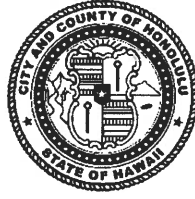


HONOLULU POLICE DEPARTMENT
KA 'OIHANA MĀKA'I O HONOLULU
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 • WEBSITE: www.honolulu.hpd.org



RICK BLANGIARDI
MAYOR
MEIA

ARTHUR J. LOGAN
CHIEF
KAHU MĀKA'I

KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS
HOPE LUNA NUI MĀKA'I

OUR REFERENCE **MH-SK**

February 7, 2025

The Honorable David A. Tarnas, Chair
and Members
Committee on Judiciary and
Hawaiian Affairs
House of Representatives
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Tarnas and Members:

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

The HPD understands the intent of the proposed language of the bill with regard to Hawaii 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 and to deter as well as 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, in addition to probable cause for the arrest, an individual must meet a set of listed criteria. 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. Examples of such offenses are

The Honorable David A. Tarnas, Chair
and Members
February 7, 2025
Page 2

Operating a Vehicle Under the Influence of an Intoxicant, Disorderly Conduct, Indecent Exposure, or Abuse of Family or Household Members involving offensive contact. Although it may be argued an individual may meet the criteria to be arrested for a petty misdemeanor, each determination will be subject to arbitrary scrutiny, when probable cause should remain the sufficient level of justification needed to effect an arrest.

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, made with probable cause, is the proper course of action to protect public safety, as well as deter future criminal behavior.

The HPD urges you to oppose House Bill No. 128, 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

STEPHEN L. FRYE
FIRST DEPUTY
PROSECUTING ATTORNEY



655 KĪLAUEA AVENUE
HILO, HAWAII 96720
PH: (808) 961-0466
FAX: (808) 961-8908

64-1067 MAMALAHOA HWY
KAMUELA, HAWAII 96743
PH: (808) 887-3017
FAX: (808) 887-3016

74-675 KEALAKEHE PARKWAY
KAILUA-KONA, HAWAII 96740
PH: (808) 322-2552
FAX: (808) 322-6584

OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN OPPOSITION TO HOUSE BILL NO. 128

A BILL FOR AN ACT RELATING TO CRIMINAL JUSTICE REFORM

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

Friday, February 7, 2025 at 2:05 p.m.
Via Videoconference and
State Capitol Conference Room 325
415 South Beretania Street

Honorable Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee on Judiciary and Hawaiian Affairs: The County of Hawai‘i, Office of the Prosecuting Attorney submits the following testimony in opposition to House Bill No. 128.

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 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 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 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, 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.

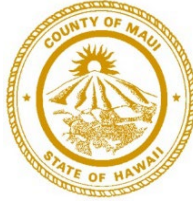
There would also be significant uncertainty as to how the judiciary would interpret and apply the text of H.B. 128. The existence of probable cause to make a warrantless arrest under Section 803-5 is determined by an objective legal test, which is defined in law under subsection (b). Judges have extensive experience in applying the test for probable cause, and extensive case law ensures consistency in how the test is applied. Under H.B. 128, 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 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. Thank you for the opportunity to testify on this matter.

RICHARD T. BISSEN, JR.
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

SHELLY C. MIYASHIRO
First Deputy Prosecuting Attorney



DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
PHONE (808) 270-7777 • FAX (808) 270-7625

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

February 6, 2025

The Honorable David A. Tarnas
Chair
The Honorable Mahina Poepoe
Vice Chair
and Members of the Committee on Judiciary and Hawaiian Affairs

Chair Tarnas, Vice Chair Poepoe, 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, 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.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **opposes the passage of H.B. 128 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.

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

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515 • WEBSITE: www.honoluluprosecutor.org

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



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

THE HONORABLE DAVID A. TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
Thirty-Third State Legislature
Regular Session of 2025
State of Hawai'i

February 6, 2025

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

Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian 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.B. 128 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 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.



Committee: Judiciary & Hawaiian Affairs
Hearing Date/Time: Friday, February 7, 2025, at 2:05pm
Place: Conference Room 325 & Via Videoconference
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of H.B. 128
Relating to Criminal Justice Reform**

Dear Chair Tarnas, Vice Chair Poepoe, and Committee Members:

The ACLU of Hawai'i is in **support of H.B. 128**, 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.

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 HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS**HEARING:**

Public Hearing on House Bill 128, February 7, 2025

DATE OF TESTIMONY:

February 6, 2025

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

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary and Hawaiian 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. Democratically setting expectations for these decisions before police make them, rather than after something has potentially gone wrong, is the best way to ensure that arrests are part of a policing strategy that effectively and equitably addresses community priorities.

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 Law enforcement officers frequently arrest individuals who pose

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/>.

little safety or flight risk. 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 minor offenses unless there is an articulable public safety or flight-related reason to believe an arrest is needed. We applaud this measure and urge its passage.

States Have Prevented Unnecessary Arrests Through Common Sense Limitations on Arrests for Minor 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. Further, as we have seen all too frequently in recent years, an arrest creates a flashpoint that can be dangerous for all involved; a volatile situation that can quickly spiral and damage relationships between police and the communities they serve. Although such risks are well worth taking when arresting people for serious offenses or involving dangerous situations, the risks are frequently disproportionate to the stakes involved in many low-level offenses.

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 These citations initiate 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 this 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

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>.

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

HB 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 minor offenses is an unnecessary, costly response. To this end, H.B. 128 leaves untouched law enforcement officers' authority to conduct warrantless arrests in all cases involving a felony or misdemeanor offense. It 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. But 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

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).

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).

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 Hawaii.

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.



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

February 5, 2025

The Honorable David A. Tarnas, Chair
The Honorable Mahina Poepoe, Vice Chair
House Committee on Judiciary and Hawaiian Affairs
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

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

Dear Chair Tarnas, Vice-Chair Poepoe, 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, 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 decision making on the ground contemporaneously dealing with the situation in the field.

Main Office & Honolulu Chapter Office
1717 Hoe Street
Honolulu, Hawaii 96819-3125
Tel: (808) 847-4676 "84 SHOPO"
www.shopohawaii.org Fax: (808) 841-4818

Hawaii Chapter Office
688 Kinoole Street, Room 220B
Hilo, Hawaii 96720-3877
Tel: (808) 934-8405
Fax: (808) 934-8210

Kauai Chapter Office
3176 Oihana Street, Suite 104, Lihue
Mailing Add: P. O. Box 1708
Lihue, Hawaii 96766-5708
Tel: (808) 246-8911

Maui Chapter Office
1887 Wili Pa Loop, Suite 2
Wailuku, Hawaii 96793-1253
Tel: (808) 242-6129
Fax: (808) 242-9519

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 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

RC: ja

HB-128

Submitted on: 2/6/2025 12:17:26 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Alika Valdez	The Hawai'i Democratic Party	Support	Written Testimony Only

Comments:

I support this bill.

HB-128

Submitted on: 2/7/2025 12:25:05 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Joanna Wheeler	Fathers and Mothers for Children Kauai Chapter	Oppose	Written Testimony Only

Comments:

Dear Sirs:

I strongly oppose HB128. This bill establishes vague and subjective factors under which officers may arrest and detain individuals for petty misdemeanors and violations. Such ambiguity invites bias and could lead to discriminatory practices, undermining the principles of justice and equality before the law. The potential for abuse of power is high, and I urge you to reject this bill to protect the civil liberties of all citizens.

Sincerely,

Joanna Wheeler

Registered Voter

Fathers and Mothers for Children Kauai Chapter

HB-128

Submitted on: 2/4/2025 3:38:25 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

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

Comments:

Aloha Representatives,

First , its good that this bill is not forcing police to write citations instead of arrest and it gives them discretion . Police already have that discretion so in a way the bill is not necessary.

While this might sound like a way to cut down on the number of people detained, in reality, it can backfire. Based on my two year study of arrests in Waikiki, 73% of defendants released on their own recognizance fail to appear in court. This sets up another vicious cycle of catch and release because now police are ordered to arrest people on warrants. Sometimes they are not found and about 30% get away with the crime.

Failure to appear seems to be a major problem in Hawaii. For example in 2023 HPD made 5990 arrests for criminal contempt of court.

However, if police have a person's failure to appear record at their disposal along with an accurate recent criminal history police would have a way to justify the arrest.

Be careful what you wish for. Police tend to use discretion already. If you are micromanaging their decisions they will likely be forced to arrest MORE people because almost EVERYONE they encounter in the street would qualify for an arrest.

HB-128

Submitted on: 2/4/2025 10:35:54 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrew Crossland	Individual	Oppose	Written Testimony Only

Comments:

I STRONGLY OPPOSE this Bill with is vague and would lead to biased and subjected enfordement. I urge all members of the Committee to **VOTE NO** on this Bill.

HB-128

Submitted on: 2/6/2025 7:21:14 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Ryan Willis	Individual	Oppose	Written Testimony Only

Comments:

I Strongly oppose

HB-128

Submitted on: 2/6/2025 7:31:51 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Kanoe Willis	Individual	Oppose	Written Testimony Only

Comments:

I STRONGLY OPPOSE

HB-128

Submitted on: 2/6/2025 7:37:54 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

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

Comments:

Vague and biased. Strongly opposed.

HB-128

Submitted on: 2/6/2025 7:38:54 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Laurie Anne Bell	Individual	Oppose	Written Testimony Only

Comments:

America 1st- this is unlawful and we won't stand for it

HB-128

Submitted on: 2/6/2025 7:40:04 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Amanda Wehrly	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

HB 128 Please do not pass this bill. I oppose this bill. This bill sure feels like our rights are being taken away. The officers should provide proof and need a warrant . This is government over reach

Instead of wasting our tax dollars on these crazy bills why don't you do what our constitution & amendments say to protect the people and for the people.

Amanda Wehrly

HB-128

Submitted on: 2/6/2025 7:40:13 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Yumi Moore	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair and Committee Members,

I am writing to express my strong opposition to HB128. This bill would allow law enforcement officers to arrest and detain individuals without a warrant for petty misdemeanors and violations. Such a policy is overly broad, vague, and opens the door to potential abuse, bias, and subjectivity in enforcement.

Due process is a fundamental right, and this bill risks undermining constitutional protections. Law enforcement should not have unchecked authority to arrest individuals for minor offenses without proper judicial oversight. Instead of expanding warrantless arrests, efforts should be made to focus on addressing serious crimes and ensuring fairness in the legal system.

I urge you to oppose HB128 and protect the rights of Hawai'i's residents.

Mahalo for your time and consideration.

Yumi Moore

HB-128

Submitted on: 2/6/2025 7:42:11 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

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

Comments:

I am in strong opposition of this bill.

HB-128

Submitted on: 2/6/2025 8:08:12 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

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

Comments:

I OPPOSE THIS BILL.

HB-128

Submitted on: 2/6/2025 8:09:55 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Christopher Gouveia	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB128. Detaining and arresting eople without any warrants is a violation of our constitutional rights. This bill should never have been proposed.

HB-128

Submitted on: 2/6/2025 8:17:24 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Laurie West	Individual	Oppose	Written Testimony Only

Comments:

OPPOSE

HB-128

Submitted on: 2/6/2025 8:20:58 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

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

Comments:

I oppose this bill. Seems like the government of Hawaii is determined to take our rights away with the amount of unconstitutional bills being introduced this session. This bill is a good example of that

HB-128

Submitted on: 2/6/2025 8:30:54 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Jessica Gellert	Individual	Oppose	Written Testimony Only

Comments:

Aloha Lawmakers,

I oppose this bill because it is too vague, biased and subjective.

My name is Jessica Gellert. I strongly oppose HB128 because it expands law enforcement's power to conduct warrantless arrests for petty misdemeanors and minor violations. This bill contradicts the principles of true criminal justice reform and poses significant risks to civil liberties, due process, and public trust in law enforcement. The bill states it wants to reduce the number of arrests but it makes it easier for officers to arrest people.

This bill is a step backward in criminal justice reform. It expands law enforcement's ability to detain individuals unnecessarily, undermines due process, and disproportionately harms vulnerable communities. I urge you to oppose this bill and instead focus on reforms that prioritize fairness, accountability, and real public safety.

Thank you for your time and consideration.

Jessica Gellert

HB-128

Submitted on: 2/6/2025 8:49:24 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
stacy diaz	Individual	Oppose	Remotely Via Zoom

Comments:

I, Stacy Diaz oppose bill HB128.

HB-128

Submitted on: 2/6/2025 8:54:40 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Monique Perreira	Individual	Oppose	Written Testimony Only

Comments:

strongly OPPOSE. This is unconstitutional. Legislators need to read and understand our CONSTITUTION.

HB-128

Submitted on: 2/6/2025 9:04:54 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeanine Acopan	Individual	Oppose	Written Testimony Only

Comments:

Oppose

HB-128

Submitted on: 2/6/2025 9:09:49 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Zac Nosugref	Individual	Oppose	Written Testimony Only

Comments:

I oppose any and all vague, biased and subjective bills where an individual's constitutional rights may be delayed or denied.

HB-128

Submitted on: 2/6/2025 9:23:55 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Noela von Wiegandt	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha,

I oppose HB128. This bill is vague, biased and very subjective. Every single law abiding citizen should be terrified that our Legislature has come to this level to even suggest let alone author this dangerous bill. The Hawaii State Legislature members took an oath to protect We the People under The Constitution of The United States, now Honor your Oath. Thank you.

Noela von Wiegandt

HB-128

Submitted on: 2/6/2025 9:29:20 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Tina Pao	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill!

HB-128

Submitted on: 2/6/2025 9:39:28 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Shari saiki Rodrigues	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill, it is u constitutional.

HB-128

Submitted on: 2/6/2025 9:55:10 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Robin D. Ganitano	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB128. Totally unconstitutional to arrest and detain persons without warrant for petty misdemeanors and violations. This is vague, biased, and subjective.

February 6, 2025

Aloha Lawmakers,

My name is Jamsie Raquedan-Poti, I oppose Bill HB128. I do not agree with potentially establishing factors under which officers may, without warrant, arrest and detain persons for petty misdemeanors and violations. It is a vague, biased and subjective description. This is beyond my constitutional right. I oppose this bill, and do not agree with it. Thank you for your time, and for the opportunity to testify.

Sincerely,

Jamsie Raquedan-Poti
Jamsiek813@gmail.com

HB-128

Submitted on: 2/6/2025 10:13:05 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Leslie J.	Individual	Oppose	Written Testimony Only

Comments:

Committee members, please defer this measure. It's intent may be sound, but the wording will have the unintended consequence of increased numbers of arrests to hamper an already heavily burdened system, and increased paperwork demands on our police officers. There may also be unresolved constitutional issues. Therefore please defer this measure. Thank you for this opportunity to testify.

HB-128

Submitted on: 2/6/2025 10:15:38 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Kealohi Hanohano	Individual	Oppose	Written Testimony Only

Comments:

I oppose. This is such an over reach.

HB-128

Submitted on: 2/6/2025 10:39:18 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Brandon Iani	Individual	Oppose	Written Testimony Only

Comments:

I oppose this is government overreach.

HB-128

Submitted on: 2/6/2025 11:08:06 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Rosemarie Vailisale	Individual	Oppose	Written Testimony Only

Comments:

I oppose of this bill!!

HB-128

Submitted on: 2/6/2025 11:11:56 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Josh Fowler	Individual	Oppose	Written Testimony Only

Comments:

House Committee on Judiciary & Hawaiian Affairs**RE: Strong Opposition to HB218 – Relating to Criminal Justice Reform****Chair, Vice-Chair, and Committee Members,**

My name is Joshua Fowler, and I strongly oppose HB218, which seeks to limit warrantless arrests for petty misdemeanors and violations. While the bill claims to reduce unnecessary arrests and relieve pressure on law enforcement and correctional facilities, it ultimately weakens public safety, emboldens repeat offenders, and makes communities less safe.

Reasons for Opposition:

- **Reduces Accountability for Criminal Behavior**
 - Petty misdemeanors aren't harmless—offenses like trespassing, shoplifting, disorderly conduct, and drug-related violations have a real impact on communities.
 - Replacing arrests with citations allows offenders to ignore the consequences, increasing the likelihood of repeat offenses.
- **Encourages Lawlessness and Undermines Public Trust in Law Enforcement**
 - Officers need the discretion to determine when an arrest is necessary. This bill ties their hands and prevents them from addressing criminal activity effectively.
 - Other states have seen crime increase when similar measures were implemented. For example, California's Proposition 47 downgraded theft under \$950 from a felony to a misdemeanor, leading to a significant rise in retail crime. Hawaii should not repeat this mistake.
- **Hurts Small Businesses and Local Residents**
 - Business owners and residents already deal with theft, vandalism, and public disturbances. Limiting arrests means offenders can continue disrupting communities with little to no deterrent.
 - Many offenders fail to show up for court when cited, forcing police to waste additional resources on re-arrests later.
- **Fails to Address Jail Overcrowding and Systemic Issues**

- If the goal is to reduce overcrowding, the solution is better rehabilitation programs, diversion efforts, and mental health support—not reducing law enforcement’s ability to enforce the law.
- Jail should be reserved for serious offenses, but this bill takes it too far, making it harder to hold even repeat petty criminals accountable.

A Smarter Approach for Hawaii:

- ✓ Invest in diversion programs for nonviolent first-time offenders
- ✓ Expand mental health and drug treatment services
- ✓ Support law enforcement with the tools they need to protect communities

This bill sends the wrong message: that breaking the law carries little to no consequences. Hawaii should focus on real solutions that promote both accountability and rehabilitation rather than weakening our justice system.

I strongly urge you to reject HB218.

Mahalo for your time and consideration.

Joshua Fowler
Hawaii Resident

HB-128

Submitted on: 2/6/2025 11:14:32 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
kamakani de dely	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

HB-128

Submitted on: 2/6/2025 11:15:57 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Mallory De Dely	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

HB-128

Submitted on: 2/6/2025 11:16:37 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Yvonne Alvarado	Individual	Oppose	Written Testimony Only

Comments:

I, Yvonne Alvarado Oppose Bill HB128

HB-128

Submitted on: 2/6/2025 11:17:22 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

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

Comments:

I oppose this bill.

HB-128

Submitted on: 2/6/2025 11:23:26 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

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

Comments:

I oppose this bill - it is an overreach of power. Further, it is too subjective.

HB-128

Submitted on: 2/6/2025 11:29:51 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Dawn O'Brien	Individual	Oppose	Written Testimony Only

Comments:

Aloha Representatives of the PEOPLE of HAWAII,

TY for your due diligence to represent the people of Hawai'i & not the special interests of a select few.

I strongly oppose this bill as it is vague & subjective to the special interest of whom? It seems illegal and therefore would be an illegal law, an oxymoron.

Again, I strongly oppose this proposed bill that will further restrict the freedoms and rights of the people of Hawai'i, and so should you.

Gratefully with Aloha,

Dawn O'Brien

Lifelong resident of the State of Hawai'i

President, HOPE HI, Inc.

HB-128

Submitted on: 2/6/2025 11:37:48 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Chelle Galarza	Individual	Oppose	Written Testimony Only

Comments:

To whom it may concern

I oppose this bill because it is too subjective and gives police too much control and ability to overuse this power when they choose to do so, whenever they want, without due fair process. A warrant is necessary for arresting and detaining a person.

Sincerely,

Michelle Galarza

HB-128

Submitted on: 2/6/2025 11:41:08 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Kerwin Canionero	Individual	Oppose	Written Testimony Only

Comments:

Subject: Opposition to HB128 – Violation of Constitutional Rights and Due Process

Dear Legislator's,

I am writing to express my strong opposition to HB128, a bill that seeks to establish vague and subjective factors under which law enforcement officers may, without a warrant, arrest and detain individuals for petty misdemeanors and violations. This legislation not only raises serious constitutional concerns but also threatens to undermine civil liberties and due process as guaranteed by the United States Constitution.

First and foremost, HB128 is unconstitutionally vague. It fails to provide clear, objective criteria for when an individual may be arrested and detained, leaving excessive discretion in the hands of law enforcement officers. The lack of specificity increases the likelihood of arbitrary enforcement and the unequal application of the law. The Due Process Clause of the Fourteenth Amendment requires laws to be clear and precise so that individuals can understand what conduct is prohibited and law enforcement can fairly and consistently apply the law. HB128 fails this fundamental test.

Moreover, the bill is inherently biased and subjective, as it grants officers the authority to make warrantless arrests based on discretionary judgments rather than concrete legal standards. This opens the door to racial profiling, socioeconomic discrimination, and selective enforcement. Historically, vague laws have disproportionately affected marginalized communities, and HB128 is no exception. It provides law enforcement with excessive power to target individuals based on perception rather than evidence, eroding trust between communities and the police.

Furthermore, this legislation violates the Fourth Amendment of the U.S. Constitution, which protects individuals against unreasonable searches and seizures. Warrantless arrests, particularly for minor infractions, infringe upon the fundamental rights of individuals and contradict well-established legal precedents that emphasize the necessity of probable cause and judicial oversight. By permitting officers to detain individuals for minor offenses without a warrant, HB128 encourages excessive policing and the unnecessary incarceration of individuals who pose no immediate threat to public safety.

Additionally, the Sixth Amendment guarantees the right to a fair trial, yet this bill enables law enforcement to act as judge, jury, and executioner in determining who should be arrested and

detained. Without a warrant requirement or due process protections, individuals may find themselves incarcerated for minor violations without immediate recourse, further burdening an already overwhelmed judicial system.

In light of these constitutional violations and the potential for discriminatory enforcement, I strongly urge you to oppose HB128. Public safety should never come at the expense of fundamental rights, and our legal system must prioritize fairness, accountability, and equal protection under the law. Rather than expanding the authority of law enforcement to make warrantless arrests for minor offenses, we should be focusing on meaningful reforms that enhance public trust, address systemic inequalities, and uphold the principles enshrined in our Constitution.

Thank you for your time and consideration. I urge you to reject HB128 and stand against this unconstitutional overreach of power.

Sincerely,

Kerwin Canionero

HB-128

Submitted on: 2/6/2025 11:41:55 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Corinne Solomon	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE HB128. Please vote no on this bill.

HB-128

Submitted on: 2/6/2025 11:43:53 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Darian	Individual	Oppose	Written Testimony Only

Comments:

I am writing to express my strong opposition to HB128, which seeks to establish factors under which officers may, without a warrant, arrest and detain individuals for petty misdemeanors and violations. This bill presents significant concerns regarding civil liberties, the potential for abuse, and the overreach of government authority.

The vague and subjective nature of HB128 raises serious questions about how it will be enforced. Without clear and specific guidelines, this bill grants officers broad discretion to make warrantless arrests, which could lead to inconsistent enforcement and the potential for bias. It also creates a legal gray area that could disproportionately impact marginalized communities, including the homeless and low-income individuals, who are more likely to be subjected to increased police scrutiny.

Furthermore, expanding warrantless arrest powers for minor infractions could overwhelm the judicial system and burden law enforcement with unnecessary detentions, diverting resources away from addressing serious crimes. This could also lead to jail overcrowding, increased taxpayer costs, and a strain on public resources.

While public safety is important, HB128 does not offer a balanced or just approach to law enforcement. Instead of expanding warrantless arrest powers, I urge the Legislature to focus on policies that promote due process, clear enforcement guidelines, and community-based solutions to address minor infractions.

For these reasons, I respectfully urge you to oppose HB128.

HB-128

Submitted on: 2/6/2025 11:44:02 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
David Ruiz	Individual	Oppose	Written Testimony Only

Comments:

No

HB-128

Submitted on: 2/6/2025 11:57:53 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Wendy	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill!

HB-128

Submitted on: 2/6/2025 12:35:19 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

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

Comments:

This is vague, biased, and subjective.

HB-128

Submitted on: 2/6/2025 12:39:31 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

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

Comments:

This bill is too vague, biased and subjective. i oppose HB 128.

Sincerely,

Emiko Baker

HB-128

Submitted on: 2/6/2025 12:54:14 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Sarah Barientos	Individual	Oppose	Written Testimony Only

Comments:

House Bill 128 is a direct threat to our constitutional rights and the principle of innocent until proven guilty. This bill gives law enforcement the power to arrest and detain individuals for petty misdemeanors and violations **without a warrant**, undermining the **Fourth Amendment**, which protects citizens from unreasonable searches and seizures.

The **Fourth Amendment** clearly states that "no warrants shall issue, but upon probable cause." Allowing officers to arrest individuals without a warrant for minor offenses opens the door to **abuses of power** and **false arrests**. Imagine being detained in front of your family or colleagues simply because an officer decided that the situation warranted an arrest—without any independent oversight or proof of wrongdoing. How would you feel if your personal rights were trampled on without due cause?

This bill also requires officers to record the reasons for their warrantless arrests, but recording is **not enough**. The **Constitution demands that citizens' rights are respected** before any actions are taken. The possibility of misuse and wrongful detention is too great, especially for minor infractions. It's not just a matter of law enforcement; it's a matter of **civil liberties**.

Lawmakers must respect the **rights of the people** and remember that the **Constitution exists to protect citizens from government overreach**. House Bill 128 **violates** these protections, and it is essential that it is **rejected** to preserve the **fundamental freedoms** we are entitled to as American citizens.

HB-128

Submitted on: 2/6/2025 12:59:16 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
TiaLynn Coryell	Individual	Oppose	Written Testimony Only

Comments:

This give any officer to arrest you for no reason and without a warrant....This is Lawlessness!

HB-128

Submitted on: 2/6/2025 1:02:30 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Lorna Cockett	Individual	Oppose	Written Testimony Only

Comments:

I oppose to HB128 as it goes against the basics of innocent until proven guilty. Currently, having a warrant for arrest and detaining is sufficient. There is no need to do anything further, and there are much more important issues that deserve your attention.

HB-128

Submitted on: 2/6/2025 1:06:12 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

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

Comments:

I oppose this bill.

HB-128

Submitted on: 2/6/2025 1:12:38 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Tiffany Marsoun	Individual	Oppose	Written Testimony Only

Comments:

Officers should not have the ability to arrest or detain a person on the basis of a petty misdemeanor or violation. This is extreme action and I believe the ability to make arrests should be left to moderate and more serious unlawful action. There are more important issues that our officers should spend there time on.

HB-128

Submitted on: 2/6/2025 1:16:13 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
David Williams	Individual	Oppose	Written Testimony Only

Comments:

Strongly oppose

HB-128

Submitted on: 2/6/2025 1:26:44 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Katty Arnow	Individual	Oppose	Written Testimony Only

Comments:

Don't agree with this bill

HB-128

Submitted on: 2/6/2025 1:46:34 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Alexander Akui	Individual	Oppose	Written Testimony Only

Comments:

Strongly opposed

HB-128

Submitted on: 2/6/2025 2:34:39 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

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

Comments:

I oppose this bill because it is way too vague, biased, and subjective. We have police officers who are to protect the people not the gestapo.

HB-128

Submitted on: 2/6/2025 2:41:56 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

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

Comments:

Oppose bill

HB-128

Submitted on: 2/6/2025 3:19:40 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

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

Comments:

I oppose HB128 This bill does not serve the people of Hawaii

HB-128

Submitted on: 2/6/2025 5:45:19 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Anne Kamau	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB128. This bill is illegal and violates a persons civil rights! Shame on all of you!

HB-128

Submitted on: 2/6/2025 8:30:13 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Niki pestel	Individual	Oppose	Written Testimony Only

Comments:

I oppose this. This would allow those who do commit crimes to be out in the streets committing more crimes.

HB-128

Submitted on: 2/6/2025 9:10:01 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Malia Lau	Individual	Oppose	Written Testimony Only

Comments:

This is too vague. I oppose this as it is not providing clear information.

HB-128

Submitted on: 2/6/2025 10:10:10 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Reina Loughlin	Individual	Oppose	Written Testimony Only

Comments:

Strongly oppose bill

HB-128

Submitted on: 2/7/2025 11:41:44 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Sue Arakawa	Individual	Oppose	Written Testimony Only

Comments:

I respectfully oppose HB128 . It is against my constitutional bill of rights of freedom of religion . It is unfair to those citizens of USA who have already made the choice to chose their own healthcare .

HB-128

Submitted on: 2/7/2025 12:32:19 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeffrey F Mizuno	Individual	Oppose	Written Testimony Only

Comments:

Text