

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender,
State of Hawai‘i to the House Committee on Judiciary & Hawaiian Affairs**

February 8, 2024

H.B. 2621: RELATING TO LAW ENFORCEMENT.

Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

The Office of the Public Defender supports the intent of H.B. 2621.

This measure would facilitate the creation of a task force on ethical policing to evaluate the efficacy and impact of weed and seed programs in the State of Hawaii.

The Office of the Public Defender represents the majority of defendants participating in weed and seed programs across the State. We join in the Legislature’s finding that “more information is needed to assess the efficacy of ‘weed and seed’ programs, and to determine the impact of the programs on the State’s communities” as noted in Section 1 of this measure. We believe a task force would be able to review data, to explore what is working or not working in the different weed and seed programs currently in effect, to evaluate and develop appropriate best practices based on accurate data, to evaluate the program’s compliance with ongoing constitutional concerns about the right to travel, and to review the overall efficacy of these programs. Our office is deeply concerned with the marginalization of peoples living in poverty, the over policing of our Native Hawaiian and Pacific Islander communities, and the disproportionate sentences impacting persons in weed and seed communities. We join in the call for current and accurate data and a comprehensive review of the weed and seed model as put into practice in the State of Hawaii.

The Office of the Public Defender respectfully requests that a representative from our organization be included as a member of the task force. We believe our inclusion and participation is essential as we are a voice for persons and their families directly impacted by weed and seed restrictions.

Thank you for the opportunity to comment on this measure.



STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS
" A Police Organization for Police Officers Only "
Founded 1971

February 6, 2024

Via Online

The Honorable David A. Tarnas, Chair
The Honorable Gregg Takayama, Vice-Chair
House Committee on Judiciary & Hawaiian Affairs
Hawaii State Capitol, Rooms 442, 404
415 South Beretania Street
Honolulu, HI 96813

Re: **HB 2621 – Task Force on Weed and Seed Programs**

Dear Chair Tarnas, Vice-Chair Takayama, and Honorable Committee members:

I serve as the President of the State of Hawaii Organization of Police Officers (“SHOPO”) and write to you on behalf of our Union in **opposition** to HB 2621. This bill seeks to establish a task force to evaluate the efficacy and impact of Weed and Seed programs and requires a report to the legislature prior to the start of the 2025 regular session. This bill is intended to evaluate these programs for “ethical policing,” disproportionate targeting on marginalized communities and the so-called resulting “militarization or over-policing of low-income neighborhoods.” The proposed bill also suggests that the program may result in “unjustly high criminal sentences for persons who happen to be arrested in designated weed and seed areas.”

As you may know, the Weed and Seed program was originally implemented in 1998 with the Honolulu Police Department as its first partner. This multiagency program requires teamwork between prosecutors, police and community members and while not perfect, is an example of people working together to make their communities safer. The “weed” function of the program, i.e., removing criminals from a particular district by police, was carried out for a few years before being discontinued for roughly twenty years. The “seed” function of the program has continued throughout and includes providing services, such as substance abuse treatment, to help people get off the streets. In approximately 2021, the “weed” aspect of the program was reactivated in Chinatown and Kalihi-Palama and then planned for Waikiki in 2022. Media reports on the revival and expansion of the program have featured numerous positive messages regarding the negative impact of the program’s long absence and its immediate results. We cannot agree more. Our residents should not feel afraid outside of their homes and this program has made a difference. Moreover, Honolulu City Prosecutor Steven Alm has represented that there are no unique penalties imposed on those arrested in connection with the program except that bail may be set higher and that these arrests provide the “quick attention” needed in the area.

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The Honorable David A. Tarnas, Chair
The Honorable Gregg Takayama, Vice-Chair
House Committee on Judiciary & Hawaiian Affairs
February 6, 2024
SHOPO Testimony Page 2
Re: HB 2621 – Task Force on Weed and Seed Programs

Ironically, this proposed task force would study potential “over-policing of low-income neighborhoods.” Our county police departments are experiencing a severe staffing crisis. Our communities are begging us for *more* presence, but this legislature seems only to be interested in allocating resources to studies, reducing incentives to recruit officers, and passing new measures that make an already difficult job as a police officer even harder. The Weed and Seed program needs *more* resources, not energy lost on identifying any possible way to dismantle it. Rather than creating more “studies,” how about helping us find ways to fill the empty beats so that our neighbors can feel safer.

We thank you for allowing us to be heard on this very important issue and we hope your committee will unanimously oppose HB 2621.

Respectfully submitted,

ROBERT “BOBBY” CAVACO
SHOPO President

RC jmo



Committee: Judiciary & Hawaiian Affairs
Hearing Date/Time: Thursday, February 8, 2024 at 2:00pm
Place: Conference Room 325 & via Videoconference
Re: **Testimony of the ACLU of Hawai'i with Comments on H.B. 2621 Relating to Law Enforcement.**

Dear Chair Tarnas, Vice Chair Takayama and Committee Members:

The ACLU of Hawai'i offers comments relating to **H.B. 2621** which proposes to establish a task force on ethical policing to evaluate the efficacy and impact of weed and seed programs.

The ACLU of Hawai'i is committed to working collectively with governmental and community stakeholders to Reimage Public Safety. We advocate for the State to shift spending priorities away from mass criminalization and incarceration towards evidence-based investments in housing, education, employment, violence prevention, restorative justice and culturally appropriate health and human services in our communities.

We have serious concerns about the efficacy and effectiveness of the Weed and Seed Program as compared to other data driven crime reduction strategies. In short, we believe that a third-party evaluation is appropriate.

According to the Department of Justice's Bureau of Justice Assistance website, the City and County of Honolulu received a [FY 2021 Smart Prosecution – Innovative Prosecution Solutions](#) grant of nearly \$150,000. As a grant recipient, it appears that BJA mandated an evaluation of the **"efficacy and effectiveness of the Weed & Seed project (using the new prototype system) as it relates to crime reduction and community revitalization in downtown Honolulu and surrounding areas" by September 2023.** " In addition, **the grant award requires the City and County of Honolulu to include submissions of Quarterly Performance Reports, Final Report, and Evaluation Report.**

Please find below relevant portions from the DOJ's Bureau of Justice Assistance:

"The Weed & Seed Initiative is the Department of the Prosecuting Attorney (PAT) and the Honolulu Police department (HPD) led collaborative that aims to "root-out" criminal elements and "plant" revitalization efforts in the Kalihi-Palama-Chinatown area of Honolulu. This proposal plans to begin modernizing PAT's management information systems (MIS) and creating linkages to HPD's MIS, while working to design, implement, and innovate data-driven Weed & Seed strategies that integrate geospatial mapping, geo-tracking, and artificial intelligence technologies. We will achieve this goal via the following objectives:

By March 31, 2022, complete project planning and preparation in collaboration with PAT, HPD, the University of Hawaii-Manoa and other academic, public, and private

stakeholders. This includes convening a workgroup to assess and map existing MIS infrastructures, linkages and capabilities. It also includes formalizing data sharing and usage policies, procedures, and practices through memorandums of agreement.

By June 1, 2022, create project implementation and evaluation blueprints. This includes establishing key activities, timelines, performance metrics, and measures of success. It also includes conceptualizing measurement and testing methods, assigning agency roles and responsibilities, and identifying relevant design alternatives.

By August 31, 2022, install implementation and evaluation infrastructures. This includes onboarding, training and staging key personnel. It also includes testing hardware and software functionality, and procuring essential services and resources.

By October 31, 2022, launch prototype and systems pilot testing. This includes establishing continuous quality improvement policies, procedures, and practices. It also includes debugging data systems security, connectivity, and integrity parameters. It also includes optimizing data collection, storage, and analytical methods along with machine learning algorithms to ensure decisional accuracy and precision.

By September 30, 2023, evaluate the efficacy and effectiveness of the Weed & Seed project (using the new prototype system) as it relates to crime reduction and community revitalization in downtown Honolulu and surrounding areas. This includes submission of Quarterly Performance Reports, Final Report, and Evaluation Report."

<https://bja.ojp.gov/funding/awards/15pbja-21-gg-03899-smtp>

In the interest of transparency, accountability and advancing public policies driven by data and best practices, the Quarterly Performance Reports, Final Report and Evaluation Report of the Weed and Seed Project submitted to the BJA should be shared with this legislative body. In turn, this will assist the Legislature in deliberating on the value and scope of a future Task Force to study the efficacy and effectiveness of the Weed and Seed Program.

Sincerely,

Carrie Ann Shiota

Carrie Ann Shiota
Policy Director
ACLU of Hawai'i
cshiota@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 that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for over 50 years.

American Civil Liberties Union of Hawai'i
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HB-2621

Submitted on: 2/8/2024 8:27:48 AM

Testimony for JHA on 2/8/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Angela Melody Young	Kapalama Neighborhood Security Walk	Support	Remotely Via Zoom

Comments:

Kapalama Neighborhood Security Walk testifies in strong support.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Representative David Tarnas, Chair

Representative Gregg Tarnas, Vice Chair

Thursday, February 8, 2024

Room 225

2:00 PM

STRONG SUPPORT of HB 2621 - Task Force on Ethical Policing re Weed and Seed

Aloha Chair Tarnas, Vice Chair Takayama and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of the 3,844 Hawai'i individuals living behind bars¹ and under the "care and custody" of the Department of Corrections and Rehabilitation on January 29, 2024. We are always mindful that 857 - 25% of the male imprisoned population - are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons is strong support of HB 2621 that establishes a task force to evaluate the efficacy and impact of Weed and Seed programs.

A presentation at the "Breaking Cycles Symposium" in October 2023 showed that 75% Hawai'i's jail population are incarcerated for a Class C felony or lower offense. The numbers per offense at that time were: Misdemeanors - 269, No Offense - 11, Technical Offense - 141, Petty Misdemeanor - 171, Violation - 11, Class C Felony - 720 (75% of total jail population). Class A Felony - 184 and Class B Felony - 267 (25% of total jail population).

¹ DPS/DCR Weekly Population Report, January 29, 2024.

<https://dcr.hawaii.gov/wp-content/uploads/2024/01/Pop-Reports-Weekly-2024-01-29.pdf>

The jail population in the latest DCR Population Report from 1.29.24 shows 1,683 individuals in jail, representing 44% of the entire incarcerated population in Hawai`i. Community Alliance on Prisons asserts that Weed and Seed-type programs have swelled the population of individuals arrested for Class C and lower offenses severely overcrowding and overwhelming our jails in Hawai`i.

This is why we support this bill. Hawai`i needs to dig deeper and evaluate these programs to determine how they are impacting some of the most vulnerable communities in Hawai`i nei.

Bringing reality and truth to the policies that have brought us to this sorry place - where overcrowding has turned our jails into facilities comparable with third world countries - is a good start to discuss the efficacy and impact of burdening some of our most vulnerable citizens with criminal records.

HB-2621

Submitted on: 2/7/2024 10:27:57 AM

Testimony for JHA on 2/8/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John Deutzman	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas and Vice Chair Takayama,

The Safe and Sound Program in Waikiki, which began September 6th 2022 has been an enormous success so far. Crime has been reduced dramatically in every category. Crystal meth and cocaine drug dealers , who were operating from city pavilions on the side of Kalakaua were put out of business and the amount of chronic offenders lurking in the streets in the heart of our tourist district has gone down significantly . The notion that programs like Safe and Sound are some sort of “militarized operation” by police is preposterous. It’s time the legislature starts paying attention to the needs of the community and stops dwelling on fabricated “injustices” that simply don’t exist.

The below crime statistics compare crime in the relevant categories in the one year period BEFORE Safe and Sound Waikiki (Sept 2021 to August of 2022) vs. The ENTIRE FIRST YEAR year of Safe and Sound(September 2022 through August of 2023).

Drugs/Liquor Down 67%

Robbery Down 35%

Burglary down 32%

Car Break Ins Down 31%

Criminal Property Damage Down 27%

Theft Down 6%

Assault down 4%

Calls for Service down 8%

John Deutzman

Waikiki