

BILL001(26)
Testimony

MISC. COMM. 41

COUNCIL

COUNCIL Meeting

Meeting Date: Jan 28, 2026 @ 10:00 AM

Support: 0

Oppose: 1

I wish to comment: 0

Name: Peter Thoenen	Email: peter.thoenen@protonmail.com	Zip: 96813
Representing: Self	Position: Oppose	Submitted: Jan 27, 2026 @ 11:52 AM

Date: 27 January 2026

To: Honolulu City Council

Submitted By: Peter Thoenen, self

Reference: Opposition to Bill 1 (2026), Relating to the Establishment of Fees and Charges for the Services of the Department of the Medical Examiner; Wednesday, 28 January 2026, 10 a.m., City Council Chamber

Hi, Peter Thoenen representing myself as a longtime resident of Honolulu. I am writing to express my opposition to Bill 1 (2026) for the reasons below. To summarize, the Honolulu Medical Examiner (hereafter MED) is unnecessarily competing with the private sector, inadequately performing their required duties per their own admission, providing services they aren't authorized to provide under the Honolulu Charter leading one to question past misappropriation of funds, and, should the bill pass, will lead to further detrimental public services while increasing future public costs as the increased fees will not fully offset the expansion of private services hence will be a net negative. I would go farther with this bill and prohibit MED from offering services beyond their writ and to refocus on providing the services they were created to do in a competent manner; which they should be able to do given the time that will get freed up by ceasing those unfunded extraneous unauthorized services.

The duties of the MED are quite limited as listed in Honolulu Charter Section 6 1303 . Powers, Duties and Functions, nothing authorizes them to perform services “that fall outside the Department of the Medical Examiner’s (MED) mandated duties and responsibilities.” (02 January 2026 letter from MED to the Council). As such there should be no conflict because they need to simply stop providing said illegitimate services. Should civil litigants want additional services beyond what MED provides or reject its determination, they are free to engage in hiring private services to investigate and determine their own cause of death; there is no law which prohibits private autopsies, etc and that practice is common throughout America contrary to what the MED implies with “Many jurisdictions across the country charge for similar services provided in the context of private litigation or non-governmental requests”. And this irony is lost on the MED who later claims “Equity and Fairness: Taxpayer-funded departments should not subsidize private legal proceedings.” and yet then asks to continue to stifle the private sector and compete with them rather than focus on their core duties and responsibilities. To forestall a possible MED retort that said services do not exist in Honolulu, well Hawaii, like everywhere else, abhors a vacuum and per the MED’s own admission said services are high in civil demand, I have faith in the private sector to step up and provide said services in a reasonable time frame as they have throughout America.

Nor does charging for those duties fix their existing inability to perform which they are failing at by their own admission “Fulfilling civil litigation-related requests requires significant staff time, expertise, and administrative support - resources that could otherwise be directed toward public investigations and mandated duties.”, or at least not without the MED becoming effectively would could be called in the corporate world a “profit center” and expanding out their staffing with that increased civil funding which, as often is the case when government agencies become pay-to-play fee-for-service, causes them to refocus and prioritize civil, over public, duties to make ends meet, grow the organization, and intangible perks like travel, i.e. free vacations, as civil litigants can be located out-of-state unlike local criminal trials. And this isn’t some hypothetical, by their own mouths they are neglecting their actual duties currently in favor of civil cases, it’s unreasonable to assume those priorities will shift once they start getting paid for said services, in fact the incentives go the other way and I’d fully expect further years demands for bigger budgets to increase staffing, etc none of which are fully covered (including retirement, etc) by said new private civil fees.

Finally I question how the MED derives those numbers, they make a lot of assertions but no data, raw or otherwise, complete with reputable sources is actually provided for the public, nor the Council, to “check their work” nor likewise any data on current MED workload, public to civil ratios, etc. The MED is making strong claims here but they provide no evidence beyond assertions nor, to the previous points, do they defend their existing and past fraud/waste/abuse of funds by providing services they are not authorized to provide and to the detriment of the public.

I strongly advocate the City Council take this opportunity instead to refocus the MED on doing their actual jobs which they are funded to do and if the MED is still unable to perform adequately once they refocus on core competency, they return back in 2027 with an expanded budget request complete with evidence to support it. And as part of that I would amend Bill 01(2026) to simply prohibit MED from engaging in civil services at all sans the low effort basics which they should provide for free, an initial copy of their official report to family of the deceased. And I’d go farther in that they should be funded to provide a web accessible database for the public to download and view, for free, any death certificate. After all, it’s of public value per the stated reason the MED even exists and the dead have no privacy rights.¹

¹ I will admit I don’t know the actual law on that so I apologize if I am in error and the dead do have privacy rights. If they do, well they shouldn’t but that is a different matter than what is before us. In that case it’s reasonable for the MED to be authorized to charge at true cost, not profit generating, additional copies if requested beyond the initial one