcement contacts with the mentally ill, including the International Congress on Law and Mental Health, as well as an international Death in Custody medical conference that had 197 participants from 27 countries in attendance. I have also provided *pro bono* consultation and advice to Minnesota Attorney General Keith Ellison and his lead special prosecutor, Steve Schleicher, to assist them in prosecuting the Minneapolis police officers who killed George Floyd, and to help them rebut the “excited delirium” defense when it arose in their case.

I have handled many cases involving restraint asphyxial deaths in police custody during the last two decades. I currently represent Mario Gonzalez, Deceased, and his seven-year-old son. Mario was killed on April 19, 2021, by Alameda, California, police officers who restrained him in a prone position, with three officers putting their weight on him, for over five minutes. For nearly four of those minutes, the officers had already handcuffed Mario behind his back. Defense forensic pathologist Judy Melinek has tried to insert “excited delirium” into her defense testimony in the case. I have repeatedly encountered the junk science theory of “excited delirium” as a defense in cases such as the Gonzalez case.

ACEP’s 2009 “White Paper” endorsing the existence of “excited delirium” was the result of a 2008 conference in Las Vegas organized by the Institute for the Prevention of In-Custody Deaths, Inc. (IPICD), a corporation founded by TASER International’s in-house lawyer, Michael Brave, along with longtime TASER defense expert and trainer, John Peters. The IPICD advertised its conference as “the first consensus conference that focuses upon excited delirium,” and promised “attendees will help make law enforcement, medical, and legal history through topic-specific breakout groups focused on arriving at a ‘consensus’ about excited delirium.” (**Attachment A**, Press Release for IPICD Conference). The IPICD promised, “The findings from this seminal event will then be published in leading medical, legal, and law enforcement journals.”

The IPICD conference was a propaganda conference organized by defense experts in TASER and restraint death cases. I have highlighted on the attached press release the speakers at the conference

ACEP

October 2, 2023

Page 2

whom I know to be longtime defense experts in TASER and/or restraint asphyxia death cases. ACEP's 2009 "White Paper" was the result of the 2008 IPICD propaganda conference. Many of its authors are longtime defense experts in TASER and/or restraint death cases, including especially Drs. Chan, Ho, Mash, and Vilke.

ACEP -- which has longtime defense experts and TASER/Axon-affiliated experts among its more prominent members -- has so far doubled down on "excited delirium." In response to our PHR report, ACEP simply substituted "hyperactive" for "excited." ACEP continues to promote the defense, now calling it "hyperactive delirium" instead of "excited delirium."

I just deposed ACEP member Gary Vilke last week for the third time, in my restraint asphyxia case *Mario Gonzalez, Deceased, v. City of Alameda*. Dr. Vilke admitted he has been a defense expert in at least 50 to 75 restraint asphyxia cases, and possibly even more than 100 cases. He admitted that by the time of trial next month in the *Gonzalez* case, he will make over \$50,000 as a defense expert from that case alone. He has already made over \$41,000 for his work as a defense expert in the case. In the last four years, he has testified as an expert in court or depositions 78 times. He admitted that, in every single case involving law enforcement, he always testifies that the officer did not cause or contribute to the person's death. Dr. Vilke and his colleagues have repeatedly relied on the ACEP White Paper to bolster their defense testimony. He admitted in deposition that he does not tell medical journals, nor the University of California San Diego's conflict-of-interest officials, that he is a longtime, paid defense expert in TASER and restraint death cases.

Charles Wetli, the forensic pathologist who was the first proponent of the "excited delirium" theory in the 1980's, said in 1990 that seventy percent of people who die from excited delirium are Black men, and "it may be genetic." (Russ Rymer, "Murder Without a Trace," *In Health*, May/June 1990). The PHR report contains further information from my two decades of research into the origins and junk science nature of the theory.

California AB 360, banning the junk science theory of "excited delirium," has been passed by the California legislature, 77 to 0 in the Assembly and 36 to 1 in the Senate. With this new legislation, California will lead the way nationally toward freedom from the racist theory of "excited/hyperactive delirium."

I was very disappointed that, after the PHR report debunking "excited delirium" was published, ACEP simply changed the name from "excited" to "hyperactive," and continues to promote the junk science theory. It is time for the American College of Emergency Physicians to stand up to its prominent members who are making a fortune as defense experts relying on the junk science theory, and rescind its 2009 White Paper and continued embrace of excited/hyperactive delirium. Thank you very much for your time and attention.

Sincerely,



Julia Sherwin



Police Products > Police Training

PRESS RELEASE

IPICD 3rd Annual Sudden Death, Excited Delirium & In-Custody Death Conference—LAS VEGAS

Aug 15, 2008

Henderson, NV—The 3rd Annual Sudden Death, Excited Delirium & In-Custody Death Conference focusing upon the latest medical research findings, theories, and legal issues about excited delirium, sudden death, electronic control devices, and mental illness, which are of great concern for law enforcement agencies around the world, will be held on October 29-31, 2008 at The Orelans Hotel, Las Vegas, Nevada. The three-day Conference is sponsored by the Institute for the Prevention of In-Custody Deaths, Inc. (IPLICD), Henderson, Nevada.

The 2008 IPICD Conference will be the first consensus conference that focuses upon excited delirium and response protocols. Attendees will help make law enforcement, medical, and legal history through topic-specific breakout groups focused on arriving at a “consensus” about excited delirium, key law enforcement, emergency medical provider, and emergency department responses to and training issues about one of the most pressing issues of the day. The findings from this seminal event will then be published in leading medical, legal, and law enforcement journals.

Scheduled speakers include, but are not limited to such internationally-renown researchers, scientists, pathologists, and trial lawyers as Deborah Mash, Ph.D., University of Miami Brain Endowment Bank; Charles Wetli, M.D. and David Fishbain, M.D., the two doctors to identify “excited delirium” in the cocaine-wild 1980s; Vincent

DiMaio, M.D. and his wife, Theresa, authors of one of the most definitive texts on excited delirium; Steven Karch, M.D., pathologist and author of several texts on drugs and cocaine; Theodore Chan, M.D. and Gary Vilke, M.D., both from the University of California—San Diego; Judy Melinek, M.D., Assistant Medical Examiner, San Francisco.

Office of the Medical Examiner; Ellis Amdur, M.A., psychologist; Lt. Walter Bailey, Texas Sheriff's Department Mental Health Unit; Sgt. Edward Flosi, California peace officer; Carrie L. Sandbaken Hill, J.D., defense lawyer; Christine Hall, M.D. Canadian researcher; Bruce Levy, M.D., medical examiner; Andrew Dennis, M.D., trauma doctor and researcher; and Bob Wood, former drug addict.

Conference topics include the latest research on excited delirium and sudden death, mental illness, the role of the medical examiner, restraints and sudden death, legal defense strategies, handling expert witnesses, plus much more. The Conference flyer can be downloaded from the IPICD Web site: www.ipicd.com.

The 2006 & 2007 IPICD Conferences were sold out, so register NOW for this timely and important conference by visiting the Institute for the Prevention of In-Custody Deaths, Inc. Web site at www.ipicd.com . Early registration tuition for the three-day educational conference is only \$595 per person, and includes a workbook, CD-ROM, certificate, lunch on Wednesday and Thursday, and other materials. After September 27, 2008, tuition is \$695 per person.

For more information about the Conference and/or the Institute for the Prevention of In-Custody Deaths, Inc., please visit www.ipicd.com, e-mail staff@ipicd.com, or telephone toll-free: 866.944.4723.

SB-228

Submitted on: 2/3/2025 6:04:18 PM

Testimony for HHS on 2/7/2025 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Verdell B. Haleck	Individual	Support	Remotely Via Zoom

Comments:

February 3, 2025

Madam Chair, Joy A. San Buenaventura

Vice Chair, Glenn Wakai

Committee Members on Health and Human Service

Committee on Public Safety and Military Affairs

Chair, Brandon Elefante

Vice Chair, Henry J.C. Aquino and Committee Members

Committee Members on Public Safety and Military Affairs

I strongly support SB228, Relating to Excited Delirium to ban the use of the term 'excited delirium' or any other term relating to it from being use in the State of Hawaii, based on recently enacted legislation in California.

I am Verdell Haleck and I previously lived in Honolulu for 26 years before moving to Washington, Utah in 2005. I am representing my son, Sheldon Haleck, who was a husband, father, son, uncle, and a veteran who was honorably discharged from the Air National Guard and who wrestled with the aftermath of his past deployments -- PTSD, drugs and other mental health issues. In March of 2015, Sheldon died as a result of a confrontation with Honolulu police in front of Iolani Palace for jaywalking. He was unarmed, non-aggressive and did not harm anyone or damage any property and he was having a mental health crisis. His only crime was walking in the street and he did not obey the commands of the police to move to the sidewalk. Sheldon was pepper sprayed and tased before he was handcuffed and hogtied with several police officers on his back and a knee to his neck where he became unresponsive and died the next day. The Police Department claimed he died of "Excited Delirium," which is defined as agitation, aggression and acute distress which leads to sudden death, a defense theory that has been debunked in the medical community. In our civil case, the police defense medical expert, an ER doctor, testified

that Sheldon experienced “excited delirium” and that was what caused of his death. The jurors in our case believed that it was a real medical diagnosis and found the police not responsible for Sheldon’s death. The sudden death symptom of 'excited delirium' is suspected to be 'positional asphyxia' or 'respiratory failure' due to the lungs being deprived of oxygen by the body weight of the police officers on the victims back and the knee to the neck while the victim is in a prone position while being handcuffed and hogtied causing the victim to become unresponsive and followed by death. (Like George Floyd) We have no recourse in Sheldon’s case, so we now seek change by introducing HB36, Relating to Excited Delirium. Our goal is not only for my son, Sheldon, but for all those individuals who have unjustly lost their lives while in police custody and for those who might find themselves in the same tragic situation.

The recent October 2023 vote by the American College of Emergency Physicians (ACEP) disavowed its 2009 position 'white paper' which was the backing in support of 'excited delirium' as a medical diagnosis that helped undergird court cases across the country, such as ours.

We call on the Hawaii Legislature to enact the following legislation:

1. Prohibits ‘excited delirium’ from being recognized as a valid medical diagnosis or cause of death in the State of Hawaii, including prohibiting coroners, medical examiners, physicians, or physician assistants from stating on a death certificate or in any report that a cause of death was ‘excited delirium;’
2. Prohibits peace officers from using the term ‘excited delirium’ to describe an individual in an incident report;
3. Prohibits a party or witness in any legal proceeding from testifying that a person was in ‘excited delirium;’
4. Prohibits a state or local government entity, or employee or contractor of a state or local government entity, from documenting, testifying to, or otherwise using in any official capacity or communication ‘excited delirium’ as a recognized medical diagnosis or cause of death;
5. Defines prohibited ‘excited delirium’ to include a person’s state of agitation, excitability, paranoia, extreme aggression, physical violence, and apparent immunity to pain that is not listed in the most current version of the Diagnostic and Statistical Manual of Mental Disorders, or for which the court finds there is insufficient scientific evidence or diagnostic criteria to be recognized as a medical condition, including: ‘excited delirium’ syndrome, ‘excited delirium,’ hyperactive delirium, agitated delirium, and exhaustive mania.

My goal is not only for my son Sheldon, but for all those individuals who have unjustly lost their lives while in police custody and for those who might find themselves in the same tragic situation in the future.

I would like to thank you again for your time and I humbly ask for your support to pass SB228, Relating to Excited Delirium to ban the term "excited delirium" or any term relating to it from being used in the State of Hawaii. I would humbly ask if this bill gets passed, if it could please be called "Sheldon's Law or Act" in honor of my son so that his death was not in vain.

Mahalo,

Verdell Haleck

SB-228

Submitted on: 2/4/2025 8:01:47 AM

Testimony for HHS on 2/7/2025 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
WILLIAM HALECK	Individual	Support	Written Testimony Only

Comments:

February 4, 2025

Committee on Health and Human Services

Madam Chair, Joy A. San Buenaventura

Vice Chair, Glenn Wakai and Committee Members

Committee on Public Safety and Military Affairs

Chair, Brandon Elefante

Vice Chair, Henry J.C. Aquino and Committee Members

We strongly support SB228, Relating to Excited Delirium to ban the use of the term 'excited delirium' or any other term relating to it from being use in the State of Hawaii, based on recently enacted legislation in California.

We are Verdell and William Haleck and we previously lived in Honolulu for 26 years before moving to Washington, Utah in 2005. I am representing my son, Sheldon Haleck, who was a husband, father, son, uncle, friend and a veteran who was honorably discharged from the Air National Guard and who wrestled with the aftermath of his past deployments -- PTSD, drugs and other mental health issues. In March of 2015, Sheldon died as a result of a confrontation with Honolulu police in front of Iolani Palace for jaywalking. He was unarmed, non-aggressive and did not harm anyone or damage any property and he was having a mental health crisis. His only crime was walking in the street, and he did not obey the commands of the police to move to the sidewalk. Sheldon was pepper sprayed times and tased times before he was handcuffed and hogtied with several police officers on his back and a knee to his neck where he became unresponsive and died the next day. The Police Department claimed he died of "Excited Delirium," which is defined as agitation, aggression and acute distress which leads to sudden death, a defense theory that has been debunked in the medical community. In our civil case, the police defense medical expert, an ER doctor, testified that Sheldon experienced "excited delirium" and that is what caused of his death. The jurors believed that it was a real medical

diagnosis and found the police not responsible for Sheldon's death. The sudden death symptom of 'excited delirium' is now suspected to be 'positional asphyxia' or 'respiratory failure' due to the lungs being deprived of oxygen by the body weight of the police officers on the victims back and a knee to the neck while the victim is in a prone position handcuffed and hogtied causing the victim to become unresponsive and followed by death. (Like George Floyd)

The recent October 2023 vote by the American College of Emergency Physicians (ACEP) disavowed its 2009 position 'white paper' which supported 'excited delirium' as a medical diagnosis that helped undergird court cases across the country, such as ours.

In October 2023, California was the first state to pass a law to ban the controversial term 'excited delirium' followed by the States of Colorado and Minnesota. The ban forbids the use of the term 'excited delirium' as a medical diagnosis or cause of death. It also prohibits coroners and medical examiners from listing it as a cause of death on a death certificate or autopsy report. It would bar law enforcement from using the term to describe the condition of someone in an incident report and it would be inadmissible as evidence in civil lawsuits, such as ours. We now seek a ban on the terms "excited delirium, excited delirium syndrome, hyperactive delirium, agitated delirium, and exhaustive mania" from being used in the State of Hawaii.

We have no recourse in Sheldon's case, so we now seek change by the introduction of SB228, Relating to Excited Delirium. Our goal is not only for my son Sheldon, but for all those individuals who have unjustly lost their lives while in police custody and for those who might find themselves in the same tragic situation in the future.

We would like to thank you again for your time and we humbly ask for your support to pass SB228, Relating to Excited Delirium to ban the term "excited delirium" or any term relating to it from being used in the State of Hawaii. We would humbly ask if this bill is passed, could it please be called "Sheldon's Law or Act" in honor of my son so that his death was not in vain.

Mahalo,

William Haleck

SB-228

Submitted on: 2/4/2025 11:54:30 AM

Testimony for HHS on 2/7/2025 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Kenneth Lawson	Individual	Support	Remotely Via Zoom

Comments:

I support this bill. In my experience as a civil rights litigator while on the mainland, I represented several family members who lost their loved ones due to excessive force, only to have the medical examiner or coroner claim that death was due to excited delirium, which is a made up diagnosis to protect law enforcement from liability. Think about it: people show up in the emergency room every day out of control on drugs yet are able to be restrained and treated without being killed. Similar occurrences with patients happen at the state mental hospital. Patients are often restrained without being killed in custody. Had the murder of George Floyd not been filmed, the police would have blamed his death on excited delirium and claimed that drugs caused his death rather than suffocation from an officer kneeling on his back while in the prone position.

Kenneth Lawson

SB-228

Submitted on: 2/4/2025 2:55:42 PM

Testimony for HHS on 2/7/2025 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Chanelle Taimani Haleck	Individual	Support	Written Testimony Only

Comments:

Support for SB228- Relating to Excited Delirium

I strongly support, SB228, Relating to Excited Delirium.

This bill will ban "Excited Delirium" or any words related to that term from being used in the State of Hawai'i.

The goal is to ensure that no other family will suffer the heartbreak and disappointment Sheldon Haleck's family has from being denied justice for their loved one.

I urge the committee to pass SB228. Please consider this testimony, and thank you for the opportunity to testify.

Justice is not Prejudice, there is NO favoritism with loopholes in the Legal justice system.

WHAT'S RIGHT IS RIGHT, AND WHAT'S WRONG IS WRONG.

IF WE WANT BETTER, LETS DO BETTER HAWAII!

Thank you so much for your time in reading my testimony.

Sincerely,

Chanelle Taimani Haleck

SB-228

Submitted on: 2/6/2025 10:26:38 AM

Testimony for HHS on 2/7/2025 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Gale Kamitono	Individual	Support	Written Testimony Only

Comments:

I support SB228 to ban the term 'excited delirium' from being used in the State of Hawai'i. This bill should be passed in memory of Sheldon Haleck who was denied justice in his civil case because of the controversial term 'excited delirium.'

I urge the committee to please take this testimony into consideration and pass SB228. Thank you for the opportunity to testify.

SB-228

Submitted on: 2/6/2025 8:21:13 AM

Testimony for HHS on 2/7/2025 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Frances Foster Haney	Individual	Support	Written Testimony Only

Comments:

I fully support SB228 to ban the term ‘excited delirium’ from being used in the State of Hawaii. This bill should be passed in memory of "Sheldon Haleck" who was denied justice because of this controversial term ‘excited delirium.’

I urge the committee to pass SB228. Please take this testimony into consideration and I thank you for the opportunity to testify.

SB-228

Submitted on: 2/6/2025 1:28:45 AM

Testimony for HHS on 2/7/2025 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Anthony V Haleck	Individual	Support	Written Testimony Only

Comments:

I fully support SB228 to ban the term 'excited delirium from being used in the State of Hawaii. This bill should be passed in memory of Sheldon Haleck who was denied justice in his civil lawsuit because of that controversial term 'excited delirium.'

I urge the committee to pass SB228. I ask that you take this testimony into consideration and I thank you for the opportunity to testify.



American Veterans
Department of Hawaii

LATE

Written Testimony

In Support of SB228, Relating to Excited Delirium

**AMVETS West Oahu Veterans
Center**

5001 Iroquois Avenue
Ewa Beach, HI 96706

Phone: (808) 888-0410

Email:
admin@amvets-hawaii.org

I strongly support SB228, Relating to Excited Delirium. This bill will ban 'excited delirium' or any words related to that term from being used in the State of Hawaii. The goal is to ensure that no other family will suffer the heartbreak and disappointment Sheldon Haleck's family has from being denied justice for their loved one.

I urge the committee to pass SB228, and that you take this testimony into consideration. Thank you for allowing me and the Fellow Veterans of Amvets Hawaii to testify in support of this bill.

Respectfully,

Ronald Y.K. Lam
1st Vice Commander
Amvets Department of Hawaii

SUPPORT FOR SB 228– A Bill That Will Prohibit the Use of Excited Delirium
Written Testimony-National Police Accountability Project, Lauren Bonds, Executive Director
Hawaii Senate Committee on Public Safety and Military Affairs – Friday, February 7, 2025

Dear Members of this Committee,

On behalf of the National Police Accountability Project (“NPAP”), we write to urge you to support SB 228, a bill that will would prohibit: (1) excited delirium from being recognized as a valid cause of death; (2) peace officers from using the term “excited delirium” when describing an individual in an incident report; and (3) using the term excited delirium to describe a person as part of an affirmative defense in a civil wrongful death action. SB 228 will help reduce the use of the unscientific, racist theory excited delirium to justify law enforcement violence and hinder accountability.

NPAP is a nonprofit organization dedicated to holding law enforcement and corrections officers accountable to constitutional and professional standards. We have hundreds of members across the country, including members in Hawaii, who regularly represent the loved ones of people who have been killed in police or prison custody. In many of our clients’ cases, officers and their legal defense teams claim that their loved ones died due to “excited delirium” rather than the obvious consequences of excessive force. Moreover, many officers attempt to justify their continued use of deadly force because our clients’ loved ones were in a “state of excited delirium.” For instance, the officers that killed George Floyd cited excited delirium as a defense in his criminal case and his colleagues referenced it at the scene of the crime.¹

¹ Steve Karnowski, *EXPLAINER: Why ‘excited delirium’ came up in at Chauvin trial?* Associated Press, Apr. 19, 2021, <https://apnews.com/article/health-death-of-george-floyd-trials-george-floyd-3b60b3930023a2668e7fc63f903fc3aa>.

Similarly, the City of Aurora cited excited delirium to justify the use of a prolonged stranglehold against Elijah McClain.²

“Excited delirium” is a condition that lacks clear diagnostic criteria and is almost exclusively cited as a cause of death in cases where a person was killed by law enforcement officers.³ There is no consensus about the definition of excited delirium in medical literature or surveyed clinicians.⁴ Even the shrinking community of proponents of excited delirium concede that it is a “diagnosis of exclusion,” or a potential explanation for deaths “when there are no other explanations.”⁵ Unsurprisingly, a recent report by Harvard University and University of Michigan doctors found that the syndrome is “scientifically meaningless,” not a proper medical diagnosis, and should not be cited as a cause of death.⁶

Courts across the country have also raised doubts about excited delirium in law enforcement death cases questioning the syndrome’s scientific validity and an officer’s ability to determine whether a person was in a state of excited delirium.⁷ Accordingly, the restrictions proposed by SB 228 would be consistent with how many courts already treat cause of death findings of excited delirium and officer statements claiming a person was suffering from the syndrome.

In addition to the problems of scientific validity, excited delirium is rooted in racial stereotypes and has been disproportionately applied in deaths of Black men. The

² *Id.*

³ *Excited Delirium and Deaths in Police Custody: The Deadly Impact of a Baseless Diagnosis*, Physicians for Human Rights, March 2, 2022, https://phr.org/our-work/resources/excited-delirium/?CID=701f40000018pCHAAY&ms=FY20_SEM_GoogleAd&gclid=CjwKCAiAg6yRBhBNEiwAeVyL0MLe0cfsU9OOQ2h3yxBloHm8vQxxSa5IeE5YWqTx6rS4avOGK2F0UhoCtpwQAvD_BwE.

⁴ *Id.*

⁵ Eric Dexheimer and Jeremy Schwartz, *In fatal struggles with police, a controversial killer is often blamed*, Austin American-Statesman, May 27, 2017, <https://www.statesman.com/news/20170527/in-fatal-struggles-with-policecontroversial-killer-is-often-blamed>.

⁶ *Supra.*, Note 3

⁷ *Lombardo v. St. Louis City*, 141 U.S. 2239 (2021); *Morad v. City of Long Beach*, 2017 WL 5187826 (C.D. Cal. 2017); *Estate of Berger v. Spokane County*, 2017 WL 5639939 (W.D. Wash.); *Pedro v. Town of West Warwick ex rel. Moore*, 889 F.Supp.2d 292 (D.R.I. 2012).



most commonly cited symptoms of people experiencing “excited delirium” are imperviousness to pain and superhuman strength, characteristics that have been baselessly attributed to Black people to justify abuse and mistreatment dating back to slavery.⁸ Additionally, Black people were overrepresented in a study of in-custody deaths where excited delirium was cited as a cause of death.⁹

SB 228 would place meaningful restrictions on law enforcement’s ability to avoid accountability and perpetuate racist stereotypes about victims of police violence We strongly urge you to pass this bill. If you have any questions, please do not hesitate to contact Lauren Bonds at legal.npap@nlg.org or (620) 664-8584.

Sincerely,

Lauren Bonds
National Police Accountability Project

⁸ *Examining the Myth of the ‘Superhuman’ Black Person*, NPR, Nov. 30, 2014, <https://www.npr.org/2014/11/30/367600003/examining-the-myth-of-the-superhuman-black-person>.

⁹ Julia Jones, *Authorities claimed these Black men had excited delirium just before they died*. CNN, March 12, 2022, <https://www.cnn.com/2022/03/12/us/excited-delirium-police-deaths-study/index.html>.

LATE

SB-228

Submitted on: 2/7/2025 10:11:04 AM

Testimony for HHS on 2/7/2025 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Williams Rodriguez	Individual	Support	Written Testimony Only

Comments:

I strongly support SB228, Relating to Excited Delirium. This bill will ban 'excited delirium' or any words related to that term from being used in the State of Hawaii. The goal is to ensure that no other family will suffer the heartbreak and disappointment Sheldon Haleck's family has from being denied justice for their loved one.

I urge the committee to pass SB228. I ask that you take this testimony into consideration. Thank you for the opportunity to testify.