



The Senate

STATE CAPITOL
HONOLULU, HAWAII 96813

Thursday, May 21, 2020

MEMORANDUM

TO: Senate President Ronald D. Kouchi
FROM: Senate Special Committee on COVID-19
RE: Senate Special Committee on COVID-19 Report

Dear Senate President,

Please see the attached report prepared following the May 19, 2020, Senate Special Committee on COVID-19 meeting with the following:

- Department of the Attorney General
- Department of Transportation
- Hawaii Tourism Authority
- Honolulu Police Department
- Department of Planning and Permitting
- Hawaii Quarantine Kapu Breakers

Sincerely,

Senator Donovan M. Dela Cruz
Senator Jarrett Keohokalole
Senator Michelle N. Kidani

Senator Donna Mercado Kim
Senator Sharon Moriwaki
Senator Kurt Fevella

Attachment

Cc: All Senators

COVID-19 Special Committee Meeting

Tuesday, May 19, 2020, 2:00 PM

Hawaii Attorney General (AG), Honolulu Police Department (HPD), Honolulu Department of Planning & Permitting (DPP), Department of Transportation – Airports Division (DOT), Hawaii Tourism Authority (HTA), and Hawaii Quarantine Kapu Breakers.

Ms. Clare Connors, Attorney General, Ms. Susan Ballard, Police Chief, Mr. Ford Fuchigami, Airports Administrative Officer, Ms. Kathy Sokugawa, DPP Director, Mr. Chris Tatum, HTA CEO, and Ms. Angela Keen of Hawaii Quarantine Kapu Breakers, updated the Committee on the traveler quarantine program that was put in place in response to the COVID-19 pandemic.

Summary Comments

Ms. Angela Keen updated the Committee on the actions of the Hawaii Quarantine Kapu Breakers, a group of residents seeking to aid law enforcement and the office of the Attorney General in catching visitors who are knowingly defying the state's quarantine orders. Ms. Keen explained the group monitors rental pages, like Airbnb and Turo, that aid people in circumnavigating the orders. When asked what more the Committee can do, Ms. Keen recommended better communication with HPD, giving them more explicit standard operating procedures on ticketing, citing, or arresting. Ms. Clare Connors and Police Chief Ballard believed that more enforcement could be done on the renters who are informing people how to break our laws.

Quarantine Enforcement

- The process is continuously improving, and people are becoming more aware of how strict the state is.
 - With the aid of groups like the one led by Ms. Keen, HPD and the AG's office are being driven directly to quarantine breakers.
 - With the most recent arrest of the man from New York City, the story was picked up by national news outlets, like the New York Post, and is a useful signaling device for those who believe the law will not find them.
- HPD has made 311 arrests and issued over 500 under citations under emergency proclamations. However, only 7 of the 311 arrests stem directly from breaking quarantine.
 - The Committee requested a new measure of counting quarantine related arrests to measure the success of new emergency proclamations better.
- Per the Committee's request, the Attorney General agreed to investigate the legality of mandatory arrests in any new proclamations.
 - Chief Ballard explained that an arrest is now at the discretion of the officers, which allows officers to use their best judgment based on the facts and circumstances of the situation.
 - Offers may go from warning to citation to arrest as warranted by the individual situation.
 - Furthermore, a judge can still decide what to offer as punishment.

- Despite being arrested and handed a severe punishment as a deterrent to others, the presiding judge can offer a fine, or monitoring.
- The Committee expressed the need to articulate to the public that this is a constant work in progress.
 - Thanks to the insistence of the Committee, new enforcement aides are now mandatory, such as requiring a return flight upon arrival for visitors, and mandatory bail of at least \$2,000 for individuals arrested for quarantine violations.
- The Committee highlighted the continued issues regarding illegal vacation rentals during this period.
- When pressed by the Committee on its enforcement of illegal vacation rentals, Ms. Sokugawa discussed the department's similar enforcement limitations to that of the HPD.
- Ms. Sokugawa expressed how these limitations are only exasperated by the fact that the agency is not set up to monitor occupancy violations and that advertising is not sufficient evidence in it of itself.
- The Committee discussed the need to continue to work with agencies like DPP and HPD as these processes evolve to allow for better enforcement of illegal vacation rentals and car rental services such as Turo.
- In relation to these challenges, the HTA discussed the soon to be released ESRI program.
 - The program has been a collaboration with the county enforcement agencies that will provide each agency near real-time layers of traveler information to aid in the enforcement of the quarantine orders.
 - The program allows all traveler information collected through the current processes to be integrated into its Arch GIS database so that dispatchers may confirm whether a suspected quarantine violator is, in fact, a resident or a traveler included on the required quarantine list.
 - The program will allow the information to be shared on a read-only basis.
 - The ESRI program is expected to be rolled out this weekend.

Screening Process

- The Attorney General agreed to look into the legality of codifying a color scheme for opening up, mentioning that it should fall in the purview of the zoning authority, which differs in each county.
- As requested by the Committee, the Attorney General also agreed to investigate the legal possibility of a wristband identification system for incoming travelers, which they must decide to wear or be slapped with a hefty fine.
- Officer Fuchigami explained that his office is working on a form like that already in use by HTA.
- Furthermore, he mentioned Governor Ige wanted a photo-ID tracking system for incoming passengers- similar to the program shown earlier by HTA, which was a dashboard of all arrivals with their contact info and photo identification.

- Work was done with the Attorney General's office in creating web-based software, which can be seen by anyone with a county's records access.
 - This will be rolled out in the coming days
- The office is also working with the Hawaii Department of Defense and our congressional delegation to work out problems of TSA proposed searches and screening.
- There is hesitation to put full responsibility on TSA because they are not law enforcement nor public health officials.
 - Questions remain of how will they enforce, and what will be done with sick persons.
 - Daniel K Inouye international airport has asked to be part of the pilot program for screening for TSA testing checkpoints.

Illegal Vacation Rentals

- The Committee discussed the possibility of creating a new form for renters, one that will hold them to the same level of accountability as a traveler, should the traveler be caught knowingly defying quarantine.
- In an effort to curb travelers from attempting to enter the state, the Committee asked HTA to work with the AG's office and lobby the booking and travel industry to delete all references to Hawaii from their websites or applications.
 - The Committee also inquired about the possibility of passing legislation that would allow inspectors to enter a property under reasonable suspicion of a violation.
 - It was mentioned that home businesses used to be required to obtain a business permit, allowing investigators in under zoning violations