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HB128 HD2 RELATING TO CRIMINAL JUSTICE REFORM
Chair San Buenaventura, Vice Chair Aquino, and Members of the Committee,

The Office of the Public Defender (OPD) **SUPPORTS THIS BILL**

This measure does not limit the scope or capacity of an officer, it expands the ability to determine the level of appropriate enforcement in the field and saves an officer time. Numerous municipalities throughout America have ended the practice of mandating arrest for petty misdemeanors, and in some cases full misdemeanors, with little impact on rates of crime.

As noted by the International Association of Police Chiefs:

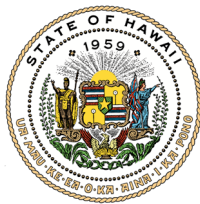
- The use of citation in lieu of arrest is a widespread and long-standing tool in American law enforcement, with nearly 87% of agencies engaged in the practice; over 80% of those for ten years or more. Law enforcement agencies are using citation for nearly a third of all incidents, most often for disorderly conduct, theft, trespassing, driving under suspension, and possession of marijuana. Nearly two-thirds of law enforcement officials have a positive view of citation. Very few respondents (fewer than 2%) indicated a negative view of the practice.
- Citations take significantly less time to process than do arrests (85.8 minutes vs. 24.2 minutes), saving just over an hour per incident.

There are concerns about identification. Should an officer be concerned that an individual is hiding their identity in the investigation of a petty misdemeanor, the officer retains the discretion to arrest and book for identification. Concerns about administrative burden are unfounded. It is very easy to identify why an individual was arrested under law and is common practice.

This bill is limited to non-violent petty misdemeanors and violations. We should measure success as whether an individual charged with a petty misdemeanor attends a hearing to face their charge. Throughout the state, defendants appear regularly without issue. Ordering individuals to appear before a court is an effective tool of law enforcement and is not encumbered by this bill.

Thank you for the opportunity to testify on this measure.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



MIKE LAMBERT
DIRECTOR

SYLVIA LUKE
LT GOVERNOR
KE KE'ENA

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LAW ENFORCEMENT
Ka 'Oihana Ho'okō Kānāwai
715 South King Street
Honolulu, Hawaii 96813

JARED K. REDULLA
Deputy Director
Law Enforcement

LATE

TESTIMONY ON HOUSE BILL 128, HOUSE DRAFT 1

RELATING TO CRIMINAL JUSTICE REFORM

Before the Senate Committee on

PUBLIC SAFETY AND MILITARY AFFAIRS

Wednesday, March 12, 2025, 3:00 PM

State Capitol Conference Room 225 & Videoconference

WRITTEN TESTIMONY ONLY

Chair Elefante, Vice Chair Wakai, and members of the Committee:

The Department of Law Enforcement (DLE) opposes House Bill 128, House Draft 1.

This bill establishes clear factors under which law enforcement officers may, without a warrant, arrest and detain persons for petty misdemeanors and violations. Additionally, it requires officers to record the factors that justified the warrantless arrest.

HB128 HD1 significantly limits the ability of law enforcement officers to arrest individuals for petty misdemeanors and violations, instead prioritizing citations. DLE supports diversion-based strategies and acknowledges the intent of the bill is to reduce arrest. However, this bill undermines public safety by creating ambiguity and additional bureaucratic hurdles for officers for petty misdemeanor investigations.

Under current law, officers use their discretion to determine when an arrest is appropriate based on probable cause and threat assessment. However, HB128 HD1 imposes restrictive criteria that may prevent officers from detaining individuals who pose

a risk to themselves or others. This could result in increased instances of repeat offenses, escalation of criminal behavior, and threats to community security.

Requiring officers to justify and document why they conducted an arrest for a petty misdemeanor adds an unnecessary administrative burden that could deter officers from making lawful arrests even when warranted. In certain situations, law enforcement may have a lesser charge when a larger crime may be at hand, but the officer would like to identify them via fingerprints in the event the larger charges can be substantiated. Also, adding extra paperwork requirements, particularly in time-sensitive situations, takes officers away from their primary duties of protecting the public.

Moreover, allowing individuals to simply receive citations instead of facing immediate detention could embolden repeat offenders, particularly those involved in theft, drug-related crimes, and disorderly conduct. Without proper enforcement mechanisms, these individuals may continue engaging in unlawful activities, knowing that the likelihood of immediate arrest is diminished.

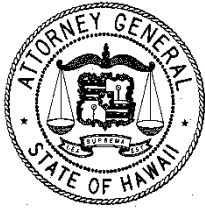
HB128 HD1 fails to consider the impact on victims of crime. Petty misdemeanors, including theft, trespassing, and harassment, disproportionately affect small businesses, property owners, and vulnerable residents. The leniency created by this bill could discourage victims from reporting crimes if they feel that perpetrators will not be held accountable in a timely and effective manner. Additionally, certain offenses that may seem minor in isolation can contribute to broader patterns of criminal behavior. By limiting an officer's ability to make arrests, HB128 HD1 may inadvertently enable criminal activity to escalate, ultimately making neighborhoods less safe.

Instead of restricting law enforcement's ability to arrest, DLE would like the Legislature to consider the following:

- DLE has been actively working with stakeholders to expand pretrial diversion programs for non-violent offenders.

- Provide an opportunity to strengthen community-based intervention services.
- Increase funding for law enforcement training to ensure fair and effective arrest practices.
- Implement safeguards to ensure citations do not become a loophole for habitual offenders.

Thank you for the opportunity to testify in opposition of this bill.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

H.B. NO. 128, H.D. 1, RELATING TO CRIMINAL JUSTICE REFORM.

LATE

BEFORE THE:

SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

DATE: Wednesday, March 12, 2025 **TIME:** 3:00 p.m.

LOCATION: State Capitol, Room 225

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Mark S. Tom or Tricia M. Nakamatsu, Deputy Attorneys General

Chair Elefante and Members of the Committee:

The Department of the Attorney General (Department) provides the following testimony in opposition to this bill.

The purpose of this bill is to reduce the number of unnecessary arrests made in criminal cases by establishing factors under which officers may, without warrant, arrest and detain persons for petty misdemeanors and violations, and requiring officers to record the factors that justified the warrantless arrest. It limits the circumstances under which law enforcement officers may, without warrant, arrest and detain defendants for petty misdemeanor offenses and violations.

Limiting petty misdemeanor arrests to the four criteria enumerated in this bill would significantly decrease law enforcement officers' ability to address the wide variety of offenses and scenarios that they encounter in the field, and impairs the flexibility needed to arrest when necessary. This may adversely impact public safety and the administration of justice. There may be situations, such as when an offender's identity cannot be verified, when the inability to arrest an offender could seriously impair the effective functioning of law enforcement, which can then impact prosecution and processing in the court system, in addition to leading to repeat violations. Also, depending on the circumstances, some petty misdemeanor offenders who commit offenses such as Operating a Vehicle Under the Influence of an Intoxicant (OVUI), Abuse of a Family or Household Member (Abuse), Disorderly Conduct, or Harassment

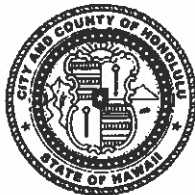
may not fall within the four enumerated criteria. If officers are barred from arresting an OVUII defendant—perhaps because the person is stopped close to their residence, or because a sober passenger offers to drive the person home—officers may be precluded from obtaining a breath or blood sample, which will make these cases substantially more difficult to enforce, and will not serve as a deterrent to future OVUII. In other instances, officers may de-escalate an Abuse or Disorderly Conduct situation to the extent that they cannot reasonably predict that "there will be further police contact . . . in the immediate future" (page 3, lines 9-11) or that the defendant "must be detained to prevent bodily injury," and a potentially dangerous individual could then return after officers leave the area.

Once these cases reach the court system, it is also foreseeable that every petty misdemeanor arrest would then be called into question, resulting in frequent motions to suppress evidence and/or dismiss criminal cases on this basis, even when this has nothing to do with the facts or merits of the case. Because the bill does not provide an appropriate remedy, when an arrest falls outside of the four enumerated criteria, different courts could use different standards, leading to different remedies, and inconsistent rulings. Inconsistent rulings by judges, with no appropriate remedy, will likely lead to unintended consequences such as alcohol testing being precluded in OVUII cases or even outright dismissal of cases for failing to note which category formed the basis for arrest. The Department is very concerned about these and other unintended consequences, which will undoubtedly arise in other petty misdemeanor offenses as well.

The potential repercussions of restricting law enforcement's discretion to arrest in petty misdemeanor cases, when it is appropriate, would come at too high of a cost for public safety and welfare. Thank you for the opportunity to testify on this bill.

HONOLULU POLICE DEPARTMENT
KA 'OIHANA MĀKA'I O HONOLULU
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KAHU MĀKA'I

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DEPUTY CHIEFS
HOPE LUNA NUI MĀKA'I

OUR REFERENCE **MH-SK**

March 12, 2025

The Honorable Brandon J.C. Elefante, Chair
and Members
Committee on Public Safety and
Military Affairs
State Senate
415 South Beretania Street, Room 225
Honolulu, Hawai'i 96813

Dear Chair Elefante and Members:

SUBJECT: House Bill No. 128, H.D. 1, Relating to Criminal Justice Reform

I am Manuel Hernandez, Major of the Training Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes House Bill No. 128, H.D. 1, Relating to Criminal Justice Reform.

The HPD understands the intent of the proposed language of the bill with regard to Hawai'i Revised Statutes (HRS), Section 803-6, where an officer may issue a citation in lieu of arrest under certain criteria for a misdemeanor or below offense. Although there may be times when a citation may be sufficient to deter recidivism and prevent future criminal action by an individual, the ability to also arrest an offender provides a mechanism to address public concern and safety as well as to deter and address crime.

However, the HPD opposes the proposed language regarding HRS, Section 803-5, as it is written. The proposed language of that section reads that in order to effect an arrest for a petty misdemeanor, an individual must meet a set of listed criteria in addition to the existence of probable cause for the arrest. It is our interpretation that if an individual does not meet the criteria, an arrest cannot be effected despite probable cause existing for the arrest.

There are severities of criminal offenses that are petty misdemeanors where an individual may not meet the criteria of the proposed language of the bill, but such offenses cause both public and victim concern. Although criteria exist where an arrest

The Honorable Brandon J.C. Elefante, Chair
and Members
March 12, 2025
Page 2

for a petty misdemeanor may be made based on the language of the bill, the decision whether or not an individual meets these criteria are arbitrary, and ultimately, the officer must determine the applicability on an individual basis.

There may be an instance where an individual may appear to meet the criteria of a petty misdemeanor arrest but facts and circumstances discovered later may result in the arrest being made against the proposed bill, and vice versa regarding a citation issuance. Such instances may lead to civil and legal liability for the State and City, as well as the officer.

Probable cause should remain the standard for justification needed to effect an arrest, as case law has existed for decades determining probable cause to be sufficient for a warrantless arrest. In comparison, a new set of criteria, which may appear arbitrary, has no such judicial review and scrutiny history as probable cause does.

The HPD urges the committee to consider the removal of the proposed language to HRS, Section 803-5, as there are instances and situations where an arrest for a petty misdemeanor that is made with probable cause is the proper course of action to protect public safety, as well as deter future criminal behavior. If it is the intent of the legislature to provide officers the ability to cite in lieu of arrest, removing the aforementioned section in HRS, Section 803-5 will still provide officers this ability based on the proposed language of HRS, Section 803-6, described above.

The HPD urges you to oppose House Bill No. 128, H.D. 1, Relating to Criminal Justice Reform, based on the proposed language and thanks you for the opportunity to testify.

Sincerely,



Manuel Hernandez, Major
Training Division

APPROVED:



Arthur J. Logan
Chief of Police

KELDEN B.A. WALTJEN
PROSECUTING ATTORNEY

SHANNON M. KAGAWA
FIRST DEPUTY
PROSECUTING ATTORNEY



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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN OPPOSITION TO HOUSE BILL NO. 128 HD1

A BILL FOR AN ACT RELATING TO CRIMINAL JUSTICE REFORM

COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

Senator Brandon J.C. Elefante, Chair

Senator Glenn Wakai, Vice Chair

Wednesday, March 12, 2025 at 3:00 p.m.

Via Videoconference and
State Capitol Conference Room 225
415 South Beretania Street

Honorable Chair Elefante, Vice-Chair Wakai, and Members of the Committee on Public Safety and Military Affairs: The County of Hawai'i, Office of the Prosecuting Attorney submits the following testimony in opposition to House Bill No. 128 HD1.

Although our office appreciates the intent of the Legislature and acknowledges the need to address overcrowding concerns at our prisons and jails, we do not believe this measure is an effective means to do so.

House Bill No. 128 HD1 would amend Section 803-5, Hawai'i Revised Statutes, to limit the longstanding power of police officers to make a warrantless arrest when an officer has probable cause to believe that a suspect has committed an offense against the laws of the State of Hawai'i. This police power to make a warrantless arrest based on probable cause has been available to law enforcement officers in Hawai'i relatively unchanged for over a century—it is a rule of law that is older than statehood itself.

The power to make a warrantless arrest under Section 803-5 is a limited exception to the general rule that a person may not be arrested without a warrant issued by a magistrate, and is already subject to significant limitations on its use. In particular, the Hawai'i Supreme Court has held that there is a "temporal restriction" on the police power to make a warrantless arrest. *State v. Keawe*, 107 Hawai'i 1, 108 P.3d 304 (2005).

House Bill No. 128 HD1 would make it illegal for a police officer to arrest based upon probable cause alone for a petty misdemeanor or violation, and would instead require that the officer choose and identify one or more additional qualifying factors that the officer is "reasonably satisfied" apply, including that the person will not appear in court, that the person has an outstanding arrest warrant, that there will be further police contact, or that the person must be detained to prevent bodily injury to self or others.

This bill would directly affect the ability of police and prosecutors to enforce laws covering offenses against persons, property, and public order which have significant community impact, including but not limited to theft, shoplifting, criminal property damage, disorderly conduct, harassment, indecent exposure, and open lewdness.

A practical issue with H.B. 128 HD1 is that it is not possible in practice to list every factor or circumstance which may necessitate an arrest. For example, under the strict text of H.B. 128 HD1, it is not clear that an arrest would be legal if a petty misdemeanor offense occurred in the presence of an officer, but the suspect was wearing a face covering that made positive identification of the suspect impossible without an arrest—or even if the suspect was fleeing from the officer.

One of the primary reasons that an arrest is the default method of initiating a criminal action is because of the fundamental need to positively identify the person who is being charged with a crime and brought before a court. Obtaining positive identification is especially important where individuals repeatedly commit petty crimes, triggering the possibility of repeat offender enhancements such as for habitual property offenders. For these enhancements to be available, it must be possible to prove the suspect's identity beyond a reasonable doubt in conjunction with every offense and every conviction. The process of arrest and booking allows police to use biometric identifiers to ensure the identity of a suspect and is the only way to consistently hold repeat offenders accountable.

There would also be significant uncertainty as to how the judiciary would interpret and apply the text of H.B. 128 HD1. The existence of probable cause to make a warrantless arrest under Section 803-5 is determined by an objective legal test, which is defined in law under subsection (b). Judges have extensive experience in applying the test for probable cause, and extensive case law ensures consistency in how the test is applied. Under H.B. 128 HD1, however, legality of some arrests would no longer turn on whether there was probable cause, but instead on whether the arresting officer was “reasonably satisfied” at the time of arrest that the suspect would not appear in court, that there would be a likelihood of further police contact, or that an arrest was necessary to prevent bodily injury. H.B. 128 HD1 provides little guidance to courts in how to determine if an officer was reasonably satisfied of any of these factors.

The County of Hawai‘i, Office of the Prosecuting Attorney remains committed to pursuing justice with integrity and commitment. Hawai‘i Island is at a substantial disadvantage to address crime motivators such as substance abuse, mental health, and homelessness, given our limited community resources and funding, geographic restrictions, limitations of court supervision authorities, and shortage of service providers. Given the crime trends in Hawai‘i and the limited resources available, the County of Hawai‘i, Office of the Prosecuting Attorney respectfully opposes the passage of House Bill No. 128 HD1. Thank you for the opportunity to testify on this matter.

**DEPARTMENT OF THE PROSECUTING ATTORNEY
KA 'OIHANA O KA LOIO HO'OPI'I
CITY AND COUNTY OF HONOLULU**

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LATE

STEVEN S. ALM
PROSECUTING ATTORNEY
LOIO HO'OPI'I



THOMAS J. BRADY
FIRST DEPUTY PROSECUTING ATTORNEY
HOPE MUA LOIO HO'OPI'I

**THE HONORABLE BRANDON J.C. ELEFANTE, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS
Thirty-Third State Legislature
Regular Session of 2025
State of Hawai'i**

March 11, 2025

RE: H.B. 128 H.D. 1; RELATING TO CRIMINAL JUSTICE REFORM.

Chair Elefante, Vice Chair Wakai, and members of the Senate Committee on Public Safety and Military Affairs, the Department of the Prosecuting Attorney for the City and County of Honolulu submits the following testimony in opposition to H.B. 128 H.D. 1.

This bill permits warrantless arrests for a petty misdemeanor or violation only in four enumerated cases. It also requires the officer to record which factor justified the arrest.

HRS § 803-6 currently authorizes officers to issue citations in lieu of arrest for non-felony offenses. It first requires officers to account for the risk of non-appearance, any outstanding arrest warrants, the likelihood of resumed police contact, and the danger to others.

H.B. 128 H.D. 1 is unlikely to change the proportion of citations and arrests. At present, all warrantless arrests must be reviewed by a judge for probable cause within forty-eight hours. Officers already attach a written declaration outlining the specific facts supporting probable cause. The reason for an arrest—rather than a citation—is almost always apparent from the factual circumstances recited in the declaration.

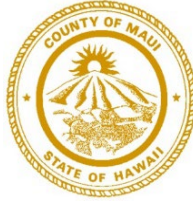
If this bill seeks express incantation of its statutory factors, then it simply adds an administrative burdens on officers with no corresponding gain in the quality of policing. For example, drunk-driving is a petty misdemeanor. It is an offense likely to produce further police contact in the immediate future. And it requires detention because of the hazard to other motorists. So in every drunk-driving case, officers will recite the same two factors inherent to the offense. In a world governed by opportunity costs, that means less time devoted to investigating and gathering the specific factual evidence needed to prove the charge.

Thank you for the opportunity to testify.

RICHARD T. BISSEN, JR.
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

SHELLY C. MIYASHIRO
First Deputy Prosecuting Attorney



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TESTIMONY ON
H.B. 128 HD1
RELATING TO CRIMINAL JUSTICE REFORM

March 10, 2025

The Honorable Brandon J.C. Elefante
Chair
The Honorable Glenn Wakai
Vice Chair
and Members of the Committee on Public Safety and Military Affairs

Chair Elefante, Vice Chair Wakai, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments **in opposition to H.B. 128 HD1, Relating to Criminal Justice Reform**, and requests that the measure be deferred. This measure prevents police officers from making a warrantless arrest of a person unless the officer is “reasonably satisfied” that the person meets one of four specific criteria.

We oppose this measure because the four newly-proposed criteria authorizing a warrantless arrest are not flexible enough to handle scenarios such as testing for blood alcohol concentration after an arrest for Operating a Vehicle Under the Influence of an Intoxicant (“OVUII”). As drafted, the new criteria in H.B.128 would prohibit the police from making a warrantless arrest unless a police officer was reasonably satisfied that the arrestee: 1) would not appear in court at the designated time; 2) has an outstanding arrest warrant justifying detention or indicating that the arrestee may not appear in court; 3) an offense of such nature that there will be further police contact on or about the date in question, or in the immediate future; or 4) must be detained to prevent bodily injury to the arrestee or another person. In any scenario not matching one of those criteria, a warrantless arrest would be prohibited.

The new criteria would make it substantially more difficult to enforce the OVUII laws. In OVUII cases, the police arrest a person after developing sufficient probable cause to arrest. After the arrest, the person is transported to a police facility, informed of their rights regarding blood

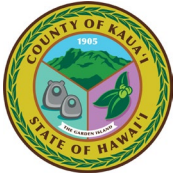
alcohol concentration testing, and given the option to take a breath or urine test, a blood test, both a breath and/or a urine test and a blood test, or refuse all testing. To our knowledge, the testing equipment is bulky and sensitive enough that it cannot be transported to each OVUII stop without jeopardizing its accuracy, and thus consensual testing is performed at a police facility after each arrest.

There are a variety of legitimate scenarios where an officer may encounter a defendant and develop probable cause to arrest them for OVUII, but would be prevented from arresting them under H.B. 128's criteria. For example, a highly intoxicated defendant arrested after crashing their car into a tree may have no pending arrest warrants, no indication that they will not appear at court, no ability to drive or otherwise continue to violate the law due to their damaged car, and no indication that they will cause bodily injury to themselves or another person. H.B. 128's arrest criteria would prevent this defendant from being arrested and offered the ability to submit to blood alcohol concentration testing, eliminating the ability to charge them with the appropriate highly-intoxicated OVUII offense and making it more difficult to prove the offense at trial.

Finally, there are a number of other offense scenarios that may not meet the proposed arrest criteria but would still require a person's arrest as a matter of public safety. Offenses such as Simple Trespass, Disorderly Conduct, Criminal Trespass in the Second Degree, Indecent Exposure and Theft in the Fourth Degree are all "non-violent" petty misdemeanor offenses where there may be no explicit indication that an offender will fail to show up at court or continue to violate the law if released immediately. However, similar to the warning citations issued in Abuse of Family or Household Member cases, even the temporary removal of an offender from the scene of an incident via the arrest process reduces the likelihood of retaliation, confrontation and other after-the-fact incidents.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **opposes the passage of H.B. 128 HD1 and requests that the measure be deferred.** Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries.

Thank you very much for the opportunity to provide testimony on this bill.



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

POLICE DEPARTMENT COUNTY OF KAUAI



TODD G. RAYBUCK, CHIEF OF POLICE
MARK T. OZAKI, DEPUTY CHIEF OF POLICE

LATE

Testimony of Todd G. Raybuck
Chief of Police
Kauai Police Department

Before the
Committee on Public Safety and Military Affairs
March 12, 2025, 3:00 pm
Conference Room 225 & via Videoconference

In consideration of
House Bill 128 H.D. 1
Relating to Criminal Justice Reform

Honorable Chair Elefante, Honorable Vice-Chair Wakai, and Committee Members:

The Kaua'i Police Department (KPD) **opposes** House Bill 128 H.D. 1 Relating Criminal Justice Reform, which establishes factors under which officers, may, without warrant, arrest and detain persons for petty misdemeanors and violations.

As currently written, HB 128 HD1 will negatively impact public safety by prohibiting police officers from making arrests for certain petty misdemeanors that are crucial to protecting our communities.

For this reason, the Kaua'i Police Department (KPD) **opposes** House Bill 128 H.D. 1 Relating Criminal Justice Reform.

Thank you for your time and consideration.

Sincerely,

Todd G. Raybuck
Chief of Police
Kaua'i Police Department



Rebecca V. Like
Prosecuting Attorney



Keola Siu
First Deputy
Prosecuting Attorney

LATE

OFFICE OF THE PROSECUTING ATTORNEY

County of Kaua'i, State of Hawai'i

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The Honorable Brandon J.C. Elefante, Chair
Senate Committee on Public Safety & Military Affairs
Regular session of 2025
State of Hawai'i

Hearing date: March 12, 2025

RE: HB 128, Relating to Criminal Justice Reform

Dear Chair Elefante and Honorable Members of the Committee:

I join my colleagues from the other counties (who submitted testimony in opposition to the House Committee on Judiciary and Hawaiian Affairs) and **write in opposition to this bill**. Mainly, this bill proposes overly restrictive parameters to a lawful arrest for a petty misdemeanor or violation level offense; and will likely lead to substantial confusion among law enforcement and the judiciary as to an officer's level of certainty required to justify arrest under the four (4) proposed criteria.

This bill will ultimately threaten public safety, and will undermine the State's efforts to reduce traffic-related deaths. For example, there are circumstances under which the best course of action would be for an officer to immediately arrest a suspect for a petty misdemeanor offense such as OVUII ("Operating a Vehicle Under the Influence of an Intoxicant"). As Maui County Prosecutor Andrew H. Martin points out, if a suspect's vehicle has crashed and become inoperable, the proposed criteria may not justify an immediate arrest (if the suspect cannot drive, then the officer would likely conclude that an arrest cannot be justified to prevent bodily injury to the suspect or another person or to prevent further police contact in the immediate future). Therefore, the officer will be prevented from completing an investigation as to whether the driver is highly intoxicated. Without an arrest for OVUII, the officer will not be

able to transport the driver to a police station for blood alcohol concentration testing. Thus, a suspect would be able to *evade prosecution and consequences* for committing OVUII as a highly intoxicated driver (blood alcohol concentration of .15 or more).

Therefore, the Department of the Prosecuting Attorney, County of Kauaʻi, respectfully **opposes passage of this bill**. Please feel free to contact our office at 808-241-1888 if you have any questions.

Thank you for the opportunity to comment on this bill.

/s/ Rebecca V. Like
Prosecuting Attorney
County of Kauaʻi



HB-128-HD-1

Submitted on: 3/12/2025 10:04:35 AM

Testimony for PSM on 3/12/2025 3:00:00 PM

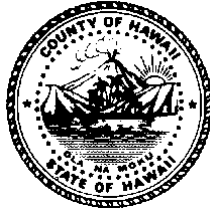
LATE

Submitted By	Organization	Testifier Position	Testify
Gregg Okamoto	Testifying for Maui Police Department	Oppose	Written Testimony Only

Comments:

The Maui Police Department strongly opposes this measure. It essentially takes away the discretion of an officer to effectively do thier job when faced with dynamic situations on a daily basis. While well-intended, it will reduce an officers ability to ensure the safety of the public when taking someone into custody would be the better option, such in the instance of drunk-driving. There are already processes in place where arrests are reviewed for cause. Thank you.

C. Kimo Alameda, Ph.D.
Mayor



William V. Brillhante, Jr.
Managing Director

Merrick Nishimoto
Deputy Managing Director

LATE

County of Hawai'i ~ Office of the Mayor

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • Phone (808) 961-8211 • Fax (808) 961-6553
KONA: 74-5044 Ane Keohokālole Hwy., Bldg C • Kailua-Kona, Hawai'i 96740
Phone (808) 323-4444 • Fax (808) 323-4440

TO: Senator Brandon J.C. Elefante, Chair
Senator Glenn Wakai, Vice Chair
Committee on Public Safety and Military Affairs

FROM: C. Kimo Alameda, Ph.D., Mayor

DATE: March 11, 2025

**SUBJECT: TESTIMONY IN OPPOSITION TO HOUSE BILL 128 HD1, RELATING TO
CRIMINAL JUSTICE REFORM**

Aloha Chair, Vice Chair, and esteemed members of the Committee,

Mahalo for the opportunity to respectfully submit testimony in **opposition** for House Bill 128 HD1. While the bill aims to reduce unnecessary arrests and mitigate hardships caused by pretrial detention, it poses significant risks to public safety and law enforcement effectiveness.

By limiting officers' discretion in making arrests for petty misdemeanors and violations, the bill could enable repeat offenders and individuals who pose a threat to public safety to avoid immediate consequences. Additionally, requiring officers to document justification for each arrest creates an additional administrative burden, potentially diverting valuable time from active policing.

Arrests also serves as a deterrent, preventing further criminal activity and ensuring individuals appear in court. Law enforcement officers must have the discretion to assess situations in real time and act accordingly to protect the community.

I urge the legislature to reconsider the potential unintended consequences of HB 128 HD1 and oppose its passage.

Mahalo, for your consideration of this critical issue.

C. Kimo Alameda, Ph.D.
Mayor



Benjamin T. Moszkowicz
Police Chief

William V. Brilhante Jr.
Managing Director

Reed K. Mahuna
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT

349 Kapi'olani Street • Hilo, Hawai'i 96720-3998
(808) 935-3311 • Fax (808) 961-2389

LATE

March 12, 2025

Senator Brandon J.C. Elefante, Chair, and Members
Committee on Public Safety and Military Affairs
State Capitol
415 South Beretania Street
Honolulu, HI 96813

Dear Senator Elefante:

RE: HOUSE BILL 128, HD1, RELATING TO CRIMINAL JUSTICE REFORM
DATE: MARCH 12, 2025
TIME: 3:00 P.M.
PLACE: CONFERENCE ROOM 225 & VIDEOCONFERENCE

The Hawai'i Police Department (HPD) respectfully submits testimony in **opposition** to House Bill 128, HD1 Relating to Criminal Justice Reform.

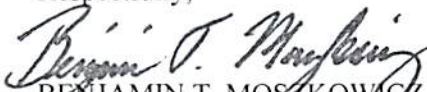
We believe this Act is detrimental to law enforcement's goal of preserving public safety. This Act proposes to restrict law enforcement's ability to effect a lawful arrest by imposing additional criteria beyond probable cause that must be satisfied in order for a warrantless arrest to occur.

A key reason arrest remains a primary method for initiating a criminal case is the critical need to accurately confirm the identity of the person being charged. This is particularly essential when dealing with repeat offenders committing minor crimes, where enhanced penalties, such as those for habitual property offenders, may apply. To pursue those enhancements, the defendant's identity must be proven beyond a reasonable doubt for each offense and conviction. The arrest and booking process provides law enforcement with the ability to collect biometric data, ensuring reliable identification. This process is vital for consistently holding repeat offenders accountable and maintaining the integrity of the justice system. The issuance of a citation has no mechanism for accomplishing that objective.

While reducing arrests can lower the number of pre-trial detainees, this approach does not prioritize public safety. A crime requires three key elements: a victim, an offender, and an opportunity. Law enforcement is most empowered to disrupt this cycle by removing the offender from the equation, a goal most effectively achieved through physical arrest. Without this tool, officers lose a crucial means of preventing further harm to the community.

For these reasons, HPD respectfully **opposes** House Bill 128, HD1. Thank you for the opportunity to provide testimony.

Respectfully,


BENJAMIN T. MOSZKOWICZ
POLICE CHIEF



HAWAI'I STATE
COALITION AGAINST
DOMESTIC VIOLENCE

LATE

March 12, 2025

Members of the Senate Committee on Public Safety and Military Affairs:

Chair Brandon J.C. Elefante
Vice Chair Glenn Wakai
Sen. Carol Fukunaga
Sen. Karl Rhoads
Sen. Samantha DeCorte

Re: HB125 HD1 Re Criminal Justice Reforms

Dear Chair Elefante, Vice Chair Wakai, and Members of the Senate Committee on Public Safety and Military Affairs:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) addresses the social, political, and economic impacts of domestic violence on individuals, families, and communities. We are a statewide partnership of domestic violence programs and shelters.

On behalf of HSCADV and our 25 member programs statewide, I respectfully submit comments to HB128 HD1.

We appreciate the intent of this bill to address the impact of arrests on our community. However, we have serious concerns about this measure and the impact it may have on domestic violence cases. While domestic violence can be charged as a misdemeanor or petty misdemeanor crime, the penalties do not underscore the complexity of domestic violence cases law enforcement encounter when responding to these calls. Limiting the conditions under which an officer may make an arrest in these cases can impact the parties involved in the incident as well as the safety of the community.

Thank you for the opportunity to testify on this important matter.

Sincerely,
Angelina Mercado, Executive Director



Committee: Public Safety and Military Affairs
Hearing Date/Time: Wednesday, March 12th, 2025, at 3:00pm
Place: Conference Room 225 & Via Videoconference
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of H.B. 128 HD1 Relating to Criminal Justice Reform**

Dear Chair Elefante, Vice Chair Wakai, and Committee Members:

The ACLU of Hawai'i is in **support of H.B. 128 HD1**, which clarifies language regarding law enforcement officer's ability to issue citations instead of making an arrest in certain cases.

In December of 2018, the Hawai'i State Judiciary's Criminal Pretrial Task Force issued a report that suggested that the legislature "**revise HRS § 803-6 to reinforce that police and law enforcement officers have discretion to issue citations for traffic offenses, violations, petty misdemeanor and misdemeanor offenses, instead of effecting an arrest. In addition, discretion should be broadened for officers to issue citations in lieu of arrest for appropriate non-violent Class C felonies.**" While H.B. 128 only fulfills the first sentence of this recommendation, it is an important step in the right direction. It preserves officer discretion but also encourages that they use this discretion to avoid overcrowding our jails and severely disrupting people's lives.

An arrest can significantly impact an individual as well as their family and community. Law enforcement should make such arrests only where absolutely necessary. Research shows that being arrested makes people more likely to have reduced income (and job prospects) over their lifetime¹, more likely to drop out of school², and more likely to experience trauma and mental health challenges³. If an arrest leads to being detained pretrial, research shows that even one day in jail increases chances of future recidivism⁴. In contrast, studies show that young people given a citation instead of being arrested have lower recidivism rates.⁵ **Given that close to 60% of our jail population is currently pretrial**, Hawai'i is best served if individuals who do not need to be detained are kept out of jail facilities.

Use of citations also increases opportunities for police to de-escalate an encounter, rather than immediately relying on punitive options. This may lead fewer use-of-force incidents and improve

¹ <https://www.wsj.com/articles/as-arrest-records-rise-americans-find-consequences-can-last-a-lifetime-1408415402>

² Kirk, D. S., & Sampson, R. J. (2013). Juvenile Arrest and Collateral Educational Damage in the Transition to Adulthood. *Sociology of Education*, 86(1), 36-62. <https://doi.org/10.1177/0038040712448862>

³ Sugie, N. F., & Turney, K. (2017). Beyond Incarceration: Criminal Justice Contact and Mental Health. *American Sociological Review*, 82(4), 719-743. <https://doi.org/10.1177/0003122417713188>

⁴ The Hidden Costs of Pretrial Detention Revisited, 2022.
<https://craftmediabucket.s3.amazonaws.com/uploads/HiddenCosts.pdf>

⁵ Florida Department of Juvenile Justice, 2021
<https://www.djj.state.fl.us/content/download/23236/file/Civil%20Citation%20Best%20Practices%202021.pdf>

relations with the community.⁶ The example of other jurisdictions also suggests that use of citations instead of arrests does not increase crime. A study that looked at the impact of Washington DC's citation in lieu of release policy noted: *"our findings suggest that the Washington, DC, MPD was able to implement the citation release program—reducing the jail population and transmission of COVID-19—without exacerbating crime."*⁷ Those arguing that use of citations will somehow cause a spike in crime would do well to provide an example.

Citations in lieu of arrests are also commonly used by police, and potentially beneficial. **A 2016 study, the first of its kind, by the International Association of Chiefs of Police found that: "the use of citation in lieu of arrest is a widespread and longstanding tool in American law enforcement, with nearly 87% of agencies engaged in the practice; over 80% of those for ten years or more. Law enforcement agencies are using citation for nearly a third of all incidents, most often for disorderly conduct, theft, trespassing, driving under suspension, and possession of marijuana. Nearly two-thirds of law enforcement officials have a positive view of citation. Very few respondents (fewer than 2%) indicated a negative view of the practice."**⁸

Relying on citations also saves officers time. A 2005 study in Gwinnet County, Georgia, found that an officer could issue a field citation and return to service, on average, in 35 minutes. An officer making a custodial arrest and obtaining an arrest warrant was out of service for 107 minutes (127 minutes if he or she needed to go all the way to the courthouse to obtain it). Other studies, like one in Illinois, have confirmed similar findings.

Further, twenty-six states explicitly allow police to issue a citation instead of arrest for some or all offenses. Ten states – including red states like Louisiana, Kentucky, and Nebraska – enforce a presumption that officers will use a citation instead of an arrest for certain offenses.⁹

The ACLU of Hawai'i asks that you support H.B. 128 HD1.

Sincerely,
Nathan Lee
Policy Legislative Fellow, ACLU Hawai'i

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.

⁶ <https://www.theiacp.org/projects/citation-in-lieu-of-arrest>

⁷ Riddell, J. R., Jacobs, B. A., & Krajewski, A. T. (2024). Catch and release: Testing the effect of a citation release policy on crime in Washington, DC. *Criminology & Public Policy*, 23, 491–513. <https://doi.org/10.1111/1745-9133.12659>

⁸ <https://www.theiacp.org/projects/citation-in-lieu-of-arrest>

A nationally representative sample of 1,300 law enforcement agencies was used, accounting for key variables such as region (Mountain Pacific, North Atlantic, North Central, and South) and size of population served (small, medium, and major)

⁹ <https://dcjusticelab.org/library/policing/citation-in-lieu-of-arrest/>

HAWAI'I SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS**HEARING:**

Public Hearing on House Bill 128, March 12, 2025

DATE OF TESTIMONY:

March 11, 2025

**TESTIMONY OF THE POLICING PROJECT AT NYU SCHOOL OF LAW IN SUPPORT OF
H.B. 128**

Dear Chair Elefante, Vice Chair Wakai, and Members of the Senate Committee on Public Safety and Military Affairs:

The decision whether to arrest a given member of the community is one of the most important ones routinely made by law enforcement officers. It not only affects the liberty and wellbeing of the person arrested, but also draws on law enforcement's limited resources. Moreover, officers' decisions about who to arrest and why can harm the crucial relationship between a community and its police department. Although arrests are necessary in some instances to preserve public safety or ensure that an individual appears in court, a growing body of evidence indicates that arrests are also overused.¹ Particularly in relatively minor cases, such as those involving only a petty misdemeanor or violation, an arrest is often a disproportionate response that causes significant disruption for the person being arrested, and unnecessarily burdens law enforcement.

H.B. 128 would prevent unnecessary arrests by enacting reasonable restrictions, similar to those already found in many other states, that would ensure that officers do not spend resources arresting people for low-level offenses unless there is an articulable public safety or flight-related reason to believe an arrest is needed. This change represents a step toward more effective and fairer policing. We applaud this measure and urge its passage.

¹ See, e.g., Rachel A. Harmon, *Why Arrest?* 115 Mich. L. Rev. 307 (2016), available at <https://repository.law.umich.edu/mlr/vol115/iss3/1/>; The American Law Institute, Principles of Policing, § 4.05 Minimizing the Intrusiveness of Stops and Arrests, available at <https://www.policingprinciples.org/chapter-4/4-05-minimizing-intrusiveness-of-stops-and-arrests/>.

States Have Prevented Unnecessary Arrests Through Common Sense Limitations on Arrests for Low-Level Offenses

Regardless of the offense charged or the circumstances involved, the immediate costs and consequences of an arrest are the same. An individual loses their liberty for, at a minimum, hours or days while they are booked, processed, and waiting for potential pretrial release. In addition, the arrest itself can negatively affect everything from an individual's employment to their psychological well-being. It can also cause harm to any minor children or others in the community that rely on or care for the person being arrested. For the law enforcement officer or officers involved, the arrest can take hours of their valuable time—hours in which they are not otherwise able to patrol, respond to calls, or investigate more serious offenses. Although such costs are well worth incurring when arresting people for serious offenses or involving dangerous situations, they are frequently disproportionate to the stakes involved in many low-level offenses.

Fortunately, an arrest is not the only option for officers responding to low-level offenses and minor disturbances. The disparity between the costs associated with an arrest and the public safety implications of low-level offenses has led every single state to permit law enforcement officers to issue a citation in lieu of an arrest for at least some offenses.² This includes Hawai'i, which authorizes law enforcement officers to issue a citation in some situations involving a misdemeanor, petty misdemeanor, or violation. These citations begin the criminal process just like an arrest does, but through a written order to appear in court at a designated period of time rather than arresting and potentially holding that person until their court date.

Many states have further addressed the imbalance between the costs and benefits of arrests for cases involving only low-level offenses by placing reasonable limits on a law enforcement officer's authority to conduct a warrantless arrest. These limits include restricting warrantless arrests to felony or more serious misdemeanor offenses, situations involving an immediate threat of harm, or individuals presenting articulable flight risks.³ Other states authorize an arrest in some of these instances, but direct officers not to exercise that authority or require the individual's immediate release on a citation

² See, "Citation in Lieu of Arrest," National Conference of State Legislatures, available at <https://www.ncsl.org/civil-and-criminal-justice/citation-in-lieu-of-arrest>.

³ See, e.g., Massachusetts [M.G.L. 276 § 28](#) (providing a list of misdemeanors for which a warrantless arrest is permitted); Montana [M.C.A. § 46-6-311](#) (authorizing warrantless arrests only where conduct is ongoing or there are existing circumstances requiring immediate arrest); and Pennsylvania [42 Pa. Code 8902](#) (authorizing arrest for low level misdemeanors only if there is ongoing conduct that endangers people or property).

or summons unless one or more factors relating to safety or flight risks are present.⁴

Hawai'i, however, has none of these limits. Instead, law enforcement officers are authorized by law to conduct a warrantless arrest for any offense, no matter how minor, whether the offense was committed in the officer's presence or not. This is one of the most expansive statutory grants of arrest authority in the nation. States as varied as Florida and Vermont, Georgia and Washington State, have all rejected this approach and, in the process, shown that reasonable limits on an officer's warrantless arrest authority are consistent with public safety and support for law enforcement.⁵

H.B. 128 Prioritizes Public Safety and Flight Risks During Arrest Decisions

H.B. 128 reflects the national consensus that using police to arrest people for a subset of low-level offenses is an unnecessary, costly response. Notably, H.B. 128 leaves untouched law enforcement officers' authority to conduct warrantless arrests in all cases involving a felony or misdemeanor offense. In these more serious cases, officers retain blanket authority to conduct warrantless arrests.

H.B. 128 instead focuses on situations involving only a petty misdemeanor or violation—offenses that carry either no possibility of jail time or only a short period (penalties are capped at 30 days in jail for petty misdemeanors, fines only for violations). Even for these more minor offenses, H.B. 128 still allows for a warrantless arrest, but only if the officer is reasonably certain that the person will not appear in court, has outstanding warrants, is likely to have continuing contact with the police, or presents a risk of injury to themselves or others. In other words, officers can still arrest anyone who poses a risk to public safety or who is unlikely to show up for court on their own.⁶ But

⁴ See, e.g., Minnesota [R. Crim. P. 6.01](#) (requiring a citation in lieu of arrest in misdemeanor cases unless there are safety or flight risks); Ohio [O.R.S. 2935.26](#) (prohibiting arrests for minor misdemeanors unless there are safety or flight risks); and Virginia [Va. Code Ann. 19.2-74](#) (requiring immediate release on a citation of anyone arrested for low level offenses unless there are safety or flight risks).

⁵ See, Florida [Fla. Stat. 901.15](#); Georgia [Ga. Code 17-4-20](#); Vermont [Vt. R. Crim. P. 3](#); and Washington State [R.C.W. 10.31.100](#).

⁶ Testimony at a prior hearing on H.B. 128 raised the question of how the bill would affect the enforcement of drunk driving laws (a petty misdemeanor). The factors permitting warrantless arrests for petty misdemeanors in H.B. 128 ensure that it would not meaningfully interfere with drunk driving enforcement. As the Department of the Prosecuting Attorney for the City and County of Honolulu noted in written testimony: "drunk-driving is a petty misdemeanor. It is an offense likely to produce further police contact in the immediate future. And it requires detention because of the hazard to other motorists. So in every drunk-driving case, officers will

where those risks are not present and the case is likely to be resolved without ever needing to place someone in custody (or for only a short period of time), the law pushes officers to use a more efficient citation instead. The interests of justice are still served, but without the additional costs and consequences of an arrest.

For those situations in which an arrest still occurs for a petty misdemeanor or violation, H.B. 128 further requires the officer involved to select their justification. This not only ensures that officers are carefully considering the necessity of an arrest in each of these instances, but provides valuable data too. This information will allow the community to better understand why officers are arresting individuals for these offenses and potentially identify arrest trends or other information useful for policymakers working to further improve policing in Hawai'i.

The collection of this information will not burden law enforcement. An arrest and booking typically take over an hour to complete; selecting an arrest justification from among a few available options adds only seconds to this process, a negligible addition. While many officers already include this kind of information in their police reports, the new requirement in H.B. 128 is nevertheless essential because it creates a uniform system of data recording, a necessary step for policymakers to see the big picture on arrests, not just the facts of a particular case.

Conclusion

H.B. 128 places narrow, reasonable limits on arrests for petty misdemeanors and violations that will help prevent unnecessary arrests. In doing so, it encourages other law enforcement responses, such as citations, that can be effective for these kinds of offenses while causing only a fraction of the disruption or costs of an arrest. We thank the Committee for their consideration of this important piece of legislation and urge you to recommend passage of this bill.

recite the same two factors inherent to the offense." In other words, officers will be able to justify an arrest under H.B. 128.



Committee on Public Safety and Military Affairs
Chair Brandon J.C. Elefante, Vice Chair Glenn Wakai

3/12/2025 – CR 325 and Videoconference
NUMBER OF HB 128 — Relating to Criminal Justice Reform

TESTIMONY

Stephen Munkelt, Legislative Committee, League of Women Voters of Hawaii

Chair Elefante, Vice Chair Wakai, and Committee Members:

The League of Women Voters of Hawaii supports BILL NUMBER HB 128

This bill would place reasonable restrictions on custodial arrests when a law enforcement officer has probable cause to believe a person has committed a petty misdemeanor or a violation. The League of Women Voters supports a justice system which is equitable, effective, humane, and that fosters public trust. This bill would advance those values.

When a person is suspected of committing a petty offense experience tells us that when given a citation to appear in court a large majority do appear. The evidence also shows that the suspect is not likely to commit any serious crime while the cited matter is pending. On the other hand, if that person is arrested there is a significant chance that incarceration will have an adverse effect on employment, housing, and members of the suspect's family. These harms become unavoidable if the person is unable to secure release on bail while the charge is pending and experiences an extended period of incarceration before being convicted.

For these reasons the League of Women Voters of Hawaii **supports HB 128**

Thank you for the opportunity to submit testimony.

Stephen Munkelt
Legislative Committee

HAWAII PATRIOT REPUBLICANS

Written Testimony in Opposition to H.B. No. 128 (H.D. 1)
Submitted to the Senate Committee on Public Safety and Military Affairs
March 08, 2025

Honorable Members of the Committee,

I strongly urge you to vote NO on House Bill No. 128 (H.D. 1). This bill, touted as criminal justice reform, is a dangerous handcuff on law enforcement, a gift to repeat offenders, and a bureaucratic burden that undermines Hawaii's safety. As a citizen committed to law and order, limited government, and practical solutions, I present an objective case that should resonate with Democrats who value community security, equitable justice, and effective policing. This bill fails our people—here's why.

1. Weakens Police Ability to Protect Communities

By restricting warrantless arrests for petty misdemeanors and violations to narrow, subjective factors (Section 2, subsection (b)), this bill ties officers' hands when quick action is needed. In California, a 2016 cite-and-release expansion for minor offenses led to a 15% drop in arrests but a 20% spike in repeat petty crimes within a year ([LA Times, "Cite-and-Release Backfires, 2017"](#)). Democrats who prioritize safe streets should see this as a green light for troublemakers—not reform.

2. Increases Crime by Letting Offenders Off the Hook

Mandating citations over arrests unless specific conditions are met (Section 3, subsection (b)) assumes offenders will show up to court—a fantasy proven wrong elsewhere. Oregon's 2019 citation-first policy for minor offenses saw a 30% no-show rate, clogging courts with warrants and leaving victims in limbo ([Oregonian, "Citation Policy Fails Victims, 2020"](#)). Democrats who care about justice for working families should reject this soft-on-crime approach—it punishes the law-abiding, not the lawbreakers.

3. Paperwork Burdens Overwhelm Cops

Requiring officers to record justification for every petty misdemeanor arrest (Section 2, subsection (c)) piles red tape on already understaffed departments. Minneapolis' 2018 arrest documentation mandate added 10 hours of weekly paperwork per officer, cutting patrol time by 12% with no drop in crime ([Star Tribune, "Police Paperwork Cuts Patrols, 2019"](#)). Democrats who support efficient policing should oppose turning cops into desk clerks—Hawaii needs them on the beat, not buried in forms.

4. Ignores Real Risks to Public Safety

The bill's citation preference overlooks immediate threats—like drunks or vandals who need detaining to prevent harm (Section 2, subsection (b)(4)). Florida's 2020 citation-only push for minor offenses led to a publicized case where a cited shoplifter returned hours later, escalating to assault ([Miami Herald, "Citation](#)

[Policy Sparks Crime Wave, 2021](#)"). Democrats who value community well-being should see this as rolling the dice with our safety—why let trouble fester?

5. Hurts Vulnerable Families, Not Helps Them

The bill claims arrests disrupt lives (Section 1), but citations for breadwinners dodging court can spiral into warrants, fines, and jail later—worse than a quick detention. In New York City, a 2017 cite-and-release program for petty theft saw 25% of cases escalate to felony warrants when offenders skipped court, hitting low-income families hardest ([NY Post, "Citations Boomerang on Poor, 2018"](#)). Democrats who champion economic stability should reject this false fix—it's a trap, not relief.

6. Undermines Trust in Justice System

Forcing citations over arrests for minor crimes (Section 3) signals weakness, eroding public faith in law enforcement. After Seattle's 2015 misdemeanor citation policy, resident complaints about unchecked petty crime rose 18%, with citizens feeling ignored ([Seattle Times, "Citation Policy Frustrates Public, 2016"](#)). Democrats who want a trusted justice system should oppose this—it breeds resentment, not reform.

Call to Action

Honorable Senators, H.B. 128 (H.D. 1) is a disaster waiting to unfold. It shackles our police, emboldens offenders, and wastes resources—lessons California, Oregon, and New York learned the hard way. Democrats and Republicans alike should want a Hawaii where streets are safe, justice is swift, and families are protected—not punished. Vote NO to kill this bill. We can reform smarter—without jeopardizing our communities.

Respectfully submitted,
Andrew Crossland
Hawaii Patriot Republicans

HB-128-HD-1

Submitted on: 3/10/2025 10:36:51 AM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Steve Santos	Testifying for Calvary Chapel Westside	Oppose	Written Testimony Only

Comments:

PLEASE Vote NO on HB128. Please allow our Police to do the job that they have been trained to do and HELP THEM to get criminals OFF the street, instead of encouraging their crimes and dangerous activities with simple citations that many will ignore because of reduced penalties.

Mahalo



STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS

Robert Cavaco
State Board President

" A Police Organization for Police Officers Only "
Founded 1971

Term of Office
1-2022 to 12-2025

March 11, 2025

The Honorable Brandon J.C. Elefante, Chair
The Honorable Glenn Wakai, Vice Chair
Senate Committee on Public Safety and Military Affairs
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

Re: **HB 128 HD1– Relating to Criminal Justice Reform**

Dear Chair Elefante, Vice-Chair Wakai, and Honorable Committee members:

I serve as the President of the State of Hawaii Organization of Police Officers ("SHOPO") and write to you on behalf of our Union in strong opposition to HB 128 HD1, which proposes amendments to the procedures governing warrantless arrests for petty misdemeanors and violations. While we recognize the Legislature's intent to reduce unnecessary arrests and alleviate the burden on our correctional facilities, we have significant concerns regarding the bill's unintended impacts on law enforcement operations, community safety, and the legal framework within which our officers operate in our communities.

Impact on Law Enforcement Operations

As you know, our county police departments are experiencing a critical staffing shortage. This bill poses an increased burden on officers. In particular, the requirement for officers to record specific factors justifying warrantless arrests for petty misdemeanors and violations, as outlined in Section 2 of the bill, imposes an additional administrative burden on officers who are already stretched way too thin. This requirement may detract from their primary duty of maintaining public safety in our communities and responding to more serious crimes.

This bill also limits the discretion of officers by mandating specific criteria for warrantless arrests, potentially undermining their ability to make quick, situational judgments in the field. Officers must be trusted to use their professional judgment to assess situations that may not fit neatly into predefined categories.

Community Safety Concerns

We cannot ignore that by encouraging citations over arrests, the bill may inadvertently increase the risk of non-compliance with court appearances. Moreover, the criteria listed for issuing citations, such as the belief that the individual will not appear in court, are purely subjective factors. In addition, the bill's provisions could compromise public safety by allowing individuals who pose a potential threat to remain at large. The criteria for arrest, such as preventing bodily injury, may not capture all scenarios where an arrest is warranted to protect the community. While we understand the disruption that an arrest causes an individual, officers are trained to use their professional judgment and the implementation of specified criteria in order to effectuate an arrest needlessly intrudes on their contemporaneous decision making while dealing with the situation in the field.

Legal and Procedural Concerns

Finally, the bill's amendments to the probable cause standard for petty misdemeanors and violations may create confusion and inconsistency in its application, which could lead to legal challenges and undermine the integrity of law enforcement actions. Further, the requirement for officers to document specific factors for arrests could lead to increased litigation, as individuals may challenge the sufficiency of the recorded justifications.

In conclusion, while the goals of HB 128 HD1 are commendable, the proposed measures may have unintended consequences that could hinder law enforcement operations and compromise community safety as we have outlined. We urge the Legislature to consider alternative approaches that support both the efficiency of law enforcement and the safety of our communities.

Thank you for considering our perspective on this critical issue.

Respectfully submitted,
ROBERT CAVACO
SHOPO President



LATE

**TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII
MARCH 12, 2025
HB 128 HD1 RELATING TO CRIMINAL JUSTICE REFORM**

Aloha, Chair Elefante, and members of the Senate Committee on Public Safety and Military Affairs. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901 and is a statewide, not for profit trade organization committed to supporting the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, on-line sellers, local, national, and international retailers, chains, and everyone in between.

We respectfully oppose HB 128 HD1. This measure establishes factors under which officers may, without warrant, arrest and detain people for petty misdemeanors and violations; and requires officers to record the factors that justified the warrantless arrest.

Crime - particularly theft and trespassing - continues to impact businesses across Hawai'i, limiting the ability of officers to take immediate action will only embolden criminals and make our communities less safe.

Retailers face daily challenges with shoplifting, and thieves are becoming more brazen and aggressive, often operating with the knowledge that consequences are minimal. Without the ability to arrest for crimes like trespassing and theft, officers are left with few options to deter repeat offenders who target businesses time and time again.

Organized retail crime is on the rise, and many businesses have already suffered significant losses. In some cases, store employees and customers have been put in harm's way when attempting to intervene. If law enforcement's hands are further tied, criminals will continue to exploit these gaps, making it even more difficult for retailers to protect their businesses, employees, and the public.

Police officers must have the necessary tools to address crime in real time, including the ability to make warrantless arrests when justified. Requiring officers to document additional justifications for arrest in cases of petty misdemeanors and violations places an undue administrative burden on law enforcement, and limiting officers to only four (4) types of situations when they are allowed to arrest for petty misdemeanor crimes, further allows criminals to evade accountability.

I urge this committee to reject this measure and instead focus on policies that support law enforcement efforts to curb crime and protect local businesses.

Mahalo for this opportunity to testify.



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tyamaki@rmhawaii.org

LATE

March 12, 2025

To: Chair Brandon Elefante, Vice Chair Glenn Wakai, members of the Committee

From: Arkie Koehl, Public Policy Committee Chair; Mothers Against Drunk Driving (MADD) Hawaii

Re: House Bill 128 HD1 – RELATING TO CRIMINAL JUSTICE REFORM

I am Arkie Koehl, offering testimony on behalf of the Hawaii Chapter of Mothers Against Drunk Driving, in opposition to House Bill 128, H.D. 1.

We are shocked at the prospect of a measure which if passed could significantly lessen the enforcement and prosecution of impaired driving offenses (OVUII). Allowing an impaired driver to avoid arrest and breath- or blood-testing would create an unnecessary risk to public safety and is contrary to common sense. Hawaii already ranks among the worst states in the nation in alcohol-related traffic deaths without creating more opportunities for drug- or alcohol-impaired drivers to avoid arrest, avoid testing, avoid license revocation, and avoid prosecution.

Thank you for this opportunity to submit testimony.

Arkie Koehl

HB-128-HD-1

Submitted on: 3/10/2025 1:36:28 PM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alika Valdez	Individual	Support	Written Testimony Only

Comments:

I support this bill.

HB-128-HD-1

Submitted on: 3/10/2025 7:11:31 AM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
James K. Rzonca	Individual	Oppose	Written Testimony Only

Comments:

Making it easier on criminals is a bad idea. One of the reasons we are the most corrupt "state"

HB-128-HD-1

Submitted on: 3/10/2025 7:29:29 AM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Deven English	Individual	Oppose	Written Testimony Only

Comments:

I am in strong opposition of this bill, being easy on crime, is only gonna make more crime, making law enforcements job even harder than it already is.

HB-128-HD-1

Submitted on: 3/10/2025 7:36:54 AM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cari Sasaki	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE HB128. This bill will add to the rising crime in Hawaii. Why are we helping criminals and punishing the public? Do NOT jeopardize the safety of law-abiding citizens for the convenience of criminals, even petty criminals. Let our police officers do their job!

HB-128-HD-1

Submitted on: 3/10/2025 7:57:24 AM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bronson Teixeira	Individual	Oppose	Written Testimony Only

Comments:

Aloha, I stand in opposition to this bill, mahalo.

HB-128-HD-1

Submitted on: 3/10/2025 8:10:17 AM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ronelle Andrade	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill, it does not benefit or support the people of Hawai'i.

HB-128-HD-1

Submitted on: 3/10/2025 8:11:17 AM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joelle Seashell	Individual	Oppose	Written Testimony Only

Comments:

Strongly opposed you folks continuing to destroy and erode society

HB-128-HD-1

Submitted on: 3/10/2025 8:24:47 AM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sally Lee	Individual	Oppose	Written Testimony Only

Comments:

I oppose.

HB-128-HD-1

Submitted on: 3/10/2025 8:27:38 AM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Richard Domingo	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE HB128

HB-128-HD-1

Submitted on: 3/10/2025 9:12:27 AM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Deborah Umiamaka	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members,

I am writing to express my strong opposition to Hawaii House Bill 128, which proposes expanding the use of citations in lieu of arrests for petty misdemeanors and violations. While I understand the intent to reduce strain on law enforcement resources and minimize the disruption caused by arrests, this bill prioritizes the convenience of offenders over the safety and well-being of our communities.

Public Safety Concerns

HB128 undermines public safety by reducing the deterrent effect of arrests. Petty misdemeanors, such as disorderly conduct or public intoxication, can escalate into more serious offenses if not addressed promptly. By issuing citations instead of making arrests, law enforcement loses an essential tool to prevent repeat offenses and maintain order. Studies show that offenders who are not detained are more likely to reoffend, creating a cycle of criminal activity that jeopardizes community safety.

Accountability and Justice

The bill's reliance on citations diminishes accountability for lawbreakers. Offenders may fail to appear in court or disregard citations altogether, as HB128 does not adequately address mechanisms to ensure compliance. This lack of accountability erodes trust in the justice system and sends a message that criminal behavior carries minimal consequences.

Impact on Law Enforcement

HB128 places an undue burden on police officers by requiring them to assess subjective factors, such as whether an offender is likely to appear in court or poses a future risk. This ambiguity complicates decision-making in high-pressure situations and could lead to inconsistent enforcement practices. Furthermore, reducing arrests for minor offenses diverts attention from addressing underlying issues, such as addiction or mental health challenges, which often require intervention beyond a citation.

Community Consequences

The bill overlooks the broader impact on victims and communities. Petty crimes often disrupt neighborhoods and diminish residents' quality of life. By prioritizing the convenience of offenders over the concerns of law-abiding citizens, HB128 risks fostering an environment where minor offenses are tolerated, ultimately leading to greater social disorder.

Conclusion

While reforming the criminal justice system is a noble goal, HB128 takes an approach that compromises public safety and weakens accountability. I urge lawmakers to reject this bill and instead focus on solutions that balance efficiency with the need to protect our communities.

Thank you for considering my concerns.

**Sincerely,
Deborah Umiamaka**

HB-128-HD-1

Submitted on: 3/10/2025 9:40:57 AM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Paul Giles	Individual	Oppose	Written Testimony Only

Comments:

I Oppose HB128,

Paul Giles

HB-128-HD-1

Submitted on: 3/10/2025 9:52:56 AM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
stacy diaz	Individual	Oppose	Written Testimony Only

Comments:

I, Stacy Diaz oppose this bill.

HB-128-HD-1

Submitted on: 3/10/2025 10:02:11 AM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Debbie Wyand	Individual	Oppose	Written Testimony Only

Comments:

Vore NO on HB 128 it's time to enforce law! Not create new regulations stop creating more paperwork and regulations

This bill forces citations over arrests, unleashing petty criminals. It handcuffs police, prioritizing lawbreaker convenience over public safety reckless insanity!

HB-128-HD-1

Submitted on: 3/10/2025 10:22:06 AM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Paul Littleton	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB128

HB-128-HD-1

Submitted on: 3/10/2025 10:32:29 AM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
kim santos	Individual	Oppose	Written Testimony Only

Comments:

I would ask you to vote no as this bill puts public safety at risk. As crime rises in Hawaii we need to protect the people of Hawaii.

HB-128-HD-1

Submitted on: 3/10/2025 11:07:45 AM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lora Santiago	Individual	Oppose	Written Testimony Only

Comments:

I strongly OPPOSE HB128.

HB-128-HD-1

Submitted on: 3/10/2025 11:21:32 AM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lesha Mathes	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. It handcuffs police officers. Releases criminals. Prioritizing criminals convenience over the safety of law abiding citizens.

HB-128-HD-1

Submitted on: 3/10/2025 11:43:03 AM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lawrence Ramirez	Individual	Oppose	Written Testimony Only

Comments:

Testimony in Opposition to HB 128 – Amendments to Section 803-6, Hawaii Revised Statutes
Submitted to the Hawaii State Legislature

Date: March 10, 2025

Dear Chair and Members of the Committee,

I respectfully submit this testimony in opposition to HB 128, which proposes amendments to Section 803-6, Hawaii Revised Statutes, to expand the use of citations in lieu of arrest for misdemeanor, petty misdemeanor, and violation offenses. While the intent to reduce custodial arrests may stem from a desire to streamline law enforcement processes, I urge the Committee to reject this measure due to its potential to undermine public safety, erode police authority, and weaken accountability for offenders. For these reasons, I strongly oppose HB 128.

First, the proposed amendments jeopardize public safety by overly restricting police officers' ability to detain individuals when probable cause exists. Under the current law, officers have the discretion to arrest when lawful, ensuring immediate action against offenders who may pose a risk to the community. By emphasizing citations over arrests—particularly with the permissive language "may, but need not"—HB 128 could pressure officers to release individuals who might otherwise require detention to prevent further harm. For example, in cases involving domestic violence misdemeanors or repeat petty offenses, a citation may fail to adequately address the severity of the situation, leaving victims and the public vulnerable.

Second, the bill erodes law enforcement discretion, a critical tool for maintaining order and responding to nuanced circumstances. The amended subsection (b) imposes subjective conditions—such as determining whether an offender "will appear in court" or whether "no further police contact" is likely—that are difficult to assess in the moment. These requirements could handcuff officers with bureaucratic hurdles, undermining their ability to make swift, informed decisions based on training and experience. Rather than enhancing efficiency, this shift risks creating confusion and inconsistency in enforcement across the state.

Third, HB 128 weakens accountability for offenders by prioritizing citations over arrests without sufficient safeguards. The conditions outlined—such as verifying "no outstanding arrest warrants" or predicting future behavior—rely on real-time information that may not always be accessible to officers in the field. An offender with a history of failing to appear in court or committing additional violations could exploit this leniency, evading consequences and overburdening an already strained judicial system. This approach sends a troubling message that minor offenses carry minimal repercussions, potentially emboldening habitual offenders.

Finally, the bill lacks evidence that expanding citations will address a pressing problem in Hawaii. Without data demonstrating that current arrest practices are overly punitive or disproportionately applied, HB 128 appears to be a solution in search of a problem. The state

should instead focus on supporting law enforcement with resources—such as improved warrant databases or training—to enhance existing practices rather than diluting their authority. In conclusion, HB 128’s amendments to Section 803-6 threaten public safety, diminish police discretion, and reduce accountability, all while failing to justify the need for such a change. I respectfully urge the Committee to oppose this measure and preserve the current framework that empowers officers to protect our communities effectively. Thank you for your time and consideration of this testimony.

Lawrence Ramirez Kailua Kona
lardg@yahoo.com

HB-128-HD-1

Submitted on: 3/10/2025 11:48:39 AM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan Kuwaye	Individual	Oppose	Written Testimony Only

Comments:

Oppose HB128

HB-128-HD-1

Submitted on: 3/10/2025 11:58:06 AM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bart Burford	Individual	Oppose	Written Testimony Only

Comments:

FURTHER EROSION OF THE LETTER OF LAW - ENABLING PETTY CRIMINALS TO
CONTINUE THEIR CRIMES WITHOUT REAL REPURCUSSIONS

WE THE PEOPLE OPPOSE THIS BILL!

HB-128-HD-1

Submitted on: 3/10/2025 12:04:13 PM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shani Hough	Individual	Oppose	Written Testimony Only

Comments:

This bill forces citations over arrests, unleashing petty criminals. I handcuffs police, prioritizing lawbreaker convenience over public safety. This is just reckless insanity!

HB-128-HD-1

Submitted on: 3/10/2025 12:30:22 PM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sharan Sadowski	Individual	Oppose	Written Testimony Only

Comments:

Detrimental to police operations. Opposed.

HB-128-HD-1

Submitted on: 3/10/2025 3:48:15 PM

Testimony for PSM on 3/12/2025 3:00:00 PM

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

Comments:

Opposed.

HB-128-HD-1

Submitted on: 3/10/2025 5:59:37 PM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dorinda Ohelo	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill. Public safety is paramount and this does not support that.

HB-128-HD-1

Submitted on: 3/10/2025 7:57:16 PM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Blaine De Ramos	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB128.

HB-128-HD-1

Submitted on: 3/10/2025 8:00:06 PM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Louella Vidinha	Individual	Oppose	Written Testimony Only

Comments:

Opposition to this bill.

Citations over arrests is inviting more Crime. Am I right ? Yes, I'm right. Common sense. Jail criminals, not cite only.

Louella Vidinha

Hawaii resident

HB-128-HD-1

Submitted on: 3/10/2025 9:08:29 PM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alice Abellanida	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. Stop introducing insane bills.

HB-128-HD-1

Submitted on: 3/10/2025 9:49:08 PM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tiare Smith	Individual	Oppose	Written Testimony Only

Comments:

****Testimony In Opposition to H.B. No. 128, H.D. 1****

Aloha e Chair Tarnas, Vice Chair Takayama, and Distinguished Members of the House Committee on Judiciary and Hawaiian Affairs,

I am Tiare Smith, a Native Hawaiian and resident of Kahalu‘u, O‘ahu, where I have lived for 45 years, bearing witness to the evolving dynamics of our community and its justice system. It is with a profound sense of duty to this ‘āina and its people that I submit this testimony in staunch opposition to House Bill 128 (HB128). While the bill purports to reduce unnecessary arrests by refining warrantless arrest criteria for petty misdemeanors and violations, its provisions are precipitously flawed, risking the erosion of public safety, the exacerbation of systemic inequities, and the disenfranchisement of vulnerable populations—concerns that strike at the heart of my identity as a kama‘āina. This measure, far from reforming criminal justice, is antithetical to the principles of equity and prudence it claims to uphold.

The Illusion of Reform

HB128’s stated intent—to mitigate the overuse of arrests by favoring citations—appears laudable at first glance. The legislature rightly notes the burdens arrests impose: strained police resources, overcrowded jails, and economic hardship for families. Yet, the bill’s remedy is illusory. By codifying subjective factors under Section 803-5(b)—such as an officer’s belief that a person “will not appear in court” or “might fail to appear” based on an outstanding warrant—it entrusts excessive discretion to individual officers. This vagueness invites arbitrary enforcement, undermining the very consistency the bill seeks to achieve. As a Native Hawaiian, I am all too familiar with the historical overreach of authority in our communities; HB128 threatens to perpetuate, rather than alleviate, such disparities.

Undermining Public Safety

The bill’s expansion of criteria for warrantless arrests, coupled with its permissive stance on citations under Section 803-6(b), compromises public safety in a manner that cannot be ignored. Officers may now detain individuals for petty offenses if they suspect “further police contact” or a need to “prevent bodily injury”—standards so nebulous as to defy predictable application. In Kahalu‘u, where minor infractions like trespassing or public nuisance are often tied to socioeconomic distress, this could precipitate a surge in detentions rather than a reduction. The

requirement to record justifying factors offers scant reassurance; it is a procedural veneer that does little to curb the potential for overzealous policing or to protect our community from the ripple effects of disrupted lives.

Disproportionate Impact on Vulnerable Populations

As a resident of O‘ahu for over four decades, I have seen the toll of economic precarity on our families, a reality HB128 acknowledges but fails to address meaningfully. The bill’s reliance on officer discretion disproportionately endangers those least equipped to navigate its consequences: low-income individuals, Native Hawaiians, and others already overrepresented in the justice system. A citation may suffice for some, but for those unable to pay fines or secure transportation to court—commonplace in rural areas like Kahalu‘u—the specter of arrest looms larger under this framework. Far from reducing hardship, HB128 risks entrenching a cycle of penalties that disenfranchises the very populations it claims to spare, contradicting the presumption of innocence it invokes.

A Native Hawaiian Perspective

From a cultural standpoint, HB128 offends the Native Hawaiian value of pono—righteousness and balance. Our traditional systems of justice emphasized restoration over punishment, seeking to heal rather than fracture community bonds. This bill, with its emphasis on detention over dialogue and its failure to mandate alternatives like community-based resolutions, diverges from that ethos. For 45 years, I have watched Kahalu‘u thrive through mutual accountability, not through the heavy hand of law enforcement. HB128’s approach is a step backward, prioritizing bureaucratic expediency over the holistic well-being of our people.

A Call for True Reform

Opposition to HB128 does not deny the need for criminal justice reform. Arrests can indeed be disruptive, and police resources are finite. However, this bill’s remedy is a misstep. True reform would invest in diversion programs, bolster mental health and housing support, and engage communities in crafting solutions—measures that address root causes rather than symptoms. The current framework, with its ambiguous standards and lack of safeguards, invites misuse and mistrust. I urge the legislature to reject HB128 and pursue a more deliberate, equitable path that honors the dignity of all Hawaii’s residents.

Conclusion

After 45 years in Kahalu‘u, I speak not only as a witness to our community’s resilience but as a voice for its future. HB128, in its present form, threatens that future by vesting unchecked power in an already strained system, imperiling public safety, and sidelining the marginalized. I implore this committee to oppose this measure and champion reforms that reflect the aloha and pono our islands deserve. Let us not trade one set of burdens for another under the guise of progress.

Mahalo nui loa for your thoughtful consideration.

Respectfully submitted,

Tiare Smith

Kahalu‘u, O‘ahu

HB-128-HD-1

Submitted on: 3/10/2025 11:30:55 PM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Matt Smith	Individual	Oppose	Written Testimony Only

Comments:

We have too many criminals walking our streets because they know they get a slap on the wrist and can go back to terrorizing law abiding citizens.

HB-128-HD-1

Submitted on: 3/11/2025 6:47:47 AM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Frank Schultz	Individual	Oppose	Written Testimony Only

Comments:

I oppose this initiative.

HB-128-HD-1

Submitted on: 3/11/2025 8:48:44 AM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Renee Manding	Individual	Oppose	Written Testimony Only

Comments:

I oppose bill HB128

HB-128-HD-1

Submitted on: 3/11/2025 9:16:24 AM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Noela von Wiegandt	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I oppose HB128. This bill protects the lawbreaking individuals. It handcuffs the police from doing their jobs, they took an oath to uphold keeping the public safe. This is utter insanity. Let the police do their job! Vote NO! Thank you.

Noela von Wiegandt

HB-128-HD-1

Submitted on: 3/11/2025 6:14:35 AM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
L Miles	Individual	Oppose	Written Testimony Only

Comments:

Opposed.

HB-128-HD-1

Submitted on: 3/11/2025 12:52:16 PM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Terry Murakami	Individual	Oppose	Written Testimony Only

Comments:

I oppose.

This bill puts pushes police to issue citations rather than arrests, letting petty criminals off the hook. This only restricts police officers while favoring the convenience of lawbreakers at the expense of public safety.

HB-128-HD-1

Submitted on: 3/11/2025 1:24:11 PM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Cabjuan	Individual	Oppose	Written Testimony Only

Comments:

Oppose this bill

HB-128-HD-1

Submitted on: 3/11/2025 2:06:43 PM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sierra Mcveigh	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I oppose HB128

-Sierra Mcveigh

HB-128-HD-1

Submitted on: 3/11/2025 5:57:48 PM

Testimony for PSM on 3/12/2025 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
james wallace	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB128 HD!.This is why so many criminals like hawaii law.They are well protected and well supported by our pilauticians.Put them away and arrest them!!!Anyone who supports criminals to not get arrested should be fined!!!!

HB-128-HD-1

Submitted on: 3/11/2025 6:47:21 PM

Testimony for PSM on 3/12/2025 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Terri Yoshinaga	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bad bill.

HB-128-HD-1

Submitted on: 3/11/2025 6:50:58 PM

Testimony for PSM on 3/12/2025 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Dayna Matsumura	Individual	Oppose	Written Testimony Only

Comments:

Oppose

HB-128-HD-1

Submitted on: 3/11/2025 11:30:12 PM

Testimony for PSM on 3/12/2025 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Martin Wyand	Individual	Oppose	Written Testimony Only

Comments:

Vote no on HB128. This bill forces citations over street. It unleashes criminals. We need to get tough on crime. This handcuffs police and prioritizes lawbreakers convenience over public safety. Enforce laws! Hawaii crime rate is surging. We need enforcement. Not loop holes.

Dennis M. Dunn

Kailua, Hawaii 96734

dennismdunn47@gmail.com

LATE

Re: H.B. 128 Relating to Criminal Justice Reform

Date: March 12, 2025, 3:00 p.m.

To: Senate Committee on Public Safety and Military Affairs

Senator Brandon J. C. Elefante, Chair

Senator Glenn Wakai, Vice Chair

Good afternoon, Chair Elefante and Vice Chair Wakai and members of Senate Committee on Public Safety and Military Affairs. My name is Dennis Dunn, and I am the retired Director of the Victim Witness Kokua Services in the Honolulu Prosecuting Attorney's Office having retired after 44 years of service. Prior to that I was a volunteer Victim Advocate for People Against Rape. I am testifying today **in strong opposition H.B. 128**

The provisions of HB 128 would enact onerous new procedural requirements for police officers making arrest for Petty Misdemeanor offenses. To begin with, this broad-brush approach to making law enforcement officers provide justifications for all Petty Misdemeanors makes no sense as many of these offenses are not as "petty" as they may seem. It is not uncommon for an individual committing a violent assault to be charged with Harassment, a petty misdemeanor involving offensive touching, when the evidence falls short of establishing all of the evidence required for an assault or is often an offense that is plead down from Assault in the Third Degree. Similarly, some Harassment cases may be offensive touching that is actually an attempted sexual assault that is stopped through some type of intervention, thus falling short of the standard evidence for Sexual Assault. We also have individuals who make numerous harassing telephone calls that severely traumatize and may terrorize the victim but fall short of the evidence necessary to charge Terroristic Threatening. Each of these scenarios involve individuals who are clearly a danger to the immediate victim and the community as a whole and where an arrest and bail are clearly warranted, but requiring additional unnecessary evidence and paperwork may provide a disincentive for making an arrest, thus immediately freeing someone to further prey on the community. Unfortunately, there are also many similar Petty Misdemeanors in our Penal Code where you want to encourage, not discourage proper law enforcement intervention.

Equally concerning in the approach taken in HB 128 is the fact that the introduction of new additional arbitrary procedural requirements for law enforcement is that this allows collateral legal attacks based only on procedural defects that can result in cases being inappropriately being dismissed. The introduction of additional requirements in such cases means that many cases can be summarily dismissed not due to a lack of evidence or witnesses but solely due to an “uncrossed t or undotted i”. Such outcomes, unfortunately, are not uncommon in Hawai’i’s courts. Thousands of cases are dismissed each year in our perennially under resourced criminal justice system due the arbitrary deadlines of HRPP Rule 48 for procedural reasons only, thus requiring cases to be re-charged and further clogging up our overwhelmed state courts.

For all of the reasons above, I ask you to **please defer HB 128**.

Mahalo!