

GUN VIOLENCE AND VIOLENT CRIMES COMMISSION (GVVCC)

Date: Tuesday, October 19, 2021

Start Time: 9:30 AM

Place: Video Conference via Zoom

MINUTES OF MEETING

I. Meeting Call to Order

The meeting of the Gun Violence and Violent Crimes Commission was called to order by Chair Christopher Young at 09:32 a.m. on Tuesday, October 19, 2021, via Zoom conferencing.

Chair Young introduced himself as the Administrator of the Hawai'i Criminal Justice Data Center and indicated that he was designated by Attorney General Clare Connors as the Chair of the Gun Violence and Violent Crimes Commission.

Chair Young opened the meeting with Attorney General Connors making some initial remarks.

Attorney General Connors introduced herself and welcomed everyone to the first meeting of the Gun Violence and Violent Crimes Commission, which was established by the legislature earlier this year and was placed by the legislature in the Department of the Attorney General for administrative purposes.

Attorney General Connors explained this Commission grew out of the legislators' desire to understand more about gun violence and violent crime in our State, for which there have been proposals during the course of her tenure as Attorney General. There was an effort to create a Center at the University of Hawai'i, a center to study gun violence, to study violent crimes, to obtain the type of data and research that this Commission is tasked with gathering. In 2020, there was a proposal, similar to what led to this Commission being formed in the 2021 legislative session, to create this Commission and to put the mandate to assist the legislature with obtaining data through existing resources and also by spearheading additional research efforts so that the legislature could make the kinds of gun violence and violent crime type policies that they believe would best serve the people of our state.

Attorney General Connors indicated she has designated Chris Young to serve as the chair as he previously mentioned. He is the Administrator of the Hawai'i Criminal Justice Data Center, and it makes sense that our criminal justice data center plays a role here, they have access to some, though not all of the types of information that would be useful to this Commission.

II. Introduction of Commission members

Roll Call and Quorum Determination. Each commissioner provided a short synopsis of who they are.

Commissioners Present:

Dr. Erin E. Harbinson, Director, Criminal Justice Research Institute
Designee of the Chief Justice of the Supreme Court of Hawai'i.
Dr Harbinson is the Director of the Criminal Justice Research Institute, which is administratively attached to the Judiciary and has been tasked with conducting research on criminal justice across the state and establishing a new database system.

Dr. Daniel J. Galanis, Department of Health
Designee of the Director of Health. Dr Galanis is the Epidemiologist for the Emergency Medical Services and Injury Prevention Branch of DOH [Department of Health].

Deputy Director Jordan Lowe, Department of Public Safety
Designee of the Director of Public Safety. Mr. Lowe spent most of his career with the Bureau of Alcohol, Tobacco, Firearms and Explosives. He is here to provide a law enforcement point of view. He was appointed last year as the deputy director for law enforcement for public safety, prior that that he was the chief investigator for the Prosecutor's Office and the Chief Investigator for the Department of Taxation.

Prosecuting Attorney Andrew H. Martin, Maui County
Selected by Attorney General Claire Connors to serve as the county prosecuting attorney which is selected by the chair of the commission. Mr. Martin is the Maui Prosecuting Attorney. He spent the most of his career as a prosecutor starting out in the Long Beach City Prosecutor's Office and has been in the Maui office approximately 12 years. He also has experience as a criminal defense attorney in private practice for five years.

Lee Hayakawa, Public Defenders Office
Designee of the Public Defender. Mr. Hayakawa is the Assistant Public Defender better known as the Chief Deputy and is James Tabe's designee.

Assistant Chief Darren Chun, Honolulu Police Department

Designee of the Chief of Police of Honolulu County. Assistant Chief Chun oversees the Support Services Bureau, which includes the Records, Communications, and the Information Technology Divisions. He is sitting in today for Interim Chief Rade Vanic.

Acting Chief Dean Rickard, Maui Police Department

Deputy Chief Rickard is serving as Acting Chief for the time being. He has been with the department for 34 years and is currently serving as the designee for the department.

Chief Paul K. Ferreira, Hawai'i Police Department

Chief Ferreira from the Hawai'i Police Department has been with the department since 2016 as the Police Chief.

Chief Todd G. Raybuck, Kauai Police Department

Chief Raybuck spent 27 years with the Las Vegas Metropolitan Police Department and retired to come to Hawai'i in April of 2019 to be the Police Chief on Kauai.

Dr. Run F. Heidelberg, Administrator, Department of Health

Dr. Heidelberg has been with the Department of Health at the Hawai'i State Hospital for the past 26 years, part of his experience is working at jails and prisons as well. Their primary job is to take care of the mentally ill and do assessments and see how they can safely integrate them back into the community.

Dr. Denise Eby Konan, University of Hawai'i at Manoa – College of Social Science
Dean Konan is the Dean of the College of Social Sciences at the University of Hawai'i at Manoa for the past decade, but with the University of Hawai'i for the past 28 years. Her background is as an international trade economist, but as Dean, one of the initiatives she put together has been to look at how the university can step up in programs around criminology and criminal justice, so this Commission fits in with the university efforts.

Dr. Gerald Busch, University of Hawai'i at Manoa – John A. Burns School of Medicine

Dr. Busch is in the Psychiatry Department at the Medical School for the University of Hawai'i at Manoa. He is the site director for Forensic Psychiatry Residency Training at OCCC and also the site director for Residency Training at the Queen's Psychiatric Emergency Department.

Chair Young stated that there are two (2) commission members that have not been assigned as of yet. Representative from a group that advocates for stricter gun safety laws and a representative from a firearm advocacy group.

Mr. Christopher D.W. Young, Administrator, Hawai'i Criminal Justice Data Center Designee of the Attorney General to coordinate and serve as the chair of the Gun Violence and Violent Crimes Commission. Mr. Young is the administrator of the Hawai'i Criminal Justice Data Center, a division within the Department of the Attorney General, and has been serving in this capacity for the past four years. For the prior 26 years, he was either a Prosecutor or a Deputy Attorney General running the Criminal Justice Division within the department.

Commissioners Absent:

One representative from a group that advocates for stricter gun safety laws.
One representative from a firearm advocacy group.

III. Election of Commission officers:

Chair Young proposed the following positions be established to assist with the daily operations of the commission:

- a. Vice Chair – covers the duties when the chair is not available
- b. Secretary – would be responsible for preparing minutes for the commission and approving them. The secretary will sign off on it once it is approved by the commission.
- c. Treasurer – this commission is zero funded, so currently there are no funds to be responsible for, but if we do receive funding, we will need to track those funds and prepare a report.

Chair Young asked for volunteers to serve in the positions. The following commission members volunteered to serve in the respective positions:

Vice Chair: Dr. Gerald Busch
Secretary: Prosecuting Attorney Andrew Martin
Treasurer: Dr. Erin Harbinson

IV. Discussion and approval of rule for public written and oral testimony, including time limitations for oral testimony.

Chair Young - discuss and approve the rule for public written and oral testimony including the limitations for oral testimony. Rules were created based on the Sunshine Law and that

although the law does not mandate rules, it is strongly suggested that a rule be adopted by the commission if the commission plans to limit testimony or set guidelines for public testimony. Receiving no concern or discussion, Chair Young entertained a motion to adopt the rule. Commissioner Martin moved to adopt the rule and Commissioner Raybuck seconded the motion to accept the rule regarding written and oral testimony. The motion passed unanimously, with all commissioners voting in favor of the motion. Based on unanimous vote the rule is adopted for the purposes of this Commission.

Chair Young stated the next topic would be taken out of order and proceeded first with agenda item VI. Overview of the Commission (Chapter 134C) and discussion on Commission's focus.

V. Appointment of Commission members (Discussed item VI first)

- a. Representative from a group that advocates for stricter gun safety laws.
- b. Representative from a firearm advocacy group.

VI. Overview of the Commission (Chapter 134C) and discussion on Commission's focus.

Chair Young read verbatim Chapter 134C to help with a better understanding of what the commission is statutorily required to do and will assist as the commission moves through the agenda to have a more informed discussion.

Chair Young asked if there were any questions related to the section. No questions or comments were received.

Chair Young discussed commissions objectives as indicated in 134C-3.; Gun violence and violent crimes commission; powers and duties. (a) The purpose of the gun violence and violent crimes commission shall be to address gun violence and violent crimes in Hawai'i. (b) The gun violence and violent crimes commission shall provide coordination, facilitation, and planning among state and county agencies, federal agencies, and other partners as appropriate to carry out its purpose.

Chair Young read verbatim Chapter 134C-3(c). The gun violence and violent crimes commission shall endeavor to:

- (1) Identify relevant data that may be used to reduce gun violence and violent crimes;
- (2) Identify areas in which relevant data is not available;
- (3) Maximize the sharing between the agencies represented on the commission and other appropriate stakeholders of data relevant to reducing gun violence and violent crimes; and
- (4) Coordinate and conduct research on gun violence and violent crimes.

Chair Young asked if there was any discussion as to the four (4) areas outlined in the statute or questions on how we set the priority order to meet these needs.

Commissioner Galanis recommended clarification when talking about gun violence as it's related to interpersonal violence, does the scope also include as previously mentioned suicide and suicide attempts, or is it strictly not that?

Chair Young stated statute is broad. It would be up to the commission to make that determination of how far or narrow we are going to take this.

Commissioner Raybuck stated, as law enforcement, one of the concerns is that the data collected, seems to have different definitions. When looking at gun violence it is sometimes misleading when it includes suicide information in conjunction with street crime. He recommended if committee includes suicide as a gun violence, the commission find a way to parse out that information and the data can be compared accurately.

Chair Young suggested that if there are specific topic areas that the commission or commissioners are interested in, to send the information to him and he will include it on the next agenda. Chair Young recommended Commissioner Raybuck or Galanis put the concerns into a statement for the Chair so that it can be discussed at the next meeting.

Commissioner Galanis indicated he is not necessarily advocating for including suicide or self-inflicted violence, but he is saying that he agrees with Chair Young.

Chair Young continued, (d) the gun violence and violent crimes commission may work with and engage stakeholder for the purpose of this chapter. And then finally, (e) the gun violence and violent crimes commission shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than forty days prior to the convening of the regular session of 2022 and each regular session thereafter, on policy relating to preventing gun violence and violent crimes. There were no additional questions or comments related to the statute.

V. Chair Young returned to agenda item V. Appointment of Commission members.

- (1) Representative from a group that advocates for stricter gun safety laws.
- (2) Representative from a firearm advocacy group.

Statute did not provide a means on who appoints these two entities, commission would need to determine how selections would be made, and secondly the statute fails to provide any guidance as to what it means to be a representative from a group that advocates for stricter gun safety laws and what it means to be a representative from an advocacy group.

Chair Young stated data the commission may be discussing and sharing, many of which is non-conviction only information, is protected by law and it is not public data, so sharing it to a third party public organizations or entities, the commission would need to create rules on further dissemination. The Hawai'i Criminal Justice Data Center Section 846-8 and 846-9 limits the criminal justice data center in what it can disclose or not disclose publicly.

Chair Young opened up to discussion.

Commissioner Ferreira asked were there any groups identified that provided testimony or provided input that could be looked upon.

Chair Young indicated he did research on the legislative history and found that the initial version of the bill did not include these two groups and apparently amendments were made later in the session. Chair Young asked for any additional comments or suggestions.

Commissioner Lowe asked if there were any known groups that want to be on this commission.

Chair Young indicated that he did not reach out since he was appointed chair and does not know who to reach out to. Chair Young stated, commission is not addressing the right to carry a firearm, the right to own a firearm, or addressing constitutional rights related to firearms.

Commissioner Raybuck suggested seeking interest from outside parties and then presenting those parties to come forward to discuss with the commission.

Chair Young stated a member of a survival group showed interest and want to ensure request was not overseen.

Chair Young asked how the commission will go about reaching out to the groups, send out a mass email or post on website. Another option Chair Young suggested was to ask the legislature for guidance in the upcoming legislative report.

Commissioner Lowe liked the idea of posting it on the AG's website first to solicit participation. Chair Young indicated he will post information to the GVVCC website to invite people to volunteer for these commission positions and provide a short write up as to why they want to serve.

Commissioner Lowe agreed, and Commissioner Martin indicated he was going to make the same point.

Commissioner Busch recommended the commission post it on the website. He raised the question, who would make the decision, review all the submissions, and pick the committee members. Recommendation was made to create a two or three person subcommittee

selecting two or three gun rights advocacy groups and send an email or contact them asking them if they would be interested in participating as a committee member.

Chair Young agreed. Recommended topic be placed on the next agenda for discussion as to go about creating such a group, discuss how or if commission needs to segregate the data going to these non-governmental groups. Under 846's purview of releasing information explicitly our non-conviction data for a non-governmental purpose.

Chair Young noted late testimony was received via GVVCC mailbox on October 18, 8:06 pm, from Andrea Ilima DeCosta. The testimony was sent to all commission members and will be included in the meeting records.

VII. Briefing from Dean Denise E. Konan, College of Social Sciences, University of Hawai'i Manoa, identifying data and research options.

Chair Young introduced Dean Konan and asked that she provide a briefing on what she believes is the type of research and kinds of funding that may need further discussions.

Dean Konan expressed excitement that the commission chair is the director of the criminal justice data center and that through this commission they can come together to conduct research around the charge the commission was given. She emphasized the University has many resources that can be provided to the State for conducting research.

Dean Konan reviewed some of the capacities the University could bring to the commission.

- The College of Social Sciences have been working with many of the schools and colleges to look at issues of criminal justice and criminology.
- There is also a research infrastructure that would be conducive for the kind of research that is required by the commission.
- Office of Research Services where Vice President Vassillis Syrmos and Vice Provost Velma Kameoka can provide oversight on research.
- They also have expertise in their Vice President Garrett Yoshimi who can oversee the protocols for data security, data governance, research compliance, human subjects review all of these are capacities that the university could bring to a state endeavor in this area.

Dean Konan, along with Dr. Gerald Busch, reached out to university faculty members to see if there was interest in participating in research like GVVCC. More than a dozen faculty members showed interest in supporting research that the commission might want to pursue.

Dean Konan then posed the question, why should we conduct research on gun violence and violent crimes in Hawai'i? Hawai'i has the reputation of being a very safe location, our state has a lower incidence of violent crimes and gun violence, which is our understanding, than other

states and other cities, is there a need for this? She indicated maybe there is a benefit in GVVCC being able to explain what we are doing right, what are we doing that is successful, we could be a model that other locations might want to emulate but there could also be issues.

From 2019 to 2020 there was a dramatic increase, 35% increase in firearm registration, so the presence of guns in our community is also going up. One study ranked Hawai'i as 11th for the highest rate of domestic violence against women, so that is another kind of potential concern we might consider.

Additional thoughts Dean Konan shared were,

- Would it be possible for the commission to provide a way or find a way we could develop a data platform that might be confidential data, create firewalls around certain data, but also allow us to share the data across agencies.
- Final thoughts included can we identify funding sources.

Chair Young expressed his appreciation of Dean Konan's presentation and mentioned that he may ask her to speak at the next meeting on her perspective to get a better idea of what we should be looking at as a group.

There were no questions for Dean Konan.

VIII. Discussion and formation of permitted interaction groups in accordance with 92-2.5(b), HRS.

Discussion by Chair Young of the formation of permitted interaction groups in accordance with section 92-2.5(b) Hawai'i Revised Statute. Three interaction groups were listed on the agenda. The commission needs to follow statutory requirements and 92-2.5(b). Commission can create an interaction group so long as it is less than quorum and there are no decisions made during the meetings, just information gathering and then reporting back the recommendations to the full commission for action. The proposed groups as indicated by agenda item VIII is as follows:

- a. Status of Data Permitted Interaction Group: Group will investigate and determine what data is available and what agencies hold that data. The group will also investigate what data is not available and who holds the data that is not available.
- b. Sharing of Data Permitted Interaction Group: Group will investigate what data is currently shared among commission members and other groups that have an interest.
- c. Research Projects and Research Funding Permitted Interaction Group: Determine what type of research and costs are involved to complete research to meet commission needs.

Discussion to consolidate groups (a) and (b) as indicated above. Chair Young asked for volunteers to participate in the interaction groups and indicated not more than nine people can serve on an interaction group, must be less than quorum. Chair Young asked for volunteers for either of the two groups.

(1) Status of Data Permitted Interaction and Sharing of Data Permitted Interaction Group

- Commissioner Daniel Galanis
- Commissioner Andrew Martin
- Commissioner Erin Harbinson
- Commissioner Run Heidelberg
- Commissioner Darren Chun – tentative, need to await formal response
- Commissioner Paul Ferreira
- Commissioner Dean Rickard

(2) Research Projects and Research Funding Permitted Interaction Group

- Commissioner Denise Konan
- Commissioner Gerald Busch
- Commissioner Lee Hayakawa
- Commissioner Todd Raybuck
- Commissioner Jordan Lowe

Commissioner Martin suggested a researcher be assigned to the data group. No discussion.

IX. Commission funding

Chair Young stated the legislative report is quickly approaching, and asked if there are specific funding issues e.g., operational cost and travel related cost the commission should be asking the legislature for in the upcoming legislative report. How would the commission propose we address these issues?

Commissioner Konan stated while researching funding possibilities, she found the Corona Virus State Fiscal Recovery Funds. Fund could be used to conduct evidence based community violence intervention programs to prevent violence and mitigate the increase in violence during the pandemic. She thought she could put together a proposal on behalf of the commission that would allow for some capacity to do that kind of research.

Chair Young asked if there were thoughts and comments from commission members regarding the suggestion. Hearing none he asked that Commissioner Konan submit a proposal and he will try to find the right vehicle to get it reviewed and hopefully approved.

No comments or concerns voiced by other commission members.

X. Discussion on frequency of Commission meeting

Chair Young indicated that agenda item ten is an operational question regarding how often the commission would meet.

Commissioner Konan asked when the report to the legislature is due and if the commission needs to meet before it is due.

Chair Young indicated that he believes the commission does not need to meet because no decisions were made at this point, and the legislative report will basically indicate that GVVCC convened, these are the commission members, these are the issues we are looking at, these are some of the areas we may need legislative support. Chair Young indicated he would send a draft legislative report to the commission once it is completed.

Decision made by Chair Young to meet monthly. No further questions or discussion.

XI. Next steps

Chair Young asked, based on discussions during this first meeting, was there anything that needed to be added to the next agenda.

Commissioner Harbinson commented, figuring out commissions scope is important for the next steps because that will impact how commission approaches the data, the databases and the data that is available and is not available.

Chair Young acknowledged the idea and recommended all commission members to think about data from the perspective of their department they represent and what is their focus.

Chair Young asked if there was anyone in the public that wanted to speak or have comments on any of the agenda items that were discussed.

Chair Young read a message posted by Ms. DeCosta that read, "Mahalo to the host and panelist for your efforts to reduce gun violence and interpersonal violence in Hawai'i." He then thanked her for participating and that he appreciated the comment.

Chair Young turned the meeting over to Attorney General Connors for closing remarks.

Attorney General Connors expressed her appreciation for all the interaction and how everyone has contributed. She acknowledged Chair Young was correct in that the legislative report is something that we are going to have to pull together. She thanked everyone for their participation and expressed that the commission is off to a great start.

Chair Young stated Candace Park from the administrative division is the commission's expert on the Sunshine Law. She will be assisting the commission with any Sunshine Law issues.

XII. Adjournment

At 10:53 am, Chair Young adjourned the meeting. He thanked all commission members and expressed appreciation for everyone's participation.