



LATE

The Judiciary, State of Hawai'i

Testimony to the Thirty-Third State Legislature, 2025 Session

Senate Committee on Judiciary

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Thursday, February 20, 2025, 10:01 A.M.
State Capitol, Conference Room 016

by

Catherine H. Remigio, Chair
Hawai'i Supreme Court Standing Committee On the Hawai'i Rules of Evidence

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 228, S.D.1, Relating to Excited Delirium.

Purpose: Prohibits the use of the term “excited delirium” by 1) medical professionals in diagnosing medical conditions or determining causes of death and 2) law enforcement officers’ incident reports.

Judiciary's Position:

The Hawai‘i Supreme Court Standing Committee on the Hawai‘i Rules of Evidence (“Committee”) respectfully offers the following comments on Senate Bill No. 228, S.D. 1.

The Committee notes that the original version of Senate Bill No. 228 established a new rule of evidence declaring any evidence that a person experienced or suffered “excited delirium” inadmissible in a civil action. The Committee appreciates the amendments that were incorporated when this measure was heard by HHS/PSM, deleting evidence-related provisions. In an abundance of caution, the Committee provides the following comments as to why removing that language was a wise decision and one that the Committee supports.

The Committee understands that “excited delirium” is a subject of debate in the medical and legal community. The Committee does not take a position as to the validity of “excited



delirium” as a diagnosis or cause of death. We acknowledge that advocates of Senate Bill No. 228 question the quality and veracity of experts that have testified on the existence of “excited delirium” and therefore propose a total ban on those experts’ opinions. However, until there is a definitive consensus within the medical and scientific community regarding “excited delirium,” it is premature to legislatively erase the term from all medical and incident reports.

1. The Hawai‘i Rules of Evidence and the need for Judicial Discretion

Hawai‘i courts already have a mechanism to exclude unreliable scientific evidence under existing rules of evidence. For example, Hawai‘i Rules of Evidence (“HRE”) Rule 702 provides:

*Rule 702. Testimony by Experts. If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify thereto in the form of an opinion or otherwise. **In determining the issue of assistance to the trier of fact, the court may consider the trustworthiness and validity of the scientific technique or mode of analysis employed by the proffered expert.** (Emphasis added).*

HRE Rule 402 provides “Evidence which is not relevant is not admissible.” HRE Rule 403 provides:

*Rule 403. Exclusion of relevant evidence on grounds of prejudice, confusion, or waste of time. Although relevant, evidence may be excluded if its probative value is substantially outweighed by the **danger of unfair prejudice, confusion of the issues, or misleading the jury**, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence. (Emphasis added).*

The Hawai‘i Rules of Evidence was designed to allow judges to assess, on a case-by-case basis, whether evidence should be admitted, subject to limited admissibility, or prohibited. Rather than imposing a categorical ban in every civil case, judicial discretion should be preserved to determine whether such evidence is admissible pursuant HRE and the specific facts of each case.

2. Implications for Fair Trials and Due Process

Senate Bill No. 228, S.D.1 prevents a party in a civil action from raising “excited delirium” as a defense or a relevant factor in incidents involving law enforcement actions or other legal matters. It effectively limits the ability of individuals to fully present their case before a jury. Normally, the admissibility of evidence (including medical expert and police testimony) would be determined by a judge prior to trial and in accordance with the HRE. Both sides would have the opportunity to argue in support of, and against, proposed testimony and evidence. A



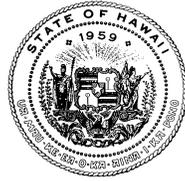
wholesale preemptive prohibition on even the mention of “excited delirium” undermines the adversarial system and constitutional due process.

Conclusion

First, the Committee would respectfully oppose any recommendation to revive the material deleted from Senate Bill No. 228 and modify the HRE.

Secondly, rather than impose an outright prohibition on the use of the term “excited delirium” in medical and law enforcement reports, the Committee recommends that the legislature allow the courts to assess the admissibility of such evidence on a case-by-case basis, with each side having the opportunity to argue their position. The rules of evidence and judicial discretion should guide the handling of these matters in court.

Thank you for the opportunity to provide comments on Senate Bill No. 228, S.D.1, and in support of the amendments made by HHS/PSM.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony COMMENTING on SB228 SD1
RELATING TO EXCITED DELIRIUM.**

SENATOR KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY

Hearing Date: February 20, 2025

Room Number: 016

- 1 **Fiscal Implications:** Potential appropriation to modify computer system if enacted as drafted.
- 2 **Department Testimony:** The Department of Health (DOH) takes no position on prohibiting
3 excited delirium as a cause of death, offers comments, and recommends amendments to chapter
4 326, Hawaii Revised Statutes (HRS), rather than chapter 338, HRS, and other amendments.
- 5 • DOH's function in registering deaths is ministerial only, meaning the department does
6 not question, confirm, or alter causes of death. The department only documents and
7 preserves the record.
 - 8 ○ Cause of death is determined by a clinical professional who has physically
9 examined a body, such as a medical examiner or a coroner, but also attending
10 physicians in hospital and hospice settings.
 - 11 ○ Information on a person's death is entered through DOH's Electronic Death
12 Registration System (EDRS) by the person who determined the cause of death.
 - 13 • Since 2006, excited delirium was listed as an immediate cause of death 9 times
14 ○ In recent years, excited delirium appears to have fallen out of use.
 - 15 • DOH may require modifications to EDRS to flag incoming uses of excited delirium,
16 which may require an appropriation.
- 17 Because the Department of Health's role in recording causes of death is purely a ministerial
18 function, amending chapter 338, HRS will be ineffective. DOH recommends Bill Section 1 be

1 added as a new section to chapter 327, HRS, or as new subsections under section [327C-1, HRS,](#)
2 [“Determination of death.”](#)

3 This measure will be most effective if the prohibition on excited delirium as a cause of death is
4 moved upstream from DOH, specifically to medical examiners, coroners, and attending
5 physicians in hospital and hospice settings.

6 Thank you for the opportunity to testify.

7 **Proposed Amendments:** N/A.

Committee: Senate Committee on Judiciary
Hearing Date/Time: Thursday, February 20, 2025 at 10:01am
Place: Conference Room 016 & Via Videoconference
Re: Testimony of the ACLU of Hawai'i in SUPPORT of SB228 SD1
Relating to Excited Delirium

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

The ACLU of Hawai'i **supports SB228 SD1 with amendments**, 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 in its original formulation, (3) made 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_efbb2309-0e63-50ff-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.hawaiinewsnow.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 three amendments 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.

In addition, the Committees on Health and Human Services and Public Safety and Military Affairs removed critical provisions in SB 228, and the ACLU of Hawai‘i is proposing that the language be added back in.

- Section 1: add the following language to the definition of “excited delirium”:
 - Excited delirium includes but is not limited to excited delirium syndrome, hyperactive delirium, agitated delirium, and exhaustive mania.

This language will prevent parties from easily circumventing SB 228 by having police officers, medical examiners, and other witnesses use terminology that has long been used interchangeably with “excited delirium.”

- Section 3: re-insert language adding a new rule of evidence to Chapter 626-1 prohibiting the use of “excited delirium” evidence in civil cases.
 - (a) Evidence that a person suffered or experienced excited delirium shall not be admitted in any civil action.
 - (b) A party or witness may describe the factual circumstances surrounding the case, including a person's demeanor, conduct, and physical and mental condition at issue, but shall not describe or diagnose the demeanor, conduct, or condition as excited delirium, or attribute the demeanor, conduct, or physical and mental condition to excited delirium.
 - (c) As used in this rule, "excited delirium" means a term used to describe 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. Excited delirium includes but is not limited to excited delirium syndrome, hyperactive delirium, agitated delirium, and exhaustive mania.

The ACLU of Hawai‘i asserts that the prohibition on using evidence about “excited delirium” in civil cases is the very heart of SB228, as it is the use of “junk science” in civil cases that deprives families of closure and allows law enforcement officers to evade accountability. While the Hawai‘i Rules of Evidence (HRE), HRS Chapter 626-1, includes guidance for courts about the admissibility of medical testimony, that guidance is discretionary. *See, e.g.*, HRE 702 (“[T]he court *may* consider the trustworthiness and validity of the scientific technique or mode of analysis employed by the proffered expert” (emphasis added)); *State v. Vliet*, 95 Haw. 94, 107, 19 P.3d 42, 55 (2001) (“Rule 702 grants the [trial] judge the discretionary authority, reviewable for its abuse, to determine reliability in light of the particular facts and circumstances of the particular case.” (quotation marks and citation omitted)). The reality is, evidence about “excited delirium” *has* been admitted in courts, despite the fact that it is not recognized as a valid medical diagnosis. Accordingly, the ACLU of Hawai‘i believes that an explicit prohibition on the use of such evidence is necessary.

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

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-SD-1

Submitted on: 2/18/2025 2:58:46 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Kat Brady	Testifying for Community Alliance on Prisons	Support	Written Testimony Only

Comments:

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Thursday, February 20, 2025

Room 016 & VIDEOCONFERENCE

10:01 AM

**STRONG SUPPORT - SB 228 SD1
EXCITED DELERIUUM**

**Aloha Chairs Rhoads, Vice Chairs Gabbard
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 3,703 Hawai`i individuals living behind bars^[1] and under the “care and custody” of the Department of Corrections and Rehabilitation as of February 10, 2025 . We are always mindful that 937 – 49.4% - of Hawai`i’s imprisoned male 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 appreciates this opportunity to testify in strong support of SB 228 SD1. The SD1 deleted inappropriate language that includes: (A) Various states of a person for which the court finds that there is insufficient scientific evidence or diagnostic criteria to be recognized as a medical condition; and (B) Excited delirium syndrome, hyperactive

delirium, agitated delirium, and exhaustive mania; and (2) Deleted language that would have prohibited evidence that a person experienced excited delirium to be admissible in any civil action.

To put a finer point on it, this bill prohibits ‘excited delirium’ from being recognized as a valid medical diagnosis.

There is a movement across the U.S, spearheaded by some families who lost loved ones in police encounters that were characterized as ‘excited delerium’ and momentum is building in several states to ban the discredited medical diagnosis from death certificates, law enforcement training, police incident reports, and civil court testimony.

An article from KFF Health News [\[2\]](#) reported that ‘excited delerium’ is a four-decade old diagnostic theory that has been used to explain how a person experiencing

severe agitation can suddenly die while being restrained.

Last year, the American College of Emergency Physicians withdrew a 2009 report[\[3\]](#)

that had been the last remaining official medical pillar of support for the theory used increasingly over the prior 15 years to explain away policy culpability for many in-custody deaths.

California was the first state to pass a law and Colorado struck ‘excited delerium’ from all law enforcement diagnosis and training documents. Many other states are considering laws as well.

This bill was introduced after William and Verdell Haleck learned about California’s effort and began contacting lawmakers in Hawai`i. Their son Sheldon died in 2015 after he was pepper-sprayed, shocked, and restrained by Honolulu police.

In a civil trial that the Halecks lost, officers blamed his death on ‘excited delerium’.

One reason such bills are still important is because they prevent policies from fluctuating with each new leadership change, said the legal director of the Suveillance Technology Project, which helped draft legislation banning ‘excited delerium’ and is pushing for a New York bill. “Even if you are doing everything right, you don’t know if your successor will be”, he said.

“It is the law following the science, which is what we want to see” said Joanna Naples-Mitchell, an attorney who worked on an influential Physicians for Human Rights Review of how the term ‘excited delerium’ evolved in a concept whose legitimacy is largely rejected by the medical community.

Community Alliance on Prisons thanks the committee for scheduling this bill and we hope that the committee sees that too many people are dying unnecessarily. We urge the committee to move this bill forward, even though it will not ameliorate the grief suffered by the Halecks, so no other families have to endure the tragedy of losing a loved one.

Mahalo nui!

[1] DCR Weekly Population Report, February 10, 2025

<https://dcr.hawaii.gov/wp-content/uploads/2025/02/Pop-Reports-Weekly-2025-02-10.pdf>

[2] As more states target disavowed ‘excited delirium’ diagnosis, police groups push back

Colorado Legislature poised to pass measure that would ban the term in some settings

By: [Renuka Rayasam, KFF Health News](#) - March 18, 2024

<https://coloradonewsline.com/2024/03/18/states-disavow-excited-police-groups/>

[3] ACEP Reaffirms Positions on Hyperactive Delirium

October 12, 2023, October 2023 Update

<https://www.acep.org/news/acep-newsroom-articles/aceps-position-on-hyperactive-delirium>

February 18, 2025

Hawai'i Senate Committee on Judiciary

Re: Support of, and Request to Amend, HI SB228, Excited Delirium

Dear Senate Judiciary Committee:

I wrote to you on January 22, 2025, concerning SB228. I am writing now to offer written testimony in support of, and request amendment to, SB228. On February 14, 2025, the Joint Committees on Public Safety and Health and Human Services issued an amended bill, removing essential language providing alternate names for excited delirium that have been used by the theory's proponents for years. I had planned on testifying at the joint committee hearing on February 7, but had to miss it due to the unexpected terminal illness and death of one of my two dogs. Otherwise, I would have been on the Zoom to testify in the hearing and answer any questions. I plan to attend your hearing on Thursday, January 20, 2025, by Zoom.

I attach the requested amendment in track changes, and discuss the reasons for the amendment below.

I am a pro bono lawyer for the Lawai International Center on Kauai, and a longtime civil rights lawyer in Oakland, California. I provided amendments for California's excited delirium bill, AB360, on which your SB228 is based, and advocated for the passage of the bill in California. 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. (<https://legiscan.com/CA/text/AB360/2023>).

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.

My partner, Michael Haddad, and I have handled many cases involving restraint asphyxia deaths in police custody during the last two decades. We currently represent Mario Gonzalez and his now eight-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 almost four of those minutes, the officers had already handcuffed Mario behind his back. The defense forensic pathologist, Judy Melinek, MD, testified that Mario was in excited delirium, even

though excited delirium was not on Mario's death certificate or in his autopsy report. We have repeatedly encountered the junk science theory of excited delirium as a defense in cases such as the Gonzalez case.

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.

SB228 as currently amended by the joint committees makes it easy to circumvent by Axon Enterprise (the manufacturer of Tasers) and its defense experts. The reason the alternate names for excited delirium are in California's law and necessary in any excited delirium legislation, is that proponents of the theory use those other terms interchangeably. For example, they say a person was in excited delirium, or had Excited Delirium Syndrome, or was in agitated delirium, hyperactive delirium, or exhaustive mania. So, if you just say excited delirium is prohibited, they can still use the junk science defense by calling it agitated or hyperactive delirium or exhaustive mania, as they have done for years.

For example, I deposed Dr. Charles Wetli, who invented the theory of excited delirium as discussed in my January 22 letter, in one of my restraint asphyxia cases. Dr. Wetli testified under oath:

“Question: Well, you never used the words excited delirium anywhere in your report, did you, Doctor?”

Answer: I think I did. I think I may have called it agitated delirium. It's the same thing.”

“Question: I have looked at your CV, and sometimes you call it excited delirium and sometimes you call it agitated delirium. Which do you prefer?”

Answer: Either one. It depends on the day of the week, I guess. I don't know. It's the same thing.”

(Please see attached excerpts of the deposition of Charles v. Wetli, M.D. in *Martin Harrison, Deceased, et al. v. County of Alameda, et al.*, N.D. Cal. Case No. C11-2868 JST, January 15, 2014, pp. 68:24-69:5, 184:16-22; I am happy to provide the complete transcript to the Committee upon request).

The amendment I respectfully request also expands the class of persons prohibited from using excited delirium as a recognized medical diagnosis or cause of death, beyond just Department of Health workers. This 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. 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. Without the additional language in my attached proposed amendment, these paid experts will continue to promote excited delirium as a legitimate medical diagnosis or cause of death in Hawai'i.

Without my proposed amendment, even when excited delirium is not in an autopsy report or on a death certificate, proponents can still testify in court that a decedent died of excited delirium. For example, in many of my cases including the Mario Gonzalez case, and in the George Floyd case on which I provided pro bono consultation for the prosecution, excited delirium was not listed as a cause of death in the autopsy report or on the death certificate, but the defense experts testified that the decedent died of excited delirium. This is even with the rules of evidence that are in existence to prevent such testimony. Some judges still allow it into evidence. Failing to have the requested amendment in the bill means another Sheldon Haleck case can happen again.

The simple amendment to your amended SB228 that I have attached will address these issues. For more information about the history of excited delirium, please see my January 22, 2025, letter.

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,



Julia Sherwin

THE SENATE

S.B. NO.

228

THIRTY-THIRD LEGISLATURE,
2025

S.D. 1

STATE OF HAWAII

A BILL FOR AN ACT

RELATING TO EXCITED DELIRIUM.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Chapter 338, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§338- Cause of death; excited delirium prohibited. (a) Excited delirium shall not be recognized as a valid medical diagnosis or cause of death in the State.

(b) A local health officer, ~~or~~ local agent of the department of health, or employee, agent, or contractor of a State or local government entity, shall not document, testify to, or otherwise use excited delirium as a recognized medical diagnosis or cause of death in any official capacity or communication.

(c) A local health officer or local agent of the department of health shall not state on the certificate of death, or in any report, that the cause of death was excited delirium. The local health officer or local agent of the department of health may list and describe the contributing causes of death, but shall not describe the underlying cause as excited delirium.

(d) For the purposes of this section, "excited delirium" means a term used to describe 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. "Excited delirium" includes but is not limited to excited delirium syndrome, hyperactive delirium, agitated delirium, and exhaustive mania. "

SECTION 2. Chapter 353C, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§353C- Incident reports; excited delirium prohibited. (a) A law enforcement officer shall not use the term excited delirium to describe an individual in an incident report completed by a law enforcement officer. A law enforcement officer may describe the characteristics of an individual's conduct, but shall not generally describe the individual's demeanor, conduct, or physical and mental condition at issue as excited delirium.

(b) For the purposes of this section:

"Excited delirium" has the same meaning as defined in section 338- .

"Law enforcement officer" has the same meaning as defined in section 134-81."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect on December 31, 2050.

Report Title:

Excited Delirium; Cause of Death; Incident Report; Law Enforcement Officers

Description:

Prohibits excited delirium from being recognized as a valid medical diagnosis or cause of death in the State. Prohibits a local health officer, ~~or~~ local agent of the Department of Health, or employee, agent, or contractor of a State or local government entity from stating on a certificate of death or in any report that the cause of death was excited delirium. Prohibits law enforcement officers from using the term excited delirium to describe an individual in an incident report. Effective 12/31/2050. (SD1)

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 -----x
 M.H., a minor, through his Guardian Ad :
 Litem, Michelle Henshaw, JOSEPH HARRISON, :
 KRYSTLE HARRISON, MARTIN HARRISON, JR., :
 and TIFFANY HARRISON, all Individually :
 and as Co-Successors in Interest of :
 Decedent MARTIN HARRISON, :
 :
 Plaintiffs, :
 :
 vs. :
 :
 COUNTY OF ALAMEDA, a municipal :
 corporation; SHERIFF GREGORY J. AHERN, :
 in his individual and official :
 capacities; DEPUTIES MATTHEW AHLF, :
 ALEJANDRO VALVERDE, JOSHUA SWETNAM, :
 ROBERTO MARTINEZ, ZACHARY LITVINCHUK, :
 RYAN MADIGAN, MICHAEL BARENO, FERNANDO :
 ROJAS-CASTANEDA, SHAWN SOBRERO, SOLOMON :
 UNUBUN; MEGAN HAST, A.S.W.; CORIZON :
 HEALTH, INC., a Delaware corporation; :
 HAROLD ORR, M.D.; ZELDA SANCHO, L.V.N.; :
 and DOES 5-20, individually, jointly :
 and severally, :
 :
 Defendants. :
 :
 -----x
 VIDEOCONFERENCE and TELEPHONIC DEPOSITION of
 CHARLES V. WETLI, M.D., taken by Plaintiffs at the
 offices of Fink & Carney Reporting, 39 West 37th
 Street, New York, New York, on Wednesday, January 15,
 2014, commencing at 1:09 p.m., before Leah Allbee, a
 Registered Professional Reporter and Notary Public
 within and for the State of New York.

1 C. Wetli, M.D.
 2 CHARLES V. WETLI, M.D.,
 3 called as a witness, having been first
 4 duly sworn by Leah Allbee, a Notary
 5 Public within and for the State of New
 6 York, was examined and testified as
 7 follows:
 8 EXAMINATION
 9 BY MS. SHERWIN:
 10 Q Doctor, we met briefly off the
 11 record. My name is Julia Sherwin, and I'm one
 12 of the attorneys who represents the adult
 13 children of Martin Harrison in this case.
 14 I take it you have been deposed
 15 many times before, right?
 16 A Correct.
 17 Q So is it fair to say I don't need
 18 to go over the rules with you?
 19 A That's correct.
 20 Q Okay. Now, the Deposition Notice
 21 asked you to bring your complete file, and I
 22 understand from you off the record that you have
 23 done that, correct?
 24 A Correct.
 25 MR. ANDRADA: Madam

1
 2 APPEARANCES:
 3 HADDAD & SHERWIN
 4 Attorneys for Plaintiffs
 5 505 Seventeenth Street
 6 Oakland, California 94612
 7
 8 BY: JULIA SHERWIN, ESQ.
 9 - and -
 10 GENEVIEVE K. GUERTIN, ESQ.
 11 (Via videoconference)
 12
 13 ANDRADA & ASSOCIATES
 14 Attorneys for Defendants
 15 County of Alameda, Sheriff Gregory J.
 16 Ahern, Deputies Matthew Ahlf,
 17 Alejandro Valverde, Joshua Swetnam,
 18 Roberto Martinez, Zachary Litvinchuk,
 19 Ryan Madigan, Michael Bareno, Fernando
 20 Rojas-Castaneda, Shawn Sobrero,
 21 Solomon Unubun and Megan Hast, A.S.W.
 22 180 Grand Avenue, Suite 225
 23 Oakland, California 94612
 24
 25 BY: J. RANDALL ANDRADA, ESQ.
 VALERIE LY, ESQ.
 (Via Videoconference)
 LAW OFFICES OF NANCY E. HUDGINS
 Attorneys for Defendants Corizon
 Health, Inc. and Harold Orr, M.D.
 711 Van Ness Avenue, Suite 450
 San Francisco, California 94102
 BY: NANCY E. HUDGINS, ESQ.
 (Via Videoconference)
 WILLIAMS & ASSOCIATES
 Attorneys for Defendant
 Zelda Sancho, L.V.N.
 1250 Sutterville Road, Suite 290
 Sacramento, California 95822
 BY: KATHLEEN J. WILLIAMS, ESQ.
 (Via Telephone)

1 C. Wetli, M.D.
 2 Reporter, the record should reflect
 3 that Nancy Hudgins has just come
 4 into the room.
 5 MS. HUDGINS: Hi, everyone.
 6 MS. SHERWIN: Hi, Nancy.
 7 Q I will just go through your
 8 report. And I would like to mark a few of the
 9 items in your report but not the whole report,
 10 okay?
 11 A Fine.
 12 Q You have a CD in here in which you
 13 have put my business card in the front. But
 14 what did the CD contain?
 15 A There are two CDs there actually.
 16 One CD is of the autopsy photographs and the
 17 other CD are photographs predominantly of the
 18 scene and Mr. Harrison in the hospital.
 19 Q Okay. In your report or in your
 20 file, you have -- are you able to see the items
 21 as I list them from here?
 22 A Sure.
 23 Q You have your report dated
 24 October 22, 2013. And then I will just pull out
 25 from your report the documents that I would like

1 C. Wetli, M.D.
2 MS. SHERWIN: Kathleen, can
3 you hear him now?
4 THE WITNESS: Did we lose
5 Kathleen?
6 MS. SHERWIN: When I moved
7 the phone, did it disconnect her?
8 Yes, it must have. Let's take a
9 quick break.
10 We are just going to go off
11 the record for a second.
12 (Discussion off the record.)
13 (Whereupon, at 2:20 p.m., a
14 recess was taken to 2:28 p.m.)
15 (The deposition resumed with
16 all parties present.)
17 CHARLES WETLI, M.D., resumed and
18 testified further as follows:
19 MS. SHERWIN: Could you read
20 back the last question and answer?
21 (The record was read.)
22 BY MS. SHERWIN:
23 Q Doctor, can you point me to any
24 peer-reviewed medical literature that would
25 support your testimony that Martin Harrison had

65

Fink & Carney Reporting and Video Services
39 West 37th Street * New York, New York 10018 (800) NYC-FINK * (212) 869-3063

1 C. Wetli, M.D.
2 excited delirium?
3 A Basically, yes. He's got -- there
4 are a number of articles written on excited
5 delirium and its various causes, and he exhibits
6 all of the characteristic ones, starting with
7 descriptions of it going back to 1840 basically.
8 Q Can you point me to any specific
9 peer-reviewed medical journal articles that I
10 could go look up?
11 A The one I wrote in the
12 Encyclopedia of Forensic and Legal Medicine on
13 excited delirium.
14 Q When was that?
15 A It's in my CV. It would be -- I
16 think the publication is like around No. 113 or
17 something like that.
18 Q Okay. Anything else?
19 A Well, in there you will see a
20 bunch of references otherwise to excited
21 delirium, the characteristics of it.
22 Q Now, Mr. Harrison's presentation,
23 regardless of whether you call it excited
24 delirium, is completely consistent with delirium
25 tremens as a result of alcohol withdrawal,

66

Fink & Carney Reporting and Video Services
39 West 37th Street * New York, New York 10018 (800) NYC-FINK * (212) 869-3063

1 C. Wetli, M.D.
2 correct?
3 A Well, let's put it this way:
4 Excited delirium never -- is never a diagnosis
5 by itself. It's always due to something. In
6 this case we would say that excited delirium is
7 due to alcohol withdrawal. Whether you choose
8 to call it a variant of excited -- of delirium
9 tremens or not I think is getting into
10 semantics.
11 He has all of the signs and
12 symptoms of excited delirium. The cause for it
13 happens to be alcohol withdrawal. And the usual
14 alcohol withdrawal syndrome that are seen with
15 people hallucinating and so forth is called
16 delirium tremens.
17 It's not the only alcohol
18 withdrawal syndrome, but it's the one with
19 hallucinations that we call delirium tremens.
20 Q Are you aware that Dr. DiMaio
21 classifies death when a person -- when he views
22 someone as having died while they had excited
23 delirium during restraint as homicides?
24 A Yes, I am aware of that. I also
25 don't agree with him.

67

Fink & Carney Reporting and Video Services
39 West 37th Street * New York, New York 10018 (800) NYC-FINK * (212) 869-3063

1 C. Wetli, M.D.
2 Q But if, in fact, Martin Harrison
3 had excited delirium and died in connection with
4 his restraint, Dr. DiMaio would say that's a
5 homicide, right?
6 A I understand that. My
7 classification is different. I basically call
8 the manner of death dependent upon the cause of
9 the excited delirium.
10 In other words, if the cause of
11 the excited delirium is bipolar disorder or
12 schizophrenia, it's a natural death.
13 Q Well, if Mr. Harrison -- we agree,
14 don't we, Doctor, that if Mr. Harrison had just
15 had delirium tremens and was left alone in his
16 cell, he more likely than not would not have
17 died, right?
18 A Unless it is the excited delirium
19 variety of it, in which case then there is a
20 higher chance of him dying. I think to lump
21 this as excited delirium due to alcohol
22 withdrawal as the usual case of delirium tremens
23 is confusing the issue.
24 Q Well, you never used the words
25 excited delirium anywhere in your report, did

68

Fink & Carney Reporting and Video Services
39 West 37th Street * New York, New York 10018 (800) NYC-FINK * (212) 869-3063

1 C. Wetli, M.D.
2 you, Doctor?
3 A I think I did. I think I may have
4 called it agitated delirium. It's the same
5 thing.
6 Q You said on occasion the victim of
7 delirium tremens can become agitated and
8 violent, which is what appears to have occurred
9 with Mr. Harrison, right?
10 A I'm sorry. Repeat that. I was
11 looking --
12 Q You said, quote, "On occasion the
13 victim of delirium tremens can become agitated
14 and violent, which is what appears to have
15 occurred with Mr. Harrison," end quote, correct?
16 A Correct. But in the final
17 paragraph of my letter, if I may quote, "It is
18 therefore my opinion to a reasonable degree of
19 medical certainty that Mr. Martin Harrison died
20 from the metabolic complications of agitated
21 delirium due to delirium tremens that was a
22 consequence of his alcoholism."
23 Q So he had delirium tremens that
24 manifested with agitation, right?
25 A Exactly.

69

Fink & Carney Reporting and Video Services
39 West 37th Street * New York, New York 10018 (800) NYC-FINK * (212) 869-3063

1 C. Wetli, M.D.
2 Q And that's what killed him, right?
3 A Exactly.
4 Q You are aware that TASER warns
5 police officers against the prolonged or
6 repeated application of the taser, right?
7 A Yes.
8 Q It also warns officers against
9 using the taser on a metabolically compromised
10 person, right?
11 A I believe that's correct, yes.
12 Q And a person who is in delirium
13 tremens with agitation is metabolically
14 compromised; is that right?
15 A Correct.
16 Q Is a person who is in tachycardia
17 at an increased risk of going into cardiac
18 arrest?
19 A In and of itself, no.
20 Q Does a person who is in
21 tachycardia have an increased need for oxygen?
22 MR. ANDRADA: Objection.
23 Vague and ambiguous, overly broad.
24 A It would depend upon the degree of
25 tachycardia.

70

Fink & Carney Reporting and Video Services
39 West 37th Street * New York, New York 10018 (800) NYC-FINK * (212) 869-3063

1 C. Wetli, M.D.
2 Q So let's say if the person had
3 tachycardia with a heart rate over 120 beats per
4 minute, would that person have an increased need
5 for oxygen?
6 A I would --
7 MR. ANDRADA: Objection.
8 Vague and ambiguous, overly broad.
9 A I would presume that is correct,
10 but there are better people to answer that
11 question for you, like a pulmonologist,
12 cardiologist or exercise physiologist.
13 But I know myself when I have a
14 heart rate of 120 on a treadmill that I have an
15 increased need of oxygen, yes.
16 Q Rhabdomyolysis, is that how it's
17 pronounced?
18 A Rhabdomyolysis, correct.
19 Q That's breakdown of skeletal
20 muscle, right?
21 A That's correct.
22 Q And you saw evidence of that
23 somewhere in your review in this case, correct?
24 A Correct.
25 Q Where did you see evidence of it?

71

Fink & Carney Reporting and Video Services
39 West 37th Street * New York, New York 10018 (800) NYC-FINK * (212) 869-3063

1 C. Wetli, M.D.
2 A It's in the medical records and
3 manifested by -- in the progress notes, they
4 talk about it and the complications, patient
5 complications. It's noted there. And also
6 the -- certain enzyme elevations are very high,
7 typical for rhabdomyolysis.
8 Q Which enzyme elevations?
9 A Creatine phosphokinase, CPK.
10 Q Can you --
11 A Or creatine kinase.
12 Q Creatine --
13 A Creatine kinase.
14 Q Rhabdomyolysis can be caused by
15 muscle trauma, right?
16 A It can be, yes.
17 Q It can also be caused by physical
18 torture?
19 A It depends on --
20 MR. ANDRADA: Objection.
21 Vague and ambiguous as to what you
22 mean by torture.
23 A It depends on the type of torture.
24 Q Torture that causes any muscle
25 damage can cause rhabdomyolysis, right?

72

Fink & Carney Reporting and Video Services
39 West 37th Street * New York, New York 10018 (800) NYC-FINK * (212) 869-3063

1 C. Wetli, M.D.
2 her and Dr. Davis reclassified that autopsy as a
3 homicide, right?
4 A He reclassified a lot of them,
5 including skeletal remains, as homicide by
6 undetermined means.
7 Q Dr. Davis said in some cases the
8 women had been clearly asphyxiated and he said,
9 quote, "you could stand 10 feet away, it's that
10 clear," end quote; isn't that right?
11 A That's what he said. It's not
12 true, but that's what he said.
13 Q You disagree with Dr. Davis'
14 decision?
15 A Oh, yes.
16 Q Is Dr. Davis still alive?
17 A No. He died about a year ago.
18 MS. SHERWIN: So let's just
19 take a quick break. I might be
20 done. I'm just trying to get into
21 my notes here on my computer.
22 (Whereupon, at 4:41 p.m., a
23 recess was taken to 4:48 p.m.)
24 (The deposition resumed with
25 all parties present.)

181

Fink & Carney Reporting and Video Services
39 West 37th Street * New York, New York 10018 (800) NYC-FINK * (212) 869-3063

1 C. Wetli, M.D.
2 CHARLES V. WETLI, M.D.,
3 resumed and testified further as follows:
4 MS. SHERWIN: I have no
5 further questions. Thank you,
6 Doctor.
7 EXAMINATION
8 BY MS. HUDGINS:
9 Q Hi, Doctor.
10 A Hi.
11 Q I'm Nancy Hudgins. I represent
12 the medical folks at the jail except for Nurse
13 Sancho.
14 Can you hear me?
15 A Yes.
16 Q Let me bring this a little closer.
17 Is that a little bit better?
18 A Good. Thank you.
19 Q Thank you. So I was curious about
20 the number of cases you have looked at where
21 lawyers have asked you to review a case and in
22 which you have opined that the cause of death
23 was excited delirium?
24 A Okay. I'm not sure what your
25 question is.

182

Fink & Carney Reporting and Video Services
39 West 37th Street * New York, New York 10018 (800) NYC-FINK * (212) 869-3063

1 C. Wetli, M.D.
2 Q So how many cases have you
3 actually looked at in a medical-legal context
4 where a lawyer has retained you and you have had
5 the opinion that the cause of death was excited
6 delirium?
7 A Quite a few. I never really
8 counted them, but it would be quite a few of
9 them. A hundred would not surprise me.
10 Q How many of those cases were
11 referred to you by plaintiffs' lawyers?
12 A I really can't think of any --
13 offhand, I can't think of any that were referred
14 by plaintiffs' lawyers. There may have been one
15 or two along the lines, but usually it's going
16 to be a defense counsel.
17 Q Okay. For the hundred or so cases
18 that you looked at, how many involved alcohol as
19 opposed to other stimulants?
20 A Well, alcohol is not a stimulant,
21 but --
22 Q So noted. Sorry. I will withdraw
23 it and let me ask you a better question maybe.
24 A Okay.
25 Q Of the hundred or so cases that

183

Fink & Carney Reporting and Video Services
39 West 37th Street * New York, New York 10018 (800) NYC-FINK * (212) 869-3063

1 C. Wetli, M.D.
2 you have reviewed for lawyers in which you have
3 determined that the cause of death was excited
4 delirium, how many of them involved alcohol?
5 A I think only one that I can think
6 of offhand.
7 Q What case was that?
8 A I can't remember offhand.
9 Q When did you have that opinion?
10 A You know, I can't remember. I
11 remember I had one other case where it was
12 alcohol withdrawal and resulting in excited
13 delirium, and I can't remember where or when it
14 was or anything like that. I just remember I
15 had one and that was it. It was very unusual.
16 Q I have looked at your CV, and
17 sometimes you call it excited delirium and
18 sometimes you call it agitated delirium. Which
19 do you prefer?
20 A Either one. It depends on the day
21 of the week, I guess. I don't know. It's the
22 same thing.
23 Q How many times have you testified
24 in federal court regarding excited delirium?
25 A Again, I have that on my Rule 26,

184

Fink & Carney Reporting and Video Services
39 West 37th Street * New York, New York 10018 (800) NYC-FINK * (212) 869-3063

SB-228-SD-1

Submitted on: 2/18/2025 3:55:15 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Louis Erteschik	Testifying for Hawaii Disability Rights Center	Support	Written Testimony Only

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.

LATE

SB-228-SD-1

Submitted on: 2/19/2025 10:04:57 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Ilima DeCosta	Testifying for Hui Malama Pono Hawai'i	Support	Written Testimony Only

Comments:

Mahalo for the opportunity to testify in strong support of SB228, which would prohibit any state or county official from using the phrase "excited delirium", "agitated delirium", or "exhausted delirium" to describe a cause of death of any individual in custody of another entity.

While I support SB228 SD1 on Excited Delirium, I request that the bill be amended to restore the alternate names for "excited delirium" ("agitated delirium", "hyperactive delirium", and "exhaustive mania") to the bill.

In addition, I request an amendment prohibiting any and all employees or contractors of state or local governments or agencies in Hawaii from documenting or testifying about "excited delirium" - or its alternate names - as a recognized cause of death or diagnosis, instead of limiting the prohibition just to employees of the Department of Health. "Excited delirium" is junk science rooted in racism and has no place in the state of Hawai'i.

Sheldon Paul Haleck - a native Hawaiian National Air Guardsman - was suffering from PTSD and other behavioral health issues when he died in police custody after being arrested for jaywalking.

According to the HRS, the penalty for jaywalking is not imprisonment and definitely not death, and yet Sheldon Haleck died as a result of injuries sustained while he was in police custody.

No one should die as a result of a misdemeanor like jaywalking.

Local law enforcement need support in helping to de escalate instances without unintended injuries or deaths of those in their custody.

Mahalo for passing SB228 on with the requested amendments, to ensure that our public safety officials maintain the highest standards of engagement and accountability.

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 Judiciary Committee – Thursday, February 20, 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. However, NPAP respectfully urges this committee to amend the bill to expressly: (1) prohibit the use of alternative terms such as “agitated delirium” or “exhaustive mania”; and (2) prohibit all employees of the government from using excited delirium and related terms.

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.

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).



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 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

Respectfully, the current version of the bill does require amendments to have its intended effect and limit injustice. First, the bill should be amended to restrict all terms that are commonly used interchangeably with the term “excited delirium” including but not limited to “hyperactive delirium, agitated delirium, and exhaustive mania.” Second, the bill should be amended to prevent all government employees from using these problematic terms, including hired experts.

SB 228—with the proposed amendments—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-SD-1

Submitted on: 2/19/2025 7:54:21 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Nikos Leverenz	Testifying for Drug Policy Forum of Hawaii	Support	Written Testimony Only

Comments:

Chair Rhoads, Vice-Chair Gabbard, and JDC Committee Members:

On behalf of Drug Policy Forum of Hawaii (DPFH), I write in strong support of SB 228, SD 1, which prohibits “excited delirium” from recognition as a valid medical diagnosis or cause of death and prohibits law enforcement from officers from using the term excited delirium to describe an individual in an incident report.

In 2021, the House of Delegates of the American Medical Association (AMA) adopted a [policy that opposed “excited delirium” as a medical diagnosis and warned against the use of pharmacological interventions like ketamine for law enforcement purposes.](#)

Further, the policy “[urges medical and behavioral health specialists – instead of law enforcement – to serve as first responders and decision-makers in medical and mental health emergencies](#)” and “[calls for the administration of any pharmacological treatments in an out-of-hospital setting to be done equitably, in an evidence-based, anti-racist, and stigma-free way.](#)”

DPFH strongly supports the implementation of [alternative responder mechanisms like Crisis Assistance Helping Out On The Streets \(CAHOOTS\) in Eugene, Oregon](#), across the state as well as build the capacity of every county to facilitate the practice of emergency psychiatry and street medicine.

Mahalo for the opportunity to provide testimony.

SB-228-SD-1

Submitted on: 2/18/2025 1:27:33 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

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 was not in vain.

I urge the committee to pass SB 228. I ask that you take this testimony into consideration, and I thank you for the opportunity to testify.

SB-228-SD-1

Submitted on: 2/18/2025 12:46:03 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Verdell B. Haleck	Individual	Support	Written Testimony Only

Comments:

February 18, 2025

Senate Judiciary Committee

Karl Rhoads, Chair

Mike Gabbard, Vice Chair

Committee Members of the Senate Judiciary Committee

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 loving husband, father, son, uncle, and a veteran who was honorably discharged from the Hawaii 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 expert, an ER doctor, testified that Sheldon experienced "excited delirium" and that is what caused 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 SB228, Relating to Excited Delirium.

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.

I ask 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-SD-1

Submitted on: 2/18/2025 1:08:52 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

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

Comments:

February 18, 2025

Senate Judiciary Committee

Chair: Karl Rhoads

Vice Chair: Mike Gabbard

Committee Members of the Senate Judiciary Committee

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 William 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, 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. Sheldon was pepper sprayed 13 times and tased 3 times before he was 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 expert, an ER doctor, testified that Sheldon experienced "excited delirium" and that is what caused 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 known 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 or shoulder blade while the victim is in a hogtied position 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 changes so that no other family should have to suffer the heartbreak and disappointment in their pursuit of justice for their loved one.

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.

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 humbly ask If this bill should pass, can 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-SD-1

Submitted on: 2/18/2025 1:34:38 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Dayna Schultz	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 Hawaii. These words provide a false shield of protection and remove accountability from the actions of the officer. 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. Let's continue to walk the talk and Live ALOHA by passing this bill.

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-SD-1

Submitted on: 2/18/2025 2:53:52 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

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. I want to prevent other families from suffering the excruciating heartbreak that Sheldon Haleck's family has from being denied justice for their loved one 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-SD-1

Submitted on: 2/18/2025 3:37:56 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

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

Comments:

Support for SB228, Relating to Excited Delirium

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.

I fully support SB228, Relating to Excited Delirium in honor of Sheldon Haleck so that his death was not in vain and to prevent another family from facing all the obstacles that we faced, with no closure or Justice. It's about making a CHANGE, and being the EXAMPLE of change. It's about holding people accountable for their ACTIONS, with just unbiased consequences. What's done in the DARK, will always come to LIGHT.

-Thank you for your time in reading my testimony.

Sincerley,

Chanelle Taimani Haleck

SB-228-SD-1

Submitted on: 2/18/2025 3:44:39 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

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

Comments:

Aloha,

I fully support SB228 to ban the term "excited delirium" from being used in Hawaii.

I ask that you pass this bill in memory of Sheldon Haleck. He was denied a fair civil lawsuit because of that controversial broad term "excited delirium".

Mahalo for your time!

Donald Rumford

SB-228-SD-1

Submitted on: 2/18/2025 4:11:30 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

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

Comments:

I fully support SB228, Relating to Excited Delirium in honor of Sheldon Haleck so that his death was not in vain.

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-SD-1

Submitted on: 2/18/2025 5:56:17 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Peggy 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.

SB-228-SD-1

Submitted on: 2/18/2025 5:56:56 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Brady Corry	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.

SB-228-SD-1

Submitted on: 2/18/2025 5:58:38 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Vince 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 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-SD-1

Submitted on: 2/18/2025 6:02:20 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

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-SD-1

Submitted on: 2/18/2025 7:14:43 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Angela Haleck-Roberts	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 this controversial term.

SB-228-SD-1

Submitted on: 2/18/2025 7:45:10 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Carmael Stagner	Individual	Support	Written Testimony Only

Comments:

Carmael Stagner

1065 Kawaiahao Street 1801

Honolulu, Hawaii 96814

(808) 673-0143

18 February 2025

Honorable Chairpersons & Committee Members:

The first time I heard a form of the phrase " excited delirium," was when a hoard of B52 bomber cockriaches mad-dogged me when I turned on the light to the kitchen. I ran into the parlor screaming and yelling at the top of my lungs " Get off of me. Stop touching me!!!"

In my fear I banged my knees on the corner table, hit my elbows and head against the doior jamb and ran around in circles in the front yard.

My very soft-spoken and rather even-keeled husband only said slowly," You are okay. You are not in danger. Everything going be all right."

On the other hand, the neighbors, without any context, described me as " Agitated. Agressive. Excited and Delirious."

Aloha!

My name is Carmael Stagner. I am submitting this testimony as a private citizen in FAVOR of and SUPPORT for SB 228.

i have been credentialed and worked in the State of Hawaii since 1999 as a clinical supervisor, community mental health worker, certified substance abuse counselor and psychiatric case manager.

I have not only served the homeless, mental health and substance abuse populations, but also served pre-trial detainees, post-conviction offenders, probationary and paroled youth, women and men over the past 25 years.

I support the Spirit and Intent of SB 228 as it seeks to provide application of the governor's Trauma-Informed Care framework as it may be interpreted through the Department of Health's Office of Wellness & Resiliency.

Crisis Intervention Training (CIT) is currently offered to Hawaii police departments through the National Alliance on Mental Illness, Hawaii chapter. As of December 2024 nearly 600 officers have been trained in verbal de-escalation for individuals who may appear to be experiencing a mental health crisis

Let us maintain Auntie Pilahi Paki's Aloha Spirit Law HRS 5-7.5, which was acknowledged on opening day of both the House and the Senate the 2025 legislative session, by passing SB 228.

Mahalo.

SB-228-SD-1

Submitted on: 2/18/2025 7:56:27 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Puanani Kneubuhl	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-SD-1

Submitted on: 2/18/2025 7:57:59 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Cathie 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 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. I ask that you take this testimony into consideration and I thank you for the opportunity to testify.

SB-228-SD-1

Submitted on: 2/18/2025 8:02:08 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Shiloh Kneubuhl	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-SD-1

Submitted on: 2/18/2025 8:50:40 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

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

Comments:

I fully support SB228 to ban the term "excited dlirium" and any similar words related to the 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 Halleck's family has from being denied justice for their loved one.

Therefore, 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.

Mahalo nui loa ...

who was denied justice in his civil lawsuit because of that consideration and I thank you for the opportunity to testify

SB-228-SD-1

Submitted on: 2/18/2025 11:05:28 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

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

Comments:

Support for SB228, Relating to Excited Delirium

I fully support SB228 to ban the term ‘excited delirium’ from being used in the State of Hawaii. I believe 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.

SB-228-SD-1

Submitted on: 2/19/2025 12:00:53 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Glenn Hayashi	Individual	Support	Written Testimony Only

Comments:

I am writing in support of SB228 to eliminate the use of the term "Excited Delirium" in the State of Hawai'i. As a licensed and Board Certified Physician retired after 37 years of practice in Hawai'i, I am aware that this term is not a legitimate medical entity and its use has been rejected by multiple official Medical bodies.

SB-228-SD-1

Submitted on: 2/19/2025 9:32:21 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Otto Tuiolosega	Individual	Support	Written Testimony Only

Comments:

I fully support SB228, Relating to Excited Delirium in honor of Sheldon Haleck so that his death was not in vain.

SB-228-SD-1

Submitted on: 2/19/2025 9:35:44 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Mark Meredith	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 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.

LATE

SB-228-SD-1

Submitted on: 2/19/2025 7:50:51 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Tanya Baker	Individual	Oppose	Written Testimony Only

Comments:

Hello legislators,

I am testifying in opposition to this bill. Language limiting the cause of death as excited delirium for police officers could potentially limit their ability to do their jobs and keep the public safe. Also there is no clear specification on why excited delirium cannot be listed. This seems like frivolous legislation when you could be spending your time passing legislation that would help the police keep us safe.