



**SB742**  
**RELATING TO POLICING**  
Ke Kōmike ‘Aha Kenekoa o ka Ho‘okolokolo

Pepeluali 25, 2020

9:30 a.m.

Hālāwai Keleka‘a‘ike

The Office of Hawaiian Affairs (OHA) **SUPPORTS WITH AMENDMENTS** SB742, which would improve the collection of police data on stops, arrests, and use of force, and improve governmental transparency. **OHA strongly supports and encourages efforts to improve the consistency, accuracy, and accessibility of data collected by county police departments, especially as they relate to police interactions with Native Hawaiians.**

Good data, particularly data from law enforcement, is critical to the development of well-informed policy that can promote safer communities while reducing the human and financial costs of our criminal justice system. Understanding police activity within Hawai‘i’s communities is of particular concern for Native Hawaiians who are disproportionately impacted by policing and the criminal justice system. OHA seeks to help improve police collection, reporting, and governance of data, especially as it relates to Native Hawaiians, so that it can help inform policy on policing and crime to better serve its beneficiaries. Likewise, other state and county agencies and policymakers can better address their own communities’s needs with more thorough and accessible policing data.

Improving the disaggregation and governance of state and county data, particularly with respect to data on the Native Hawaiian community, will enable policymakers and OHA to best tailor policy and interventions for OHA’s beneficiaries. To improve clarity on the specific experiences of the Native Hawaiian community, **OHA urges all governmental entities in Hawai‘i, including our police departments, to disaggregate the “Native Hawaiian” race category from “Other Pacific Islander” and to disaggregate the “Native Hawaiian” race category from any “Multiple-Race” category when collecting, managing, and reporting community data.**

Accordingly, OHA respectfully requests an amendment to insert the following language after page 6, line 4, to read as follows:

“provided that all race and ethnicity data collected under this subsection shall disaggregate Native Hawaiian data from all other race and ethnicity categories;”

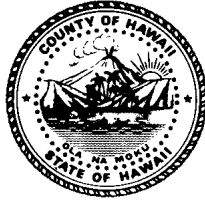
Additionally, OHA finds that annual reporting of data may not provide sufficient opportunity for policymakers and the community to consider and analyze the information collected in a timely manner. To maximize the usefulness of this data, it should be made accessible to the public and public-serving agencies upon request.

Accordingly, OHA requests that the language on page 6, lines 5-7, be amended to read as follows:

"The chief of each county police department shall post a copy of the report submitted to the legislature pursuant to this section on the department's website on an annual basis and shall make available to the public, upon request, the data collected for the report."

Therefore, OHA urges the Committee to **PASS WITH AMENDMENTS** SB742. Mahalo nui loa for the opportunity to testify on this measure.

**Mitchell D. Roth**  
Mayor



**Paul K. Ferreira**  
Police Chief

**Kenneth Bugado, Jr.**  
Deputy Police Chief

## County of Hawai`i

### POLICE DEPARTMENT

349 Kapi`olani Street • Hilo, Hawai`i 96720-3998  
(808) 935-3311 • Fax (808) 961-8865

February 23, 2021

Senator Karl Rhoads  
Chairperson and Committee Members  
Committee on Judiciary  
415 South Beretania Street  
Honolulu, Hawai`i 96813

RE : SENATE BILL 742, RELATING TO POLICING  
HEARING DATE : FEBRUARY 25, 2021  
TIME : 9:30 A.M.

Dear Senator Rhoads:

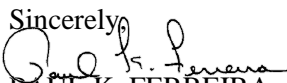
The Hawai`i Police Department **strongly opposes** Senate Bill 742, which seeks to require each county police department to collect certain data regarding police stops, uses of force, and arrests, and submit to the legislature annual reports.

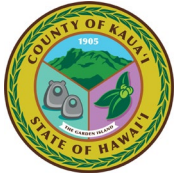
First and foremost, as written this measure would require police departments to violate individual's privacy rights especially those of victims of felony crimes, by requiring the reporting and posting of protected personal information.

The extensive data that is being mandated to be compiled by this measure is unrealistic and currently impossible for departments to capture. Just for traffic citations alone it would be an impossible task for the departments to be in compliance; as an example for calendar year 2020, the Hawai`i Police Department issued 43,512 citations, which would have needed to be reported. The Legislature is not taking into consideration the length of time it will require for officers to obtain this information during a traffic stop or non-custodial contact, not to mention what will be the ramifications if a violator refuses to provide the information...ARREST?

If passed this measure would require departments to acquire new or perform upgrades to current records management systems and acquire additional resources (i.e. personnel), just to begin capturing the data that is being mandated. Yet, the legislature fails to include any funding in this measure, thereby, creating another unfunded mandate for the Counties to absorb, more disturbingly during time of financial upheaval as a result of the COVID Pandemic.

It is for these reasons that we urge this committee to **oppose** this legislation. Thank you for allowing the Hawai`i Police Department to provide comments relating to Senate Bill 742.

Sincerely,  
  
PAUL K. FERREIRA  
POLICE CHIEF



DEREK S.K. KAWAKAMI, MAYOR  
MICHAEL A. DAHLIG, MANAGING DIRECTOR

# POLICE DEPARTMENT COUNTY OF KAUAI



TODD G. RAYBUCK, CHIEF OF POLICE

Testimony of Todd G. Raybuck  
Chief of Police  
Kaua'i Police Department

Before the  
*Senate Committee on Judiciary*  
*February 25, 2021*  
*via Videoconference*

In consideration of  
*SB742*  
Relating to Policing

Honorable Chair Rhoads, Honorable Vice Chair Keohokalole and Members of the Committee:

The Kaua'i Police Department (KPD) **strongly opposes** Senate Bill 742 which seeks to require each county police chief to collect and report annually to the legislature certain data related to police stops, use of force, and arrest data.

As Police Chief of the Kaua'i Police Department, I support the proper collection and accurate analysis of data that will identify and eliminate unconstitutional bias-based policing, improve police services, and strengthen relationships between the police and the community we serve. Even so, KPD does not have the analytical personnel, software programs, or budgetary resources to collect, compile, process, record, and analyze the substantial list of data collection points proposed under Senate Bill 742. Without funding and additional personnel, KPD will be unable to comply with Senate Bill 742 if it is enacted.

Police departments must continue to strive toward ensuring fair and equitable treatment of all persons as well as respond to the community's needs and concerns. The proper collection, analysis, and publication of police-public interaction data provides transparency in policing, establishes credibility in the police and identifies areas for improvement.

Senate Bill 742 does not address or establish the process for establishing benchmarks for accurate comparison purposes. The collection and dissemination of data as required by Senate Bill 742 will be utilized by the media, special interest groups, and others to make assumptions regarding police-public interactions.



For example, conclusions based solely on the disparity between the percentage of police interactions with a specific race/ethnicity and the percentage of the local population of the same race/ethnicity are too simplistic and fail to account for police operational procedures and the multivariate conditions under which the interactions occurred.<sup>1</sup> Furthermore, such statistical disparities do not automatically constitute discrimination or racial biases and “the publication of data without establishing credible benchmarks for comparison purposes results in dangerous superficial evaluations that foster incorrect and counterproductive conclusions.”<sup>2</sup>

Data must be collected objectively and evaluated carefully through analytical methods to prevent improper assumptions and the inaccurate appearance of police misconduct.<sup>3</sup> The failure to adhere to the proper collection and analysis of data will likely result in the data being “misunderstood, incorrectly used, erroneously indicate racial profiling, and potentially lead to inappropriate demands to rectify a problem that does not exist.”<sup>4</sup>

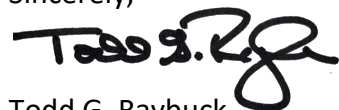
Prior to implementation of any legislation requiring the collection and reporting of data on police-public encounters, I humbly request the Legislature review available literature related to establishing and analyzing data on police-public encounters. In addition, I request the Legislature consult with and obtain the assistance of academically trained research analysts to identify and provide steps for the effective implementation of data collection and analysis to ensure that Senate Bill 742 goals of transparency, increased community trust, and improved internal accountability and data analysis are realized.

Failure to implement proper data collection and accurate analysis will further damage police-community relationships and fail to provide accurate information required for important policy decisions.

For these reasons the Kaua’i Police Department **strongly opposes** Senate Bill 742.

I appreciate your time and consideration.

Sincerely,



Todd G. Raybuck  
Chief of Police  
Kaua’i Police Department

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<sup>1</sup> McMahon, Joyce, Garner, Joel, Davis, Ronald and Kraus, Amanda, How to Correctly Collect and Analyze Racial Profiling Data: Your Reputation Depends On It!, Office of Community Oriented Policing Services, U.S. Department of Justice. (Washington, DC: Government Printing Office, 2002).

<sup>2</sup> Ibid.

<sup>3</sup> Ibid

<sup>4</sup> Ibid



THE CIVIL BEAT  
LAW CENTER FOR THE PUBLIC INTEREST

700 Bishop Street, Suite 1701  
Honolulu, HI 96813

Office: (808) 531-4000  
Fax: (808) 380-3580  
info@civilbeatlawcenter.org

Senate Committee on Judiciary  
Honorable Karl Rhoads, Chair  
Honorable Jarrett Keohokalole, Vice Chair

**RE: Testimony Supporting S.B. 742, Relating to Policing**  
Hearing: February 25, 2021 at 9:30 a.m.

Dear Chair and Members of the Committee:

My name is Brian Black. I am the Executive Director of the Civil Beat Law Center for the Public Interest, a nonprofit organization whose primary mission concerns solutions that promote governmental transparency. Thank you for the opportunity to submit testimony **supporting S.B. 742**.

Disputes persist about whether local police departments disproportionately stop, arrest, and use force against minority groups. *E.g.*, Christina Jedra, *Honolulu Police Chief Denies Racial Disparities Are Proof of Profiling*, Honolulu Civil Beat (July 22, 2020). The Chief of Police for the Honolulu Police Department has questioned the need for police reform and implicit bias training by arguing that in Hawai'i, "we are different." *E.g.*, Anita Hofschneider, *Honolulu Police Chief Hopes Nationwide Reform Movement Skips Hawaii*, Honolulu Civil Beat (June 19, 2020). The police departments complain that this information would be difficult to collect, but have brought this issue on themselves by disputing and ignoring data they already collect that reflects areas of concern.

At the same time, the Judiciary expressly recognized that Hawaii's criminal justice system "is not immune to the types of implicit and explicit bias and prejudice that are found elsewhere." Statement of Chief Justice Mark E. Recktenwald (June 15, 2020), [https://www.courts.state.hi.us/news\\_and\\_reports/2020/06/statement-by-chief-justice-mark-e-recktenwald](https://www.courts.state.hi.us/news_and_reports/2020/06/statement-by-chief-justice-mark-e-recktenwald). And the Honolulu Prosecutor recently emphasized the need for more data regarding arrests and race. Blaze Lovell, *Panel: Hawaii Justice System Needs Better Data Collection*, Honolulu Civil Beat (January 29, 2021).

To start to identify and address racial inequity in the criminal justice system, it all starts with the police departments and reliable data.

The Law Center offers the following suggestions:

1. Consistently request both race and ethnicity data. For example, (b)(2)(B) for arrests and (b)(4)(F) and (G) for felony arrests only require race, not ethnicity.

2. Require access to the data on request and an annual report on trends. Currently, the bill requires that police departments provide all of this data to the Legislature annually as a report. Instead of a massive data dump that will be difficult for the Legislature to independently analyze, departments should report on the trends reflected in the data. The data collected by the department, nevertheless, should be available to the public for independent analysis by request (*i.e.*, not required to be posted on the Internet). One way to achieve this objective would be the following [changes from existing bill marked with underline (additions) and ~~strikeout~~ (deletions)].

Amend first sentence of (a):

The chief of each county police department shall submit to the legislature no later than January 31 of each year an annual report analyzing data regarding ~~of~~ all police stops, uses of force, and arrests.

Amend (b):

The report shall analyze ~~include~~:

Amend (c):

The chief of each county police department shall post a copy of the report submitted to the legislature pursuant to this section on the department's website on an annual basis and shall make available to the public, on request, the data collected for the report.

Thank you again for the opportunity to testify.

**Hawaii**  
*Holding Power Accountable*Statement Before The  
**SENATE COMMITTEE ON JUDICIARY**

Thursday, February 25, 2021

9:30 AM

Via Video Conference

in consideration of

**SB 742****RELATING TO POLICING.**

Chairs RHOADS, Vice Chair KEOHOKALOLE, and Members of the Senate Judiciary Committee

Common Cause Hawaii supports SB 742, which requires each county police department to collect certain data regarding police stops, uses of force, and arrests, and submit to the legislature annual reports.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening democracy through transparency and accountability in public agencies.

SB 742 would, at page 2, lines 1-6, provide data regarding “police stops, uses of force, and arrests, and submit to the legislature annual reports to help the State identify offenses that should be decriminalized; better determine conditions for situations of interest, such as trends in the use of force; safeguard law enforcement officers from injury; and allow greater overall academic analysis of policing in the State.” Such data are fundamentally necessary for accountability and transparency in each county police department.

Thank you for the opportunity to testify in support of SB 742. If you have further questions of me, please contact me at [sma@commoncause.org](mailto:sma@commoncause.org).

Very respectfully yours,

Sandy Ma  
Executive Director, Common Cause Hawaii



# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

Thursday, February 25, 2021

9:30 a.m.

## SUPPORT FOR SB 742 - POLICING DATA

Aloha Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee!

My name is Kat Brad<sup>1</sup>y and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai`i for more than two decades. This testimony is respectfully offered on behalf of the more than 4,100 Hawai`i individuals living behind bars or under the “care and custody” of the Department of Public Safety on any given day. We are always mindful that 1,000 of Hawai`i’s imprisoned people are serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons supports requiring police departments to collect data regarding police stops, uses of force, and arrests and submit annual reports to the legislature.

Recent stories in the press and concerns of racial inequities in the criminal justice system are evident even in Hawai`i. Any organization that wants to improve their performance relies on good data. An organization that spouts the rhetoric that they don’t have problems is one that demands scrutiny and underscores the need for this bill.

In Hawai`i there have been fatalities resulting from the police firing their weapons and using force. Of the eight (8) officer related fatalities in Hawaii in 2019, seven (7) of the dead were either Hawaiian, part Hawaiian or Samoan.<sup>1</sup>

We also know that people of color are over-represented in the criminal justice system and are the majority populations in our jails and prisons.

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<sup>1</sup> Honolulu Police Commission questions disparities in use of force, by Christie Wilson, February 7, 2021.

<https://www.staradvertiser.com/2021/02/07/hawaii-news/honolulu-police-commission-questions-disparities-in-use-of-force/>

To avoid a data dump, it would be helpful if the police chiefs submitted trends, after analyzing the raw data in these police stops. Those trends should also be made public on each county police department's website. The raw data should also be available upon request.

Sharing this kind of information is important because it is about equity and justice. It can increase public trust if the data is timely, useful, accessible and will promote transparency and accountability in our public servants and increase community trust.

In closing we find it deeply disturbing that police departments have opposed this measure. Hiding important data from the public is the antithesis of good government and thwarts sound public policymaking that can advance Hawai'i to become a more just and equitable society.

In a recent Judiciary webinar, Honolulu's prosecutor called for more and better data collection. What are the real issues behind the police departments denial of data?

Community Alliance on Prisons respectfully asks the committee to pass this measure.

Mahalo for this opportunity to testify.

*Everything secret degenerates, even the administration of justice;  
nothing is safe that does not show it can bear discussion and publicity.*

*Lord Acton*



Young Progressives Demanding Action  
P.O. Box 11105  
Honolulu, HI 96828

February 20, 2021

**TO: Senate Committee on the Judiciary**  
**RE: Testimony in support of SB742**

Dear Senators,

Young Progressives Demanding Action (YPDA) strongly supports SB742. Data helps police officers and the community. Individual incidents of police abuse or racism may or may not reflect larger problems in a police department. Data opens the door for a discussion based on objective facts.

Data also drives better policies. Without data, policy must depend entirely on whether one believes a police department that claims that all stories of police abuse or racism are isolated incidents, or community members who claim that police abuse and racism are rampant throughout the state. With data, there is no reason to pick sides. Data can focus the discussion on concerning trends and areas for potential training.

We need data about Hawai'i specifically. National data identifies important trends in policing, but people dispute whether Hawai'i is different. Local data will help our community adopt appropriate local policies.

Mahalo for the opportunity to testify,

Will Caron  
Board President & Secretary  
action@ypdahawaii.org



*Dedicated to safe, responsible, humane and effective drug policies since 1993*

## **TESTIMONY IN SUPPORT OF SB 742**

TO: Chair Rhoads, Vice Chair Keohokalole & Senate Judiciary Committee Members

FROM: Nikos Leverenz  
DPFH Board President

DATE: February 25, 2021 (9:30 AM)

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Drug Policy Forum of Hawai'i (DPFH) supports SB 742, which requires county police departments to collect data regarding police stops, uses of force, and arrest, and submitting an annual report to the Legislature.

This kind of data is critical for police, prosecutors, policymakers and the public. This data will help inform decision making regarding police practices and support academic analysis of this state's regime of sentencing, enforcement, and correctional supervision practices. Increased public access to data will also strengthen the public's confidence in their police departments and the operation of the criminal legal system.

As the Office of Hawaiian Affairs has extensively noted over many years, Native Hawaiians are disproportionately impacted by the operations of this state's criminal legal system. [This includes the current punitive approach to drug use](#). Native Hawaiians do not use drugs at a drastically different rates than other races and ethnicities but go to prison for drug offenses at a higher rate. Police practices, prosecutorial practices, and sentencing structures contribute to this ongoing disparity. A punitive approach to drug use also includes an unduly large probation population that has [the highest average term in the nation at almost five years](#), according a recent report from the Pew Charitable Trusts.

Routine data collection and dissemination will also be of benefit for other Pacific Islanders, including residents from COFA states, who are disproportionately impacted by poverty, lack of access to health care, and other social determinants of health.

Thank you for the opportunity to provide testimony.

**SB-742**

Submitted on: 2/19/2021 4:54:02 PM

Testimony for JDC on 2/25/2021 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
cheryl B.	Individual	Comments	No

Comments:

Comments

Accurate data has been missing for too long from law enforcement.

**SB-742**

Submitted on: 2/20/2021 5:11:59 PM

Testimony for JDC on 2/25/2021 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carla Allison	Individual	Support	No

Comments:

My name is Carla Allison and I support SB742 requiring police departments to collect data regarding police stops, uses of force, and arrests and submit annual reports to the legislature. If we want a true picture of what's happening on our streets, why wouldn't we want this data collected & reported? How can policing be improved if we don't have the data needed to make well founded performance assessments? Transparency generates trust so collecting and sharing the kind of information covered in this bill is important for our police force as well as our community. Please support SB742. Thank you.

**SB-742**

Submitted on: 2/20/2021 5:46:14 PM

Testimony for JDC on 2/25/2021 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Thaddeus Pham	Individual	Support	No

Comments:

Aloha JDC Committee,

As a public health professional and concerned community member, I write in **STRONG SUPPORT** of SB742, which requires each county police department to collect certain data regarding police stops, uses of force, and arrests, and submit to the legislature annual reports.

I support this measure but request an amendment to 1) consistently request data on race and ethnicity and 2) require access to the data on request and an annual report on trends.

Measure like this are important to not only ensure safety in our communities and also to rebuild trust with our local law enforcement through transparent and consistent reporting. With increasing awareness of law enforcement overreach all over the U.S., it is important for bills like this to demonstrate that our local police departments are willing to show accountability and openness.

Please pass SB742 to ensure that we, as community members, can look to our officers for transparency rather than suspicion.

Mahalo,

Thaddeus Pham (he/him)

**SB-742**

Submitted on: 2/21/2021 2:23:07 PM

Testimony for JDC on 2/25/2021 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Emma Ishihara	Individual	Support	No

Comments:

My name is Emma and I stand in strong support of this bill.

Thank you for this opportunity to submit written testimony,

Emma. Ishihara.



**SB-742**

Submitted on: 2/21/2021 10:20:46 PM

Testimony for JDC on 2/25/2021 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carrie Ann Shirota	Individual	Support	No

Comments:

Dear Senators,

Please pass SB742 with two specific amendments. This measure will promote transparency and accountability by shining the light on police practices in Hawai'i, and interactions with specific and racial and ethnic groups in Hawai'i.

For the last few years, we have heard many law enforcement leaders balk at the suggestion of institutional racism, racial profiling and disparate arrests and use of force on particular racial and ethnic groups in Hawai'i. Collecting data would be the best means to assess what is truly happening and should be supported by all of us who profess values for truth and equal justice.

Please pass SB742 with these suggested two amendments:

1. Consistently request both race and ethnicity data. Subsections (b)(2)(B) for arrests and (b)(4)(F) and (G) for felony arrests only require race, not ethnicity.
2. Require access to the data on request and an annual report on trends.

Thank you for your consideration.

Sincerely,

Carrie Ann Shirota, Esq.

Honolulu, Hawaii

**SB-742**

Submitted on: 2/22/2021 2:59:45 PM

Testimony for JDC on 2/25/2021 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ana Tejada	Individual	Support	No

Comments:

Ana Tejada

Re: Support for SB742

February 22, 2021

Senators Rhoads and Keohokalole;

My name is Ana Tejada, a constituent of Hawaii County and a concerned resident of color. I am again testifying in support of requiring county police departments to collect data regarding police stops, use of force, and arrests, and to submit the data annually to the legislature.

There is ground swell support for policing reform that starts here, in our community. Currently, there is little to no data on what our police departments do – stops, arrests, use of force, etc. Collecting comprehensive data on police actions and crime is one step we can take to root out racial bias (whether explicit or latent) in our police departments that leads to more aggressive policing in our communities of color. This data could also be used to evaluate the efficacy of existing crime fighting measures. Moreover, this measure will help build police transparency and accountability, particularly in matters of officer-involved shootings and police misconduct. The senseless murder of George Floyd, Breonna Taylor, Tamir Rice and others by law enforcement has galvanized our community into demanding policing system reform to the polices, practices, and the cultural of police organizations. Our community is a vital part of the policing system; we need police transparency and accountability for there to be trust.

While this data collecting measure alone will not solve years of racial injustice in our police departments, it is one measure we can implement toward police reform. Thank you for scheduling this Senate Judiciary Committee hearing and reading my testimony.

**SB-742**

Submitted on: 2/22/2021 3:39:17 PM

Testimony for JDC on 2/25/2021 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shay Chan Hodges	Individual	Support	No

Comments:

I support requiring each county police department to collect certain data regarding police stops, uses of force, and arrests, and submit to the legislature annual reports.

I also support ACLU of Hawai'i request of an amendment to 1) consistently request data on race and ethnicity and 2) require access to the data on request and an annual report on trends.

Mahalo,

Shay Chan Hodges

Maui, Hawaii

**SB-742**

Submitted on: 2/22/2021 5:16:34 PM

Testimony for JDC on 2/25/2021 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Raelyn Reyno Yeomans	Individual	Support	No

Comments:

Strong support! Accountability and transparency is very important.

**SB-742**

Submitted on: 2/22/2021 8:01:41 PM

Testimony for JDC on 2/25/2021 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lindsay Terkelsen	Individual	Support	No

Comments:

Aloha Senators and Committee members,

Thank you for considering my testimony for SB742. I support this bill with amendments.

My suggested amendment is in relation to what HPD and the Chief of Police cited in their testimony of opposition as a breach of personal information. As I don't see the necessity of a person's name for legislative reports, the suggested amendment would be for lines 4 through 6 of page 4 to read as follows:

*"The date of birth, race, birthplace, occupation, and marital status of the person arrested;"*

This bill would allow transparency and as a result a foundation of accountability. The data collected can be vital for informing and improving enforcement policies, future legislation regarding policing, and identifying and correcting law enforcement biases and violations. I support this bill with the amendment to remove the requirement to include arrestees' names in reporting.

Mahalo for the opportunity to submit testimony and for your dedication to police accountability.

Best Regards,  
Lindsay Terkelsen

**SB-742**

Submitted on: 2/22/2021 9:50:40 PM

Testimony for JDC on 2/25/2021 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Polk	Individual	Support	No

## Comments:

I am writing in strong support of SB742. Throughout the country, not excluding Hawaii, there is increasing concern about the conduct of police, and bias or unconscious bias in policing. Given that the public pays for the police, we have gotten remarkably little information from them about what they do. To let a police department operate in secrecy is dangerous to democracy. This bill provides for reporting, to the legislature and to the public, which is long overdue. Please pass SB742.

**SB-742**

Submitted on: 2/23/2021 8:58:51 AM

Testimony for JDC on 2/25/2021 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Diana Bethel	Individual	Support	No

Comments:

I am writing in strong support of SB742 which would require county police departments to collect data on activities such as police stops, use of force, and arrests and submit this data in annual reports to the legislature.

Transparency and accountability are the foundation of a strong community-police relationship. Without data, legislators, the public, and the police department itself will have no idea about what the trends are and what are the most effective policies to increase public safety. Trust is an essential element in effective policing.

Without transparency, we are left to doubt the truthfulness of any statement from the police department. Already, we cannot help but question the awareness and honesty of a police chief who denies that there is any racial bias in policing in the Department. SB742 will help improve the administration and operations of the police department.

Please pass SB742. Mahalo for your consideration.

Diana Bethel, Honolulu

# POLICE CHIEFS OF HAWAII ASSOCIATION

C/O 801 SOUTH BERETANIA STREET  
HONOLULU, HAWAII 96813  
TELEPHONE: (808) 723-3848

**LATE**

## KAUAI

TODD G. RAYBUCK  
Chief of Police

Executive Chief

## HONOLULU

SUSAN BALLARD  
Chief of Police

JOHN D. MC CARTHY

Deputy Chief

AARON TAKASAKI-YOUNG  
Deputy Chief



## MAUI

TIVOLI S. FAAUMU  
Chief of Police

DEAN M. RICKARD  
Deputy Chief

## HAWAII

PAUL K. FERREIRA  
Chief of Police

KENNETH BUGADO JR.  
Deputy Chief

February 25, 2021

The Honorable Karl Rhoads, Chair  
and Members  
Committee on Judiciary  
State Senate  
Hawaii State Capitol  
415 South Beretania Street, Room 204  
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

SUBJECT: Senate Bill No. 742, Relating to the Policing

We are the Police Chiefs of Hawaii Susan Ballard, Paul Ferreira, Tivoli Faaumu, and Todd Raybuck.

**Senate Bill No. 742 unnecessarily punishes victims.** Senate Bill No. 742 requires the collection and public reporting of data of not only arrested persons but the victims of crimes as well. Information such as the victim's relationship with the arrested felon as well as the victim's prior contact with police, and number and type of convictions are all required to be publicly reported under Senate Bill No. 742. The collection and publication of this information does nothing but further traumatize and victimize individuals who have done nothing to warrant such an invasion of privacy. It would expose children who have been sexually assaulted by their parents as their age, race, gender, level of education, and relationship to the arrestee will be exposed. Likewise, information about victims of rape such as their prior contacts with police and the number/type of convictions they have would all be subject to publication thereby subjecting them to shame and humiliation once again. Such public reporting moves us back to victim blaming rather than focusing on the perpetrator.

**Senate Bill No. 742 will discourage victims from reporting crimes.** Senate Bill No. 742 mandates that county police report data concerning all arrests including the "name and address of the complainant." Thus, a person whose car is stolen will now have their name and address published simply for being the victim of a crime. A person whose home is burglarized will now have to decide whether to report the crime and have their name and address published in a report to the legislature or simply say nothing to the police thus saving their home address from public outing. Likewise, victims of rape and sexual assault will be faced with the choice of suffering in silence or reporting their assault knowing their personal



The Honorable Karl Rhoads, Chair  
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February 25, 2021  
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histories and relationship with the rapist will be published. Additionally, the public release of victim and complainant information will leave victims vulnerable to retaliation and witness intimidation thus exposing them to further victimization and discouraging them from reporting crimes.

**Senate Bill No. 742 infringes on the constitutional right of individuals against unreasonable seizures.** The Hawaii State Supreme Court has long recognized that a brief, temporary, investigative stop must be truly temporary and last no longer than is necessary to effectuate the purpose of the detention. Senate Bill No. 742 will require officers to detain individuals longer than necessary for the mere purpose of collecting information from them and not for any investigative purpose. Thus, an individual who is pulled over for turning without first signaling may have received a simple warning from an officer and been allowed to leave in less than 5 minutes, however Senate Bill No. 742 will now require the officer to question drivers more intrusively to obtain the necessary data holding them for at least 10 minutes longer even though the purpose of the initial detention has ceased.

**Police services to the community will suffer as resources are limited.** While county police departments are generally able to collect arrest information through police reports, the same cannot be said of information from citations or investigative stops. Currently, statewide, citations are completed and issued by hand. Information from citations are not inputted into county police databases as all citations are submitted directly to the court. The court inputs the data into their database to create the court calendars and case files. Senate Bill No. 742 would require county police departments to create an entirely new system and hire staff to manually input information from the more than 150,000 citations issued a year. This would require us to divert essential resources away from law enforcement activities simply to collect data that can already be obtained from the judiciary. Further, citation information fields are set and printed by the judiciary and not county police departments. Capturing additional information for citations and stops would require officers to fill out additional forms thus prolonging the length of the stop even further. As the data collection required under this bill exceeds what is currently collected, county departments simply do not have the discretionary personnel or funding to accomplish the requirements of the bill.

**Data collected by Senate Bill No. 742 will be incomplete and inaccurate.** First, Senate Bill No. 742 only applies to county police departments while excluding all other law enforcement officers with arrest powers Non-police officers such as sheriffs, attorney general investigators, prosecuting attorney investigators, and DLNR/DOCARE officers all exercise police powers by issuing citations and/or making stops and arrests. They are all armed and just as susceptible to confrontations resulting in the use of force with members of the public. By excluding other law enforcement agencies, data regarding law enforcement actions is incomplete. Second, without a law mandating disclosure of the information required by Senate Bill No. 742 by members of the public who are stopped, cited, and/or arrested by law enforcement, data collected will be incomplete. Currently, there is no law requiring citizens who are stopped for investigative purposes to disclose their race, ethnicity, and date of birth. Further, arrested persons have the Constitutional right to remain silent in the face of interrogation by the police. If the arrestee does

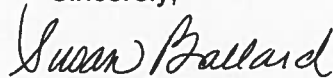
The Honorable Karl Rhoads, Chair  
and Members  
February 25, 2021  
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not waive that right, police will be unable to collect some of the information mandated by Senate Bill No. 742.

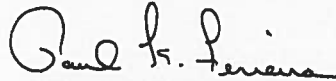
For the above reasons, the Chiefs of Police of the State of Hawaii collectively and respectfully urges you to oppose Senate Bill No. 742, Relating to Policing.

Thank you for the opportunity to testify.

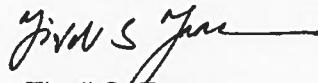
Sincerely,



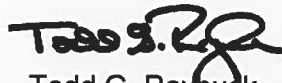
Susan Ballard  
Chief of Police  
Honolulu Police Department



Paul K. Ferreira  
Chief of Police  
Hawaii Police Department



Tivoli S. Faaumu  
Chief of Police  
Maui Police Department



Todd G. Raysuck  
Chief of Police  
Kauai Police Department

**LATE**



Hawai'i

Committee: Committee on Judiciary  
Meeting Date/Time: Thursday, February 25, 2021 9:30 a.m.  
Place: Via Videoconference  
Re: Testimony of the ACLU of Hawai'i in support of S.B. 742, Relating to Policing

Dear Chair Rhoads, Vice Chair Keohokalole, and Committee Members:

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") writes in support of, with suggested amendments to, S.B. 742, which requires the collection and disclosure of certain data relating to police stops, uses of force, and arrests.

Law enforcement should prioritize the sanctity of human life and treat everyone with dignity, but we know that police too often resort to excessive force in interactions with Black, Indigenous, and people of color and communities, despite being charged with protecting and serving those same people and communities. A recent report by Honolulu Police Department ("HPD") found that between 2015-2019, 34.5% of use of force cases and 38.1% of arrests were made against Native Hawaiians and Pacific Islanders.<sup>1</sup> Further, HPD disproportionately enforced the COVID-19 orders against Black people, Micronesian people (e.g., people from the Federated States of Micronesia, Marshall Islands, Palau, etc.), Samoans, and people experiencing homelessness.<sup>2</sup> Despite beliefs expressed by HPD Chief Susan Ballard,<sup>3</sup> racial bias is a persistent problem in policing here in Hawai'i. S.B. 742 increases transparency in policing, particularly in regard to racial disparities in stops, uses of force, and arrests, which is critical to addressing the ongoing harm to communities of color by police.

To further strengthen this measure, we respectfully suggest the Committee make the following amendments:

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<sup>1</sup> Lynn Kawano, *HPD report shows police force used most on Native Hawaiians, Pacific Islanders*, Hawaii News Now (February 4, 2021), [https://www.hawaiinewsnow.com/2021/02/05/hpd-report-shows-police-force-used-most-native-hawaiians-pacific-islanders/?fbclid=IwAR2FkEPagWHcM05fSd5T\\_Z\\_ZgGrcUJraZn9DGkLcFXmbmU1cuTonWrkKZ5Y](https://www.hawaiinewsnow.com/2021/02/05/hpd-report-shows-police-force-used-most-native-hawaiians-pacific-islanders/?fbclid=IwAR2FkEPagWHcM05fSd5T_Z_ZgGrcUJraZn9DGkLcFXmbmU1cuTonWrkKZ5Y).

<sup>2</sup> Ashley Mizuo, *Racial Disparities Emerge in HPD Enforcement of Stay-At-Home Violations*, Hawai'i Public Radio (June 29, 2020), <https://www.hawaiipublicradio.org/post/racial-disparitiesemerge-hpd-enforcement-stay-home-violations>.

<sup>3</sup> Anita Hofschneider, *Honolulu Police Chief Hopes Nationwide Reform Movement Skips Hawaii*, Honolulu Civil Beat (June 19, 2020), <https://www.civilbeat.org/2020/06/honolulu-police-chief-hopes-nationwide-reform-movement-skips-hawaii/>.

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1. Consistently request both race and ethnicity data. Subsections (b)(2)(B) for arrests and (b)(4)(F) and (G) for felony arrests only require race, not ethnicity.
2. Require access to the data on request and an annual report on trends.

For the above reasons, the ACLU of Hawai'i urges the Committee to support this measure.

Sincerely,

Mandy Fernandes  
Policy Director  
ACLU of Hawai'i

*The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for over 50 years.*



# HAWAII APPLESEED

## CENTER FOR LAW & ECONOMIC JUSTICE

**LATE**

Testimony of the Hawai'i Appleseed Center for Law & Economic Justice

In Support of SB742 – RELATING TO POLICING.

Senate Committee on Judiciary

Thursday, February 25, 2021, 9:30 AM, Via Videoconference

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Dear Chair Rhoads, Vice Chair Keohokalole, and members of the committee:

We write to **SUPPORT of SB742** and offer recommendations.

This measure guides our county police departments to collect certain types of data for police stops, use of force, and arrests to build transparency, increase community trust, and improve internal accountability and data analysis.

Hawai'i Appleseed Center for Law & Economic Justice works to address systematic injustice and inequity that inhibits Hawai'i residents from achieving economic security and fulfilling their potential. A symptom of inequity is the disproportionate rates of certain populations in the criminal justice system. In Hawai'i, those populations impacted most are Native Hawaiians and Pacific Islanders.

When public programs disproportionately impact certain populations, especially racial/ethnic groups, it is vital that state and county agencies collect 'race' or 'ethnic' data to institute more targeted services. This measure directs county police departments to incorporate this practice, which is a good first step. However, the bill as written may perpetuate poor data collection practices found in other public programs in Hawai'i, such as the practices of:

- Combining distinct ethnic/racial groups, namely the common practice of combining Native Hawaiians and Pacific Islanders into one racial/ethnic category, which hides those disproportionately impacted by public programs, particularly in the criminal justice system;
- Only allowing individuals to select one racial/ethnic category, or only providing the option to select "more than one race" if they identify with more than one racial/ethnic category, which is problematic for a state with a high rate of mixed race people; and
- Not aligning methods of data collection (e.g. decisions on what type of data to collect) with other public programs, which makes it difficult to analyze data across agencies/programs, in order to examine the intersectionality of programs and populations served.

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*The Hawai'i Appleseed Center for Law and Economic Justice is committed to a more socially just Hawai'i, where everyone has genuine opportunities to achieve economic security and fulfill their potential. We change systems that perpetuate inequality and injustice through policy development, advocacy, and coalition building.*

### **Research on state data collection practices:**

Hawai'i Budget & Policy Center, a project of Hawai'i Appleseed, recently released a report, "[Data Justice: About Us, By Us, For Us](#)," on the importance of correcting the poor data collection practices listed above in order to address systematic inequities more effectively.<sup>1</sup> For example, in our report, we analyzed the data collection practices of the Judiciary Branch and Department of Public Safety's Corrections Division. We found:

- The Judiciary Branch of the state government does not collect or report ethnic/racial data of any kind, even though Native Hawaiians are over-represented in correctional facilities; and
- The Corrections Division at DPS records a wide variety of ethnic information about inmates, and their records show that 37 percent of the people in jails and prisons identify as Native Hawaiian. However, current data collection only allows people to indicate one race, which may miss data for part-Native Hawaiians. Because of this method, the percentage of Native Hawaiians in the correctional system is likely higher.

Without comprehensive and detailed data, our state and county agencies cannot truly evaluate and improve their services for the populations they serve. The Data Justice report outlines best practices in establishing methods to collect data equitably and to improve approaches to target disproportionately impacted populations, namely to collect disaggregated data, especially data that separates Native Hawaiians and Pacific Islanders into separate ethnic/racial categories. Other vital steps include:

- Seek council - convene stakeholders to explore and develop standards for data disaggregation and use.
- Set standards for disaggregated data collection – develop and implement policy standardizing data collection across agencies, departments and programs, which specify what characteristics (such as race/ethnic identification) the data will describe; how and why data will be collected and reported; and what strategies will be used for reducing “unreported” responses.
- Design programs in partnership with communities – tailor programs to the people they are intended to serve. The communities that will be affected by program changes must be invited to the table, so their cultural knowledge, skills and goals are included in service design.
- Require program evaluations to use disaggregated data – collect and analyze disaggregated data for evaluation outcomes to assess how effectively programs reach and support Native Hawaiians and other marginalized groups.

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<sup>1</sup> <https://www.hibudget.org/projects/data-justice>

### **Recent impacts of poor data collection:**

Excellent data collection and reporting practices are vitally important because our public policies, services and funding are often directed by data findings. By not disaggregating data comprehensively, especially for race and ethnicity, we ignore the nuances of populations disproportionately impacted by public services like policing and health.

The COVID-19 response is a blaring example of how our state's reliance on combining Native Hawaiians and Pacific Islander in current data collection can dramatically impact targeted responses. This data collection and reporting practices was used during the early stages of COVID-19, which hid the disease's high prevalence in Pacific Islander communities. If advocates had not spoken up and demanded the state Health Department disaggregate data, we may not have implemented today's targeted services and seen many more deaths.

### **Recommendations for SB742:**

In anticipation of poor, disjointed data collection and reporting practices as seen in other public programs, we suggest the committee consider amending SB742 to specify that:

1. County police departments should work together to standardize data collection methods and reporting with input from community stakeholders, researchers and nonprofits, including those serving Native Hawaiians and Pacific Islanders;
2. All racial and/or ethnicity data collection and reporting must disaggregate Native Hawaiians from Pacific Islanders and Asian Americans;
3. All racial and/or ethnicity data collection and reporting must allow participants to select more than one racial or ethnicity category if they identify with more than race or ethnicity;
4. County police departments should strive to work with community stakeholders, researchers and nonprofits in providing recommendations driven by data collection results to improve services provided to disproportionately impacted populations, including those serving Native Hawaiians and Pacific Islanders;
5. County police departments should strive to make as much data as possible, in consideration of privacy policies, available to the public in easy-to-use formats, such as excel.

Hawai'i Appleseed urges the committee to **PASS SB742**. This measure is a great first step in addressing the disproportionate impact of policing for marginalized communities. Data collection is a vital tool to provide targeted services to those most impacted by public services, find the systematic issues behind inequities, and drive effective policy changes.

We appreciate your consideration of this testimony.