

JOSH GREEN, M.D.
GOVERNOR



DEPT. COMM. NO. 133

ANNE E. LOPEZ
ATTORNEY GENERAL

MATTHEW S. DVONCH
FIRST DEPUTY ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
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December 13, 2023

The Honorable Ronald D. Kouchi
President and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki
Speaker and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the Department of the Attorney General's Annual Update of the Criminal Justice Data Sharing Working Group, as required by Act 157, Session Laws of Hawaii 2023. In accordance with section 93-16, HRS, I am also informing you that the report may be viewed electronically at <http://ag.hawaii.gov/publications/reports/reports-to-the-legislature/>.

If you have any questions or concerns, please feel free to call me at (808) 586-1500.

Sincerely,

A handwritten signature in blue ink that reads "Anne E. Lopez".

Anne E. Lopez
Attorney General

c: Josh Green, M.D., Governor
Sylvia Luke, Lieutenant Governor
Legislative Reference Bureau (Attn: Karen Mau)
Leslie H. Kondo, State Auditor
Luis Salaveria, Director of Finance, Department of Budget and Finance
Stacey A. Aldrich, State Librarian, Hawaii State Public Library System
David Lassner, Ph.D., President, University of Hawaii

Enclosure

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ANNUAL UPDATE OF THE CRIMINAL JUSTICE DATA SHARING WORKING GROUP

Pursuant to Act 157, Session Laws of Hawaii 2023

Submitted to the Thirty-Second State Legislature
Regular Session of 2024

Act 157, Session Laws of Hawaii 2023, established the Criminal Justice Data Sharing Working Group (Working Group). Act 157 requires the Working Group to provide to the Legislature annual updates, including recommendations for any legislative or administrative action the working group deems appropriate to address data sharing concerns or to enable the working group to carry out its work, and a final report, including recommendations for further actions to be implemented over the following two years, no later than twenty days prior to the convening of the regular session of 2026, for a repository start date of July 1, 2028. The working group shall cease to exist on July 1, 2029.

I. The Role of the Criminal Justice Data Sharing Working Group

The Working Group is to make recommendations for a statewide criminal justice data repository to:

- (1) Facilitate collaborative decision-making, coordinated planning, and cooperative implementation among criminal justice agencies and relevant partners;
- (2) Support the fair, efficient, and effective operation of the criminal justice system;
- (3) Promote interoperability through the use of common elements;
- (4) Allow agencies to share appropriate information securely and efficiently;
and

- (5) Support criminal justice and other purposes, including improved public safety and homeland security, while respecting the privacy of citizens.

II. Working Group Members

Based on section 2 of Act 157, the working group is comprised of the following members:

- (1) The attorney general, or the attorney general's designee, who shall serve as chairperson of the working group;
- (2) The director of public safety, if applicable, or the director's designee;
- (3) The director of corrections and rehabilitation, if applicable, or the director's designee;
- (4) The director of law enforcement, if applicable, or the director's designee;
- (5) The administrative director of the courts, or the administrator's designee;
- (6) The public defender, or the public defender's designee;
- (7) The prosecuting attorney for the counties of Hawaii, Maui, Kauai, and the city and county of Honolulu, or the prosecuting attorney's designee;
- (8) The chief of police for the counties of Hawaii, Maui, Kauai, and the city and county of Honolulu, or the chief's designee;
- (9) The chair of the house of representatives committee on corrections, military, and veterans, or the chair's designee; and
- (10) The chair of the senate committee on public safety and intergovernmental and military affairs, or the chair's designee.

III. Initial Meeting of the Working Group

The following Working Group members were present at the July 31, 2023, inaugural meeting:

The designee of the Attorney General, First Deputy Attorney General Matthew Dvnoch, serving as the Chairperson;

The designee of the Director of Law Enforcement, Michael Vincent, serving as the Vice Chairperson;

The Chair of the Senate Committee on Public Safety and Intergovernmental and Military Affairs, Senator Glenn Wakai;

The Chair of the House of Representatives Committee on Corrections, Military, and Veterans, Representative Mark J. Hashem;

The Prosecuting Attorney for the County of Maui, Andrew Martin;

The designee of the Prosecuting Attorney for the County of Kauai, Deputy Prosecutor Jennifer Winn;

The Prosecuting Attorney for the County of Hawaii, Kelden B. A. Waltjen;

The designee of the Prosecuting Attorney for the City and County of Honolulu, First Deputy Prosecutor Thomas Brady;

The designee of the Public Defender, Appellate Section Supervisor, Jon Ikenaga;

The Chief of Police of the Hawaii County Police Department, Chief Benjamin Moszkowicz;

The Chief of Police of the Honolulu Police Department, Chief Arthur "Joe" Logan;

The designee of the Chief of Police for the County of Kauai, Lt. Makana Rivera;

The Chief of Police of the Maui Police Department, Chief John Pelletier;

The Director of Public Safety, Director Tommy Johnson; and

The designee of the Administrative Director of the Courts, Mai Nguyen Van.

Also present at the meeting were the following non-members:

Deputy Director William Oku, of the Department of Law Enforcement;

The Department of Public Safety, Brandon Asuka, Director of Professional Standards and Accreditation, and Kathy Sio;

The Department of the Prosecuting Attorney, City and County of Honolulu, Sr. Advisor Cheryl Inouye, Chief of Staff Paul Mow;

Senate Committee Vice Chair on Public Safety and Intergovernmental and Military Affairs, Senator Brandon J.C. Elefante; and

Administrator Philip Higdon, Assistant Administrator Susan Yonemura, Systems Application Supervisor Wendy Char, of the Hawaii Criminal Justice Data Center, Department of the Attorney General.

IV. Meeting Summaries

- (a) The following is a summary of the July 31, 2023, meeting.
 - (1) Acknowledgment of the Working Group Chairperson, Attorney General Anne Lopez, and her designee First Deputy Attorney General Matthew Dvonch, and selection of Michael Vincent of the Department of Law Enforcement as Vice Chairperson.
 - (2) Discussion of the need to share criminal justice information among all stakeholders that is currently not being shared and to eliminate duplicate entries within the agencies' records management systems.
 - (3) Presentation by the Hawaii Criminal Justice Data Center as to data currently collected. All data recommended in Act 157 can be collected and shared among the agencies. Agencies have to agree they will collect the data and be willing to share it.
 - (4) Discussion as to whether there was a need for a new repository. Federal laws mandate and direct the retention and submission of criminal history; it is clear there can be only one repository. A comment was made that there was no need for a new repository. No further discussion occurred.
 - (5) Presentation by the Hawaii Criminal Justice Data Center as to current committees and or working groups with similar goals of sharing information. Currently, five committees or working groups that have similar goals or objectives to those of Act 157 are already in existence. A number of Working Group members currently serve on at least two, if not all, committees or groups. Senator Wakai questioned if some of the committees could be consolidated and suggested the possibility of a proposal made during the next legislative session to dissolve some of the committees.
 - (6) Discussion whether other states have similar data-sharing goals as the Working Group. A recommendation was made to contact the Bureau of Justice Assistance to determine if other states had the same goals as the Working Group and if they were successful.
- (b) The following is a summary of the November 16, 2023, meeting.
 - (1) Approved minutes from the July 31, 2023, Working Group meeting.
 - (2) Presentation by Dave Roberts, Executive Director and Chief Executive Officer of System for Electronic Analysis and Retrieval of Criminal Histories (SEARCH). SEARCH is a 501(c)(3) nonprofit consortium of states with one governor-appointed member from each state. The focus

of SEARCH is to build solid, accurate, timely criminal history records with the focus on improving information sharing capabilities between agencies.

SEARCH has a long history with the State of Hawaii and the Hawaii Criminal Justice Data Center, assisting it in the creation of the Hawaii Integrated Justice Information Sharing (HIJIS) platform and its continued efforts to enhance HIJIS capabilities. The objective of HIJIS is to gather timely criminal history information from state agencies and distribute information needed by the agencies as well as to eliminate duplicate entry of information. The State of Hawaii is in the forefront of achieving data sharing among agencies by means of the HIJIS program.

- (3) Due to time constraints, a discussion as to what data agencies currently collect and are willing to share among other agencies without disclosing confidential information was tabled.

V. Accounting of Expenditures

The Working Group was not appropriated any funds to support the Working Group. No appropriation request is being made at this time. Once the decision has been made on whether a new repository needs to be created, a request for funding will be needed to move forward.

VI. Proposed Legislation

As the Working Group determines obstacles or needs for accomplishing its task, it will develop plans to propose future legislation. It has no proposed bills for the 2024 Regular Session. There is, however, a proposal for consolidating this Working Group with the Gun Violence and Violent Crimes Commission (GVVCC). At Senator Wakai's urging, the GVVCC, established in chapter 134C, Hawaii Revised Statutes (HRS), is pursuing legislation to repeal chapter 134C, HRS, to dissolve that commission. That would allow the Act 157 Working Group to absorb the members of the GVVCC and continue its mission without a duplication of efforts.

VII. Findings and Recommendations

At the next meeting, which is expected to be in February 2024, members will review the HIJIS 2024 strategic plan to determine if they align with the objectives of the Working Group.