
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 data to increase community trust, transparency, and
11 internal accountability through data analysis. Similarly, in
12 2020, Hawaii enacted Act 47, Session Laws of Hawaii 2020, to
13 standardize best practices for the use of force between the
14 counties.

15 The purpose of this Act is to:

16 (1) Require county police departments and police oversight
17 agencies to collect and report certain data regarding



1 police stops, arrests, uses of force, and complaints
2 to the crime prevention and justice assistance
3 division of the department of the attorney general;
4 and

5 (2) Require the crime prevention and justice assistance
6 division of the department of the attorney general to
7 collect and publish incident-level information and an
8 annual report on the data collected.

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

12 "PART POLICE DATA

13 §52D- Definitions. As used in this part:

14 "Complaint" means any allegation of unlawful, unauthorized,
15 or otherwise inappropriate conduct by a police officer against a
16 member of the public.

17 "Division" means the crime prevention and justice
18 assistance division of the department of the attorney general.

19 "Physical force" means the use of physical effort or the
20 application of a tool, technique, or weapon intended to induce a
21 person's compliance or overcome a person's resistance.



1 "Physical force" does not include physical contact used solely
2 for facilitating custody of a fully compliant person, such as
3 the application of handcuffs on a cooperative arrestee.

4 "Police oversight agency" means any agency, board, or
5 commission created by a political subdivision to accept and
6 review complaints against police officers employed by the
7 political subdivision.

8 "Police stop" or "stop" means any encounter, whether on
9 foot or in a vehicle, between a police officer and a member of
10 the public whether initiated by the officer or conducted in
11 response to a call for service, that:

12 (1) Constitutes a non-consensual stop or a stop that would
13 make a reasonable person feel that they are not free
14 to leave or otherwise end the encounter; or

15 (2) Culminates in a consensual or non-consensual frisk,
16 search, seizure of property, or arrest of a person,
17 including an arrest pursuant to an outstanding
18 warrant.

19 "Police stop" does not include a detention or search of a
20 vehicle or pedestrian at a roadblock or checkpoint, which is
21 conducted based on a neutral formula that does not include any



1 personal characteristics or attributes. "Police stop" includes
2 a vehicle or pedestrian at a roadblock or checkpoint that is
3 singled out for additional screening or inspection based on
4 individualized suspicion or personal characteristics.

5 "Publicly available" means posted conspicuously in a text-
6 searchable format that is accessible at no cost.

7 "Serious bodily injury" means bodily injury that results in
8 a permanent disfigurement, extreme physical pain, loss or
9 impairment of a bodily function, limb, or organ, or a
10 substantial risk of death.

11 "Uses of force" means:

- 12 (1) Use of a physical force against a person that results
13 in death, serious bodily injury, or any other injury
14 requiring medical treatment or evaluation;
- 15 (2) Discharge of a firearm at or in the direction of
16 another person, whether or not injury occurs;
- 17 (3) Use of a weapon against a person; or
- 18 (4) Deployment of a canine against a person.

19 **§52D- Police stops; arrests; uses of force. (a)**

20 Beginning January 1, 2027:



1 (1) The chief of each county police department shall
2 submit to the division an annual report of all police
3 stops and uses of force conducted in the prior year by
4 officers employed by the police department and
5 complaints received by each police department; and

6 (2) Each police oversight agency shall submit to the
7 division an annual report of all complaints received.

8 The reporting period shall be from January 1 to December 31 of
9 the year immediately before the year of the report submission.

10 (b) At minimum, the report shall include the following
11 information for each police stop:

12 (1) Whether the individual was in a motor vehicle at the
13 time of the stop;

14 (2) The date, time, location, and approximate duration of
15 the stop; provided that if the encounter occurs at or
16 near a specific residential address, officers shall
17 include either the nearest cross street or block
18 number in order to avoid revealing the identity of the
19 person stopped;

20 (3) The reason for the stop;



- 1 (4) Whether a search was conducted during the stop, and if
2 a search was conducted:
- 3 (A) The basis for the search;
- 4 (B) Whether the officer asked for consent to search
5 the person or the person's property, and if so,
6 whether consent was provided;
- 7 (C) Whether person, property, or both was searched,
8 and if so, the type of search used; and
- 9 (D) Whether contraband or property was seized during
10 the search, and if so, the type and amount of
11 contraband or property that was seized and the
12 basis for the seizure;
- 13 (5) The final outcome of the stop, including whether:
- 14 (A) A warning was issued, and if so, the reasons for
15 the warning;
- 16 (B) A citation was issued, and if so, the violation
17 charged; and
- 18 (C) An arrest was made, and if so, the criminal
19 offense or offenses charged;
- 20 (6) The total number of persons involved in the stop;



- 1 (7) The perceived age, race, and gender of each person
- 2 involved in the stop; provided that in the case of a
- 3 vehicle stop, this information need only be provided
- 4 for the driver, unless a passenger is searched, cited,
- 5 arrested, or has physical force used against them;
- 6 (8) The total number of officers involved in the stop;
- 7 (9) The name, age, race, gender, and type of assignment of
- 8 each officer involved in the stop;
- 9 (10) The perceived disability status of each person
- 10 involved in the stop;
- 11 (11) Whether the person stopped appeared to be experiencing
- 12 a mental health or behavioral crisis;
- 13 (12) The use or perceived use of alcohol or drugs of each
- 14 person involved in the stop;
- 15 (13) The residential zip code of each person involved or
- 16 their homelessness status;
- 17 (14) Whether force was used, and if so, the reason for the
- 18 use of force;
- 19 (15) Whether the officer pointed a firearm or conducted
- 20 energy device at any person;



1 (16) Whether a police dog performed a sniff, and if so,
2 whether or not the dog was alerted to the presence of
3 contraband;

4 (17) Whether the officer ordered any person to exit a
5 vehicle; and

6 (18) Whether the officer handcuffed or physically
7 restrained any person during the stop.

8 (c) The report shall include the following information for
9 each use of force incident:

10 (1) The type of force used;

11 (2) The date, time, and location of the use of force
12 incident;

13 (3) The reason for the initial contact with the person,
14 and, if the initial contact was due to suspicion of
15 unlawful activity, the most serious offense the person
16 was suspected of;

17 (4) The type and severity of the injuries sustained, if
18 any;

19 (5) The total number of persons involved in the use of
20 force incident;



- 1 (6) The perceived age, race, and gender of each person
2 involved in the use of force incident;
- 3 (7) The total number of officers involved in the use of
4 force incident;
- 5 (8) The number of non-law enforcement persons involved in
6 the incident;
- 7 (9) Whether the officer perceived the person whom force
8 was directed against to be armed, and if so, the type
9 of weapon the officer perceived and whether the person
10 was actually armed, and if so, the type of weapon the
11 person was armed with;
- 12 (10) Any actions on the part of the person whom force was
13 directed against that led to the officer's decision to
14 use force;
- 15 (11) The name, age, race, and gender of each officer
16 involved in the use of force indecent;
- 17 (12) The perceived disability status of each person whom
18 force was directed against;
- 19 (13) Whether the person whom force was directed against
20 appeared to be experiencing a mental health or
21 behavioral crisis;



1 (14) The perceived use of alcohol or drugs of each person
2 whom force was directed against;

3 (15) The residential zip code of each person involved in
4 the use of force incident or their homelessness
5 status; and

6 (16) Whether the use of force report was filed by the
7 officer that engaged in the use of force or another
8 officer observing the use of force.

9 (d) The report shall include the following information for
10 each complaint received by a county police department or police
11 oversight agency:

12 (1) The date on which the complaint was received and the
13 alleged date, time, and location of the incident;

14 (2) The race, age, and gender of the complainant, if
15 known;

16 (3) The nature of the alleged misconduct; provided that
17 the division shall define categories of misconduct;

18 (4) Whether the complaint was or is being investigated,
19 and if so, the status or conclusion of the
20 investigation, including whether the investigation is
21 pending, unfounded, or sustained;



1 (5) The name or unique identification number of each
2 officer alleged to have engaged in misconduct, if
3 known;

4 (6) The beat or type of assignment of the officer; and

5 (7) The disciplinary action taken by the police oversight
6 agency or county police department, if any, and
7 whether such disciplinary action is final or pending
8 the resolution of an appeal or challenge.

9 For the purposes of this subsection, "received" means a
10 complaint has been submitted to a county police department or
11 police oversight agency in accordance with the agency's publicly
12 available procedures for filing a complaint. "Received"
13 includes a complaint that otherwise complies with the agency's
14 procedures but is submitted anonymously, is not signed by the
15 complainant, or is submitted by a third party.

16 **§52D- General provisions.** (a) The division shall make
17 all incident-level information collected pursuant to this part
18 publicly available on the department of the attorney general's
19 website, in a manner that is clear and machine-readable on an
20 annual basis. The division shall also issue an annual report
21 with a summary of data and visual displays, including but not



1 limited to, graphs and charts showing trends related to police
2 stops, arrests, uses of force, and complaints.

3 (b) The chief of each county police department shall
4 retain the electronic and paper records relating to police
5 stops, arrests, uses of force, and complaints in accordance with
6 the department's record retention policy, or for at least five
7 years after the information is submitted to the division,
8 whichever period is longer.

9 (c) Each county police department and police oversight
10 agency shall not report or make publicly available the name,
11 address, social security number, or other unique personal
12 identifying information of the persons stopped, searched, or
13 subjected to a property seizure. County police departments are
14 solely responsible for ensuring that personally identifying
15 information of the individual involved in a stop, arrest, or use
16 of force incident is not transmitted to the division or released
17 to the public.

18 (d) Each county police department shall develop and make
19 publicly available a policy governing review and auditing of all
20 data collected.



1 **§52D- Implementing regulations.** (a) No later than
2 December 31, 2025, the department of the attorney general shall
3 adopt rules pursuant to chapter 91 for the collection and
4 reporting of data required under this part.

5 (b) The rules shall specify all data to be reported, and
6 provide standards, definitions, and technical specifications
7 consistent with the requirements of this part to ensure uniform
8 reporting practices across all reporting agencies.

9 (c) To the greatest extent possible, the rules shall be
10 compatible with any similar federal data collection or reporting
11 programs.

12 **§52D- Enforcement mechanisms.** (a) In order for a
13 county police department or police oversight agency to be
14 eligible to receive any state law enforcement funding or any
15 state-administered federal grant, the county chief of police
16 shall certify annually in writing to the division that the
17 agency complied with all of the requirements set forth in this
18 part in the previous calendar year.

19 (b) The division may investigate, and if warranted, bring
20 a civil action against any agency to obtain equitable or
21 declaratory relief to enforce the requirements of this part.



1 (c) Any person who resides within the jurisdiction of a
2 county police department or police oversight agency that is
3 subject to the requirements of this part may bring a civil
4 action against the county police department to obtain equitable
5 or declaratory relief to enforce the requirements of this part
6 pertaining to disclosures to which they are entitled herein. A
7 prevailing plaintiff shall be entitled to reasonable attorney's
8 fees and costs.

9 (d) No action may be commenced against a county police
10 department or police oversight agency under this part unless the
11 plaintiff has provided written notice of the alleged violation
12 to the agency at least sixty days prior to filing suit, in a
13 manner that is reasonably calculated to enable the entity to
14 cure the alleged violation."

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

17 "**§52D-3.5 [Reports] Annual report to legislature of**
18 **misconduct incidents.**"

19 SECTION 4. Chapter 52D, Hawaii Revised Statutes, is
20 amended by designating sections 52D-1 to 52D-17 as part I,
21 entitled "General Provisions".



1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect upon its approval.

4

INTRODUCED BY:

Dan Carnas

JAN 16 2025



H.B. NO. 278

Report Title:

Police Data; Police Stops; Arrests; Uses of Force; Complaints; Crime Prevention and Justice Division of the Department of the Attorney General

Description:

Requires county police departments and police oversight agencies to collect and report certain data regarding police stops, arrests, uses of force, and complaints to the Crime Prevention and Justice Assistance Division of the Department of the Attorney General. Requires the Division to collect and publish incident-level information and an annual report on the data collected.

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

