
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 require:

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



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

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

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

11 **"PART . POLICE DATA**

12 **§52D- Definitions.** As used in this part:

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

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

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

21 "Physical force" does not include physical contact used solely



1 for facilitating custody of a fully compliant person, such as
2 the application of handcuffs on a cooperative arrestee.

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

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

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

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

18 "Police stop" does not include a detention or search of a
19 vehicle or pedestrian at a roadblock or checkpoint that is
20 conducted based on a neutral formula that does not include any
21 personal characteristics or attributes. "Police stop" includes



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

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

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

10 "Use of force" means:

- 11 (1) Use of physical force against a person that results in
12 death, serious bodily injury, or any other injury
13 requiring medical treatment or evaluation;
- 14 (2) Discharge of a firearm at or in the direction of
15 another person, regardless of whether injury occurs;
- 16 (3) Use of a weapon against a person; or
- 17 (4) Deployment of a canine against a person.

18 **§52D- Police stops; uses of force; complaints.** (a)

19 Beginning January 1, 2027:

- 20 (1) The chief of each county police department shall
21 submit to the division an annual report of all police



1 stops and uses of force conducted in the prior year by
2 officers employed by the police department and
3 complaints received by each police department; and

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

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

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

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

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

18 (3) The reason for the stop;

19 (4) Whether a search was conducted during the stop, and if
20 a search was conducted:

21 (A) The basis for the search;



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



- 1 for the driver, unless a passenger is searched, cited,
2 arrested, or has physical force used against them;
- 3 (8) The total number of officers involved in the stop;
- 4 (9) The name, age, race, gender, and beat or type of
5 assignment of each officer involved in the stop;
- 6 (10) The perceived disability status of each person
7 involved in the stop;
- 8 (11) Whether the person stopped appeared to be experiencing
9 a mental health or behavioral crisis;
- 10 (12) The use or perceived use of alcohol or drugs of each
11 person involved in the stop;
- 12 (13) The residential zip code of each person involved or
13 their homelessness status;
- 14 (14) Whether force was used, and if so, the reason for the
15 use of force;
- 16 (15) Whether the officer pointed a firearm or electric gun
17 as defined under section 134-81 at any person;
- 18 (16) Whether a police dog performed a sniff, and if so,
19 whether the dog was alerted to the presence of
20 contraband;



- 1 (17) For vehicle stops, whether the officer ordered any
2 person to exit a vehicle; and
- 3 (18) Whether the officer handcuffed or physically
4 restrained any person during the stop.
- 5 (c) The report shall include the following information for
6 each use of force incident:
- 7 (1) The type of force used;
- 8 (2) The date, time, and location of the use of force
9 incident; provided that if the incident occurs at or
10 near a specific residential address, officers shall
11 include either the nearest cross street or block
12 number in order to avoid revealing the identity of the
13 person whom force was directed against;
- 14 (3) The reason for the initial contact with the person,
15 and, if the initial contact was due to suspicion of
16 unlawful activity, the most serious offense the person
17 was suspected of;
- 18 (4) The type and severity of the injuries sustained, if
19 any;
- 20 (5) The total number of persons involved in the use of
21 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 use of force incident;
- 7 (9) Whether:
8 (A) The officer perceived the person whom force was
9 directed against to be armed and, if so, the type
10 of weapon the officer perceived; and
11 (B) The person was actually armed and, if so, the
12 type of weapon the person was armed with;
- 13 (10) Any actions on the part of the person whom force was
14 directed against that led to the officer's decision to
15 use force;
- 16 (11) The name, age, race, and gender of each officer
17 involved in the use of force incident;
- 18 (12) The perceived disability status of each person whom
19 force was directed against;



- 1 (13) Whether the person whom force was directed against
- 2 appeared to be experiencing a mental health or
- 3 behavioral crisis;
- 4 (14) The perceived use of alcohol or drugs of each person
- 5 whom force was directed against;
- 6 (15) The residential zip code of each person involved in
- 7 the use of force incident or their homelessness
- 8 status; and
- 9 (16) Whether the use of force report was filed by the
- 10 officer that engaged in the use of force or another
- 11 officer observing the use of force.
- 12 (d) The report shall include the following information for
- 13 each complaint received by a county police department or police
- 14 oversight agency:
 - 15 (1) The date on which the complaint was received and the
 - 16 alleged date, time, and location of the incident;
 - 17 provided that if the incident occurs at or near a
 - 18 specific residential address, officers shall include
 - 19 either the nearest cross street or block number in
 - 20 order to avoid revealing the identity of the person
 - 21 who submitted the complaint or is the complainant;



- 1 (2) The race, age, and gender of the complainant, if
2 known;
- 3 (3) The nature of the alleged misconduct; provided that
4 the division shall define categories of misconduct;
- 5 (4) Whether the complaint was or is being investigated,
6 and if so, the status or conclusion of the
7 investigation, including whether the investigation is
8 pending, unfounded, or sustained;
- 9 (5) The name or unique identification number of each
10 officer alleged to have engaged in misconduct, if
11 known;
- 12 (6) The beat or type of assignment of the officer; and
- 13 (7) The disciplinary action taken by the county police
14 department or police oversight agency, if any, and
15 whether the disciplinary action is final or pending
16 the resolution of an appeal or challenge.
- 17 (e) For the purposes of this section, "received" means a
18 complaint has been submitted to a county police department or
19 police oversight agency in accordance with the department's or
20 agency's publicly available procedures for filing a complaint.
21 "Received" includes a complaint that otherwise complies with the



1 department's or agency's procedures but is submitted
2 anonymously, is not signed by the complainant, or is submitted
3 by a third party.

4 **§52D- General provisions.** (a) The division shall make
5 all incident-level information collected pursuant to this part
6 publicly available on the department of the attorney general's
7 website, in a manner that is clear and machine-readable on an
8 annual basis. The division shall also issue an annual report
9 with a summary of data and visual displays, including but not
10 limited to, graphs and charts showing trends related to police
11 stops, including arrests made pursuant to a stop; uses of force;
12 and complaints.

13 (b) The chief of each county police department shall
14 retain the electronic and paper records relating to police
15 stops, including arrests made pursuant to a stop, uses of force,
16 and complaints in accordance with the department's record
17 retention policy, or for at least five years after the
18 information is submitted to the division, whichever period is
19 longer.

20 (c) Each county police department and police oversight
21 agency shall not report or make publicly available the name,



1 address, social security number, or other unique personal
2 identifying information of the persons stopped, whom use of
3 force was directed against, or who submitted the complaint or
4 are the complainant. County police departments are solely
5 responsible for ensuring that personally identifying information
6 of the person stopped, whom use of force was directed against,
7 or who submitted the complaint or is the complainant is not
8 transmitted to the division or released to the public.

9 (d) Each county police department shall develop and make
10 publicly available a policy governing review and auditing of all
11 data collected.

12 **§52D- Implementing regulations.** (a) No later than
13 December 31, 2025, the department of the attorney general shall
14 adopt rules pursuant to chapter 91 for the collection and
15 reporting of data required under this part.

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



1 (c) To the greatest extent possible, the rules shall be
2 compatible with any similar federal data collection or reporting
3 programs.

4 §52D- Enforcement mechanisms. (a) The county chief of
5 police shall certify annually in writing to the division that
6 the police department or police oversight agency complied with
7 all of the requirements set forth in this part in the previous
8 calendar year.

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

12 (c) Any person who resides within the jurisdiction of a
13 county police department or police oversight agency that is
14 subject to the requirements of this part may bring a civil
15 action against the county police department or police oversight
16 agency to obtain equitable or declaratory relief to enforce the
17 requirements of this part pertaining to disclosures to which
18 they are entitled herein. A prevailing plaintiff shall be
19 entitled to reasonable attorney's fees and costs.

20 (d) No action may be commenced against a county police
21 department or police oversight agency under this part unless the



1 plaintiff has provided written notice of the alleged violation
2 to the agency at least sixty days before filing suit, in a
3 manner that is reasonably calculated to enable the entity to
4 cure the alleged violation."

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

7 "§52D-3.5 [~~Reports~~] Annual report to legislature of
8 misconduct incidents."

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

12 SECTION 5. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 6. This Act shall take effect on July 1, 3000.



Report Title:

AG; Police Data; Police Stops; Uses of Force; Complaints

Description:

Requires county police departments and police oversight agencies to collect and report certain data regarding police stops, 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. Effective 7/1/3000. (HD1)

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

