

JOSH GREEN, M.D.
GOVERNOR



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December 6, 2024

The Honorable Ronald D. Kouchi
President and Members of the Senate
Thirty-Third State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Nadine K. Nakamura
Speaker and Members of the
House of Representatives
Thirty-Third State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Nakamura, and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the Department of the Attorney General's Annual Update of the Criminal Justice Data Sharing Working Group, as required by Act 157, Session Laws of Hawaii 2023. In accordance with section 93-16, Hawaii Revised Statutes, I am also informing you that the report may be viewed electronically at <http://ag.hawaii.gov/publications/reports/reports-to-the-legislature/>.

If you have any questions or concerns, please feel free to call me at (808) 586-1500.

Sincerely,

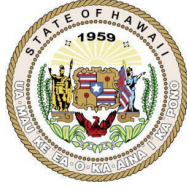
Anne E. Lopez

Anne E. Lopez
Attorney General

c: Josh Green, M.D., Governor
Sylvia Luke, Lieutenant Governor
Legislative Reference Bureau (Attn: Karen Mau)
Leslie H. Kondo, State Auditor
Luis Salaveria, Director of Finance, Department of Budget and Finance
Stacey A. Aldrich, State Librarian, Hawaii State Public Library System
David Lassner, Ph.D., President, University of Hawaii

Enclosure

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ANNUAL UPDATE OF THE CRIMINAL JUSTICE DATA SHARING WORKING GROUP

Pursuant to Act 157, Session Laws of Hawaii 2023

Submitted to the Thirty-Third State Legislature
Regular Session of 2025

Act 157, Session Laws of Hawaii 2023, established the Criminal Justice Data Sharing Working Group (working group) to address the complexities of statewide data sharing in the criminal justice system and to make recommendations for a statewide criminal justice data repository. The working group is required to provide the Legislature annual updates including recommendations for any legislative or administrative action the working group deems appropriate to address data sharing concerns or to enable the working group to carry out its purpose. A final report, including recommendations for further actions to be implemented over the following two years, shall be submitted no later than twenty days prior to the convening of the regular session of 2026, for a repository start date of July 1, 2028. The working group shall cease to exist on July 1, 2029.

I. The Role of the Criminal Justice Data Sharing Working Group

The working group is to make recommendations for a statewide criminal justice data repository to:

- (1) Facilitate collaborative decision-making, coordinated planning, and cooperative implementation among criminal justice agencies and relevant partners;
- (2) Support the fair, efficient, and effective operation of the criminal justice system;
- (3) Promote interoperability through the use of common elements;

- (4) Allow agencies to share appropriate information securely and efficiently; and
- (5) Support criminal justice and other purposes, including improved public safety and homeland security, while respecting the privacy of citizens.

II. Working Group Members

Based on section 2 of Act 157, the working group is comprised of the following members:

The Attorney General, Anne E. Lopez, serving as Chairperson;

The Director of Corrections and Rehabilitation, Tommy Johnson;

The Director of Law Enforcement, Jordan Lowe, serving as Vice Chairperson;

The Administrative Director of the Courts, Rodney Maile;

The Public Defender, Jon N. Ikenaga;

The Prosecuting Attorney for the County of Hawaii, Kelden B. A. Waltjen;

The Prosecuting Attorney for the County of Maui, Andrew H. Martin;

The Prosecuting Attorney for the County of Kauai, Rebecca V. Like;

The Prosecuting Attorney for the City and County of Honolulu, Steven S. Alm;

The Chair of the House of Representatives Committee on Corrections, Military, and Veterans, Representative Mark J. Hashem;

The Chair of the Senate Committee on Public Safety and Intergovernmental and Military Affairs, Senator Glenn Wakai;

Also serving on the working group are:

The Chief of Police of the Hawaii County Police Department, Chief Benjamin Moszkowicz;

The Chief of Police of the Honolulu Police Department, Chief Arthur "Joe" Logan;

The Chief of Police for the County of Kauai, Chief Todd G. Raybuck;

The Chief of Police of the Maui Police Department, Chief John Pelletier;

III. Meeting Summary

The working group conducted one meeting on February 15, 2024. At that meeting:

- (1) The working group reviewed and approved the November 16, 2023 meeting minutes.
- (2) Attorney General Anne Lopez introduced the following guests to the meeting and invited them to participate in the working group:

Cheryl Inouye, Senior Advisor, and Paul Mow, Chief of Staff of the Department of the Prosecuting Attorney, City and County of Honolulu;

Dr. Erin Harbinson, the director of the Criminal Justice Research Institute;

Brandon Asuka, Director of Professional Standards and Accreditation, and Kathy Sio, of the Department of Law Enforcement;

Dr. Daniel Galanis, of the State Department of Health;

Dr. Gerald Busch of the University of Hawaii - John A. Burns School of Medicine;

Dr. Meghan McBrearty, designee of the Department of Health, Hawaii State Hospital; and

Dr. Norman Okamura of the University of Hawaii – College of Social Sciences.

- (3) The working group discussed data exchange, systems interfacing, and the challenges that agencies face when they want to upgrade their information systems. The Department of the Prosecuting Attorney for the County of Maui is in the process of implementing and adapting its case management system. However, the process is on hold with respect to the Maui Police Department due to the Maui Police Department's implementing its own new records management system.
- (4) The working group discussed medical research, specifically that the aggregate data received by medical institutions primarily consists of health-related information, such as Emergency Medical Services records, trauma reports, and death certificates. Unlike law enforcement agencies, there is limited potential for information exchange among these entities due to privacy concerns. Notably, while medical data, particularly concerning substance abuse and mental health, could be highly valuable to law enforcement, sharing of that data is restricted due to HIPAA and other privacy regulations. These legal limitations underscore the need to

balance privacy concerns with the potential benefits of broader information sharing in support of public safety and research objectives.

IV. Accounting of Expenditures

No funds were appropriated to support the working group. No appropriation request is being made at this time.

V. Proposed Legislation

To avoid duplicating efforts, legislation was proposed in 2024 through Senate Bill 3042 and House Bill 2353 to repeal Chapter 134C, which established the Gun Violence and Violent Crimes Commission, and integrate its members into the working group. Both bills successfully passed the second reading and were subsequently referred to the Judiciary Committee. However, they did not progress further in the legislative process. The working group is not proposing similar legislation for the 2025 legislative session.