**S.B. NO.** <sup>151</sup> S.D. 2 H.D. 2 C.D. 1

## A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT REFORM.

### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

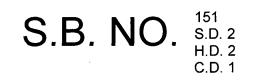
1	SECTION 1. Chapter 139, Hawaii Revised	Statutes,	is
2	amended by adding two new sections to be appro	opriately	
3	designated and to read as follows:		
4	"§139- Law enforcement use of force pe	olicies.	(a) Any
5	department or agency employing a law enforcement officer shall		r shall
6	maintain a policy that provides a minimum standard on the use of		he use of
7	force that shall include:		
8	(1) A requirement that law enforcement (	officers u	tilize
9	de-escalation techniques, crisis in	tervention	tactics,
10	and other alternatives to force when	n feasible	;
11	(2) A requirement that a law enforcement	t officer	may only
12	use a level of force that the law en	aforcement	officer
13	reasonably believes is proportional	to the se	riousness
14	of the suspected offense or the reas	sonably pe	rceived
15	level of actual or threatened resist	tance;	
16	(3) A requirement that law enforcement (	officers r	eport
17	potential excessive force to a supe	rior law	
18	enforcement officer when present and	d observin	g another



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1		law enforcement officer using force that the observing
2		law enforcement officer believes to be beyond that
3		which is necessary, as determined by an objectively
4		reasonable law enforcement officer under the
5		circumstances, based upon the totality of information
6		actually known to the observing law enforcement
7		officer;
8	(4)	Clear and specific guidelines regarding situations in
9		which law enforcement officers may or may not draw a
10		firearm or point a firearm at a person;
11	(5)	A requirement that law enforcement officers consider
12		their surroundings and potential risks to bystanders,
13		to the extent reasonable under the circumstances,
14		before discharging a firearm;
15	(6)	Procedures for the filing, investigation, and
16		reporting of citizen complaints regarding use of force
17		incidents;
18	(7)	A requirement that a law enforcement officer intercede
19		when present and observing another law enforcement
20		officer using force that is clearly beyond that which
21		is necessary, as determined by an objectively





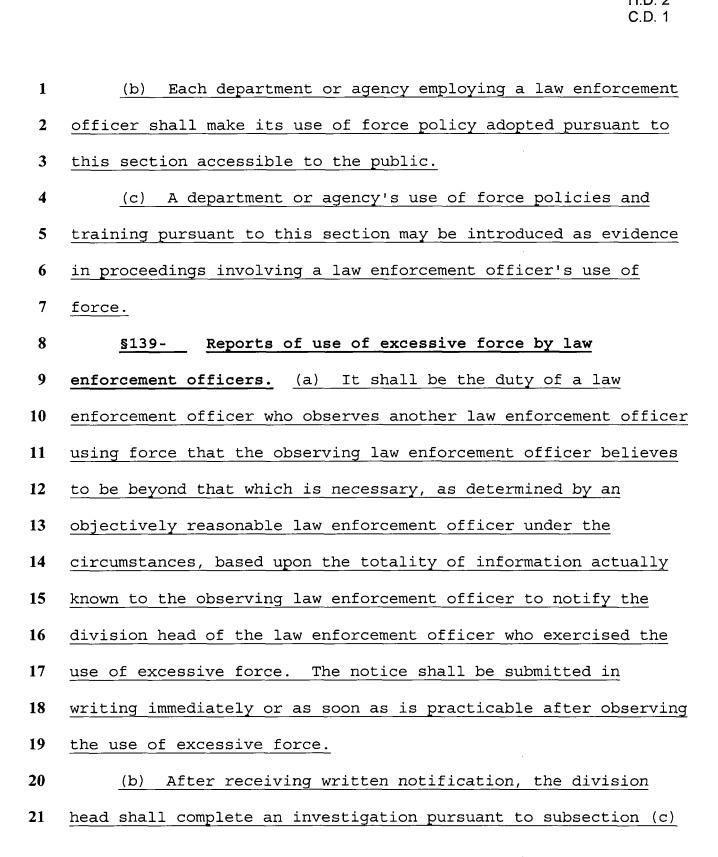
1		reasonable law enforcement officer under the
2		circumstances, taking into account the possibility
3		that other law enforcement officers may have
4		additional information regarding the threat posed by a
5		subject;
6	(8)	Comprehensive and specific guidelines regarding
7		approved methods and devices available for the
8		application of force;
9	(9)	An explicitly stated requirement that law enforcement
10		officers carry out duties, including use of force, in
11		a manner that is fair and unbiased;
12	(10)	Comprehensive and specific guidelines for the
13		application of deadly force;
14	(11)	Comprehensive and detailed requirements for prompt
15		internal reporting and notification regarding a use of
16		force incident;
17	(12)	The role of supervisors in review of use of force
18		applications;
19	(13)	A requirement that law enforcement officers promptly
20		provide, if properly trained, or otherwise promptly
21		procure medical assistance for persons injured in a





1		use of force incident, when reasonable and safe to do
2		<u>so;</u>
3	(14)	Training standards and requirements relating to
4		demonstrated knowledge and understanding of the law
5		enforcement agency's use of force policy by law
6		enforcement officers, investigators, and supervisors;
7	(15)	Training and guidelines regarding vulnerable
8		populations, including children; elderly persons;
9		people who are pregnant; and people having physical,
10		mental, and developmental disabilities;
11	(16)	Comprehensive and specific guidelines under which the
12		discharge of a firearm at or from a moving vehicle may
13		or may not be permitted;
14	(17)	Factors for evaluating and reviewing all use of force
15		incidents;
16	(18)	Minimum training and course titles required to meet
17		the objectives in the use of force policy; and
18	(19)	A requirement for the regular review and updating of
19		the use of force policy to reflect evolving practices
20		and procedures.

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1	as soon as practicable and notify the state department deputy
2	director or chief of police of the respective county, as
3	applicable, of the outcome of the investigation in writing.
4	(c) Any division head who receives a report of use of
5	excessive force under this section shall immediately begin
6	conducting an investigation and reach a timely determination on
7	the merits. If the division head determines that sufficient
8	evidence shows that the law enforcement officer used excessive
9	force, the name of the law enforcement officer who exercised the
10	use of excessive force and act of excessive force shall be
11	disclosed to the state department deputy director or chief of
12	police of the respective county, as applicable. If the division
13	head determines that evidence of use of excessive force is
14	insufficient, the division head shall provide the state
15	department deputy director or chief of police of the respective
16	county, as applicable, with the outcome of the investigation but
17	shall redact any personally identifiable information of the
18	individuals involved in the investigation.
19	(d) Within fifteen days of receiving written notification
20	of the outcome of the investigation, the state department deputy
21	director or chief of police who received the written

### 21 director or chief of police who received the written

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1	notification shall notify the state department director or
2	police commission of the respective county, as applicable, of
3	the outcome of the investigation in writing.
4	(e) If the department head or division head is the subject
5	of the use of excessive force report, the reporting law
6	enforcement officer shall report to:
7	(1) In the case of a state department head or division
8	head, the attorney general; or
9	(2) In the case of a county department head or division
10	head, the police commission of the respective county,
11	who shall be responsible for the investigation.
12	(f) The attorney general or police commission who receives
13	a report of use of excessive force pursuant to subsection (e)
14	shall begin conducting an investigation as soon as practicable
15	and reach a timely determination on the merits.
16	(g) No discriminatory, disciplinary, or retaliatory action
17	shall be taken against any reporting law enforcement officer for
18	any information provided or disclosed by the reporting law
19	enforcement officer in good faith in the course of making a
20	report of use of excessive force under this section.
21	(h) For purposes of this section:

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1	"Department head" means the official or officer having the		
2	most managerial or administrative authority in the state		
3	department or county agency, including the chief of police.		
4	"Division head" means the official or officer who, subject		
5	to the authority of the department head, has the most managerial		
6	or administrative authority within a division in the state		
7	department or county agency.		
8	"Excessive force" means force that is beyond what is		
9	reasonably necessary, as determined by an objectively reasonable		
10	law enforcement officer, under the circumstances as actually and		
11	reasonably known to the law enforcement officer exercising the		
12	force."		
13	SECTION 2. Section 139-6, Hawaii Revised Statutes, is		
14	amended by amending subsection (a) to read as follows:		
15	"(a) No person may be appointed as a law enforcement		
16	officer unless the person:		
17	(1) Has satisfactorily completed a basic program of law		
18	enforcement training approved by the board; [and]		
19	(2) Has received training designed to minimize the use of		
20	excessive force, including legal standards,		
21	de-escalation techniques, crisis intervention tactics,		



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1	mental health response, implicit bias, and first aid;
2	and
3	$\left[\frac{(2)}{(3)}\right]$ Possesses other qualifications as prescribed by
4	the board for the employment of law enforcement
5	officers, including minimum age, education, physical
6	and mental standards, citizenship, good conduct, moral
7	character, and experience."
8	SECTION 3. Statutory material to be repealed is bracketed
9	and stricken. New statutory material is underscored.
10	SECTION 4. This Act shall take effect on January 1, 2024.





#### Report Title:

Law Enforcement Officers; Use of Force; Policies; Reports; Training

#### Description:

Requires any department or agency employing law enforcement officers to maintain publicly available policies on minimum standards on the use of force. Allows use of force policies and training to be introduced as evidence in proceedings. Requires law enforcement officers to report the use of excessive force by another law enforcement officer. Requires that law enforcement officers receive training designed to minimize the use of excessive force. Effective 1/1/2024. (CD1)

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

