



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2021**

ON THE FOLLOWING MEASURE:

S.C.R. NO. 169/S.R. NO. 134, URGING THE OFFICE OF THE GOVERNOR TO CREATE A TASK FORCE TO DEVELOP RECOMMENDATIONS TO ENFORCE THE SUPPLEMENTAL EMERGENCY PROCLAMATIONS TO MITIGATE THE FURTHER SPREAD OF THE CORONAVIRUS DISEASE 2019 IN HAWAII.

BEFORE THE:

SENATE COMMITTEES ON HEALTH AND ON GOVERNMENT OPERATIONS

DATE: Monday, March 29, 2021 **TIME:** 1:10 p.m.

LOCATION: State Capitol, Via Videoconference

TESTIFIER(S): Clare E. Connors, Attorney General, or
Lance M. Goto, Deputy Attorney General

Chairs Keohokalole and Moriwaki and Members of the Committees:

The Department of the Attorney General (Department) submits comments.

The purpose of these resolutions is to urge the Office of the Governor to create a task force to develop recommendations to the Legislature on the roles and responsibilities of the Department and the state and county law enforcement agencies to enforce the supplemental emergency proclamations which require social distancing, wearing of face coverings, and the prohibition of gatherings.

Beginning with the Second Supplementary Proclamation on March 21, 2020, the Governor's emergency proclamations have required travelers to self-quarantine upon arrival from out of state, subject to certain exceptions and conditions. The self-quarantine requirement applies to both visitors and returning Hawai'i residents, and is intended to contain the spread of COVID-19 by restricting the movement of potentially infected arriving travelers during the period they would likely be contagious. For accuracy, we suggest amending page 2, lines 4 to 6 of the resolutions, to read as follows:

WHEREAS, the self-quarantine mandate was meant to ~~[deter visitor traffic and]~~
contain the spread of COVID-19 by restricting the mobility of those who travel to Hawaii during the period they might be contagious; and

Additionally, as correctly stated in the resolutions, the statewide enforcement of emergency order violations requires an effective response. Traditional law enforcement, such as county police, are best suited to quickly and effectively respond to reported violations and issue warnings or citations. To provide support, the Department temporarily extended beyond its primary investigative responsibilities and expertise, which include criminal fraud, civil actions, and state agency administrative reviews, toward a traditional policing role with the expectation that once emergency order requirements are eased, the Department investigators would return to their primary mission. The Department has a limited ability to provide the traditional policing function.

Looking forward, the Department supports the establishment of an independent state law enforcement department to collaborate statewide with county police departments. This new independent state law enforcement entity would be staffed, trained, equipped, and physically available to effectively address time-critical, public safety issues, such as the enforcement of COVID-19 emergency orders, and would serve as an additional deterrent against potential violations.

The Department appreciates this opportunity to provide comments.

STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY

**TESTIMONY ON SCR169,
RELATING TO THE HAWAII EMERGENCY MANAGEMENT AGENCY**

Before the Senate Committee on **HEALTH**
and the Senate Committee on **GOVERNMENT OPERATIONS**

By

Luke P. Meyers
Administrator, Hawaii Emergency Management Agency (HI-EMA)

Aloha Chairs Keohokalole and Moriwaki, Vice-Chairs Baker and Dela
Cruz, and Members of the Committee:

SCR169 urges the Governor to create a task force to develop recommendations to enforce the Supplemental Emergency Proclamations to mitigate the further spread of the Coronavirus Disease 2019 in Hawai'i.

The Hawaii Emergency Management Agency (HI-EMA) **offers comments** on SCR169.

Traditional law enforcement, such as county police, are best suited to quickly and effectively respond to reported violations and issue warnings or citations.

Looking forward, the HI-EMA supports the establishment of an independent state law enforcement department to collaborate statewide with county police departments. This new independent state law enforcement entity would be staffed, trained, equipped, and physically available to effectively address time-critical, public safety issues, such as the enforcement of COVID-19 emergency orders, and would serve as an additional deterrent against potential violations.

Thank you.

Luke P. Meyers: Luke.P.Meyers@hawaii.gov; 808-733-4300

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**THE HONORABLE JARRETT KEOHOKALOLE, CHAIR
SENATE COMMITTEE ON HEALTH**

**THE HONORABLE SHARON Y. MORIWAKI, CHAIR
SENATE COMMITTEE ON GOVERNMENT OPERATIONS**

**Thirty-first State Legislature
Regular Session of 2021
State of Hawai`i**

March 29, 2021

RE: S.C.R. 169 / S.R. 134; URGING THE OFFICE OF THE GOVERNOR TO CREATE A TASK FORCE TO DEVELOP RECOMMENDATIONS TO ENFORCE THE SUPPLEMENTAL EMERGENCY PROCLAMATIONS TO MITIGATE THE FURTHER SPREAD OF THE CORONAVIRUS DISEASE 2019 IN HAWAII..

Chair Keohokalole, Chair Moriwaki, Vice Chair Baker, Vice Chair Dela Cruz, members of the Senate Committee on Health, and members of the Senate Committee on Government Operations, the Department of the Prosecuting Attorney, City and County of Honolulu (“Department”), submits the following testimony in **support** of S.C.R. 169 / S.R. 134, and **respectfully asks to be added to the proposed list of task force members.**

Over the past year, Hawaii’s law enforcement agencies—and the people of Hawaii, as a whole—have been faced with the daunting task of upholding never-before-seen public safety mandates (e.g. social distancing, wearing face masks, self-quarantine), imposed by emergency proclamations issued by the Governor and Mayors, a rarely-used mechanism in our laws (i.e. Chapter 127A, Hawaii Revised Statutes). While the Department believes a majority of Hawaii’s residents have dutifully complied with these mandates, the Honolulu Police Department reportedly issued a staggering 60,000 citations between March and October 2020 alone, to individuals—both residents and visitors—who violated the emergency proclamations.¹ Once citations are issued, our Department is tasked with processing and prosecuting these matters as appropriate, and we have done our utmost to do so, while adjusting to the constantly-changing landscape—as many agencies

¹ Tsuji, Ryan Kalei and Yunji de Nies, with Honolulu Police Department Deputy Chief John McCarthy, “Video: Honolulu Police Department has issued 60,00 coronavirus-related violations,” data provided at -28:50 minutes. Available online at <https://www.staradvertiser.com/2020/10/28/breaking-news/watch-live-honolulu-police-department-deputy-chief-john-mccarthy-joins-honolulu-star-advertisers-spotlight-hawaii/>; last accessed on March 28, 2021.

have had to do—and amidst unfolding public health concerns, economic uncertainty, unprecedented court closures and other emergency measures.

Given the tens of thousands of citations issued for violating the Governor and Mayor’s emergency proclamations and orders in 2020, and the thousands more anticipated in 2021—particularly as travel restrictions continue to be loosened—the Department strongly supports this or any concerted effort to coordinate law enforcement procedures related to COVID-19, moving forward. That said, while the Department of the Attorney General has done an admirable job of communicating and coordinating efforts between the various county prosecutors, there are inevitably **significant differences between the existing policies, procedures, and infrastructure of each Prosecuting Attorney, which are most efficiently and effectively communicated if we are “at the table” (albeit remotely) in real-time, rather than having the Attorney General act as our go-between.**

To some extent, it may be said that our laws are only as effective as their enforcement, and the Department strongly believes that prosecution is as vital a component of law enforcement as the work of our county police departments. In order to be part of a truly coordinated effort between police and prosecution, **our Department respectfully asks that we be added to the list of task force members listed in S.C.R. 169 / S.R. 134, page 3, lines 5-11.**

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the passage of S.C.R. 169 / S.R. 134, and respectfully asks to be added to the list of task force members. Thank you for the opportunity to testify on this matter.

SCR-169

Submitted on: 3/26/2021 5:04:10 PM

Testimony for HTH on 3/29/2021 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
jennifer noel	Individual	Oppose	No

Comments:

I strongly oppose creating a task force to enforce Covid supplemental emergency proclamations to mitigate the spread of Covid because these are unconstitutional executive orders. Nothing takes peoples civil liberties away not even during an emergency. And after one year this is not an emergency. Emergencies are for a short period of time. This is abuse of power at this point. Our hospitals are not overflowing, we have successful therapeutics and our death rate is even lower than our 2018 flu deaths. We had approximately 600 flu deaths in 2018 and currently we have apporximately 400 Covid deaths. We did not shut down our economy for the flu why after a year are we continuing to shut down our economy and restrict peoples freedom? There are about 20 states that are fully open and Hawaii needs to join that list. Our people are suffering for an illness that has a 99.9% survivability rate. Please stop the insanity and let's start using logic and open up our economy and let people choose how they want to protect themselvesw. I strongly oppose this bill.

SCR-169

Submitted on: 3/25/2021 3:47:12 PM

Testimony for HTH on 3/29/2021 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Yulia Muzychenko	Individual	Oppose	No

Comments:

Last year his proclamation did more damage than good. We had enough. Economy due to Governor's proclamations fell super low, people are leaving Hawaii by big numbers, tourists are reluctant to visit. We have over 40% of unemployment. The Governor did not have his best interest for Hawaiian residents, he ruined Hawaii and its economy, while his pockets are full of money, we suffer. No thank you. People should be able to do their own decisions how they want to deal with this pandemic. I oppose to this and I hope more people will do before all our rights and freedom are completely taken away.

SCR-169

Submitted on: 3/25/2021 11:46:14 PM

Testimony for HTH on 3/29/2021 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rasa Fournier	Individual	Oppose	No

Comments:

We the citizens should not be forced to live in an America where health measures are given a blanket dictate, because that is by definition a dictatorship. Emergency orders last 60 days. The orders and restrictions that have extended far beyond are unconstitutional, and this measure that would allow a "force" to "enforce" is incredibly harsh and takes yet more power away from the people, shifting all of the weight to governmental power. As soon as people don't have choice, then this is no longer America nor is it a democracy, nor does it keep with the Constitution.

SCR-169

Submitted on: 3/26/2021 7:29:42 PM

Testimony for HTH on 3/29/2021 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Craig Dansie	Individual	Oppose	No

Comments:

I oppose SCR 169.

This senate concurrent resolution is based upon the mistaken premise that there is a pandemic and thus an emergency.

In early 2020 we were given wild predictions from Neil Ferguson at Imperial College that millions of Americans could die of covid. But now the death statistics are in. The death rate in America from all causes in 2019 and 2020 were the SAME at 8 deaths per 1,000 people. The pandemic was a HOAX.

Any future attempts to pass legislation based upon this fake emergency will be considered a willful and intentional act of fraud and a violation of your oath of office to the Hawaii constitution.

I recommend you vote NO on SCR 169.

SCR-169

Submitted on: 3/26/2021 8:30:46 PM

Testimony for HTH on 3/29/2021 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melissa A. Aiona	Individual	Oppose	No

Comments:

I am stongly opposed to bill SCR169.. We need to open up our state ... not keep it in this unconstitutional lock down... Our children are paying the highest price... To create a task force to utterly ridiculous and a huge waste of time and money...

SCR-169

Submitted on: 3/26/2021 9:30:17 PM

Testimony for HTH on 3/29/2021 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Katherine D Lobendahn	Individual	Oppose	No

Comments:

I am testifying in OPPOSITION to this Bill. It is unconstitutional and there is no emergency. COVID 19 is a flu with a 99.96% recovery rate. These continued tyrannical measures are in clear violation of my Constitutional Bill of Rights.

Katherine Lobendahn

SCR-169

Submitted on: 3/26/2021 9:48:17 PM

Testimony for HTH on 3/29/2021 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Madhava Shakti Moe	Individual	Oppose	No

Comments:

OPPOSED!

SCR-169

Submitted on: 3/27/2021 3:27:32 PM

Testimony for HTH on 3/29/2021 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa O	Individual	Oppose	No

Comments:

I oppose SCR169.

The 20 emergency proclamations have gone on for over 12 months with no end in sight and now the legislature wants to punish people further by looking for ways to keep people locked up and obedient to a proclamation that is not even a legislative law.

The State, the Legislature, DOH and the Governor have never at any point in time provided the public with any documents of any type of peer-reviewed science that supported draconian policies such as 6 feet distancing, masks indoors and out, or lock downs. At the same time, by suspending the Sunshine laws, the government and administrative officials can do and say whatever they want, possibly duping the public into believing certain narratives without providing a basis.

It is easy for Government to claim the CDC or WHO put out guidelines but without allowing the public access to the same information indicates that there is no desire for transparency and no concern for the mistrust generated by government.

SCR 169 intends to punish and abuse the public even further by seeking to create a task force to enforce the illegal emergency proclamations which will continue for an unknown amount of time given that the recommendations are to be presented prior to the 2022 session.

All of the Legislators of Hawaii are to blame for this mess by passing the emergency proclamation bill into law, HRS 127A, in 2014 giving the Governor full authority to do whatever he wanted, without any oversight by anyone or any agency, not even the legislature while all government personnel are completely free of liability from their actions.

When will the legislature listen to public concerns rather than trying to corral the public into a corner while allowing tourists freedom and leniency?

As a taxpaying citizen, I am frustrated at the lack of information, and untrustworthiness of our government. The elected officials no longer represent the people.

SCR 169 is only intended to further punish and torture the citizens into greater obedience.

I oppose SCR 169.

SCR-169

Submitted on: 3/27/2021 6:13:30 PM

Testimony for HTH on 3/29/2021 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
C. Vierra	Individual	Oppose	No

Comments:

Relying on the government to determine what is healthy for its citizens has had dire consequences for our community. Social distancing, the use of masks, and the ability to say who has the right to work and who does not, has horribly impacted our children, individuals, families....our community. The mental, phsycial and economic health of so many has suffered greatly. It is not normal or healthy to cover our faces and resist human proximity and touch. Enough already... the divide is deepening. I urge you to let people make their own choices. Criminalizing normal human behavior and creating a task force for better enforcement is a detriment to all. We are at the cusp of discrimination unlike I've ever seen in my life time. It is shocking and insanely disappointing. I urge you to oppose SCR169.

SCR-169

Submitted on: 3/27/2021 7:58:26 PM

Testimony for HTH on 3/29/2021 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Loree Jean Searcy	Individual	Oppose	No

Comments:

I am opposed to this bill. My reason for opposition is for the following reasons:

Covid-19 is not a threat to the citizens of the US nor the world as it is a seasonal flu and has run its course,

Covid-19 was never a threat to Hawaii as our number of cases was the lowest in the US

Covid-19 is easily cured by hydroxychloriquine, ivermectin or over the counter supplements taken with zinc.

Covid-19 mandates put out by the legislation is ruining the economy of Hawaii and restricting the rights of citizens like myself to travel to the mainland freely.

Covid-19 Hawaii mandates do not need any further task force of any type. We do not need to be policed for any longer. Open up this state to ALOHA as this is the motto of this state.

I demand to have my constitutional rights of the freedom to travel to the Mainland to be restored Just as they can travel from state to state without being PCR tested or quarantined why do we as Hawaiians have to be restricted. I want my rights restored ASAP.

I oppose this Bill..

SCR-169

Submitted on: 3/27/2021 9:29:52 PM

Testimony for HTH on 3/29/2021 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Diamond	Individual	Oppose	No

Comments:

Dear Legislators,

I heartily oppose SRC169. Creating a special class of people (task force) for perpetuating state of emergency would be again opening the door to more harm than good. People are responsible for their health not government, or we are in danger of creating a medical apartheid in our Aloha state. Is that what we want for our children? Complete reliance on government? Rather than treating people like immature children, let them decide how to stay protected from this or any other virus. There is ample information on how to stay protected and tens of thousands of doctors all who effectively treat this virus by a protocol of Vit D3, C, Zinc, etc and therapeutic. See Dr. Zelenko protocol how to effectively mitigate this virus. And there are many others. Why is that not mentioned from our Health Department? Will regulations accomplish individual health, to stop the virus?

Aside, we don't have an emergency! If you consider data for the total number of death for the last 5 years, there are about the same.

Pandemic, emergency, disaster was never used in our country to cancel equal protection for ALL and never should be.

Please, think of our children and grandchildren and keep our state PONO.

Please, vote No to SCR 169

Ua mau ke ea o ka 'Āina i ka pono

"The life of the land and people is perpetuated in righteousness and justice"

SCR-169

Submitted on: 3/28/2021 12:33:34 PM

Testimony for HTH on 3/29/2021 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Kerman	Individual	Oppose	No

Comments:

3-28-2021

To The Office Of The Governor,

I strongly oppose SCR169.

We have already exceeded the emergency proclamation which should not have exceeded 60 days. Therefore this bill is unlawful. It is also completely unnecessary. It is important to protect the fragile and compromised, but this does not mean that we should destroy the lives of every man, woman and child.

Please uphold your oath to uphold the Constitution and oppose SCR169. And, please remember that our country was built on the belief of liberty, justice and freedom for all.

Thank you,

Lisa Kerman-P.O. Box 1011-Kilauea-HI-96754

LATE

SCR-169

Submitted on: 3/28/2021 2:15:29 PM
Testimony for HTH on 3/29/2021 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
jennifer macagnone	Individual	Oppose	No

Comments:

Aloha,

I oppose this bill and feel that the police do not need anymore power enforcing the covid mandates that are not laws.

Thank you for your time regarding this matter.

sincerely,

jennifer macagnone

LATE

SCR-169

Submitted on: 3/28/2021 2:26:45 PM
Testimony for HTH on 3/29/2021 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
jordan cerra	Individual	Oppose	No

Comments:

Aloha, mahalo for your time taken to read these testimonies.

I am a mother and teacher who sees the effects of these mandates as a spirit breaker for all the children in Hawaii. The data shows that this virus has a 99.6% survival rate and that only 6% of deaths labeled Covid, were actually caused by covid-19. The creator of the PCR test is even opposed to the way the tests are being used on asymptomatic people. There has been plenty of research to show that the tests register positives when "covid-like" viruses are detected in the system (corona, aka, common cold). The amount of positive tests does not equal sick people. There have been treatments since the very beginning that have actually been banned in certain states, causing people to die, unnecessarily. When a country that pushes pharmaceuticals, bans a drug that's been around for 50 years, something isn't right. All of the information around this virus has been framed to make it seem more dangerous than it is. Any elderly or person with health issues that contracts even, pneumonia, has the same risks of dying as one who catches Covid. Cloth and surgical masks do not protect people, ask any doctor or nurse who is required to be specially fitted for a mask when dealing with dangerous viruses. At this point, the mandates are more about obedience than protecting people. The majority of people do not like wearing masks, do not believe in them, but have been so indoctrinated with propaganda and threats of fines, jail time, and losing their jobs-that they're afraid to speak up. This country was founded on freedom of choice, people should have the freedom to take their health into their own hands-not subjected to ridiculous mandates to "keep us safe." In the meantime, people are dying of despair, suicide, loneliness, etc. Families and friends are fighting over which side is right or wrong, the side of fear or freedom. There have been enough health care workers who have spoken out about their neglected patients in New York, dying of mistreatment, to health care workers across the world talking about their empty hospitals while the media boasts about "over-capacity." This has got to end now before this country is torn apart. More law enforcement for arbitrary mandates? An insult to our intelligence, our freedom, and an assault on our future having any hope at all. Do the right thing, thank you plenty. Jordan Cerra

LATE

SCR-169

Submitted on: 3/28/2021 7:02:15 PM

Testimony for HTH on 3/29/2021 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
marc thyssen	Individual	Oppose	No

Comments:

I Marc Thyssen, vehemently oppose the creation of a Task force to Enforce any supplemental emergency proclamations to mitigate the spread of Covid. This measure of enforcement and other measures to curb opposing viewpoints that the State is trying to pass will make Hawaii a Fascist Communist state. The opposite of the Aloha state that we are so Proud of. We must oppose to keep our freedoms intact! Aloha

LATE

SCR-169

Submitted on: 3/28/2021 11:29:58 PM

Testimony for HTH on 3/29/2021 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Gary Decker	Individual	Oppose	No

Comments:

Before expanding and strenghtening this whole quarantine/ masking/ distancing protocol You must prove it is really an emergency. The Coronavirus is a bad flu, no worse than 1968. It in now way justifies the extremely destructive lockdown. This is all about politics, not medicine.

LATE

SCR-169

Submitted on: 3/29/2021 7:11:29 AM

Testimony for HTH on 3/29/2021 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Banner Fanene	Individual	Oppose	No

Comments:

Please do not even Consider this. Pass Bills, not Weak Resolutions to Confuse the Public. Such Resolutions Muzzle the US Constitution.

Hawaii should be the Aloha State, not a Bully Police State!

Fa'afetai