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April 2, 2020

The Honorable Donovan Dela Cruz
Chair, Senate Special Committee on COVID-19
Hawaii State Capitol
Honolulu, HI 96813

Dear Senator Dela Cruz and Members of the Committee:

In response to your letter dated April 1, 2020, regarding county police officers stopping members of the public who leave their homes, we do not recommend instituting a policy whereby the public would be required to provide documentation to prove they perform essential functions. We believe that such a policy would be over burdensome on the public and the police and, based upon the circumstances as represented by the police departments, does not appear to be necessary.

The county police departments are primarily responsible for enforcing the emergency proclamations and orders. Because they cannot take on this immense responsibility alone, state law enforcement entities have committed to coordinate law enforcement support. We participate in daily teleconferences with all of the counties, who report their enforcement actions on every call. Maui and Kauai report that they are enforcing the stay-at-home order by citing or arresting blatant violations because they do not have the manpower to monitor all persons' comings and goings. Honolulu County has repeatedly emphasized the difficulty its police department faces in enforcing the emergency provisions. These reports suggest that the police do not have a policy in place to stop members of the public from leaving their homes. We will touch base with our law enforcement counterparts, but at the moment, it does not appear that documentary verification is required.

Instead of implementing an overarching statewide policy for what appears to an unreasonable application of the stay-at-home orders by local police departments, we

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recommend that you contact, or direct your constituents to contact, the county police departments so they can address these particular concerns.

Please contact me if you need anything further.

Sincerely,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke at the end.

Dana O. Viola
First Deputy Attorney General