DAVID Y. IGE GOVERNOR



KENNETH S. HARA MAJOR GENERAL ADJUTANT GENERAL

STEPHEN F. LOGAN COLONEL DEPUTY ADJUTANT GENERAL

STATE OF HAWAII DEPARTMENT OF DEFENSE OFFICE OF THE ADJUTANT GENERAL 3949 DIAMOND HEAD ROAD HONOLULU, HAWAII 96816-4495

### TESTIMONY ON HOUSE BILL 1415 HD1 RELATED TO THREAT ASSESSMENT

### PRESENTATION TO THE COMMITTEE ON HIGHER EDUCATION & TECHNOLOGY

ΒY

### KEVIN L. BAGGS EXECUTIVE DIRECTOR HAWAI'I STATE FUSION CENTER

### FEBRUARY 11, 2022

Chair Representative Gregg Takayama and Vice Chair Representative Linda Clark and members of the Higher Education & Technology Committee.

I am Kevin L. Baggs, Executive Director, Hawai'i State Fusion Center (HSFC). The HSFC **SUPPORTS** this Bill provided that its passage does not replace or adversely impact priorities indicated in the Executive Budget.

HB1415 HD1 will help prevent violence statewide by providing assistance to agencies who want to develop threat assessment teams. These teams are meant to be multidisciplinary. Their members may include mental health professionals, educators, phychologists, health care providers, social workers, substance abuse counselors, disability service providers, and other individuals depending on the agency.

These threat assessment teams all have different information and perspectives that can help find solutions to manage threats through intervention that can ultimately help individuals and make our community safer. HB1415 HD1 will help HSFC provide training and coordination among agencies that are developing threat assessment teams. HB1415 HD1 also provides an organized, secure, and legal means for the teams to share information as they desire across disciplines. The ultimate goal is to prevent violence.

Thank you for allowing me to testify in SUPPORT of HB1415 HD1.

Kevin L. Baggs, Executive Director, HSFC, kevin.l.baggs@hawaii.gov.

DAVID Y. IGE GOVERNOR

EMPLOYEES' RETIREMENT SYSTEM HAWAI'I EMPLOYER-UNION HEALTH BENEFITS TRUST FUND

OFFICE OF THE PUBLIC DEFENDER



CRAIG K. HIRAI DIRECTOR

GLORIA CHANG DEPUTY DIRECTOR

STATE OF HAWAI'I DEPARTMENT OF BUDGET AND FINANCE P.O. BOX 150 HONOLULU, HAWAI'I 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE BUDGET, PROGRAM PLANNING AND MANAGEMENT DIVISION FINANCIAL ADMINISTRATION DIVISION OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

### WRITTEN ONLY TESTIMONY BY CRAIG K. HIRAI DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE TO THE HOUSE COMMITTEE ON HIGHER EDUCATION & TECHNOLOGY ON HOUSE BILL NO. 1415, H.D. 1

February 11, 2022 2:00 p.m. Via Videoconference

## RELATING TO THREAT ASSESSMENT

The Department of Budget and Finance (B&F) offers comments on House Bill (H.B.) No. 1415, H.D. 1.

H.B. No. 1415, H.D. 1, amends Chapter 128A, HRS, by establishing a program within the Hawai'i State Fusion Center (HSFC) to train, establish, and operate threat assessment teams, including for educational institutions, for the purpose of addressing violence and threats of violence. This bill also appropriates an unspecified amount of general funds for FY 23 to HSFC for the threat assessment team program and provides an effective date of July 1, 2050, to encourage further discussion.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

 Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and  Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.

DAVID Y. IGE GOVERNOR



KEITH T. HAYASHI INTERIM SUPERINTENDENT

STATE OF HAWAI'I DEPARTMENT OF EDUCATION P.O. BOX 2360 HONOLULU, HAWAI'I 96804

> Date: 02/11/2022 Time: 02:00 PM Location: 309 Via Videoconference Committee: House Higher Education & Technology

Department:	Education		
Person Testifying:	Keith T. Hayashi, Interim Superintendent of Education		
Title of Bill:	HB 1415, HD1 RELATING TO THREAT ASSESSMENT.		
Purpose of Bill:	Establishes a program within the Hawaii state fusion center to train, establish, and operate threat assessment teams, including for educational institutions. Appropriates moneys. Effective 7/1/2050. (HD1)		

### **Department's Position:**

The Hawaii State Department of Education (Department) supports HB 1415, HD1.

The development and establishment of a threat assessment program in the Department has been a priority of the Safety, Security, and Emergency Preparedness Branch. The branch has been working and coordinating closely with the Hawaii Office of Homeland Security, Hawaii State Fusion Center, and other agencies in developing a threat assessment program that would prevent targeted violence in our schools. These partnerships have been invaluable. Developing and establishing a threat assessment program ensures the Department is meeting national school safety and security standards.

The Department appreciates the inclusion of its recommended amendments and requests one more: defining and classifying threats into "risk classification" levels (e.g., low, medium, high) would help determine whether threats are either transient or substantive. Defining the levels would help the Department determine the appropriate actions such as when to request law enforcement involvement.

Thank you for the opportunity to provide testimony in support of this measure.



# The Judiciary, State of Hawai'i

# Testimony to the Thirty-First Legislature, Regular Session of 2022

House Committee on Higher Education and Technology Representative Gregg Takayama, Chair Representative Linda Clark, Vice Chair

> Friday, February 11, 2022 at 2:00pm Hawaiʻi State Capitol, Via Videoconference

> > by Jessi L.K. Hall Judge, District Family Court Family Court of the First Circuit

Bill No. and Title: House Bill No. 1415, H.D. 1, Relating to Threat Assessment.

**Purpose:** Establishes a program within the Hawai'i State Fusion Center to train, establish, and operate threat assessment teams, including for educational institutions. Appropriates moneys. Effective 7/1/2050.

# **Judiciary's Position:**

The Judiciary takes no position on HB 1415, H.D. 1, but respectfully submits this testimony to express its concerns that the inclusion of the Hawai'i State Fusion Center in Hawai'i Revised Statutes (HRS) §846D-4 is contrary to the purposes of chapter 846D.

The dissemination of information from the Juvenile Justice Information System (JJIS) is limited to those with "primary investigative, detention, custodial, adjudicative, and program responsibility for minors." HRS §846D-4. This category does not and should not include the Hawai'i State Fusion Center of the Office of Homeland Security.

HB 1415, H.D. 1 amends chapter 128A (Homeland Security), which has a clearly stated purpose:



HB1415, H.D. 1, Relating to Threat Assessment Committee on Higher Education and Technology February 11, 2022 Page 2

"The legislature finds that because of the existing and increasing possibility of the occurrence of terrorist attacks of unprecedented size and destructiveness, in order to ensure that the State will be adequately prepared to deal with such attacks; preserve the lives and property of the people of the State; and protect the public peace, health, and safety ...."

It seeks to "provide for homeland security" and to train workers in the public and the private sector and the general public "to be prepared for potential attacks."

The JJIS does not maintain intelligence data or any sort of data solely for the purposes of general investigations or surveillance. The county police departments are a part of the State Fusion Center and already have access to certain juvenile data.

The Hawai'i State Fusion Center is a Hawai'i State government program that facilitates intelligence sharing between local, state, and federal agencies, and the public and private sectors. It does not have "primary investigative, detention, custodial, adjudicative, and program responsibility for minors" as required by H.R.S. §846D-4.

Over three decades ago, Senior Family Court Judge Betty Vitousek and Chief of Police Francis Keala agreed to the promulgation of chapter 846D for the purpose of sharing information among the Family Court and those agencies with "primary investigative, action, or program responsibility for minors." HRS §846D-1. Judge Vitousek and Chief Keala worked together for many years as part of the Juvenile Justice Information Committee (JJIC). Even when the interests of the court and the police diverged, they were both fierce proponents of the continuing need of protecting confidentiality for juveniles. They both believed it was good for the children and, therefore, good for the state.

The Judiciary takes homeland security extremely seriously. Our country, however, remains a country subject to the rule of law. In order to maintain the integrity of our democracy, we must be vigilant about the integrity of our laws.

The Judiciary respectfully submits that HB 1415's addition of the State Fusion Center to HRS §846D-4 conflicts with the core purposes of chapter 846D.

Thank you for the opportunity to submit testimony on this impactful bill.

### HB-1415-HD-1

Submitted on: 2/10/2022 12:29:07 PM Testimony for HET on 2/11/2022 2:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Remote Testimony Requested
William Donnelly	Individual	Oppose	No

Comments:

I provide testimony in opposition of this bill for the following reasons:

1. HRS 622-57(h) cannot be amended to violate HIPPA (a federal law) or violate the doctor patient priveledge.

2. As a parent of two public school children, I am very offended by the discrimination this bill attempts to make against public school children. Many children who attend public schools are low to middle class, and many children of color. In fact the three public schools that my children attended all had a majority of students that were receiving free or reduced lunch. By only requiring that the DOE and state charter schools have to comply with this is discriminatory. Can you imagine the amount of money the state would have to pay to fight potential discrimination law suits if this passes?

Even if we can get past the discriminatory aspect, this violates a parents right to protect the records of their children.

3. What reassurance do we have that these vetted organizations will use the information appropriately? Honolulu Police Officers have been convicted of inappropriately accessing and using information. What will prevent this from happening when even more people will have access?

We all want to feel safe, but not at the cost of our rights or by discriminating against others in our community.

#### POLICE DEPARTMENT

### CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813 TELEPHONE (808) 529-3111 · INTERNET www.honolulupd.org



RADE K. VANIC

INTERIM CHIEF

RICK BLANGIARDI MAYOR

OUR REFERENCE TT-TA

February 11, 2022

The Honorable Gregg Takayama, Chair and Members Committee on Higher Education and Technology House of Representatives Hawaii State Capitol 415 South Beretania Street, Room 309 Honolulu, Hawaii 96813

Dear Chair Takayama and Members:

Subject: House Bill No. 1415, H.D. 1, Relating to Threat Assessment

I am Thomas Taflinger, Major of the Major Events Division, Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports the passage of House Bill No. 1415, H.D. 1, Relating to Threat Assessment.

This bill supports the efforts of the Hawaii State Fusion Center with assessing potential threats through vetted educational agency liaisons. Information sharing will only reinforce the cooperative efforts between law enforcement and educational agencies to operate as one team working toward a common goal of identifying threats via the Hawaii State Fusion Center.

The HPD stands in firm support of House Bill No. 1415, H.D. 1, Relating to Threat Assessment.

Thank you for the opportunity to testify on this bill.

Sincerely,

Thomas Taflinger, Major

Major Events Division

**APPROVED:** 

ere.

Rade K. Vanic Interim Chief of Police

Serving and Protecting With Aloha