

STAND. COM. REP. NO.

1797

Honolulu, Hawaii

MAR 21, 2023

RE: S.B. No. 151
S.D. 2
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 151, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT REFORM,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require any department or agency employing a law enforcement officer to maintain a publicly available policy that provides a minimum standard on the use of force;
- (2) Allow a department or agency's use of force policies and training to be introduced as evidence in proceedings involving a law enforcement officer's use of force;
- (3) Require a law enforcement officer to report the use of excessive force by another law enforcement; and
- (4) Require that law enforcement officers receive training designed to minimize the use of force.

Your Committee received testimony in support of this measure from the Honolulu Police Department, Policing Project of the New

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York University School of Law, and four individuals. Your Committee received testimony in opposition to this measure from the State of Hawaii Organization of Police Officers. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that this measure will promote law enforcement accountability and public safety by establishing certain standards relating to the use of force by law enforcement officers.

Your Committee has amended this measure by:

- (1) Clarifying that an observing law enforcement officer's belief that the force used by another law enforcement officer is beyond that which is necessary must be based upon the totality of information actually known to the observing law enforcement officer;
- (2) Requiring a division head to complete the investigation on the use of excessive force by a law enforcement officer as soon as practicable after receiving written notification of the use of excessive force;
- (3) Clarifying the reporting and investigation requirements for situations where the department head or division head is the subject of the use of excessive force report;
- (4) Clarifying that discriminatory, disciplinary, or retaliatory actions may not be taken against any reporting law enforcement officer for any information given or disclosed in good faith;
- (5) Clarifying the definition of "department head" to include the chief of police;
- (6) Defining "excessive force" for purposes of reporting the use of excessive force by law enforcement officers; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 151, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 151, S.D. 2, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



