
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 an
4 essential tool that allows the public, law enforcement, and
5 policymakers to analyze the effectiveness of existing practices,
6 determine which policies work and do not work, and support
7 policy decisions with 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 statewide.

14 The legislature further finds that federal funding is
15 available for the collection of law enforcement stop demographic
16 data. The National Highway Traffic Safety Administration
17 administers a grant program under section 1906 of the Safe,



1 Accountable, Flexible, Efficient Transportation Equity Act: A
2 Legacy for Users, and this grant program was reauthorized
3 through the Infrastructure Investment and Jobs Act in November
4 2021. Section 1906 grants are available to encourage states to
5 maintain and allow public inspection of statistical information
6 on the race and ethnicity of drivers stopped by law enforcement.

7 The legislature also finds that in accordance with article
8 X, section 6, of the Hawaii State Constitution, this Act
9 involves a matter of statewide concern.

10 The purpose of this Act is to require:

11 (1) Law enforcement agencies and law enforcement oversight
12 agencies to collect and report certain data regarding
13 law enforcement stops, uses of force, and complaints
14 to the Hawaii Crime Lab affiliated with the university
15 of Hawaii; and

16 (2) The Hawaii Crime Lab affiliated with the university of
17 Hawaii to collect and publish incident-level
18 information and an annual report on the data
19 collected.



1 SECTION 2. Chapter 139, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . LAW ENFORCEMENT DATA COLLECTION AND REPORTING**

5 **§139- Definitions.** As used in this part:

6 "Central reporting entity" means the Hawaii Crime Lab
7 affiliated with the university of Hawaii, or any successor
8 entity selected by the governor to collect and report data under
9 this part.

10 "Complaint" means any allegation of unlawful, unauthorized,
11 or otherwise inappropriate conduct by a law enforcement officer
12 against a member of the public.

13 "Law enforcement stop" or "stop" means any encounter,
14 whether on foot or in a vehicle, between a law enforcement
15 officer and a member of the public, whether initiated by the
16 officer or conducted in response to a call for service, that:

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

20 (2) Culminates in a consensual or non-consensual frisk,
21 search, seizure of property, or arrest of a person,



1 including an arrest pursuant to an outstanding
2 warrant.

3 "Law enforcement stop" does not include a detention or search of
4 a vehicle or pedestrian at a roadblock or checkpoint that is
5 conducted based on a neutral formula that does not include any
6 personal characteristics or attributes. "Law enforcement stop"
7 includes a vehicle or pedestrian at a roadblock or checkpoint
8 that is singled out for additional screening or inspection based
9 on individualized suspicion or personal characteristics.

10 "Physical force" or "force" means the use of physical
11 effort or the application of a physical tool, technique, or
12 weapon intended to induce a person's compliance or overcome a
13 person's resistance. "Physical force" or "force" does not
14 include physical contact used solely for facilitating custody of
15 a fully compliant person, such as the application of handcuffs
16 on a cooperative arrestee.

17 "Law enforcement oversight agency" means any agency, board,
18 or commission created by a political subdivision to accept and
19 review complaints against law enforcement officers employed by
20 the political subdivision, but does not include any office,
21 division, or other entity within a law enforcement agency.



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

3 "Serious bodily injury" has the same meaning as in section
4 707-700.

5 "Use of force" means:

6 (1) Use of physical force against a person that results in
7 death, serious bodily injury, or any other injury that
8 results in medical treatment or evaluation;

9 (2) Discharge of a firearm at or in the direction of
10 another person, regardless of whether injury occurs;

11 (3) Use of a weapon against a person; or

12 (4) Deployment of a canine against a person.

13 **§139- Law enforcement stops; uses of force; complaints;**
14 **annual report.** (a) Beginning January 1, 2028:

15 (1) The chief or director of each law enforcement agency
16 shall submit to the central reporting entity an annual
17 report of all law enforcement stops and uses of force
18 conducted in the prior year by law enforcement
19 officers employed by the law enforcement agency and
20 complaints received by the law enforcement agency; and



(2) Each law enforcement oversight agency shall submit to the central reporting entity an annual report of all complaints received.

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

(b) At minimum, the report shall include the following information for each law enforcement stop:

(1) Whether the person was in a motor vehicle at the time of the stop;

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

(3) The reason for the stop;

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

(A) The basis for the search;



- 1 (B) Whether the officer requested 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, all criminal
16 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 for vehicle stops,
20 this information need only be provided for the driver,



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



1 (17) Whether a law enforcement canine performed a sniff
2 and, if so, whether the canine was alerted to the
3 presence of contraband;

4 (18) For vehicle stops, whether the officer ordered any
5 person to exit the vehicle; and

6 (19) 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; provided that if the incident occurs at or
13 near a specific residential address, officers shall
14 include either the nearest cross street or block
15 number to avoid revealing the identity of the person
16 against whom force was directed;

17 (3) The reason for initial contact with the person and, if
18 the initial contact was due to suspicion of unlawful
19 activity, the most serious offense the person was
20 suspected of;



- 1 (4) The type and severity of the injuries sustained, if
2 any;
- 3 (5) The total number of persons involved in the use of
4 force incident;
- 5 (6) The perceived age, race, and gender of each person
6 involved in the use of force incident;
- 7 (7) The perceived disability status of each person against
8 whom force was directed;
- 9 (8) Whether the person against whom force was directed
10 appeared to be experiencing a mental health or
11 behavioral crisis;
- 12 (9) Whether the person against whom force was directed
13 suffers from cognitive impairment, including dementia;
- 14 (10) The perceived use of alcohol or drugs of each person
15 against whom force was directed;
- 16 (11) The residential zip code of each person involved in
17 the use of force incident or their homelessness
18 status;
- 19 (12) Any actions by the person against whom force was
20 directed that led to the officer's decision to use
21 force;



1 (13) Whether:

2 (A) The officer perceived the person against whom
3 force was directed to be armed and, if so, the
4 type of weapon the officer perceived; and

5 (B) The person was actually armed and, if so, the
6 type of weapon the person was armed with;

7 (14) The total number of officers involved in the use of
8 force incident;

9 (15) The number of non-law enforcement persons involved in
10 the use of force incident;

11 (16) The name, age, race, and gender of each officer
12 involved in the use of force incident; and

13 (17) Whether the use of force report was filed by the
14 officer who engaged in the use of force or another
15 officer who observed the use of force.

16 (d) The report shall include the following information for
17 each complaint received by a law enforcement agency or law
18 enforcement oversight agency:

19 (1) The date on which the complaint was received and the
20 alleged date, time, and location of the incident;
21 provided that if the incident occurs at or near a



specific residential address, officers shall include either the nearest cross street or block number to avoid revealing the identity of the person who submitted the complaint or is the complainant;

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

(3) The nature of the alleged misconduct; provided that the central reporting entity shall define categories of misconduct;

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

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

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

(7) The disciplinary action taken by the law enforcement agency or law enforcement oversight agency, if any, and whether the disciplinary action is final or pending the resolution of an appeal or challenge.



(e) For the purposes of this section, "received" means a complaint has been submitted to a law enforcement agency or law enforcement oversight agency in accordance with the agency's publicly available procedures for filing a complaint. "Received" includes a complaint that otherwise complies with the agency's procedures but is submitted anonymously, is not signed by the complainant, or is submitted by a third party.

§139- Public access; record retention; privacy; data review. (a) The central reporting entity shall make all incident-level information collected pursuant to this part publicly available on the central reporting entity's website in a clear, machine-readable format on an annual basis. The central reporting entity shall also issue an annual report with a summary of data and visual displays that include but are not limited to graphs and charts showing trends related to law enforcement stops, including arrests made pursuant to a stop; uses of force; and complaints.

(b) The chief or director of each law enforcement agency shall retain the electronic and paper records relating to law enforcement stops, including arrests made pursuant to a stop, uses of force, and complaints in accordance with the agency's



1 record retention policy, or for at least five years after the
2 information is submitted to the central reporting entity,
3 whichever period is longer.

4 (c) Law enforcement agencies and law enforcement oversight
5 agencies shall not report or make publicly available the name,
6 address, social security number, or other unique personal
7 identifying information of any person stopped, against whom use
8 of force was directed, or who submitted a complaint or is the
9 complainant. Law enforcement agencies and law enforcement
10 oversight agencies are solely responsible for ensuring that the
11 personally identifying information of the person stopped,
12 against whom use of force was directed, or who submitted the
13 complaint or is the complainant is not transmitted to the
14 central reporting entity or released to the public.

15 (d) Each law enforcement agency shall develop and make
16 publicly available a policy governing review and auditing of all
17 data collected under this part.

18 **§139- Rules.** (a) No later than March 1, 2027, the
19 department of the attorney general, in coordination with the
20 central reporting entity, shall adopt rules pursuant to



1 chapter 91 for the collection and reporting of data required
2 under this part.

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

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

10 **§139- Enforcement mechanisms.** (a) The chief or
11 director of each law enforcement agency and law enforcement
12 oversight agency shall certify annually in writing to the
13 central reporting entity that the law enforcement agency or law
14 enforcement oversight agency complied with all requirements set
15 forth in this part during the previous calendar year.

16 (b) The department of the attorney general may investigate
17 and, if warranted, bring a civil action against any agency to
18 obtain equitable or declaratory relief to enforce the
19 requirements of this part.

20 (c) Any person who resides within the jurisdiction of a
21 law enforcement agency or law enforcement oversight agency



1 subject to this part may bring a civil action against the law
2 enforcement agency or law enforcement oversight agency to obtain
3 equitable or declaratory relief to enforce the disclosure
4 requirements of this part to which they are entitled herein. A
5 prevailing plaintiff shall be entitled to reasonable attorney's
6 fees and costs.

7 (d) No action may be commenced under this part against a
8 law enforcement agency or law enforcement oversight agency
9 unless the plaintiff has provided written notice of the alleged
10 violation to the agency at least sixty days before filing suit,
11 in a manner that is reasonably calculated to allow the agency to
12 cure the alleged violation.

13 **§139- Federal grant funding for data collection.**

14 Funding for the section 1906 grant program, authorized under the
15 Safe, Accountable, Flexible, Efficient Transportation Equity
16 Act: A Legacy for Users, P.L. 109-59, shall be administered by
17 the central reporting entity for the purposes of this part."

18 SECTION 3. Chapter 139, Hawaii Revised Statutes, is
19 amended by amending its title to read as follows:

20 **"CHAPTER 139**

21 **LAW ENFORCEMENT STANDARDS AND DATA COLLECTION"**



1 SECTION 4. Chapter 139, Hawaii Revised Statutes, is
2 amended by designating section 139-1 as part I, entitled
3 "General Provisions".

4 SECTION 5. Chapter 139, Hawaii Revised Statutes, is
5 amended by designating sections 139-2 to 139-9 as part II,
6 entitled "Law Enforcement Standards Board; Officer Standards,
7 Training, and Certification".

8 SECTION 6. Chapter 139, Hawaii Revised Statutes, is
9 amended by designating sections 139-10 to 139-12 as part III,
10 entitled "Law Enforcement Policies and Accountability".

11 SECTION 7. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 8. This Act shall take effect on July 1, 3000.



Report Title:

UH; Hawaii Crime Lab; AG; Law Enforcement Stops; Uses of Force; Complaints

Description:

Requires law enforcement agencies and law enforcement oversight agencies to collect and report certain data regarding law enforcement stops, uses of force, and complaints to the Hawaii Crime Lab affiliated with the University of Hawaii. Requires the Hawaii Crime Lab to collect and publish incident-level information and an annual report on the data collected. Requires the Department of the Attorney General to adopt rules, in coordination with the Hawaii Crime Lab. 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.

