
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 The legislature further finds that implementing statewide
9 policing data reporting at the incident level requires durable
10 technical infrastructure, standardized definitions, quality
11 assurance, and public-facing reporting capacity. The
12 legislature further finds that the university of Hawaii at
13 Manoa, through the social science research institute in the
14 college of social sciences, is well positioned to provide
15 independent, methodologically rigorous research and analytic
16 capacity to support statewide transparency, evaluation, and
17 continuous improvement in policing practices. The legislature



1 also finds that establishing a Hawaii center for policing and
2 criminal justice research will strengthen Hawaii's ability to
3 implement this Act, leverage available federal and extramural
4 resources, and expand applied criminology and criminal justice
5 training and research opportunities for university students.

6 Numerous states and the District of Columbia have enacted
7 laws to standardize the collection of complete and accurate
8 policing data to increase community trust, transparency, and
9 internal accountability through data analysis. Similarly, in
10 2020, Hawaii enacted Act 47, Session Laws of Hawaii 2020, to
11 standardize best practices for the use of force statewide.

12 The legislature further finds that federal funding is
13 available for the collection of law enforcement stop demographic
14 data. The National Highway Traffic Safety Administration
15 administers a grant program under section 1906 of the Safe,
16 Accountable, Flexible, Efficient Transportation Equity Act: A
17 Legacy for Users, and this grant program was reauthorized
18 through the Infrastructure Investment and Jobs Act in November
19 2021. Section 1906 grants are available to encourage states to
20 maintain and allow public inspection of statistical information
21 on the race and ethnicity of drivers stopped by law enforcement.



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

4 The purpose of this Act is to require:

- 5 (1) Law enforcement agencies and law enforcement oversight
6 agencies to collect and report certain data regarding
7 law enforcement stops, uses of force, and complaints
8 to the Hawaii Crime Lab, housed within the Hawaii
9 center for policing and criminal justice research at
10 the social science research institute, college of
11 social sciences, university of Hawaii at Manoa; and
12 (2) The Hawaii Crime Lab, housed within the Hawaii center
13 for policing and criminal justice research at the
14 social science research institute, college of social
15 sciences, university of Hawaii at Manoa, to collect
16 and publish incident-level information and an annual
17 report on the data collected.

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

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



1 **§139- Definitions.** As used in this part:

2 "Center" means the Hawaii center for policing and criminal
3 justice research within the social science research institute,
4 college of social sciences, university of Hawaii at Manoa.

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

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

12 "Hawaiian" has the same meaning as in section 10-2.

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

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



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

4 (2) Culminates in a consensual or non-consensual frisk,
5 search, seizure of property, or arrest of a person,
6 including an arrest pursuant to an outstanding
7 warrant.

8 "Law enforcement stop" or "stop" does not include a detention or
9 search of a vehicle or pedestrian at a roadblock or checkpoint
10 that is conducted based on a neutral formula that does not
11 include any personal characteristics or attributes. "Law
12 enforcement stop" or "stop" includes a vehicle or pedestrian at
13 a roadblock or checkpoint that is singled out for additional
14 screening or inspection based on individualized suspicion or
15 personal characteristics.

16 "Physical force" or "force" means the use of physical
17 effort or the application of a physical tool, technique, or
18 weapon intended to induce a person's compliance or overcome a
19 person's resistance. "Physical force" or "force" does not
20 include physical contact used solely for facilitating custody of



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

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

5 "Serious bodily injury" has the same meaning as in section
6 707-700.

7 "Use of force" means:

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

15 **§139- Hawaii center for policing and criminal justice**
16 **research; establishment; duties.** (a) There is established the
17 Hawaii center for policing and criminal justice research within
18 the social science research institute, college of social
19 sciences, university of Hawaii at Manoa.

20 (b) The center shall support the central reporting entity
21 in carrying out this part, including but not limited to:



- 1 (1) Developing and maintaining data standards,
2 dictionaries, and technical specifications consistent
3 with this part and rules adopted under this part;
- 4 (2) Secure intake, storage, validation, and quality
5 assurance of submitted data;
- 6 (3) Workflows for publication of incident-level, machine-
7 readable public datasets and annual reporting; and
- 8 (4) Technical assistance and coordination with reporting
9 agencies to improve completeness and consistency.
- 10 (c) The center may conduct and disseminate policing-
11 focused research and policy evaluation consistent with this
12 part, including analyses of stops, uses of force, and
13 complaints, and may provide applied training and student
14 research opportunities in criminology and criminal justice
15 consistent with the center's mission.
- 16 (d) The center may seek, receive, and expend grants,
17 gifts, and other funds, including federal funds, consistent with
18 applicable law.
- 19 **§139- Law enforcement stops; uses of force; complaints;**
20 **annual report.** (a) Beginning January 1, 2028:



1 (1) The chief or director of each law enforcement agency
2 shall submit to the central reporting entity an annual
3 report of all law enforcement stops and uses of force
4 conducted in the prior year by law enforcement
5 officers employed by the law enforcement agency and
6 complaints received by the law enforcement agency; and

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

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

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

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

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



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



- 1 (7) The perceived age, race or ethnicity, and gender of
2 each person involved in the stop, including each
3 individual race or ethnicity if a person has more than
4 one race or ethnicity; provided that Hawaiian shall be
5 reported as a distinct category for all persons
6 identifying as Hawaiian, whether alone or in
7 combination with other racial or ethnic identities.
8 Self-identification of age, race or ethnicity, and
9 gender should be facilitated to the greatest extent
10 possible. For vehicle stops, the above demographic
11 information need only be provided for the driver,
12 unless a passenger was searched, cited, arrested, or
13 subjected to physical force;
- 14 (8) The perceived disability status of each person
15 involved in the stop;
- 16 (9) Whether the person stopped appeared to be experiencing
17 a mental health or behavioral crisis;
- 18 (10) Whether the person stopped appeared to suffer from
19 cognitive impairment, including dementia;
- 20 (11) The use or perceived use of alcohol or drugs of each
21 person involved in the stop;



- 1 (12) The residential zip code of each person involved or
2 their homelessness status;
- 3 (13) The total number of officers involved in the stop;
- 4 (14) The name, age, race, gender, and beat or type of
5 assignment of each officer involved in the stop;
- 6 (15) Whether physical force was used and, if so, the reason
7 for the use of force;
- 8 (16) Whether the officer pointed a firearm or electric gun
9 as defined under section 134-81 at any person;
- 10 (17) Whether a law enforcement canine performed a sniff
11 and, if so, whether the canine was alerted to the
12 presence of contraband;
- 13 (18) For vehicle stops, whether the officer ordered any
14 person to exit the vehicle; and
- 15 (19) Whether the officer handcuffed or physically
16 restrained any person during the stop.
- 17 (c) The report shall include the following information for
18 each use of force incident:
- 19 (1) The type of force used;
- 20 (2) The date, time, and location of the use of force
21 incident; provided that if the incident occurs at or



1 near a specific residential address, officers shall
2 include either the nearest cross street or block
3 number to avoid revealing the identity of the person
4 against whom force was directed;

5 (3) The reason for initial contact with the person and, if
6 the initial contact was due to suspicion of unlawful
7 activity, the most serious offense the person was
8 suspected of;

9 (4) The type and severity of the injuries sustained, if
10 any;

11 (5) The total number of persons involved in the use of
12 force incident;

13 (6) The perceived age, race or ethnicity, and gender of
14 each person involved in the use of force incident,
15 including each individual race or ethnicity if a
16 person has more than one race or ethnicity; provided
17 that Hawaiian shall be reported as a distinct category
18 for all persons identifying as Hawaiian, whether alone
19 or in combination with other racial or ethnic
20 identities. Self-identification of age, race or



1 ethnicity, and gender should be facilitated when
2 possible;

3 (7) The perceived disability status of each person against
4 whom force was directed;

5 (8) Whether the person against whom force was directed
6 appeared to be experiencing a mental health or
7 behavioral crisis;

8 (9) Whether the person against whom force was directed
9 appeared to suffer from cognitive impairment,
10 including dementia;

11 (10) The perceived use of alcohol or drugs of each person
12 against whom force was directed;

13 (11) The residential zip code of each person involved in
14 the use of force incident or their homelessness
15 status;

16 (12) Any actions by the person against whom force was
17 directed that led to the officer's decision to use
18 force;

19 (13) Whether:



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

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

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

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

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

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

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

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



- 1 either the nearest cross street or block number to
2 avoid revealing the identity of the person who
3 submitted the complaint or is the complainant;
- 4 (2) The age, race or ethnicity, and gender of the
5 complainant, if known; provided that Hawaiian shall be
6 reported as a distinct category for all persons
7 identifying as Hawaiian, whether alone or in
8 combination with other racial or ethnic identities;
- 9 (3) The nature of the alleged misconduct; provided that
10 the central reporting entity shall define categories
11 of misconduct;
- 12 (4) Whether the complaint was or is being investigated
13 and, if so, the status or conclusion of the
14 investigation, including whether the investigation is
15 pending, unfounded, or sustained;
- 16 (5) The name or unique identification number of each
17 officer alleged to have engaged in misconduct, if
18 known;
- 19 (6) The beat or type of assignment of each officer; and
- 20 (7) The disciplinary action taken by the law enforcement
21 agency or law enforcement oversight agency, if any,



1 and whether the disciplinary action is final or
2 pending the resolution of an appeal or challenge.

3 (e) The central reporting entity shall ensure that
4 publicly available reports present Hawaiian data as a distinct
5 category and shall be reported for all persons identifying as
6 Hawaiian, whether alone or in combination with other racial or
7 ethnic identities.

8 (f) For the purposes of this section, "received" means a
9 complaint has been submitted to a law enforcement agency or law
10 enforcement oversight agency in accordance with the agency's
11 publicly available procedures for filing a complaint.

12 "Received" includes a complaint that otherwise complies with the
13 agency's procedures but is submitted anonymously, is not signed
14 by the complainant, or is submitted by a third party.

15 **§139- Public access; record retention; privacy; data**
16 **review.** (a) The central reporting entity shall make all
17 incident-level information collected pursuant to this part
18 publicly available on the central reporting entity's website in
19 a clear, machine-readable format on an annual basis. The
20 central reporting entity shall also issue an annual report with
21 a summary of data and visual displays that include but are not



1 limited to graphs and charts showing trends related to law
2 enforcement stops, including arrests made pursuant to a stop;
3 uses of force; and complaints.

4 (b) The chief or director of each law enforcement agency
5 shall retain the electronic and paper records relating to law
6 enforcement stops, including arrests made pursuant to a stop,
7 uses of force, and complaints in accordance with the agency's
8 record retention policy, or for at least five years after the
9 information is submitted to the central reporting entity,
10 whichever period is longer.

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



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

4 **§139- Rules.** (a) No later than March 1, 2027, the
5 department of the attorney general, in coordination with the
6 central reporting entity, and in consultation with the office of
7 Hawaiian affairs and any community advisory board established
8 pursuant to this chapter, shall adopt rules pursuant to
9 chapter 91 for the collection and reporting of data required
10 under this part.

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

15 (c) To the greatest extent possible, the rules shall be
16 compatible with any similar federal data collection or reporting
17 programs.

18 **§139- Enforcement mechanisms.** (a) The chief or
19 director of each law enforcement agency and law enforcement
20 oversight agency shall certify annually in writing to the
21 central reporting entity that the law enforcement agency or law



1 enforcement oversight agency complied with all requirements set
2 forth in this part during the previous calendar year.

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

7 (c) Any person who resides within the jurisdiction of a
8 law enforcement agency or law enforcement oversight agency
9 subject to this part may bring a civil action against the law
10 enforcement agency or law enforcement oversight agency to obtain
11 equitable or declaratory relief to enforce the disclosure
12 requirements of this part to which they are entitled herein. A
13 prevailing plaintiff shall be entitled to reasonable attorney's
14 fees and costs.

15 (d) No action may be commenced under this part against a
16 law enforcement agency or law enforcement oversight agency
17 unless the plaintiff has provided written notice of the alleged
18 violation to the agency at least sixty days before filing suit,
19 in a manner that is reasonably calculated to allow the agency to
20 cure the alleged violation.



1 SECTION 6. Chapter 139, Hawaii Revised Statutes, is
2 amended by designating sections 139-10 to 139-13 as part III,
3 entitled "Law Enforcement Policies and Accountability".

4 SECTION 7. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$ or so
6 much thereof as may be necessary for fiscal year 2026-2027 for
7 the establishment and operation of the Hawaii center for
8 policing and criminal justice research within the social science
9 research institute, college of social sciences, university of
10 Hawaii at Manoa, including support for the central reporting
11 entity responsibilities under part of chapter 139, Hawaii
12 Revised Statutes.

13 The sum appropriated shall be expended by the university of
14 Hawaii for the purposes of this Act.

15 SECTION 8. New statutory material is underscored.

16 SECTION 9. This Act shall take effect on July 1, 3000.



Report Title:

UH; SSRI; Hawaii Center for Policing and Criminal Justice Research; Hawaii Crime Lab; AG; Law Enforcement Stops; Uses of Force; Complaints; Appropriation

Description:

Establishes the Hawaii Center for Policing and Criminal Justice Research within the Social Science Research Institute, College of Social Sciences, University of Hawaii at Manoa to house the Hawaii Crime Lab. 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. 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, Office of Hawaiian Affairs, and any community advisory boards. Appropriates funds for the establishment and operation of the Hawaii Center for Policing and Criminal Justice Research within the Social Science Research Institute, College of Social Sciences, University of Hawaii at Manoa to support implementation. Effective 7/1/3000. (HD2)

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