
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 public trust in law
2 enforcement is critical to ensuring justice for all under the
3 law. The legislature further finds that data collection is one
4 essential tool to allow the public, police, and policymakers to
5 analyze the effectiveness of existing practices, determine which
6 policies work and do not work, and support policy decisions with
7 clear and relevant data.

8 Numerous states and the District of Columbia have enacted
9 laws to standardize the collection of complete and accurate
10 policing stop data to increase community trust, transparency,
11 and internal accountability for public safety through data
12 analysis. Similarly, in 2020, Hawaii enacted Act 47, Session
13 Laws of Hawaii 2020, to standardize best practices for the use
14 of force between the counties.

15 The purpose of this Act is to enhance the public's trust in
16 law enforcement and continue to standardize best practices for
17 the data collection of police stops, arrests, and use of force



1 between the counties in Hawaii by requiring each county police
2 department to collect, report, and publicly publish certain data
3 regarding police stops, arrests, uses of force, and trends.

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

7 "§52D- Police stops; arrests; uses of force; data
8 collection; report to legislature. (a) The chief of each
9 county police department shall submit to the legislature no
10 later than January 31 of each year an annual report with a
11 summary of data and visual displays, including but not limited
12 to graphs and charts, relating to police stops, arrests, uses of
13 force, and trends relating to police stops, arrests, and uses of
14 force. The reporting period of each report shall be from
15 January 1 to December 31 of the year immediately before the year
16 of the report submission.

17 (b) The report shall include data concerning:

18 (1) All police stops, including the following information:

19 (A) The total number of stops;

20 (B) The date, time, location, and approximate
21 duration of the stop;



- 1 (C) The reason for the initial stop;
- 2 (D) Whether a search was conducted as a result of the
- 3 stop, and, if a search was conducted:
- 4 (i) The reason for the search;
- 5 (ii) Whether the search was consensual or
- 6 nonconsensual;
- 7 (iii) Whether person, property, or both was
- 8 searched; and
- 9 (iv) Whether contraband or property was seized
- 10 during the search;
- 11 (E) The final outcome of the stop, including whether:
- 12 (i) A warning was issued, and if so, the reasons
- 13 for the warning;
- 14 (ii) A citation was issued, and if so, the
- 15 citation charged; and
- 16 (iii) An arrest was made, and if so, the criminal
- 17 offense or offenses charged;
- 18 (F) The total number of persons involved in the stop;
- 19 (G) The age, race, ethnicity, and sex or perceived
- 20 age, race, ethnicity, and sex of each person
- 21 involved in the stop;



- 1 (H) The total number of officers involved in the
- 2 stop;
- 3 (I) The name, age, race, ethnicity, and sex of each
- 4 officer involved in the stop;
- 5 (J) The limited English speaking ability or perceived
- 6 limited English speaking ability of each person
- 7 involved in the stop;
- 8 (K) The disability status or perceived disability
- 9 status of each person involved in the stop;
- 10 (L) The mental health status or perceived mental
- 11 health status of each person involved in the
- 12 stop, including whether a person exhibited any
- 13 signs of mental health issues;
- 14 (M) The use or perceived use of alcohol or drugs of
- 15 each person involved in the stop, including
- 16 whether a person exhibited any signs of use of
- 17 alcohol or drugs;
- 18 (N) The residential zip code of each person involved
- 19 in the stop or if the person is houseless;
- 20 (O) Whether force was used, and if so, the reason for
- 21 the use of force; and



- 1 (P) The number of civilian complaints about stops,
2 including the applicable department policy,
3 outcome, and any disciplinary action;
- 4 (2) All arrests, including the following information:
- 5 (A) The total number of arrests;
- 6 (B) The case number, date, time, location, and
7 approximate duration of the arrest;
- 8 (C) The reason for the arrest;
- 9 (D) Whether a search was conducted as a result of the
10 arrest, and, if a search was conducted:
- 11 (i) The reason for the search;
- 12 (ii) Whether the search was consensual or
13 nonconsensual;
- 14 (iii) Whether person, property, or both was
15 searched; and
- 16 (iv) Whether contraband or property was seized
17 during the search;
- 18 (E) The charged offense or offenses;
- 19 (F) The final disposition of the case;
- 20 (G) The total number of persons involved in the
21 arrest;



- 1 (H) The age, race, ethnicity, and sex or perceived
2 age, race, ethnicity, and sex of each person
3 involved in the arrest;
- 4 (I) The total number of officers involved in the
5 arrest;
- 6 (J) The name, age, race, ethnicity, and sex of the
7 arresting officer and other officers involved in
8 the arrest;
- 9 (K) The limited English speaking ability or perceived
10 limited English speaking ability of each person
11 involved in the arrest;
- 12 (L) The disability status or perceived disability
13 status of each person involved in the arrest;
- 14 (M) The mental health status or perceived mental
15 health status of each person involved in the
16 arrest, including whether a person exhibited any
17 signs of mental health issues;
- 18 (N) The use or perceived use of alcohol or drugs of
19 each person involved in the arrest, including
20 whether a person exhibited any signs of use of
21 alcohol or drugs;



- 1 (O) The residential zip code of each person involved
- 2 in the arrest or if the person is houseless;
- 3 (P) Whether force was used, and if so, the reason for
- 4 the use of force; and
- 5 (Q) The number of civilian complaints about arrests,
- 6 including the applicable department policy,
- 7 outcome, and any disciplinary action; and
- 8 (3) All uses of force, including the following
- 9 information:
- 10 (A) The total number of use of force incidents and
- 11 type of force used;
- 12 (B) The date, time, location, and approximate
- 13 duration of the use of force incident;
- 14 (C) The reason for the use of force;
- 15 (D) Whether a search was conducted as a result of the
- 16 use of force incident, and, if a search was
- 17 conducted:
- 18 (i) The reason for the search;
- 19 (ii) Whether the search was consensual or
- 20 nonconsensual;



- 1 (iii) Whether person, property, or both was
2 searched; and
- 3 (iv) Whether contraband or property was seized
4 during the search;
- 5 (E) The final outcome of the use of force incident,
6 including whether:
- 7 (i) A warning was issued, and if so, the reasons
8 for the warning;
- 9 (ii) A citation was issued, and if so, the
10 citation charged; and
- 11 (iii) An arrest was made, and if so, the criminal
12 offense or offenses charged;
- 13 (F) The total number of persons involved in the use
14 of force incident;
- 15 (G) The age, race, ethnicity, and sex or perceived
16 age, race, ethnicity, and sex of each person
17 involved in the use of force incident;
- 18 (H) The total number of officers involved in the use
19 of force incident;
- 20 (I) The name, age, race, ethnicity, and sex of each
21 officer involved in the use of force incident;



- 1 (J) The limited English speaking ability or perceived
2 limited English speaking ability of each person
3 involved in the use of force incident;
- 4 (K) The disability status or perceived disability
5 status of each person involved in the use of
6 force incident;
- 7 (L) The mental health status or perceived mental
8 health status of each person involved in the use
9 of force incident, including whether a person
10 exhibited any signs of mental health issues;
- 11 (M) The use or perceived use of alcohol or drugs of
12 each person involved in the use of force
13 incident, including whether a person exhibited
14 any signs of use of alcohol or drugs;
- 15 (N) The residential zip code of each person involved
16 in the use of force incident or if the person is
17 houseless;
- 18 (O) Clarification on whether the use of force report
19 was filed by the officer using force or another
20 officer observing the use of force; and



1 (P) The number of civilian complaints about use of
2 force, including the applicable department
3 policy, outcome, and any disciplinary action.

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

7 (d) The chief of each county policy department shall
8 establish and maintain an online repository in a searchable
9 format for the policing data collection of aggregate and
10 disaggregate information that is accessible to the public on the
11 department's website.

12 (e) The chief of each county police department shall
13 retain the electronic and paper records relating to policing
14 stops, arrests, and uses of force in accordance with law, the
15 department's record retention policy, or at least five years
16 after the annual report is submitted, whichever period is
17 longer.

18 (f) For the purposes of this section, "stop" means a
19 temporary investigation detention of a person for the purpose of
20 determining whether probable cause exists to make an arrest. A
21 "stop" is a seizure of an individual's person and occurs



1 whenever an officer uses the officer's authority to compel a
2 person to halt or remain in a certain place."

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

5 "§52D-3.5 [Reports] Annual report to legislature[-] of
6 misconduct incidents."

7 SECTION 4. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect on December 1, 2023.



Report Title:

Data Collection; Police Stops; Arrests; Uses of Force; Report

Description:

Requires each county police department to collect, report, and publicly publish certain data regarding police stops, arrests, uses of force, and trends. Effective 12/1/23. (HD1)

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

