

From House-Senate Joint Hearing 7/11/03

Notes taken by Randy Prothero

Honolulu Prosecutor Peter Carlisle

We Need:

- 1) Mandatory School Drug Testing
- 2) Free Up Police Officers from hearings and return them to the streets
- 3) Direct File (eliminate hearings)
 - a) Those opposing Direct File
 - i) Criminals
 - ii) Status Quo
 - iii) Defense Lawyers
 - iv) ACLU

Property crimes, why are career criminals with us?

- 1) Weak sentencing Laws
- 2) We need to make repeat misdemeanors a felony.
 - a) Such as 5 or 6
 - b) Like what drunk driving already has
- 3) All repeat offenders should have escalated penalties.
- 4) Repeal ACT 161 which gives automatic probation to ICE offenders even if other crimes were involved
- 5) Hard drugs, car theft, and theft need to be more of a focus of law enforcement

Questions from Rep. Herkes:

- ? **Q.** If you test at the schools what do you do when you get a positive test?
- ? **A.** Quick intervention, not long-term treatments like Bobby Brown. We will have a better change of stopping or saving the student. The family needs to be brought in, they may not even be aware. We have to get the students who are in the honeymoon stage. They are the biggest danger to the other students. The number one concern of most parents of students polled is the safety of their children, not education.
- ? **Q.** With the huge dollar value of drugs, is corruption of law enforcement officers a problem?
- ? **A.** It has not been a big problem with HPD, but it has been at the prisons. When there is this much money involved corruption is always a potential problem. We have to treat anyone including law enforcement officers or even politicians who are corrupt the same.

Questions from Senator Chun Oakland:

- ? **Q.** If treatment is not adequately covered by medical insurance, should we require testing and treatment when we don't have enough resources to treat those we already identified as drug users?
- ? **A.** If you wait to treat only those who are already identified you are too late. We need to refocus our resources from the back end to the front end. Instead of spending so many resources for treatment at the prisons, we should redirect most of that to prevention, education and treatment of those who are just starting out with the drugs. In order to release needed resources we must tighten our belts in other areas and make ICE a priority where the users are in the honeymoon stage.

Questions from Representative Meyers:

- ? **Q.** What is the problem you expressed about using hair testing as opposed to urine testing?
- ? **A.** We are required by current laws to use tests certified by a certain mainland lab who does not offer the tests. We need to change the existing laws to allow testing of hair samples. They have a 90 day scope, so you can track a pattern of behavior. There are currently web sites that tell drug users how to cheat the urine tests.
- ? **Q.** What is the costs of the two tests?
- ? **A.** Urine tests about \$5 each, hair tests about \$30 each.

Honolulu Prosecutor Peter Carlisle (continued)

Questions from Senator Aduja (Former Prosecutor):

- ? **Q.** Are you aware of other public schools that perform random drug testing?
 - ? **A.** Yes. San Clemente, California and 2 schools in New Orleans. The two schools in New Orleans started with voluntary testing that required parental consent. The prosecutor's office can provide more information. It will also be covered in more detail at the Lt. Governor's drug summit.
- ? **Q.** Which type of tests are those schools using?
 - ? **A.** New Orleans – Hair, San Clemente – Urine
- ? **Q.** What steps are being taken to guarantee the accuracy and integrity of the testing process?
 - ? **A.** This is not a big problem. We are not trying to gather evidence for a criminal case. If they test positive we can tighten the security for 2nd test.
- ? **Q.** Can we utilize the lab at Tripler?
 - ? **A.** Not viable or practical. Their mission is not the same as ours. They may not even be willing to do it

Questions from Representative Waters (Married to a Prosecutor):

- ? **Q.** How do I get a copy of your Power Point presentation?
 - ? **A.** You can contact Elaine from my office at 527-6407
- ? **Q.** I believe mandatory drug testing may actually be a deterrent. Do you anticipate an ACLU lawsuit?
 - ? **A.** ACLU is to Civil Rights, what the Taliban is to Islam. They will probably sue no matter what we do. We can not let them dictate how we move forward.
- ? **Q.** I agree we should cleanup the automatic probation of drug users. I don't think the current repeat offenders law works. Do you agree?
 - ? **A.** Warehousing career criminals until they get older works. It keeps them off the streets and as people age they do change.
- ? **Q.** Please explain the wire tap law problems.
 - ? **A.** We are only asking for the pre-Patriot Act wire tap law to be passed in Hawaii. We hardly ever use the existing wire tap law because it is such a pain in the neck.
- ? **Q.** Can you say more about direct file?
 - ? **A.** We need our police on the street and not tied up in hearings.
- ? **Q.** How can we help to get more police officers on the street?
 - ? **A.** For one the COPS program from Washington D.C. may be in jeopardy. We need to work with our congressional delegation to fight for those needed dollars and those of other Federal programs.
- ? **Q.** I am writing in my notes, I think we need to put our money where our mouth is.

Questions from Senator Hanabusa:

- ? **Q.** You want a wire tap law? Have they been around long?
 - ? **A.** YES
- ? **Q.** If we have repeat offenders mandatory sentencing, should they be allowed to plead down?
 - ? **A.** No, we rarely do that very often now.
- ? **Q.** If we have mandatory drug testing would we use probable cause to decide who got tested?
 - ? **A.** NO!
- ? **Q.** You would like to re-route money from Green Harvest to ICE programs?
 - ? **A.** YES

Captain Kevin Lima

HPD Narcotics Vice Division

HPD currently has 8 patrol districts. A district commander heads each district. Each district also has a Crime Reduction Division.

The Narcotics Vice Division covers all eight districts and works with the crime reduction divisions. The biggest program they work with is Hawaii HIDTA. (High Intensity Drug Testing Area) this is a coordinated effort between Federal, State and Local law enforcement.

Why do investigations take so long:

- ? Dealers don't sell 24/7
- ? If you start to watch them they will move or stop temporarily
- ? Neighbors don't cooperate out of fear or friendship
- ? Informants are not reliable, they are usually drug users
- ? Limited personnel (they or their vehicles sometimes get recognized by the drug people)
- ? Law enforcement officers will not take risks to buy drugs. If the situation is dangerous they will do it another time.
- ? Neighbors may not be aware their neighbor was arrested.
 - ? The police don't identify those who are arrested if they are cooperating
 - ? The police do not tell anyone what is happening, so the criminals don't find out.
 - ? They keep officers and informants anonymous, because of safety.

How do you report activities?

- ? Narco/Vice 593-3103
- ? Crime Stoppers 955-8300
- ? www.honolulu.pd.org
 - ? The Narco/Vice page has information on ICE and how to recognize its use, etc.
 - ? When you make a report, even anonymously, be sure to give an address of where the crime is occurring. From the web site you can report suspicious activity anonymously. The police do not get you e-mail address unless you give it to them.

DARE Program

Currently covers students in 3rd, 5th, 8th, 10th grades. Officers do it.

They are changing their curriculum to focus more on the Middle Schools where the pressure on the students is the biggest problem. They are also making it a more interactive program with the police officers.