

April 2, 2026

Hawai'i House Committee on Judiciary &
Hawaiian Affairs

Re: HCR 146 HD 1 and HR 138 HD 1,
Excited Delirium
Written Testimony in Support

Dear Members of the Hawai'i House Committee on Judiciary
& Hawaiian Affairs,

Mahalo to Committee Chair Tarnas and Vice Chair Poepoe for scheduling a hearing on these important House Resolutions on excited delirium. I am writing to support both Resolutions; but, for the reasons discussed below, to request that you add “hyperactive delirium,” “agitated delirium” and “exhaustive mania” to your description of excited delirium, so the resolutions state: “excited delirium, sometimes referred to as ‘excited delirium syndrome,’ ‘hyperactive delirium,’ ‘agitated delirium,’ or ‘exhaustive mania,’” because those alternate terms for the theory have been used by its proponents for years, as discussed below.

The House Resolutions before you are the only chance for the Hawai'i Legislature to address the use of excited delirium in this two-year legislative cycle. Last year, your House passed two bills on excited delirium with zero “No” votes: SB228 SD1 HD2, and HB36 HD2. SB228 SD1 HD2 was not given a Conference Committee hearing when it went back to the Senate, and the Senate's Conference Committee members have recently been released, so I understand that bill has died. HB36 HD2 was denied any hearing in the Senate.

Here is some background information about excited delirium. Both SB228 SD1 HD2 and HB36 HD2 are based on California's excited delirium law, AB 360, for which I provided amendments and advocacy. I have been a civil rights lawyer for 30 years and have dealt with the theory of ‘excited delirium’ for over two decades. I provided pro bono consultation to Minnesota Attorney General Keith Ellison and his lead special prosecutor handling the criminal prosecutions of the Minneapolis police officers who killed George Floyd, to help them defeat the excited delirium theory when it arose in their case.

I co-authored the Physicians for Human Rights (PHR) report on excited delirium, entitled Excited Delirium and Deaths in Police Custody: The Deadly Impact of a Baseless Diagnosis (March 2022)(<https://phr.org/our-work/resources/excited-delirium/>). The PHR report includes information I gathered over many years concerning the junk science nature of the excited delirium theory, its racist and sexist roots, and the bankrolling and promotion of the theory by TASER International (now known as Axon Enterprise) and its lawyer and paid defense experts. The PHR report also includes my physician co-authors' review of the medical literature concerning excited delirium, and conclusion that the theory of excited delirium has absolutely no medical basis.

AB 360 passed the California legislature with only one “No” vote in the entire legislature (113 to 1), and was signed into law in October 2023. California’s 39.4 million residents are now free of excited delirium. The residents of your great State deserve no less, but the bills to protect Hawaiians from the theory have been blocked by a Hawai‘i Senator.

The problems presented by excited delirium are not theoretical. Your Department of Health has noted that excited delirium was listed as an immediate cause of death in Hawai‘i nine times since 2006. That is roughly every other year. In addition, excited delirium still comes up as a defense in restraint or Taser death cases even when it is not listed as an immediate cause of death, which is what happened in the case of Hawai‘i kama‘aina, Sheldon Haleck, discussed below. Excited delirium has arisen as a defense in every one of my restraint death cases, whether or not a Taser was involved and whether or not excited delirium was listed as an official cause of death, for the over 20 years I have been handling such cases.

I note that SB228 SD1 HD2 and HB36 HD2 received no opposition whatsoever from the law enforcement community or the medical community.

As noted in both of your House Resolutions on excited delirium, five committees of the Hawai‘i legislature have found that excited delirium lacks a valid medical foundation and has been used for years to justify excessive force by law enforcement.

No major medical organization in the world continues to recognize excited delirium as a legitimate medical condition. Excited delirium has never appeared in any version of the Diagnostic & Statistical Manual of Mental Disorders (DSM), which is now in its fifth revised edition. There has never been any International Classification of Diseases (ICD) 9 or 10 code for excited delirium, which means it cannot legitimately be included in a death certificate for statistical reporting of causes of death. Despite this, due to extensive promotion of the theory discussed below, excited delirium still appears on autopsy reports and in death certificates.

Additionally, even when excited delirium does not appear as a cause of death on an autopsy report or in a death certificate, there is a cottage industry of defense experts, the majority of whom have ties to the manufacturer of Tasers, who testify that a person who was killed by law enforcement really died of excited delirium. This happened to Oahu’s own Sheldon Haleck, as I will discuss below.

Like SB228 SD1 HD2 and HB36 HD2, California’s AB 360 was inspired by the completely preventable death of a military veteran of color. Angelo Quinto was a Filipino-American Navy veteran in a behavioral health crisis. His family called for medical assistance, and two police officers forced him prone and put their weight on him for 5 minutes, while he told them at least twice “please don’t kill me,” until he died. Sheldon Haleck was a Native Hawaiian and Samoan military veteran. The vast majority of victims of the excited delirium theory are men of color in a behavioral health crisis, like Angelo and Sheldon. Indeed, as set forth in the Physicians for Human Rights (PHR) report on excited delirium cited above, a study revealed that 56% of the people who are asserted to have been in excited delirium were Black or Latino men. (PHR Report pp. 36-37, n 7).

As discussed in the PHR Report, excited delirium was debunked in Miami in the 1980’s but the theory’s founder, Charles Wetli, MD, continued to promote the theory nationally. BBC Radio released

an excellent 30-minute program concerning the history of excited delirium, which you can find wherever you get your podcasts. It is the BBC Radio program by Jon Ronson entitled “The Most Mysterious Deaths,” from his “Things Fell Apart” program, Season 2, Episode 1 (<https://www.bbc.com/audio/play/m001v3dw>).

Following Dr. Wetli’s lead, TASER International (now called Axon Enterprise) then promoted excited delirium as an alternate cause of death when people died after being Tased, and the company spent a lot of money promoting the theory in law enforcement training and among forensic pathologists. TASER International’s in-house lawyer, Michael Brave, and its longtime in-house trainer and defense expert, John Peters, started a company they called the Institute for the Prevention of In- Custody Death (IPICD). IPICD then organized conferences aimed at making “law enforcement, medical, and legal history” to promote excited delirium and publish propaganda endorsing excited delirium “in leading medical, legal, and law enforcement journals.” (Exhibit A, pp. 3-4, Press Release for IPICD 2008 Las Vegas Conference).

In 2023, the American College of Emergency Physicians (ACEP) -- which has longtime defense experts and TASER/Axon-affiliated experts among its more prominent members -- finally withdrew its endorsement of excited delirium as a diagnosis, and rescinded its 2009 White Paper endorsing the theory. I attach my letter to ACEP’s leadership explaining that the 2009 White Paper actually came out of a 2008 propaganda conference organized and hosted by the IPICD, which was founded by TASER’s lawyer, Mr. Brave, and TASER’s trainer and defense expert, Mr. Peters. (Exhibit A).

Last year, John Oliver devoted an episode of his program to TASER/Axon and its role in promoting excited delirium. (<https://www.youtube.com/watch?v=7Yd9nLQx3qQ>).

Sheldon Haleck was a combat veteran from a law enforcement family. Sheldon’s father, William -- a lifetime career law enforcement officer in American Samoa and Hawai’i -- was trained by the Honolulu Police Academy. Sheldon’s mother, Verdell, worked for the Hawai’i Attorney General for 17 years. Upon Sheldon’s graduation from Kaiser High School in Hawai’i Kai on Oahu, he joined the military. He served in the Hawai’i Air National Guard for 12 years until his honorable discharge. Sheldon had combat deployments to Afghanistan and Iraq, as well as numerous humanitarian deployments, including to Thailand after the 2004 tsunami. Sheldon’s service to our country left him with PTSD.

On March 16, 2015, Honolulu Police officers stopped Sheldon for jaywalking in front of ‘Iolani Palace. He was unarmed and non-threatening. Officers Tased Sheldon, pepper sprayed him, forced him into a prone position with officers on his back, put him in leg shackles, and an officer put his knee on Sheldon’s neck, until Sheldon became unresponsive and was later pronounced deceased. Sheldon left a wife, a 2-year-old son and 13-year-old stepson, parents, and an extended ‘ohana who loved him deeply. Sheldon’s family brought a federal lawsuit arising out of his death, but lost at trial because the jury believed the Honolulu Police Department’s junk science defense of “excited delirium.” The defense experts in the Halecks’ trial included Mark Kroll, who served on TASER/Axon’s Board of Directors for 20 years until his resignation in 2024; Stacey Hail, MD, a longtime TASER/Axon defense expert; and John Peters, the TASER/Axon trainer and defense expert who co-founded the IPICD with

TASER's lawyer to spread propaganda promoting excited delirium. The jury believed their assertion that Sheldon died of excited delirium.

The proponents of excited delirium have had 40 years to prove it is scientific and has a medical basis. They cannot do so, because it is junk science that has been used to excuse deaths in law enforcement custody.

SB228 SD1 HD2 restored the alternate names for excited delirium that had been removed from the bill in SB228 SD1. Those alternate names for the theory that have been used for years -- "hyperactive delirium, agitated delirium, and exhaustive mania" -- were in the bill when it was introduced because the proponents of excited delirium use those alternate names for the theory. I certainly understand the sentiment expressed at the hearing of the House Committees on Health and on Human Services & Homelessness that "or similar pseudoscientific concepts" should cover the alternate names for excited delirium. However, the proponents of excited delirium will argue that their alternate names for the theory are not pseudoscientific, and they will continue using the theory.

The failure to include those alternate names for excited delirium make it easy for Axon Enterprise (the manufacturer of Tasers) and its defense experts to continue to promote excited delirium in your State. The alternate names for excited delirium are in California's law, and are necessary in any excited delirium legislation, because proponents of the theory use those other terms interchangeably. They say a person was in excited delirium, or had Excited Delirium Syndrome, or was in agitated delirium, hyperactive delirium, or exhaustive mania. So, if you just prohibit the use of the term "excited delirium," they can still use the junk science defense by calling it agitated delirium, hyperactive delirium, or exhaustive mania, as they have done for years.

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

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

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

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

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

(Exhibit B, Excerpts of the deposition of Charles v. Wetli, M.D. in Martin Harrison, Deceased, et al. v. County of Alameda, et al., N.D. Cal. Case No. C11-2868 JST, 1/15/14, pp. 68:24-69:5, 184:16-22).

Finally, proponents of excited delirium have used the theory to promote racist tropes for decades. For example, Dr. Wetli stated in 1990 that seventy percent of people who die of excited delirium were Black men and "it may be genetic." (Russ Rymer, "Murder Without a Trace," In Health, May/Jun. 1990). Proponents of excited delirium claim that a person in excited delirium is

“impervious to pain” and has “superhuman strength,” racist stereotypes used against not only African-Americans, but also Native Hawaiians and Samoans. As stated previously, Sheldon Haleck was Native Hawaiian and Samoan. The people of Hawai‘i deserve to be free of this junk science.

Sheldon Haleck’s parents have no recourse in their own case, but now advocate for the passage of excited delirium legislation, to protect other families. I was introduced to Sheldon’s parents in 2024, and am volunteering my time to help them in their advocacy. Verdell and Bill Haleck want to protect other Hawaiian families from this junk science theory and the profound injustice and pain it creates for the decedents and their families. Because both of the excited delirium bills were not permitted to move forward to completion in the Senate despite passing the House unanimously, your House Resolutions are the only chance for anything to be done about excited delirium in this legislative cycle. Mahalo nui loa for your time.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Julia Sherwin', with a long horizontal stroke extending to the right.

Julia Sherwin

EXHIBIT A

October 2, 2023

American College of Emergency Physicians (ACEP)

Re: Excited Delirium/Hyperactive Delirium

Dear ACEP Members:

I am writing to request that you rescind your endorsement of Excited Delirium, a/k/a Hyperactive Delirium, and withdraw your 2009 White Paper on “excited delirium” at your upcoming meeting this weekend. I am a longtime civil rights lawyer handling wrongful death cases involving law enforcement, and have worked to debunk “excited delirium” for two decades. I co-authored the report from Physicians for Human Rights (PHR) on excited delirium, entitled *Excited Delirium and Deaths in Police Custody: The Deadly Impact of a Baseless Diagnosis* (March 2022). The report includes information I gathered over many years concerning the junk science nature of the “excited delirium” theory, its racist and sexist roots, and the bankrolling and promotion of the theory by TASER International (now known as Axon Enterprise) and its lawyer and paid defense experts. My PHR physician co-authors also include a review of the medical literature concerning the junk science theory.

I have spoken at conferences concerning law enforcement contacts with the mentally ill, including the International Congress on Law and Mental Health, as well as an international Death in Custody medical conference that had 197 participants from 27 countries in attendance. I have also provided *pro bono* consultation and advice to Minnesota Attorney General Keith Ellison and his lead special prosecutor, Steve Schleicher, to assist them in prosecuting the Minneapolis police officers who killed George Floyd, and to help them rebut the “excited delirium” defense when it arose in their case.

I have handled many cases involving restraint asphyxial deaths in police custody during the last two decades. I currently represent Mario Gonzalez, Deceased, and his seven-year-old son. Mario was killed on April 19, 2021, by Alameda, California, police officers who restrained him in a prone position, with three officers putting their weight on him, for over five minutes. For nearly four of those minutes, the officers had already handcuffed Mario behind his back. Defense forensic pathologist Judy Melinek has tried to insert “excited delirium” into her defense testimony in the case. I have repeatedly encountered the junk science theory of “excited delirium” as a defense in cases such as the Gonzalez case.

ACEP’s 2009 “White Paper” endorsing the existence of “excited delirium” was the result of a 2008 conference in Las Vegas organized by the Institute for the Prevention of In-Custody Deaths, Inc. (IPICD), a corporation founded by TASER International’s in-house lawyer, Michael Brave, along with longtime TASER defense expert and trainer, John Peters. The IPICD advertised its conference as “the first consensus conference that focuses upon excited delirium,” and promised “attendees will help make law enforcement, medical, and legal history through topic-specific breakout groups focused on arriving at a ‘consensus’ about excited delirium.” (**Attachment A**, Press Release for IPICD Conference). The IPICD promised, “The findings from this seminal event will then be published in leading medical, legal, and law enforcement journals.”

The IPICD conference was a propaganda conference organized by defense experts in TASER and restraint death cases. I have highlighted on the attached press release the speakers at the conference

ACEP

October 2, 2023

Page 2

whom I know to be longtime defense experts in TASER and/or restraint asphyxia death cases. ACEP's 2009 "White Paper" was the result of the 2008 IPICD propaganda conference. Many of its authors are longtime defense experts in TASER and/or restraint death cases, including especially Drs. Chan, Ho, Mash, and Vilke.

ACEP -- which has longtime defense experts and TASER/Axon-affiliated experts among its more prominent members -- has so far doubled down on "excited delirium." In response to our PHR report, ACEP simply substituted "hyperactive" for "excited." ACEP continues to promote the defense, now calling it "hyperactive delirium" instead of "excited delirium."

I just deposed ACEP member Gary Vilke last week for the third time, in my restraint asphyxia case *Mario Gonzalez, Deceased, v. City of Alameda*. Dr. Vilke admitted he has been a defense expert in at least 50 to 75 restraint asphyxia cases, and possibly even more than 100 cases. He admitted that by the time of trial next month in the *Gonzalez* case, he will make over \$50,000 as a defense expert from that case alone. He has already made over \$41,000 for his work as a defense expert in the case. In the last four years, he has testified as an expert in court or depositions 78 times. He admitted that, in every single case involving law enforcement, he always testifies that the officer did not cause or contribute to the person's death. Dr. Vilke and his colleagues have repeatedly relied on the ACEP White Paper to bolster their defense testimony. He admitted in deposition that he does not tell medical journals, nor the University of California San Diego's conflict-of-interest officials, that he is a longtime, paid defense expert in TASER and restraint death cases.

Charles Wetli, the forensic pathologist who was the first proponent of the "excited delirium" theory in the 1980's, said in 1990 that seventy percent of people who die from excited delirium are Black men, and "it may be genetic." (Russ Rymer, "Murder Without a Trace," *In Health*, May/June 1990). The PHR report contains further information from my two decades of research into the origins and junk science nature of the theory.

California AB 360, banning the junk science theory of "excited delirium," has been passed by the California legislature, 77 to 0 in the Assembly and 36 to 1 in the Senate. With this new legislation, California will lead the way nationally toward freedom from the racist theory of "excited/hyperactive delirium."

I was very disappointed that, after the PHR report debunking "excited delirium" was published, ACEP simply changed the name from "excited" to "hyperactive," and continues to promote the junk science theory. It is time for the American College of Emergency Physicians to stand up to its prominent members who are making a fortune as defense experts relying on the junk science theory, and rescind its 2009 White Paper and continued embrace of excited/hyperactive delirium. Thank you very much for your time and attention.

Sincerely,



Julia Sherwin



Police Products > Police Training

PRESS RELEASE

IPICD 3rd Annual Sudden Death, Excited Delirium & In-Custody Death Conference—LAS VEGAS

Aug 15, 2008

Henderson, NV—The 3rd Annual Sudden Death, Excited Delirium & In-Custody Death Conference focusing upon the latest medical research findings, theories, and legal issues about excited delirium, sudden death, electronic control devices, and mental illness, which are of great concern for law enforcement agencies around the world, will be held on October 29-31, 2008 at The Orelans Hotel, Las Vegas, Nevada. The three-day Conference is sponsored by the Institute for the Prevention of In-Custody Deaths, Inc. (IPICD), Henderson, Nevada.

The 2008 IPICD Conference will be the first consensus conference that focuses upon excited delirium and response protocols. Attendees will help make law enforcement, medical, and legal history through topic-specific breakout groups focused on arriving at a “consensus” about excited delirium, key law enforcement, emergency medical provider, and emergency department responses to and training issues about one of the most pressing issues of the day. The findings from this seminal event will then be published in leading medical, legal, and law enforcement journals.

Scheduled speakers include, but are not limited to such internationally-renown researchers, scientists, pathologists, and trial lawyers as Deborah Mash, Ph.D., University of Miami Brain Endowment Bank; Charles Wetli, M.D. and David Fishbain, M.D., the two doctors to identify “excited delirium” in the cocaine-wild 1980s; Vincent

DiMaio, M.D. and his wife, Theresa, authors of one of the most definitive texts on excited delirium; Steven Karch, M.D., pathologist and author of several texts on drugs and cocaine; Theodore Chan, M.D. and Gary Vilke, M.D., both from the University of California—San Diego; Judy Melinek, M.D., Assistant Medical Examiner, San Francisco.

Office of the Medical Examiner; Ellis Amdur, M.A., psychologist; Lt. Walter Bailey, Texas Sheriff's Department Mental Health Unit; Sgt. Edward Flosi, California peace officer; Carrie L. Sandbaken Hill, J.D., defense lawyer; Christine Hall, M.D. Canadian researcher; Bruce Levy, M.D., medical examiner; Andrew Dennis, M.D., trauma doctor and researcher; and Bob Wood, former drug addict.

Conference topics include the latest research on excited delirium and sudden death, mental illness, the role of the medical examiner, restraints and sudden death, legal defense strategies, handling expert witnesses, plus much more. The Conference flyer can be downloaded from the IPICD Web site: www.ipicd.com.

The 2006 & 2007 IPICD Conferences were sold out, so register NOW for this timely and important conference by visiting the Institute for the Prevention of In-Custody Deaths, Inc. Web site at www.ipicd.com . Early registration tuition for the three-day educational conference is only \$595 per person, and includes a workbook, CD-ROM, certificate, lunch on Wednesday and Thursday, and other materials. After September 27, 2008, tuition is \$695 per person.

For more information about the Conference and/or the Institute for the Prevention of In-Custody Deaths, Inc., please visit www.ipicd.com, e-mail staff@ipicd.com, or telephone toll-free: 866.944.4723.

EXHIBIT B

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 -----x
 M.H., a minor, through his Guardian Ad :
 Litem, Michelle Henshaw, JOSEPH HARRISON, :
 KRISTLE HARRISON, MARTIN HARRISON, JR., :
 and TIFFANY HARRISON, all Individually :
 and as Co-Successors in Interest of :
 Decedent MARTIN HARRISON, :
 :
 Plaintiffs, : Case No.
 :
 vs. : C11-2868
 : JST (MEJ)
 COUNTY OF ALAMEDA, a municipal :
 corporation; SHERIFF GREGORY J. AHERN, :
 in his individual and official :
 capacities; DEPUTIES MATTHEW AHLF, :
 ALEJANDRO VALVERDE, JOSHUA SWETNAM, :
 ROBERTO MARTINEZ, ZACHARY LITVINCHUK, :
 RYAN MADIGAN, MICHAEL BARENO, FERNANDO :
 ROJAS-CASTANEDA, SHAWN SOBRERO, SOLOMON :
 UNUBUN; MEGAN HAST, A.S.W.; CORIZON :
 HEALTH, INC., a Delaware corporation; :
 HAROLD ORR, M.D.; ZELDA SANCHO, L.V.N.; :
 and DOES 5-20, individually, jointly :
 and severally, :
 :
 Defendants. :
 :
 -----x
 VIDEOCONFERENCE and TELEPHONIC DEPOSITION of
 CHARLES V. WETLI, M.D., taken by Plaintiffs at the
 offices of Fink & Carney Reporting, 39 West 37th
 Street, New York, New York, on Wednesday, January 15,
 2014, commencing at 1:09 p.m., before Leah Allbee, a
 Registered Professional Reporter and Notary Public
 within and for the State of New York.

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

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

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

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

65

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

66

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

67

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

68

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

69

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

70

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

71

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

72

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

181

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

182

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

183

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

184

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HCR-146-HD-1

Submitted on: 4/2/2026 6:30:31 PM

Testimony for JHA on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Louis Erteschik	Hawaii Disability Rights Center	Support	Remotely Via Zoom

Comments:

We advocated strongly for the bill last session. It has a lot of merit. The concept of excited delirium has been sadly used in several cases to justify or excuse or certainly negate liability for police misconduct in cases involving death. We have seen instances where individuals who had a mental illness were confronted by police officers who did not exercise proper de-escalation techniques and used excessive force. In civil trials which sought to achieve some measure of justice and compensation the defense of excited delirium was presented to “explain” the cause of death. Our understanding is that this concept has been medically debunked and yet it has confused juries who then rendered verdicts in favor of the police department or the municipality.

We had hoped that in the Interim between the 2025 and 2026 Legislatures there would have been productive discussions between stakeholders that would have led to passage this session. Unfortunately, that has not occurred. While we realize that this Concurrent Resolution asks the Legislature to do what it can do by passing a Bill, we feel it is important to keep this issue front and center and to put the Legislature on record so that hopefully we can achieve passage next session.



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Apr 7, 2026

MISSION

Aloha Independent Living Hawaii (AILH) dedicated to providing independent living programs and services for persons with disabilities in Hawaii.

We work together with the community and consumers to improve the quality of life through individual choices and access to services.

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The Honorable David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs
The Thirty-Third Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

SUBJECT: HCR146 HD1 – Urging the Prohibition of the Use of “Excited Delirium,” or Similar Pseudoscientific Concepts, as a Medical Diagnosis, Cause of Death, or Legal Theory in the State of Hawaii

Chair and Members of the Committee:

Aloha Independent Living Hawaii (AILH) submits testimony in **strong support of HCR146 HD1**, the Haleck Resolution, to prohibit the use of “excited delirium” or similar pseudoscientific concepts as a medical diagnosis, cause of death, or legal theory in Hawaii. AILH is a cross-disability, consumer-controlled nonprofit that supports people with all types of disabilities statewide to live with dignity, self-determination, and full participation in community life.

People with disabilities, especially those with mental health disabilities, brain injuries, developmental disabilities, substance use disorders, and other conditions that may affect behavior or communication, are at heightened risk in police and emergency encounters. The discredited label “excited delirium” has been used to justify force, obscure the true causes of death, and reduce accountability, particularly for people in crisis and Native Hawaiians and other communities of color. Basing medical determinations, death certificates, and legal proceedings on concepts that are not recognized in the DSM or ICD undermines both public safety and trust.

From an Independent Living and civil rights perspective, disabled people and their families deserve accurate, evidence-based reporting and transparent legal processes when harm or death occurs in custody. We



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Aloha Independent Living Hawaii (AILH) dedicated to providing independent living programs and services for persons with disabilities in Hawaii.

We work together with the community and consumers to improve the quality of life through individual choices and access to services.

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respectfully urge this committee to advance HCR146 HD1 and encourage counties to align their policies so that all jurisdictions in Hawaii clearly prohibit the use of “excited delirium” or similar terminology in medical, forensic, and legal contexts.

Thank you for the opportunity to testify in support of this important resolution.

Mahalo,

Roxanne Bolden

Executive Director

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: [\(808\) 927-1214](tel:(808)927-1214) / kat.caphi@gmail.com

Today's Inmate; Tomorrow's Neighbor



COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Representative David Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Tuesday, April 7, 2026

2:00 PM

Room 325 and VIDEOCONFERENCE

STRONG SUPPORT for HCR 146 HD1 - Prohibiting the Term 'Excited Delerium' or Similar Pseudoscience Concepts as a Medical Diagnosis

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

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai`i for almost three decades. This testimony is respectfully offered on behalf of the 3,626 Hawai`i individuals living behind bars¹ and under the "care and custody" of the Department of Corrections and Rehabilitation on March 23, 2026. We are always mindful that 795 of Hawai`i's imprisoned male population are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons appreciates this opportunity to share our **STRONG SUPPORT for HCR 146 HD1** that prohibits the term 'Excited Delerium' or similar pseudoscience Concepts. Such as '*excited delirium syndrome*,' '*hyperactive delirium*,' '*agitated delirium*,' or '*exhaustive mania*', since those terms have been used to excuse murder.

HCR 146 HD1 Committee report² inserts language urging the counties to adopt ordinances that prohibit the use of "excited delirium", or similar terminology, as a medical diagnosis, cause of death, or legal theory. This is NOT science, it is justification for murder and not recognized by the Diagnostic & Statistical Manual of Mental Disorders (DSM), which is now in its fifth revised edition and there has never been any International Classification of Diseases (ICD) 9 or 10 code for excited delirium, which means it cannot legitimately be included in a death certificate for statistical reporting of causes of death.

¹ DCR Weekly Population Report, March 23, 2026

[Pop-Reports-Weekly-2026-03-23.pdf](#)

² HCR146 HD1 Committee Report

capitol.hawaii.gov/sessions/session2026/CommReports/HCR146_HD1_HSCR1596-26_.htm

What is truly disturbing is that this bill and others are the unpinning of racism in our community, namely the Habitual Violent Crime, where the genesis of this is eugenics (HB 2078 HD1, SD1).

Allowing the use of fake science to excuse acts of murder by police or other agencies, only furthers distrust of the government officials who took an oath to protect and serve the community.

Despite the lack of medical recognition, "excited delirium" has appeared on autopsy reports and death certificates in Hawaii, and has been referenced in legal proceedings, including wrongful death cases involving deaths occurring during law enforcement encounters.

This fake science has been promoted by the companies and so-called 'experts' such as Axon (formerly called LASER International). No one should profit from tragedy!

Please, in the name of truth, democracy, and real science, pass HCR 146 HD1 so that each county in Hawai`i is encouraged to take a firm position against using pseudoscience to justify murder.

Mahalo for this chance to share our thoughts and **STRONG SUPPORT for HCR 146 HD1** on this important resolution that aligns with our Hawai`i Constitution.



Committee: Judiciary & Hawaiian Affairs
Hearing Date/Time: Tuesday, April 7, 2026 at 2:00pm
Place: Conference Room 325 & Via Videoconference
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of HCR146 HD1 / HR138 HD1**

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

The ACLU of Hawai'i **supports HCR146 HD1 and HR138 HD1** urging the Legislature to prioritize consideration of legislation prohibiting the use of “excited delirium”, or similar pseudoscientific concepts, as a medical diagnosis, cause of death, or legal theory in the State of Hawai'i.

“Excited delirium” (or “excited delirium syndrome”) is not a real medical diagnosis. Yet for too long, it has been invoked to justify law enforcement violence—especially against people of color and those experiencing mental health crises.

Sheldon Haleck.¹ George Floyd.² Elijah McClain.³ Daniel Prude.⁴ Tyre Nichols.⁵ Angelo Quinto.⁶ Adam Trammell.⁷ All were killed by police.

¹ Nick Grube, *Autopsy: Honolulu Man Dies After 'Violent Physical Struggle' With Cops*, Honolulu Civil Beat (July 14, 2015), <https://www.civilbeat.org/2015/07/autopsy-honolulu-man-dies-after-violent-physical-struggle-with-cops>.

² Julia Jones, *Authorities claimed these Black men had excited delirium just before they died. But the diagnosis itself is a problem and should be abandoned, a new study says.* CNN (Mar. 12, 2022), <https://www.cnn.com/2022/03/12/us/excited-delirium-police-deaths-study/index.html>.

³ Colleen Slevin, *Paramedics told investigators that Elijah McClain had 'excited delirium,' a disputed condition*, Associated Press (Dec. 6, 2023), <https://apnews.com/article/elijah-mcclain-paramedics-trial-excited-delirium-cb42ae9846ab9e4fc07eff970872143a>.

⁴ Chris Gelardi, *What Killed Daniel Prude? The Cops and New York AG Said a Diagnosis That's Since Been Debunked.* The Intercept (Dec. 21, 2024), <https://theintercept.com/2024/12/21/new-york-police-daniel-prude-excited-delirium-debunked>.

⁵ Adrian Sainz, *Former supervisor: 'No need' for officers to beat Tyre Nichols*, The Philadelphia Tribune (Sept. 20, 2024), https://www.phillytrib.com/news/across_america/former-supervisor-no-need-for-officers-to-beat-tyre-nichols/article_efbb2309-0e63-50ff-ae59-462b48db07d2.html.

⁶ Daniela Pardo & Jackson Ellison, *Antioch family led the effort to ban excited delirium diagnosis in California*, Spectrum News 1 (Dec. 15, 2023), <https://spectrumnews1.com/ca/southern-california/inside-the-issues/2023/12/15/antioch-family-led-the-effort-to-ban-excited-delirium-diagnosis-in-california>.

⁷ Gina Barton, *A mentally ill man died after being hit 18 times with a Taser in his home. The police officers weren't charged.* Milwaukee Journal Sentinel (Apr. 27, 2018), <https://www.jsonline.com/story/news/local/milwaukee/2018/04/27/no-charges-against-west-milwaukee-officers-death-mentally-ill-man-hit-18-times-taser/552071002>.

To justify tasering, choking, asphyxiating, pinning, kneeling on, crushing, handcuffing, pepper-spraying, drugging, clubbing, baton-striking, beating, punching, or kicking these individuals, officers gave the same excuse: “*I thought he had excited delirium.*”

But “excited delirium” has no basis in medicine. It has no consistent definition or diagnostic criteria.⁸ The American Medical Association states, “current evidence does not support ‘excited delirium’ or ‘excited delirium syndrome’ as a medical diagnosis.”⁹ The World Health Organization’s International Classification of Diseases 10th Revision (the official global standard for diagnosing diseases) and the DSM-5 (the authoritative classification system for mental health disorders used by medical professionals in the United States) both exclude it.¹⁰ And major U.S. medical organizations—including the American Psychiatric Association¹¹, the National Association of Medical Examiners¹², the American College of Emergency Physicians¹³, and the American College of Medical Toxicology¹⁴—explicitly reject it.

Its roots expose why: it is a racist and scientifically baseless theory, weaponized to shield law enforcement from accountability. In the 1980s, at the height of the crack cocaine epidemic, Dr. Charles Wetli, a medical examiner, began attributing to “excited delirium” the sudden deaths of cocaine users in police custody, as well as a group of

⁸ Gonin et al., *Excited Delirium: A Systematic Review*, Academic Emergency Medicine, Oct. 9, 2017), <https://onlinelibrary.wiley.com/doi/full/10.1111/acem.13330> (“The overall quality of studies was poor. A universally recognized definition is lacking, remaining mostly . . . based on clinical subjective criteria.”).

⁹ American Medical Association, *Policy H-130.932: Pharmacological Intervention for Agitated Individuals in the Out-of-Hospital Setting* (2021), <https://policysearch.ama-assn.org/policyfinder/detail/excited%20delirium?uri=%2FAMADoc%2FHOD.xml-H-130.932.xml>.

¹⁰ Kevin Fiscella, MD, MPH, et al., ‘*Excited Delirium*’: *Dehumanizing and Unscientific*, National Commission on Correctional Health Care (Sept. 21, 2022), <https://www.ncchc.org/excited-delirium-dehumanizing-and-unscientific> (“[E]xcited delirium is not recognized by DSM-5 or by any single ICD-10 code.”).

¹¹ American Psychiatric Association, *Position Statement on Concerns About Use of the Term ‘Excited Delirium’ and Appropriate Medical Management in Out-of-Hospital Contexts* (Dec. 2020), <https://www.psychiatry.org/getattachment/7769e617-ee6a-4a89-829f-4fc71d831ce0/Position-Use-of-Term-Excited-Delirium.pdf> (“The term ‘excited delirium’ (ExDs) is too non-specific to meaningfully describe and convey information a person. ‘Excited delirium’ should not be used until a clear set of diagnostic criteria are validated.”).

¹² National Association of Medical Examiners, *Excited Delirium Statement* (Mar. 2023), <https://name.memberclicks.net/assets/docs/Excited%20Delirium%20Statement%203%20-%202023.pdf> (“[T]he terms ‘Excited Delirium’ or ‘Excited Delirium Syndrome’ . . . are not endorsed by NAME . . .”).

¹³ Carmen Lee, MD, MAS, *ACEP Rejects ‘Excited Delirium’*, ACEP Now (Apr. 5, 2024), <https://www.acepnow.com/article/acep-rejects-excited-delirium/?singlepage=1> (“[E]xcited delirium should not be used among the wider medical and public health community, law enforcement organizations, and ACEP members acting as expert witnesses testifying in relevant civil or criminal litigation.”).

¹⁴ Andrew I. Stolbach, MD, MPH, FACMT, et al., *ACMT Position Statement: End the Use of the Term ‘Excited Delirium’*, American College of Medical Toxicology (May 1, 2023), https://www.acmt.net/wp-content/uploads/2023/05/PS_230501_End-the-Use-of-the-Term-Excited-Delirium.pdf.

Black women sex workers in Miami who had used cocaine.¹⁵ A serial killer had actually murdered these women, yet Dr. Wetli insisted genetics explained why Black people were more prone to dying from “excited delirium.”¹⁶ Decades later, researchers and litigation defense experts funded by TASER International (now Axon Enterprises) published and distributed materials to police chiefs and medical examiners nationwide to broaden the term’s use and acceptance.¹⁷

Hawai‘i is not immune to this dangerous, psuedoscientific excuse for police violence. On March 16, 2015, Sheldon Haleck—a U.S. Air National Guard veteran—was experiencing a mental health crisis outside Iolani Palace. He was unarmed, non-violent, and not committing a crime. Yet three Honolulu police officers tased him 3 times and pepper-sprayed him 12 times in under 5 minutes.¹⁸ Sheldon died the next day. The Ninth Circuit ruled Sheldon’s family had enough evidence to take their Fourth Amendment excessive force case to trial.¹⁹ Still, they lost. Why? HPD hired three serial Taser/Axon defense experts—Stacey Hail, John G. Peters, and Mark Kroll²⁰—who convinced the jury that he died from “excited delirium,” not police violence.²¹

Sheldon’s parents, Verdell and William Haleck, fought for years seeking justice, only to see the legal system fail them. Their heartbreak is a stark reminder that, as long as “excited delirium” remains an available defense, families of those killed by police will continue to face insurmountable obstacles to holding officers accountable. Notably, other lawsuits in Hawai‘i involving deaths in police custody have invoked the same defense.²²

¹⁵ Brianna da Silva Bhatia, MD, et al., ‘Excited Delirium’ and Deaths in Police Custody: The Deadly Impact of a Baseless Diagnosis, Physicians for Human Rights (Mar. 2022), <https://phr.org/our-work/resources/excited-delirium>.

¹⁶ *Id.*

¹⁷ Jason Szep, Tim Reid, and Peter Eisler, *Special Report: How Taser inserts itself into investigations involving its weapons*, Reuters (Aug. 24, 2017), <https://www.reuters.com/article/world/special-report-how-taser-inserts-itself-into-investigations-involving-its-weapo-idUSKCN1B417M>.

¹⁸ Chelsea Davis, *Appeals Court: HPD officers used excessive force during deadly tasing near Iolani Palace*, Hawai‘i News Now (July 10, 2018), <https://www.hawaiinewsnow.com/story/38617628/us-court-of-appeals-hpd-officers-used-excessive-force-during-deadly-tasing-near-iolani-palace>.

¹⁹ *Silva v. Chung*, 740 F. App’x 883 (9th Cir. 2018).

²⁰ Yoohyun Jung and Nick Grube, *Who – Or What – Is To Blame For The Death Of Sheldon Haleck?*, Honolulu Civil Beat (May 22, 2019), <https://www.civilbeat.org/2019/05/who-or-what-is-to-blame-for-the-death-of-sheldon-haleck>.

²¹ Yoohyun Jung, *Defense: ‘Excited Delirium,’ Not Excessive Force, Killed Sheldon Haleck*, Honolulu Civil Beat (May 31, 2019), <https://www.civilbeat.org/2019/05/defense-excited-delirium-not-excessive-force-killed-sheldon-haleck>.

²² Jack Truesdale, *‘Excited Delirium’: Dubious Syndrome Often Cited In Killings By Police Is Benched By Examiners*, Honolulu Civil Beat (Apr. 3, 2023), <https://www.civilbeat.org/2023/04/excited-delirium-dubious-syndrome-often-cited-in-killings-by-police-is-benched-by-examiners>.

As one medical group succinctly puts it, “it is time to discontinue the use of this term.”²³ By preventing law enforcement from relying on the baseless and prejudicial defense of “excited delirium,” the legislature would ensure that only medically valid, evidence-based explanations are used in official reports and legal proceedings.

Other states—including California, Colorado, and Minnesota²⁴—have already taken this step. Hawai‘i should do the same.

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

Sincerely,



Jongwook “Wookie” Kim
Legal Director
ACLU of Hawai‘i
wkim@acluhawaii.org

With more than 4,000 Hawai‘i-based members, the mission of the American Civil Liberties Union of Hawai‘i is to protect the fundamental freedoms enshrined in the United States and Hawai‘i State Constitutions through legislative, litigation, and public education work. The ACLU of Hawai‘i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai‘i has been serving our communities in Hawai‘i for over 60 years.

²³ *Supra* note 14.

²⁴ Andy Mannix, *Minnesota Gov. Walz signs law banning ‘excited delirium’ for police*, Minnesota. Star Tribune (June 5, 2024), <https://www.startribune.com/minnesota-gov-walz-signs-law-banning-excited-delirium-for-police/600371297>.

HCR-146-HD-1

Submitted on: 4/2/2026 5:27:05 PM

Testimony for JHA on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gale Kamitono	Individual	Support	Written Testimony Only

Comments:

I support HCR146, HD1 / HR138, HD1, to ban 'excited delirium' or any words related to that term from being used in the State of Hawaii, in honor of Sheldon Haleck.

I urge the committee to please take this testimony into consideration and pass HCR146, HD1 / HR138, HD1. Thank you for the opportunity to testify.

April 4, 2026

TESTIMONY OF GERHARD R. SWORD

IN STRONG SUPPORT OF HCR 146, HD1 AND HR 138, HD1

in the COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Aloha Chairman, Vice-Chairman, and Committee Members:

My name is Gerhard Sword, also known in our family as *Uncle Gary*, and I respectfully submit this testimony in strong support of HCR 146, HD1, and HR 138, HD1, in memory of **Sheldon Haleck**, a 38-year-old Hawaii Air National Guard veteran who was a husband, father, son, family man, and my nephew. I urge every member to vote yes for the passage of **HCR 146, HD1 AND HR 138, HD1**

This issue is not about emotion alone. It is about facts. Multiple Hawaii legislative committees have already found that so-called "excited delirium" is **not** a recognized medical diagnosis, has no basis in accepted medical science, lacks consistent or objective diagnostic criteria, is not in the DSM-5, and has never had an ICD-9 or ICD-10 code for legitimate medical or statistical reporting. HCR 146, HD1, and HR 138, HD1 reflect the Legislature's recognition that this term has helped obscure true causes of death and undermine accountability and justice for families.

The medical data is also clear. The **American Medical Association** says current evidence **does not support** "excited delirium" as an official diagnosis and denounces using it as a sole justification for law enforcement force. The **American College of Emergency Physicians** says its 2009 paper is outdated, **has withdrawn its approval**, and states that the term should not be used by the wider medical and public health community, law enforcement organizations, or expert witnesses. The **American Psychiatric Association** has also issued a formal position statement **expressing concern** about the use of the term.

Hawaii's own record shows why action cannot wait. The **Department of Health** has reported that "excited delirium" has been listed as an immediate cause of death **nine times** since 2006. That means this is not an abstract national debate. It has already entered Hawaii's official death reporting system. When a term that lacks scientific legitimacy appears in autopsy reports, death records, and legal proceedings, the danger is real, and the damage is lasting.

Sheldon Haleck's case shows exactly why these measures are necessary. Hawaii's legislative findings note that defense experts used this term in connection with Sheldon's death. According to the ACLU of Hawaii, Sheldon died after three HPD officers tased him three times and pepper-sprayed him twelve to fourteen times in about five minutes, even though he was unarmed and not committing a crime, and the jury later returned a verdict for the officers. Whether one looks at

this from a civil rights, medical, or public trust standpoint, no family should have to face a courtroom where **junk science** can block the truth and accountability.

Sheldon was a young man with his whole life ahead of him, a son, a loved one, and someone deeply treasured by his family, peers, and friends. His death left behind heartbreak, unanswered pain, and a call for justice that still remains today. Sheldon Haleck's father, William Haleck, is my first cousin, so this tragedy is deeply personal to me and to our entire family. The irony and what makes it even more painful is that William is a retired law enforcement officer who spent his life upholding the law, yet his own son was taken down by the actions of law enforcement. Sheldon's mother, Verdell, better known as *Twinkle*, was born and raised in Hawaii, the same place where her son's life was mercilessly taken away.

For our family, this is not just a headline people read and forget. It is personal. It is painful. This is our heartbreak. This is our grief. This is a wound that still lives in us every single day. It is carried in the tears, the silence, and the countless sleepless nights forced upon William and Twinkle by the loss of their son. No parent should have to wake up each day to relive that kind of pain. What happened to Sheldon, a son of Hawaii, should never have happened in Hawai'i, in the Aloha State, a place whose very name speaks of love, compassion, and care. Our family is speaking out so that no family in this Aloha state should have to carry this kind of pain and grief.

Hawaii already has a blueprint for real reform. In 2025, **SB 228** proposed the practical safeguards needed: banning "excited delirium" as a diagnosis or cause of death, prohibiting its use on death certificates and in official reports, barring law enforcement from including it in incident reports, and making it inadmissible in civil cases. That bill advanced, but it did not become law. That is exactly why HCR 146, HD1, and HR 138, HD1 must move forward now and why delay is no longer acceptable.

Hawai'i is known worldwide as the *Aloha State*. But aloha is more than a word. Aloha means love, compassion, mercy, truth, and a deep responsibility to care for one another. It means love for our people, love for our children, and love for what is right. If aloha is to mean anything, it must also mean love for the truth.

Passing HCR 146, HD1, and HR 138, HD1 will not bring Sheldon back. But I believe these measures can help save another life and spare other parents the hurt and pain of losing a child, by pushing Hawaii's medical records, police reports, and legal proceedings toward real science instead of a discredited label that has too often been used after people die in custody. I respectfully urge every member to **VOTE YES** and help ensure that what happened to Sheldon never happens again to another family in the Aloha State.

Mahalo for the opportunity to testify.

Gerhard R. Sword
"Uncle Gary"

HCR-146-HD-1

Submitted on: 4/3/2026 3:04:01 AM

Testimony for JHA on 4/7/2026 2:00:00 PM

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

Comments:

I strongly and humbly support HCR146, HD1 / HR138, HD1, Relating to Excited Delirium. This House Concurrent Resolution will ban 'excited delirium' or any words related to that term from being used in the State of Hawai'i. The goal is to ensure that no other Ohana in the State of Hawai'i will suffer from this injustice.

HCR-146-HD-1

Submitted on: 4/3/2026 7:01:09 AM

Testimony for JHA on 4/7/2026 2:00:00 PM

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

Comments:

April 3, 2026

House Committee on Judiciary & Hawaiian Affairs

Chair: David A. Tarnas

Vice Chair: Mahina Poepoe

Judiciary & Hawaiian Affairs Committee Members

Chair, Vice Chair and Judiciary & Hawaiian Affairs Committee Members

I am William Haleck and I strongly support HCR146, HD1 / HR138, HD1, Relating to Excited Delirium to ban the use of the term 'excited delirium' in the State of Hawaii.

I am representing my son, Sheldon Haleck, who was a husband, father, son, uncle, friend and a Military Police veteran who was honorably discharged from the Air National Guard and who wrestled with the aftermath of his past deployments -- PTSD, drugs and other mental health issues. In March of 2015, Sheldon died as a result of an encounter with Honolulu police in front of Iolani Palace for jaywalking. He was unarmed, non-aggressive and did not harm anyone or damage any property, and he was having a mental health crisis. Sheldon was pepper sprayed multiple times and tased several times before he was handcuffed and hogtied with several police officers on his back and a knee to his neck where he became unresponsive and died the next day at Queens Medical Center. The Police Department claimed he died of "Excited Delirium," which is defined as agitation, aggression and acute distress which leads to sudden death, a defense theory that has been debunked in the medical community. The sudden death symptom of 'excited delirium' is known to be 'positional asphyxia' or 'respiratory failure' due to oxygen deprivation to the lungs caused by the body weight on the victims back and the knee to the neck or shoulder blade while the victim is in a handcuffed and hogtied prone position causing the victim to become unresponsive and followed by death. (Like George Floyd)

The Honolulu Police Department claimed Sheldon died as a result of Excited Delirium even while his death certificate stated Homicide. We filed a civil lawsuit against the police department

and the police defense expert witness, an ER doctor, testified that Sheldon did not die from being pepper sprayed, tased or by police excessive use of force but that he experienced “excited delirium” and that was the cause of his death. The jurors believed that 'excited delirium' was a real medical diagnosis and found the police officers not responsible for Sheldon's death.

In 2023, the American College of Emergency Physicians was the last medical organization to disavow their 'white paper' which was the backing for 'excited delirium' which was being used as a medical diagnosis as it pertained to 'junk science' and has no basis in medical science and it helped undergird court cases across the country, such as ours. This injustice is what spurred our request for change with the introduction of HRC146, HD1 / HR138, HD1, Relating to Excited Delirium.

In October 2023, California was the first state to pass a law to ban the controversial term 'excited delirium' followed by the States of Colorado, Minnesota and New York. We hope that the State of Hawaii will follow the lead of those states that have banned excited delirium. The ban forbids the use of the term 'excited delirium' as a medical diagnosis or cause of death. It also prohibits coroners and medical examiners from listing it as a cause of death on a death certificate or autopsy report. It would bar law enforcement from using the term to describe the condition of someone in an incident report, and it would be inadmissible as evidence in civil lawsuits, such as ours.

My goal is not only for my son Sheldon, but for all those innocent victims who unjustly lost their lives while in police custody and to prevent Ohana's in the State of Hawaii from suffering this injustice in the future.

I would like to thank you again for your time and I humbly ask for your support to pass HRC146, HD1 / HR138, HD1, Relating to Excited Delirium to ban the term "excited delirium" or any term relating to it from being used in the State of Hawaii. I would humbly ask if this Resolution gets passed if it could please be called "The Haleck Resolution" in honor of my son, Sheldon so that his death was not in vain.

Mahalo,

William Haleck

HCR-146-HD-1

Submitted on: 4/3/2026 8:23:13 AM

Testimony for JHA on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mark Meredith	Individual	Support	Written Testimony Only

Comments:

I strongly support HCR146, HD1 / HR138, HD1, Relating to Excited Delirium. This House Concurrent Resolution will ban 'excited delirium' or any words related to that term from being used in the State of Hawaii. The goal is to ensure that no other Ohana in the State of Hawaii will suffer from this injustice.

HCR-146-HD-1

Submitted on: 4/3/2026 10:32:28 AM

Testimony for JHA on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Verdell B. Haleck	Individual	Support	Remotely Via Zoom

Comments:

April 3, 2026

Committee on Judicial & Hawaiian Affairs

Chair: David A. Tarnas

Vice Chair: Mahina Poepoe

Committee Members

Aloha Chair David Tarnas, Vice Chair Mahina Poepoe and Committee Members:

I am Verdell Haleck, representing my son, Sheldon Haleck, and I strongly support HCR146, HD1 / HR138, HD1, Relating to Excited Delirium.

Sheldon’s tragic story began in March of 2015 when he was unarmed and jaywalking in downtown Honolulu in front of Iolani Palace. His encounter with the Honolulu police led him to be pepper sprayed multiple times, tased multiple times and handcuffed and hogtied in a prone position with several police officers on his back and one with a knee to his neck, which led to his untimely death at the age of 38. The Honolulu Police Department put the blame for his death on 'excited delirium' to protect and defend their actions. A civil lawsuit was filed by our family against the police officers involved for excessive use of force. At our 2019 trial, the police defense expert witness, an ER doctor, testified Sheldon's death was attributed to 'excited delirium' although his death certificate said manner of death was a Homicide. Jurors believed that 'junk science' term of 'excited delirium' to be a real medical diagnosis and found the officers not responsible for his death.

For 11 years our family suffered with no closure for his death due to the actions taken by law enforcement with the help of the court system. When in 2023, the last of the medical organizations disavowed their backing for 'excited delirium' from being used as a medical diagnosis or by any medical official or in any official police and/or medical document(s) and in any civil lawsuits. This injustice is what spurred our desire for change by taking legislative

action to ban 'excited delirium' and any terms related to it from being used in the State of Hawaii.

HPD should provide better training for police officers to cope with people suffering from mental health disorders, and the Veterans Affairs needs to provide better services and treatment for our military deployed returning veterans suffering from PTSD and other mental health issues.

Our goal is for Sheldon and all the innocent victims who unjustly lost their lives while in police custody and to protect the Ohana's in the State of Hawaii from suffering this injustice in the future.

I thank you for your time and I humbly ask for your support to pass HCR146, HD1 / HR138, HD1 and if it can please be called The Haleck Resolution in memory of our son, Sheldon, so that his death was not in vain.

Mahalo nui loa

HCR-146-HD-1

Submitted on: 4/3/2026 11:01:01 AM

Testimony for JHA on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gulstan Elleighton Silva	Individual	Support	Written Testimony Only

Comments:

I fully support HCR146,HD1/HR138,HD1, relating to excited delirium in honor of Sheldon Haleck so that his death was not in vain.

HCR-146-HD-1

Submitted on: 4/3/2026 11:20:03 AM

Testimony for JHA on 4/7/2026 2:00:00 PM

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

Comments:

I fully support HCR146, HD1/HR138,HD1 relating to excited delirium in honor of Sheldon Haleck so that his death was not in vain.

HCR-146-HD-1

Submitted on: 4/4/2026 2:33:39 PM

Testimony for JHA on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Frances Foster Haney	Individual	Support	Written Testimony Only

Comments:

I fully support HCR146, HD1 / HR138, HD1 to ban the term ‘excited delirium’ from being used in the State of Hawai‘i. This bill should be passed in memory of Sheldon Haleck who was denied justice in his civil lawsuit because of that controversial term ‘excited delirium.’

HCR-146-HD-1

Submitted on: 4/4/2026 3:49:03 PM

Testimony for JHA on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lottie Lyons	Individual	Support	Written Testimony Only

Comments:

I strongly support HCR146 / HR138, Relating to Excited Delirium. This House Concurrent Resolution will ban 'excited delirium' or any words related to that term from being used in the State of Hawaii. The goal is to ensure that no other Ohana in the State of Hawaii will suffer from this injustice.

HCR-146-HD-1

Submitted on: 4/4/2026 4:37:23 PM

Testimony for JHA on 4/7/2026 2:00:00 PM

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

Comments:

I'm in support of HCR146 so my brother's death is not in vain and other families don't need to experience this heart ache.

HCR-146-HD-1

Submitted on: 4/5/2026 3:58:57 PM

Testimony for JHA on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Puanani Kneubuhl	Individual	Support	Written Testimony Only

Comments:

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Support for HCR146, HD1 / HR138, HD1, Relating to Excited Delirium.

I strongly support HCR146, HD1 / HR138, HD1, Relating to Excited Delirium. This House Concurrent Resolution will ban ‘excited delirium’ or any words related to that term from being used in the State of Hawaii. The goal is to ensure that no other Ohana in the State of Hawaii will suffer from this injustice.

I urge the committee to pass HCR146, HD1 / HR138, HD1. I ask that you take this testimony into consideration, and I thank you for the opportunity to testify.

HCR-146-HD-1

Submitted on: 4/5/2026 4:00:24 PM

Testimony for JHA on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shiloh Kneubuhl	Individual	Support	Written Testimony Only

Comments:

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Support for HCR146, HD1 / HR138, HD1, Relating to Excited Delirium.

I strongly support HCR146, HD1 / HR138, HD1, Relating to Excited Delirium. This House Concurrent Resolution will ban ‘excited delirium’ or any words related to that term from being used in the State of Hawaii. The goal is to ensure that no other Ohana in the State of Hawaii will suffer from this injustice.

I urge the committee to pass HCR146, HD1 / HR138, HD1. I ask that you take this testimony into consideration, and I thank you for the opportunity to testify.

HCR-146-HD-1

Submitted on: 4/5/2026 4:02:58 PM

Testimony for JHA on 4/7/2026 2:00:00 PM

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

Comments:

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Support for HCR146, HD1 / HR138, HD1, Relating to Excited Delirium.

I strongly support HCR146, HD1 / HR138, HD1, Relating to Excited Delirium. This House Concurrent Resolution will ban ‘excited delirium’ or any words related to that term from being used in the State of Hawaii. The goal is to ensure that no other Ohana in the State of Hawaii will suffer from this injustice.

I urge the committee to pass HCR146, HD1 / HR138, HD1. I ask that you take this testimony into consideration, and I thank you for the opportunity to testify.

House Committee on Judiciary & Hawaiian Affairs
Rep. David Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair
Tues., April 7, 2026 at 2:00pm
Conference Room 325 & Videoconference



Support: HCR 146 and HR 138 Excited Delirium

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

I am writing in strong support of **HCR 146 and HR 138**, which urge the prohibition of "excited delirium" and similar pseudoscientific concepts as medical diagnoses, causes of death, or legal theories in Hawai'i.

This resolution is not merely a policy update; it is a response to the tragic and preventable death of Mr. Sheldon Haleck—a Native Hawaiian and Samoan Kaiser High School graduate and combat veteran—at the hands of the Honolulu Police Department.

Mr. Haleck, who suffered from PTSD, was stopped by HPD for jaywalking. Despite being unarmed and non-threatening, he was pepper-sprayed, forced into a prone position with multiple officers on his back, and shackled. An officer maintained a knee on him until he became unresponsive; he was later pronounced dead.

The subsequent federal lawsuit filed by his family was unsuccessful because a jury was swayed by HPD's reliance on the "excited delirium" defense. ***This "junk science" has been rejected by every major medical organization worldwide and is already banned in California.*** It is imperative that Hawai'i joins this movement to ensure such a flawed and unscientific defense can no longer be used to evade law enforcement accountability.

Legislative Background

- In 2023, California became the first state to ban "excited delirium" in law enforcement-related deaths, a move strongly supported by the California Medical Association.
- Governor Gavin Newsom's signing of Assembly Bill 360 effectively eliminated the term as a medical diagnosis and prohibited its inclusion on death certificates.
- Following this lead, the Hawai'i Legislature introduced SB228 and HB36 in 2025. While both passed the House unanimously, they failed to receive a Conference Committee hearing.
- These proposed resolutions affirm our commitment to prioritizing legislation that removes pseudoscientific labels from our medical and legal frameworks.

Excited Delirium is Not a Legitimate Medical Condition

- **No major medical organization globally** recognizes "excited delirium" as a valid medical condition.
- In 2021, the American Medical Association formally stated that evidence does not support "excited delirium" as an official diagnosis.¹
- The American Academy of Neurology notes that the term lacks validated diagnostic criteria and that the current body of evidence does not support its use, nor the use of any similar substitute phrases.²

Why This Measure Matters

- Since 2006, the Hawai'i Department of Health has recorded "excited delirium" as a cause of death at least nine times.
- While unrecognized by the medical community, the term continues to be used to justify excessive force, as seen in Mr. Haleck's tragic case.

While these resolutions will not bring back Sheldon Haleck to life, it signals to law enforcement that Hawai'i Legislators are taking steps towards banning junk science theory to justify excessive force, with the longer term goal of passing legislation that formally removes "excited delirium" from Hawai'i's medical and legal frameworks.

Additionally, we must pivot toward robust, public health-based crisis response infrastructure centered on human dignity and justice. Had such systems been in place, Mr. Haleck might still be with his wife, children, and 'ohana today. I urge you to pass HCR 146 and HR 138.

Thank you for your consideration.

Sincerely,

Carrie Ann Shirota

Carrie Ann Shirota, Esq.
P. O. Box 22967
Honolulu, Hawaii 98623

¹<https://www.ama-assn.org/press-center/ama-press-releases/new-ama-policy-opposes-excited-delirium-diagnosis>

² <https://www.aan.com/advocacy/excited-delirium-position-statement>

HCR-146-HD-1

Submitted on: 4/5/2026 10:07:09 PM

Testimony for JHA on 4/7/2026 2:00:00 PM

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

Comments:

I fully support HCR146, HD1 / HR138, HD1 to ban the term ‘excited delirium’ from being used in the State of Hawaii. This bill should be passed in memory of Sheldon Haleck who was denied justice in his civil lawsuit because of that controversial term ‘excited delirium.’

I urge the committee to pass HCR146, HD1 / HR138, HD1. I ask that you take this testimony into consideration, and I thank you for the opportunity to testify.

Mahalo,

Chanelle Taimani Haleck

HCR-146-HD-1

Submitted on: 4/6/2026 5:35:41 AM

Testimony for JHA on 4/7/2026 2:00:00 PM

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

Comments:

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Support for HCR146, HD1 / HR138, HD1, Relating to Excited Delirium.

I fully support HCR146, HD1 / HR138, HD1 to ban the term ‘excited delirium’ from being used in the State of Hawaii. This bill should be passed in memory of Sheldon Haleck who was denied justice in his civil lawsuit because of that controversial term ‘excited delirium.’

I urge the committee to pass HCR146, HD1 / HR138, HD1. I ask that you take this testimony into consideration, and I thank you for the opportunity to testify.