

JAN 22 2021

A BILL FOR AN ACT

RELATING TO POLICING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that, in 2016, the
2 Washington D.C. Council unanimously passed the Neighborhood
3 Engagement Achieve Results (NEAR) Act, which provides a
4 comprehensive framework to promote public safety and reduce
5 crime in the District. Recognizing that a number of issues in
6 communities have been criminalized, thus leading to high rates
7 of incarceration and the breakdown of those communities, the
8 NEAR Act consists of several tools and public safety initiatives
9 designed to reduce violent crime, reform criminal justice
10 provisions, and improve community-police relations. One of
11 these tools is a requirement that the D.C. Metro Police
12 Department collect data on felony crimes, stops and frisks, and
13 use of force incidents in an effort to build transparency,
14 increase community trust, and improve internal accountability
15 and data analysis.

16 Accordingly, the purpose of this Act is to require each
17 county police department to collect certain data regarding



1 police stops, uses of force, and arrests, and submit to the
2 legislature annual reports to help the State identify offenses
3 that should be decriminalized; better determine conditions for
4 situations of interest, such as trends in the use of force;
5 safeguard law enforcement officers from injury; and allow
6 greater overall academic analysis of policing in the State.

7 SECTION 2. Chapter 52D, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 "§52D- Police stops; uses of force; arrests; data
11 collection; report to legislature. (a) The chief of each
12 county police department shall submit to the legislature no
13 later than January 31 of each year an annual report of all
14 police stops, uses of force, and arrests. The reporting period
15 of each report shall be from January 1 - December 31 of the year
16 immediately prior to the year of the report submission.

17 (b) The report shall include:

18 (1) Data concerning all police stops, including the
19 following information:

20 (A) The date, location, and time of the stop;

21 (B) Approximate duration of the stop;



- 1 (C) The traffic violation or alleged traffic
- 2 violation that led to the stop;
- 3 (D) Whether a search was conducted as a result of the
- 4 stop;
- 5 (E) If a search was conducted:
- 6 (i) The reason for the search;
- 7 (ii) Whether the search was consensual or non-
- 8 consensual;
- 9 (iii) Whether person, property, or both, was
- 10 searched; and
- 11 (iv) Whether contraband or property was seized
- 12 during the search;
- 13 (F) Whether a warning or traffic citation was issued,
- 14 and if so, the reason for the warning or
- 15 citation;
- 16 (G) Whether an arrest was made, and if so, the crime
- 17 charged;
- 18 (H) The gender, race, ethnicity, and date of birth of
- 19 the person stopped; and
- 20 (I) Whether force was used, and if so, the reason for
- 21 the use of force;



- 1 (2) Data concerning all arrests, including:
- 2 (A) The case number, date, and time that the arrest
- 3 was made;
- 4 (B) The name, date of birth, race, birthplace,
- 5 occupation, and marital status of the person
- 6 arrested;
- 7 (C) The charged offense;
- 8 (D) Location of the arrest;
- 9 (E) Name and address of the complainant;
- 10 (F) Name of the arresting officer; and
- 11 (G) The disposition of the case;
- 12 (3) Data concerning all uses of force, including:
- 13 (A) Total number of use of force incidents and type
- 14 of force used;
- 15 (B) Total number of officers involved in each use of
- 16 force incident;
- 17 (C) Total number of persons involved in each use of
- 18 force incident;
- 19 (D) Number of civilian complaints about excessive use
- 20 of force, including the applicable police
- 21 department, outcome, and any disciplinary action;



- 1 (E) If an arrest was made, the crime charged;
- 2 (F) The gender, race, age, and ethnicity of each
- 3 person involved in the use of force incident; and
- 4 (G) The gender, race, age, and ethnicity of each
- 5 officer involved in the use of force incident;
- 6 and
- 7 (4) Data concerning felony arrests, including:
- 8 (A) Number of type of felony arrests;
- 9 (B) Number of felony arrests that resulted in
- 10 conviction and sentence imposed;
- 11 (C) Location of felony arrests by city;
- 12 (D) Number of suspects involved in each felony
- 13 arrest;
- 14 (E) Number of victims involved in each felony arrest;
- 15 (F) Arrestee's age, race, gender, level of education,
- 16 city of residence, number of prior arrests,
- 17 number and type of convictions, relationship to
- 18 the victim or victims, and if known, any prior
- 19 contact with state mental health care services;
- 20 and



1 (G) The victim's age, race, gender, level of
2 education, city of residence, prior contact with
3 police, number and type of convictions, and
4 relationship to arrestee.

5 (c) The chief of each county police department shall post
6 a copy of the report submitted to the legislature pursuant to
7 this section on the department's website on an annual basis.

8 (d) The chief of each county police department shall
9 retain the records in accordance with the department's record
10 retention policy or at least eighteen months after the annual
11 report submitted, whichever period is longer.

12 (e) For purposes of this section, the term "stop" means a
13 temporary investigative detention of a person for the purpose of
14 determining whether probable cause exists to make an arrest. A
15 "stop" is a seizure of an individual's person and occurs
16 whenever an officer uses his or her authority to compel a person
17 to halt or remain in a certain place."

18 SECTION 3. Section 52D-3.5, Hawaii Revised Statutes, is
19 amended by amending its title to read as follows:

20 "§52D-3.5 [Reports to legislature.] Annual report to
21 legislature of misconduct incidents."



S.B. NO. 742

1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.

4

INTRODUCED BY: _____

A handwritten signature in black ink, appearing to be 'ASL', is written over a horizontal line.

S.B. NO. 742

Report Title:

Collection of Data; Annual Report

Description:

Requires each county police department to collect certain data regarding police stops, uses of force, and arrests, and submit to the legislature annual reports.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

