

**COUNCIL OF THE COUNTY OF MAUI**  
**GOVERNANCE, ETHICS, AND**  
**TRANSPARENCY COMMITTEE**

January 24, 2020

**Committee**  
**Report No. \_\_\_\_\_**

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Governance, Ethics, and Transparency Committee, having met on January 7, 2020, makes reference to County Communication 19-446, from the Chief of Police, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI THROUGH THE CHIEF OF POLICE TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH."

The purpose of the proposed bill is to authorize the Mayor, on behalf of the County of Maui, through the Chief of Police, to enter into an intergovernmental agreement with the State Department of Health to conduct a study that involves collecting and analyzing police reports of suicide to identify common risk factors, identify gaps in service, and provide guidance for prevention.

Your Committee notes that in accordance with Section 2.20.020, Maui County Code, the Mayor must not enter into any intergovernmental agreement that places a financial obligation on the County or any department or agency, unless authorized by ordinance.

Your Committee notes Section 92F-19, Hawaii Revised Statutes, authorizes the Department of Police to provide records to another agency when necessary for the performance of the requesting agency's duties and functions, compatible with the purpose for which the information was collected, or consistent with the reasonable expectation of use and disclosure under which the information was provided.

Your Committee further notes Exhibit "1," as attached to the proposed bill, outlines the duties and responsibilities of the Department of Police and the State Department of Health under the agreement.

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A representative of the State Department of Health, Maui District Office, said the project is a pilot study on suicide deaths specific to Maui. The project period is from October 1, 2019, through October 1, 2023.

A representative of the Department of Police said workstations, including WiFi and electricity access, will be provided onsite to the State Department of Health to access redacted data for use in project reporting.

The Department of Police representative said the total project cost would depend on a variety of factors, including the number of reports and the total number of labor hours spent on each report, but a conservative range would be between \$25 to \$75 per report.

Your Committee requested the Department of Police produce a cost analysis of the project by the January 24, 2020, Council meeting.

Your Committee expressed appreciation for the study and the work of volunteers at the State Department of Health to address and prevent suicide.

Your Committee voted 6-2 to recommend passage of the proposed bill on first reading and filing of the communication. Committee Chair Molina and members Kama, Lee, Paltin, Sinenci, and Sugimura voted "aye." Committee Vice-Chair Rawlins-Fernandez and member Hokama voted "no." Member King was excused.

Your Committee is in receipt of a revised proposed bill, entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR THROUGH THE CHIEF OF POLICE TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH," approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

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Your Governance, Ethics, and Transparency Committee  
RECOMMENDS the following:

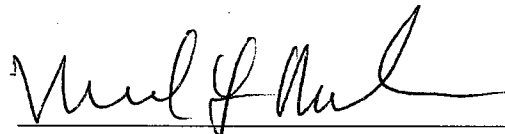
1. That Bill \_\_\_\_\_ (2020), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR THROUGH THE CHIEF OF POLICE TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 19-446 be FILED.

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Committee  
Report No. \_\_\_\_\_

This report is submitted in accordance with Rule 8 of the Rules of the Council.



\_\_\_\_\_  
MICHAEL J. MOLINA, Chair

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ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2020)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR  
THROUGH THE CHIEF OF POLICE TO ENTER INTO AN  
INTERGOVERNMENTAL AGREEMENT WITH THE  
STATE OF HAWAII, DEPARTMENT OF HEALTH

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. The State of Hawaii, Department of Health (“DOH”), is conducting a study that involves collecting and analyzing police reports of suicide to identify common risk factors, identify gaps in service, and provide guidance for prevention.

Hawaii Revised Statutes, Chapter 92F, Section 92F-19, authorizes the Maui Police Department (“MPD”) to provide records to another agency when necessary for the performance of the requesting agency’s duties and functions and is compatible with the purpose for which the information was collected, or is consistent with the reasonable expectation of use and disclosure under which the information was provided.


MPD and DOH propose to enter into a Memorandum of Agreement (“MOA”), attached as Exhibit “1”, outlining their respective duties and obligations to conduct this study and to protect personal identification in such records from disclosure. In order to collect this data, DOH will provide designated agents to review MPD records and abstract statistical data. MPD will electronically locate and compile records so that DOH or its agents may access the records and abstract de-identified data. MPD will also conduct background checks on DOH’s designated agents before allowing them access to MPD records for statistical data abstraction. These administrative duties impose some financial obligation on MPD.

Section 2.20.020, Maui County Code, provides that, unless authorized by ordinance, the Mayor shall not enter into any intergovernmental agreement or any amendment thereto which places a financial obligation upon the County or any department or agency thereof.

SECTION 2. Council Authorization. The Council authorizes the Mayor, on behalf of the County of Maui, through the Chief of Police, to enter into the Memorandum of Agreement with the State of Hawaii, Department of Health, including all updates and amendments.

SECTION 3. Effective date. This ordinance will take effect on its approval.

APPROVED AS TO FORM  
AND LEGALITY:



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STEPHANIE M. CHEN  
Deputy Corporation Counsel  
County of Maui

2019-1599

Proposed Ordinance with Exhibit 1

**MEMORANDUM OF AGREEMENT  
BETWEEN THE STATE OF HAWAII, DEPARTMENT OF HEALTH,  
AND THE MAUI POLICE DEPARTMENT, REGARDING RECORDS ACCESS FOR  
SUICIDE DATA STUDY**

This Memorandum of Agreement (MOA) is between the STATE OF HAWAII DEPARTMENT OF HEALTH (DOH), whose principal place of business is 54 High Street #301, Wailuku, Hawaii 96793, through its District Health Office, Prevent Suicide Maui County Task Force, operating through the DOH, and the COUNTY OF MAUI, a political subdivision of the State of Hawaii whose principal place of business is 200 South High Street, Wailuku, Maui Hawaii 96793, through the Maui Police Department ("MPD"), hereafter collectively referred to as "Parties."

**RECITALS**

- 1) DOH is conducting a Maui Suicide Prevention Study, conducted in collaboration with the Prevent Suicide Maui County Task Force, which involves collecting and analyzing police reports of suicides to identify common risk factors in order to identify gaps in service and guide prevention efforts. The project period is to be from October 1, 2019 through October 1, 2023, to collect and analyze reports made by MPD pertaining to suspected suicide.
- 2) MPD has data in incident reports that DOH seeks to collect and analyze in order to identify common factors, and potential gaps in services where assistance could be provided in the future.
- 3) To provide the data sought by DOH, MPD must search, review, and segregate its records and provide the records to DOH in .pdf format; and
- 4) Because some of the data in MPD's records is personal information, MPD requires that DOH protect records from unauthorized disclosure by de-identifying personal information before analysis and conclusion of the project, and ensuring that no personally identifying information be used in the project reporting.

NOW, THEREFORE, the Parties mutually agree as follows:

I. **DUTIES AND RESPONSIBILITIES**

A. **Responsibilities of MPD:**

- I. Upon written request by DOH, at mutually agreed upon intervals, MPD will search review, and segregate records from autopsy (coroner), and police investigative reports related to deaths occurring in Maui County attributed to suicide as primary, secondary, or tertiary cause of death, and electronically prepare .pdf copies of the records for review by DOH or its designated agents performing data abstraction for the Maui County Suicide Study. MPD shall make the .pdf copies available for DOH inspection within 10 business days

from receipt of DOH's written request, or at some other date agreed to by the Parties, or as otherwise allowed in chapter 2-71, Hawaii Administrative Rules (HAR).

2. Allow DOH, or its designated agents, supervised access to the .pdf copies of the records at the Wailuku Police Station, subject to written authorization as deemed appropriate by MPD to allow MPD to conduct background checks, including criminal history record checks on DOH employees or its designated agents who will conduct the records review and data abstraction. MPD reserves the right to deny on-site access to any DOH employee or designated agent who does not consent to a background check or who has a background check that MPD finds objectionable.
3. Allow approved DOH employees or its designated agents access to the .pdf copies of records to abstract de-identified data for use in the Suicide Prevention Data Project. All records review and data abstraction must be conducted at the Wailuku Police Station or other agreed-upon location; none of the .pdf copies of the records to be reviewed may leave the MPD's premises at any time.
4. Provide DOH with Wi-Fi access while on MPD premises so that DOH's employees or designated agents may enter de-identified abstracted data directly into the project data collection interface.
5. Set up an appropriate workstation for use by DOH or its designated agents in future years for the purposes of this MOA and for continuing data sharing.
6. Treat all vital record information received from DOH for purposes of this MOA as confidential and not disclose or make known in any manner to any person the vital record information except to those MPD employees who have a need to know the vital record information for the purposes of providing data required by this MOA.

**B. Responsibilities of DOH:**

1. Submit a written request to MPD, annually or at a mutually agreed-upon interval, specifying the time period for death records or reports to be searched, reviewed, and segregated by MPD, to allow MPD to prepare .pdf copies of the records for an on-site review by DOH or its designated agents for data abstraction.
2. Notify MPD of individuals who will serve as DOH's designated agent to review the .pdf copies of the records and abstract data for entry into the project data collection interface, and provide MPD with written releases authorizing MPD to conduct background checks, including criminal history record checks on those individuals.



3. Review the .pdf copies of the records on-site at MPD premises to collect and abstract de-identified data from the records for the purpose of entering only de-identified data into the project data collection interface.
4. Maintain the confidentiality of accessed reports as required by HRS 92F-19(b), by assuring that no electronic or paper reproductions are made of the .pdf copies, abstracting only de-identified data that does not include personal identifiers such as name, date of birth, social security number, home or work address, phone numbers, or email address, and assuring that the .pdf copies provided for review by MPD do not leave MPD's premises and control at any time in any format.
5. DOH may share the de-identified abstracted data with CDC and other agencies pursuant to the Maui Suicide Prevention Study.
6. Provide copies of reports to MPD consisting of Maui Suicide Prevention Study findings.

## II. LIMITATIONS

The Parties understand and agree there will be situations where there is an ongoing criminal investigation or legal proceeding that prevents sharing of some otherwise responsive records. In that event, records will not be copied to the .pdf format for review until such time as the case is formally and completely closed by MPD, or authorization for such release is granted by the court. (92F-13(2) and (3), HRS.)

## III. TIME FOR PERFORMANCE

This MOA shall take effect upon the date of the signing of the last party to sign below and continue to October 1, 2023, when the project period ends. Continued data collection by DOH after that date is conditioned upon a written extension of the MOA by the Parties.

## IV. CONFLICT WITH ESTABLISHED FEDERAL, STATE, OR COUNTY LAW

This MOA shall be subject to any and all federal, state, and county laws or rules.

## V. TERMINATION OF MOA

This MOA may be terminated by any party, subject to providing reasonable written notice.

The undersigned Parties agree to the terms of this MOA.

STATE OF HAWAII

By \_\_\_\_\_

LORRIN PANG, MD, MPH

Department of Health District Health Officer, Maui County

Date \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
BETTY WOOD

Board of Health Director, Hawaii Department of Health, Office of the Director

Date \_\_\_\_\_

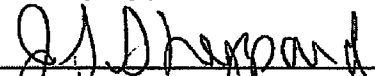
COUNTY OF MAUI

\_\_\_\_\_  
TIVOLI S. FAAUMU

Chief of Police

Date \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY:



JERRIE L. SHEPPARD

Deputy Corporation Counsel

County of Maui

Date 10/10/19  
2019-1599