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## 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



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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 date, time, and location of the stop;

20 (B) The approximate duration of the stop;

21 (C) The reason for the initial stop;



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



- 1           (H) Whether the person stopped exhibited any signs of
- 2           mental health issues; and
- 3           (I) Whether the person stopped exhibited any signs of
- 4           use of alcohol or drugs;
- 5       (2) All arrests, including the following information:
- 6           (A) The case number;
- 7           (B) The date, time, and location of the arrest;
- 8           (C) The charged offense or offenses;
- 9           (D) The age, race, ethnicity, and sex or perceived
- 10          age, race, ethnicity, and sex of the person
- 11          arrested;
- 12          (E) The limited English speaking ability or perceived
- 13          limited English speaking ability of the person
- 14          arrested;
- 15          (F) The disability status or perceived disability
- 16          status of the person arrested;
- 17          (G) The mental health status or perceived mental
- 18          health status of the person arrested;
- 19          (H) The use or perceived use of alcohol or drugs of
- 20          the person arrested;



- 1            (I) The residential zip code of the person arrested
- 2                            or if the person is houseless;
- 3            (J) The name of the arresting officer and other
- 4                            officers involved with the arrest; and
- 5            (K) The final disposition of the case; and
- 6        (3) All uses of force, including the following
- 7                            information:
- 8            (A) The total number of use of force incidents and
- 9                            type of force used;
- 10           (B) The total number of officers involved in each use
- 11                            of force incident;
- 12           (C) Clarification on whether the use of force report
- 13                            was filed by the officer using force or another
- 14                            officer observing the use of force;
- 15           (D) The total number of persons involved in each use
- 16                            of force incident;
- 17           (E) The number of civilian complaints about use of
- 18                            force, including the applicable department
- 19                            policy, outcome, and any disciplinary action;
- 20           (F) If an arrest was made, the criminal offense or
- 21                            offenses charged;



- 1           (G) The age, race, ethnicity, and sex or perceived  
2           age, race, ethnicity, and sex of each person  
3           involved in the use of force incident;
- 4           (H) The age, race, ethnicity, and sex of each officer  
5           involved in the use of force incident;
- 6           (I) The limited English speaking ability or perceived  
7           limited English speaking ability of each person  
8           involved in the use of force incident;
- 9           (J) The disability status or perceived disability  
10           status of each person involved in the use of  
11           force incident;
- 12           (K) The mental health status or perceived mental  
13           health status of each person involved in the use  
14           of force incident; and
- 15           (L) The use or perceived use of alcohol or drugs of  
16           the person or persons involved in each use of  
17           force incident.
- 18           (c) The chief of each county police department shall post  
19           a copy of the report submitted to the legislature pursuant to  
20           this section on the department's website on an annual basis.



1        (d) The chief of each county policy department shall  
2 establish and maintain an online repository in a searchable  
3 format for the policing data collection of aggregate and  
4 disaggregate information that is accessible to the public on the  
5 department's website.

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

12        (f) For the purposes of this section, "stop" means a  
13 temporary investigation 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 the officer's authority to compel a  
17 person 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] Annual report to legislature[-] of  
21 misconduct incidents."



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 on December 1, 2023.

4

INTRODUCED BY:

*David Barnes*

JAN 23 2023



# H.B. NO. 880

**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.

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

