



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:
H.B. NO. 278, RELATING TO POLICING.

BEFORE THE:
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Wednesday, February 5, 2025 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Julie Ebato, Administrator, Crime Prevention and Justice
Assistance Division

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) has the following comments.

The purposes of this bill are to amend chapter 52D, Hawaii Revised Statutes (HRS), by adding a new part titled Police Data that requires county police departments and police oversight agencies to collect and report detailed data on police stops, arrests, uses of force, and complaints to the Department's Crime Prevention and Justice Assistance Division (Division), and requires the Division to collect and publish incident-level information and an annual report on the data collected.

The bill includes a section on implementing regulations that provides for the adoption of rules to ensure uniform reporting practices across all reporting agencies, and a section on enforcement mechanisms that impacts county police departments' eligibility for state and federal funding. The bill gives the Division the authority to investigate, and if warranted, bring a civil action to enforce the requirements set out in this bill. It also allows any person who resides within the jurisdiction of a county police department or police oversight agency to bring a civil action against said police department or police oversight agency to enforce the reporting requirements.

The Department defers to the county police departments and police oversight agencies on their ability to provide the data on police stops, arrests, uses of force, and complaints detailed in the bill.

The Department notes that the current infrastructure in the Division does not include an electronic system or repository to interface with, receive, and process what is anticipated to be massive data sets on police stops, arrests, uses of force, and complaints. Additionally, while law enforcement reports include a narrative section that may contain the details to be reported by the county police departments and police oversight agencies as envisioned by this bill (page 5, line 12, to page 10, line 8), extracting that information from the reports will require additional staffing to cover the increased workload.

The Research and Statistics Branch of the Division consists of one branch chief and two research analysts. The Branch has a full workload that includes the development, implementation, and maintenance of the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) Program—Hawaii Crime Statistics, and the completion of the annual hate crimes report, license to carry firearms report, and firearm registrations report. These are reports that are statutorily required and cannot be delayed or omitted to accommodate additional/new reporting provisions.

The Division collects data on offenses and arrests as part of the FBI UCR Program. The Division is transitioning from the UCR Summary Reporting System, which allows the State to collect limited data, to the UCR National Incident-Based Reporting System (NIBRS) program. NIBRS is a system that can collect and provide circumstances and context for crimes, such as location, time of day, and whether the reported incident was attempted or completed. Information specific to use of force and police stops is not data covered under the NIBRS program. Additional resources and staffing will be required for the Department to implement the mandates in this bill that apply to the Division.

Additionally, we oppose the section on "enforcement mechanisms", page 13, lines 12 to 21, which would make a county police department ineligible to receive any state law enforcement funding or any state-administered federal funding unless it

complies with the requirements under this bill. The state administering agency, as a whole, determines the best use of state or federal funding that may support an array of programs including programs established by statutes. "State-administered federal grant," on page 13, line 15, could include funding from any state level agencies including the Department of Law Enforcement, Department of Health, and the Department of Transportation. Accordingly, this funding restriction could have unintended negative consequences on various state and federally funded programs.

Thank you for the opportunity to provide testimony.

STATE PUBLIC DEFENDER

ASSISTANT PUBLIC DEFENDER

DEFENDER COUNCIL
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

HONOLULU OFFICE
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

APPELLATE DIVISION
TEL. NO. (808) 586-2080

DISTRICT COURT DIVISION
TEL. NO. (808) 586-2100

FAMILY COURT DIVISION
TEL. NO. (808) 586-2300

FELONY DIVISION
TEL. NO. (808) 586-2200

FACSIMILE
(808) 586-2222



STATE OF HAWAII
OFFICE OF THE PUBLIC DEFENDER

HILO OFFICE
275 PONAHAHAWAI STREET
SUITE 201
HILO, HAWAII 96720
TEL. NO. (808) 974-4571
FAX NO. (808) 974-4574

KONA OFFICE
75-1000 HENRY STREET
SUITE #209
KAILUA-KONA HI 96740
TEL. NO. (808) 327-4650
FAX NO. (808) 327-4651

KAUA'I OFFICE
3060 EIIWA STREET
SUITE 206
LIHUE, HAWAII 96766
TEL. NO. (808) 241-7128
FAX NO. (808) 274-3422

MAU'I OFFICE
81 N. MARKET STREET
WAILUKU, HAWAII 96793
TEL. NO. (808) 984-5018
FAX NO. (808) 984-5022

HB 278 RELATING TO POLICING

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

The Office of the Public Defender (OPD) **SUPPORTS THIS BILL**

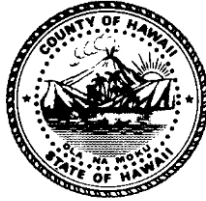
The OPD supports any measure that ensures that individual rights under law are preserved in the investigation of crime. In addition to work performed by deputies statewide, the OPD participates in numerous governmental task forces, reviews, and meetings to discuss best practices regarding criminal procedure. There remain large gaps in our knowledge regarding the effectiveness of police stops, arrests, and use of force.

An arrest can jeopardize a person's housing, job prospects, and earning capacity. Long after a person is found not guilty at a trial, a judge dismisses the case, or even after a prosecutor decides not to bring charges at all, the arrest record remains. Employers and landlords hire nongovernment companies to run background checks on applicants, and when that arrest record comes up, the applicants' chances of getting the job or landing a place to live shrink.

The OPD understands that this measure would create an administrative duty within the Office of the Attorney General. This administrative duty must be measured against the necessity for oversight of policing considering the individual liberties and protections articulated in the Constitution. In recent years, numerous measures to increase accountability in policing have led to better policing, and safer, more equitable outcomes for our clients and community.

Thank you for the opportunity to testify on this measure.

C. Kimo Alameda, Ph.D.
Mayor



Benjamin T. Moszkowicz
Police Chief

William V. Brilhante Jr.
Managing Director

Reed K. Mahuna
Deputy Police Chief

County of Hawai`i

POLICE DEPARTMENT

349 Kapi`olani Street • Hilo, Hawai`i 96720-3998
(808) 935-3311 • Fax (808) 961-2389

February 3, 2025

Representative David A. Tarnas, Chair
and Members
Committee on Judiciary & Hawaiian Affairs
House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

Dear Representative Tarnas:

RE: HOUSE BILL 278 RELATING TO POLICING
DATE: FEBRUARY 5, 2025
TIME: 2:00 P.M.
PLACE: VIA VIDEOCONFERENCE (ROOM 325)

The Hawaii (County) Police Department (HPD) respectfully submits testimony of non-support for House Bill No. 278 Relating to Policing.

HPD acknowledges and agrees that public trust in law enforcement is essential to ensuring justice for all. We fully support efforts to enhance community trust, transparency, and internal accountability through data analysis. However, the requirements imposed by this bill present significant logistical, operational, and financial challenges that would hinder our ability to effectively carry out our duties.

House Bill No. 278 mandates the collection and reporting of at least 18 specific data points for every police encounter, including age, race, gender, and perceived disability status, regardless of whether the individual is the subject of the stop, a witness, or merely a bystander. This presents several concerns:

- **Operational Burden:** The volume and type of data required would be difficult to obtain, store and report given the current capabilities of HPD's Records Management System (RMS). For instance, race or ethnicity is not currently captured on traffic citations.
- **Increased Financial and Personnel Costs:** Compliance with this bill would require substantial additional staffing, resources, and funding, none of which are provided. This unfunded mandate would divert critical resources away from core public safety functions.

HOUSE BILL 278 RELATING TO POLICING

DATE: FEBRUARY 5, 2025

TIME: 2:00 P.M.

PLACE: VIA VIDEOCONFERENCE (ROOM 325)

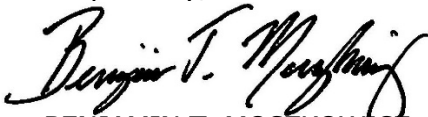
Page 2

- Extended Stops and Intrusive Encounters: The requirement to collect such detailed information could prolong police stops and detain individuals for extended periods, transforming brief investigative encounters into lengthy and intrusive interviews. This may erode public trust rather than enhance it.
- Practical Challenges in Data Collection: Law enforcement officers must exercise discretion when determining whom to engage during a stop. Officers may briefly observe and dismiss uninvolved individuals, but this bill could be construed to mandate documentation of every person present, regardless of their role, further complicating data collection efforts.

For these reasons, HPD cannot support House Bill No. 278 in its current form. We are committed to ensuring that police officers can perform their duties efficiently and effectively without additional administrative burdens.

Thank you for the opportunity to provide testimony. We urge the committee to reconsider or amend this bill to address these concerns.

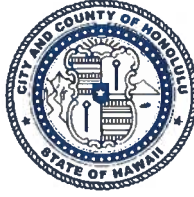
Respectfully,



BENJAMIN T. MOSZKOWICZ
POLICE CHIEF

HONOLULU POLICE DEPARTMENT
KA 'OIHANA MĀKA'I O HONOLULU
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 • WEBSITE: www.honolulu-pd.org



RICK BLANGIARDI
MAYOR
MEI'A

ARTHUR J. LOGAN
CHIEF
KAHU MĀKA'I

KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS
HOPE LUNA NUI MĀKA'I

OUR REFERENCE **BN-MM**

February 5, 2025

The Honorable David A. Tarnas, Chair
and Members
Committee on Judiciary
and Hawaiian Affairs
House of Representatives
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Tarnas and Members:

SUBJECT: House Bill No. 278, Relating to Policing

I am Brandon Nakasato, Major of the Professional Standards Office (PSO) of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD recognizes the intent of House Bill No. 278, Relating to Policing, and would like to express the following concerns.

The HPD supports actions to improve transparency and accountability to ensure public trust in law enforcement. Additionally, the HPD recognizes that data collection can be an essential tool to allow the department, public, and policymakers to analyze the effectiveness of existing law enforcement measures, identify needs, and make informed decisions to increase public safety.

This bill would require detailed reporting information related to police stops, arrests, use of force, and complaints to the Crime Prevention and Justice Assistance Division of the Department of the Attorney General.

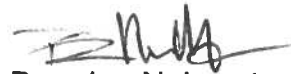
The HPD is concerned about the vast amount of detailed information that this bill would require county police departments to obtain, track, and report. This would be a daunting task given the high volume of annual traffic stops, compounded by the complexity of required documented information (i.e., context of each incident, perceived characteristics of the individuals involved, and demographics of the involved officers).

The Honorable David A. Tarnas, Chair
and Members
February 5, 2025
Page 2

If enacted, compliance would require additional staffing, resources, and an overhaul or replacement of the department's current Records Management System, all of which would require funding.

The HPD appreciates the committee's consideration of our concerns regarding House Bill No. 278, Relating to Policing. Thank you for the opportunity to testify.

Sincerely,

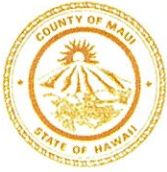


Brandon Nakasato, Major
Professional Standards Office

APPROVED:



Arthur J. Logan
Chief of Police



RICHARD T. BISSEN, JR.
MAYOR

POLICE DEPARTMENT

COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, MAUI, HAWAII 96793
TELEPHONE: (808) 244-6400
FAX: (808) 244-6411



JOHN PELLETIER
CHIEF OF POLICE

WADE M. MAEDA
DEPUTY CHIEF OF POLICE

TO: Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
Members of the Committee on Judiciary & Hawaiian Affairs

FROM: John Pelletier, Chief of Police

DATE: February 4, 2025

SUBJECT: **OPPOSITIONS OF HB278, RELATING TO POLICING**

Thank you for the opportunity to testify in OPPOSITION of this important measure. The bill requires county police departments and police oversight agencies to collect and report certain data regarding police stops, arrests, uses of force, and complaints to the Crime Prevention and Justice Assistance Division of the Department of the Attorney General. Requires the Division to collect and publish incident-level information and an annual report on the data collected.

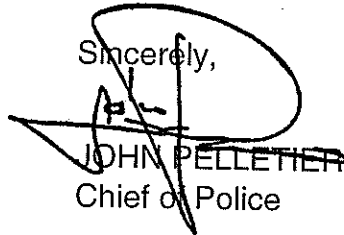
The Maui Police Department recognizes the importance of public trust in law enforcement, as it allows for effective policing by promoting collaboration from society, empowering them to report criminal offenses, furnish particulars, and eventually promote a secure community; in the absence of trust, residents will be apprehensive to divulge tips to police, which can hamper investigations and compromise the justification of law enforcement, exacerbating social unrest and increased insecurity throughout society.

Policymakers have the difficult tasks of navigating the public policy process. The process is complex and multifaceted encompassing an abundance of stakeholders, interests, and factors, involving political, economic, and social considerations. Police departments in Hawai'i navigate that same process, at all levels, when formulating, implementing and evaluating their own policies and procedures, as this process is not taken lightly and is held to best practice standards by the gold standard in public safety the Commission on Accreditation for Law Enforcement Agencies, Inc.

The Maui Police Department recognizes how critical and significant data collection is to law enforcement, making comprehensive decisions while implementing strategies of 21st Century Policing. Even though data collection is important, the Maui Police Department OPPOSES HB278, as it would require significant expenditures to redevelop our new records management system that will be launched in a few months having to change, create, and require fields that would be needed to extract the proposed statistics, which fall well outside of our departments current scope of work, along with additional personnel needed to complete that work. Furthermore, the added burden that would be placed on already short-staffed departments, where officers would need to complete additional report writing and data gathering, would further reduce their ability to conduct proactive policing efforts and minimize

opportunities to build that trust needed through positive interactions between officers and the communities they serve.

Mahalo for your consideration.

Sincerely,

JOHN PELLETIER
Chief of Police



Testimony for Hawai'i Appleseed Center for Law and Economic Justice
Support for HB278 - Relating to Policing
House Committee on Judiciary & Hawaiian Affairs (JHA)
February 5th, 2025 at 2PM

Dear Chair Tarnas, Vice Chair Poepoe, and members of the JHA committee,
Mahalo for the opportunity to express **SUPPORT for HB278, which would require county police departments and police oversight agencies to collect and report certain data regarding police stops, arrests, uses of force, and complaints.**

This testimony is being submitted on behalf of the Hawai'i Appleseed Center for Law and Economic Justice. Our organization works to build a Hawai'i where everyone has genuine opportunities to achieve economic security and fulfill their potential. Affordable, accessible, and safe transportation is crucial for fostering economic equality as it enables individuals of all backgrounds to access employment opportunities, education, and essential services.

As part of our work, we seek to minimize the negative social and economic impacts of traffic enforcement. To accomplish such, we must understand which populations in Hawai'i are most impacted by traffic policing. This is currently not possible as local police agencies are not required to collect or report the racial/ethnicity data or the individuals they stop or cite.

Creating standards for how data are gathered, reported, and interpreted is critical to translate county level information into actionable insights for Hawai'i. HB 278 will ensure that important information about race, ethnicity, use of force, and department practices are collected for all stops. By standardizing data reporting practices, there is an opportunity for gathering more consistent information about race and ethnicity across counties.

Furthermore, HB278 is important because the existing information on policing and incarceration highlights racial and ethnic disparities within our criminal-legal system:

- Native Hawaiians make up 20% of the general population but 40% of the population in prison.¹
- The Honolulu Police Department's ("HPD") own reports demonstrate that racial disparities in enforcement, and particularly in use of force, are a persistent problem. In 2019, Native Hawaiians and Pacific Islanders made up only 25.1% of Honolulu's residents. A report by HPD

¹<https://www.civilbeat.org/2023/05/native-hawaiians-are-overrepresented-in-prisons-cultural-education-could-help/>

found that between 2015-2019, 34.5% of uses of force were against and 38.1% of custodial arrests were of Native Hawaiians and Pacific Islanders.²

- A national evaluation of 13,147 police departments found that Hawai'i police departments were above average when it comes to racial disparities in deadly force (60%) and racial disparities in drug arrests (72%).³

Transparency in law enforcement is important for building public confidence in our criminal legal system. Without understanding how people become involved in the criminal justice system, it is difficult to identify solutions to support them and their communities. Existing data suggests that certain communities are bearing the brunt of policing impacts. Data transparency is a necessary measure to shine light into law enforcement and to make improvements. This is a matter of legitimacy, fairness, public safety, and smart reform.

Mahalo for the opportunity to testify on this important measure.



Abbey Seitz

Hawai'i Appleseed Center for Law and Economic Justice
Director of Transportation Equity

²<https://www.civilbeat.org/2021/02/significant-disparity-in-use-of-force-against-some-groups-questioned-by-honolulu-police-commission/>.

³ <https://policescorecard.org/hi>.



Committee on Judiciary and Human Affairs

Hearing Date/Time: Wednesday, February 5, 2025 at 2pm

Place: Conference Room 325, 415 South Beretania Street

Re: Testimony of the ACLU of Hawai'i in SUPPORT of H.B. 278 Relating to Policing

Dear Chair Tarnas, Vice Chair Poepoe, and Committee Members,

The ACLU of Hawai'i is in strong support of H.B. 278. Accountability and trust require transparency. The public allocates significant responsibility and resources to law enforcement, and has a right to know how they are being served. The first step to ensuring that law enforcement officers are complying with their responsibilities is by gaining an understanding of how they function. The proposed measure provides data that will be critical for police, prosecutors, policymakers, and the public. It will empower law enforcement teams to better evaluate their practices and can reveal to lawmakers and the public where improvement is needed. More information is an opportunity for improvement and for more insightful analysis.

Increased Transparency Builds Trust and Legitimacy

Recent federal guidance has supported the idea that data transparency for policing is a public right, and that “decades of research and practice support the premise that people are more likely to obey the law when they believe that those who are enforcing it have authority that is perceived as legitimate by those subject to the authority.”¹ Keeping the public in the dark on police practices and patterns of behavior will not foster the sense of legitimacy necessary for the public. A 2022 Executive Order elaborates on this: “Public safety therefore depends on public trust, and public trust in turn requires that our criminal justice system as a whole embodies fair and equal treatment, transparency, and accountability... Building trust between law enforcement agencies and the communities they are sworn to protect and serve also requires accountability for misconduct and transparency through data collection and public reporting.”²

Hawai'i Lacks Consistent and Interpretable Data

Creating standards for how data are gathered, reported, and interpreted is critical to translate county level information into actionable insights for Hawai'i more broadly. By standardizing data reporting practices, there is an opportunity for gathering more consistent information about race and ethnicity across counties. H.B. 278 itself will ensure that important information about race, ethnicity, use of force, and department practice are collected.

¹ 2014 Executive Order: Task Force on 21st Century Policing (Obama)

² 2022 Executive Order on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety (Biden)

Data Transparency Enables Reform

The myriad problems that Hawai'i's criminal justice system faces flow downstream from initial interactions between police and civilians. This bill establishes baseline requirements for information so that the public and their entrusted officials can evaluate law enforcement practices. By better understanding the starting points of justice involvement, we can better understand and prevent downstream problems. H.B. 278 is important because the information that currently exists is concerning:

- Native Hawaiians make up 20% of the general population but 40% of the population in prison.³ This is a troubling overrepresentation, and it is important to understand where these racial disparities first arise.
- The Honolulu Police Department's ("HPD") own reports demonstrate that racial disparities in enforcement, and particularly in use of force, are a persistent problem. In 2019, Native Hawaiians and Pacific Islanders made up only 25.1% of Honolulu's residents. A report by HPD found that between 2015-2019, 34.5% of uses of force were against and 38.1% of custodial arrests were of Native Hawaiians and Pacific Islanders.⁴
- A national evaluation of 13,147 police departments found that Hawaii police departments were above average when it comes to racial disparities in deadly force (60%) and racial disparities in drug arrests (72%).⁵

The ACLU of Hawai'i strongly supports the passage of H.B. 278. Transparency into law enforcement is important for building public confidence in our justice system, and to provide a much-needed look into police practice. Without understanding how people get involved in the criminal justice system, it will be difficult to find solutions to help them and their communities. Existing data suggest that something is seriously wrong in the status quo, to the detriment of some of our most vulnerable groups. Data transparency is a necessary measure to shine light into law enforcement and to make improvements. This is a matter of legitimacy, fairness, public safety, and smart reform.

Sincerely,

Nathan Lee, Policy Legislative Fellow, ACLU Hawai'i

C: Carrie Ann Shirota, Policy Director, ACLU 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 founded in 1965 that provides its services at no cost to the public and does not accept government funds.

³ <https://www.civilbeat.org/2023/05/native-hawaiians-are-overrepresented-in-prisons-cultural-education-could-help/>

⁴ <https://www.civilbeat.org/2021/02/significant-disparity-in-use-of-force-against-some-groups-questioned-by-honolulu-police-commission/>

⁵ <https://policescorecard.org/hi>

HAWAI'I HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS**HEARING:**

Public Hearing on House Bill 278, Feb. 5, 2025

DATE OF TESTIMONY:

Feb. 4, 2025

**TESTIMONY OF THE POLICING PROJECT AT NYU SCHOOL OF LAW IN
SUPPORT OF H.B. 278**

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary and Hawaiian Affairs:

The Policing Project is an organization dedicated to ensuring transparent, effective, and ethical policing. Pursuant to that mission, the Policing Project has worked with states and cities across the country to strengthen their policing data collection laws.¹ The Policing Project submits this testimony in support of H.B. 278, which would bring Hawai'i in line with best practices when it comes to policing data collection and reporting.

Data is essential for identifying the policies that actually advance public safety. But, at present, Hawai'i does not require its police departments to collect (or publish) some of the most fundamental policing data that many other states have been collecting for years. In Hawai'i, we simply do not know how many people are stopped, injured, or killed each year by police. Nor do we know how many complaints each department receives per year or the results of any subsequent investigation. In short, there is a massive data vacuum that prevents lawmakers and the public from knowing whether police are effectively promoting public safety with minimal harms to communities.

H.B. 880 seeks to fill this data gap. The bill laudably requires the collection of stop, use of force, and complaint data from each of the state's police departments.

¹ As part of its mission to advance democratic accountability in policing, the Policing Project has created a number of model policies, all of which are informed by best practices in existing legislation and vetted by an advisory committee consisting of law enforcement officials, academics, police reform experts, and impacted community members. [Our comprehensive model statute on police data collection and transparency](#) was vetted through this process and it helps form the basis of our testimony.

Data On Officer Encounters, Uses of Force, and Civilian Complaints is Crucial and Can Be Transformative

Traffic stops are one of the most common ways the public interacts with police. Indeed, the Honolulu Police Department alone issues [approximately 400,000 traffic citations annually](#). Yet Hawai'i has done little to collect information related to these stops. Twenty-three states, including Alabama, Montana, Oregon, Texas, and Washington, have laws requiring the collection and publication of traffic stop data (and, in many states, pedestrian stop data)—but Hawai'i is not among them.

Stop data collection can lead to important improvements in policing outcomes. In Connecticut, for example, which has been collecting traffic stop data since 1999, authorities have used stop data to identify and address policing issues, contributing to [racial disparities falling year over year](#). The data collection efforts have also provided valuable information to policymakers in assessing what works. [A 2017 Policing Project study](#) of traffic stop data in Nashville, for example, found that the department's heavy reliance on stops for minor traffic infractions was not an effective strategy for reducing crime. The robust stop data collected by Nashville and other law enforcement agencies across the country has enabled law enforcement leaders to see which stops are effective—by, for example, turning up evidence of crime or leading to arrests—and which aren't. This in turn permits leaders to conserve officer time by prioritizing the sorts of stops that are likely to further public safety.

In addition, collecting comprehensive data on use of force will enable lawmakers and the public to determine how frequently officers are using force against members of the public, the degree of force used, and whether the force is used disproportionately against particular demographic groups. This information will allow the legislature to focus its efforts on addressing uses of force that are empirically problematic in Hawai'i, rather than following national trends and regulating tactics that may not be used frequently here. Indeed, the Honolulu Police Department already recognizes the wisdom of collecting use of force data, [publishing such data annually](#) in tandem with the Public First Law Center. The rest of Hawai'i also deserves this crucial data, and H.B. 278 would facilitate just that.

And police misconduct complaint data can help lawmakers and researchers to determine whether police departments (and police oversight agencies) are adequately investigating and imposing discipline on officers who engage in misconduct. It also allows the public and lawmakers to recognize demographic or geographic patterns when it comes to filed complaints. When the public is armed with data about their county police department, they can advocate for the solutions that their communities need based on information rather than supposition.

Learning from complaint and use of force data should help reduce the significant police misconduct payouts Hawai'i's cities and counties (and thus, taxpayers) must pay; the City and County of Honolulu, for example, [spent more than \\$18 million](#) to settle police misconduct lawsuits in the past decade.

In the past, some of Hawai'i's law enforcement agencies have opposed similar legislation by claiming that they already collect and report information. In many of the states that mandate

collection and reporting of a standardized set of data, some of their law enforcement agencies were already collecting some subset of data at the time the legislation was passed. Without unifying state legislation, though, law enforcement agencies may not be collecting important data points, may be collecting different data than other agencies and thus hindering comparison, and may not be sharing data in an accessible way. What's more, absent statewide law, departments that voluntarily collect and publish data can stop doing so at any time. While we applaud departments that have taken steps towards transparency, those steps do not lessen the need for statewide legislation. Agencies that have already taken these steps are not being punished, but rather should be well positioned for implementing the data collection requirements contemplated by this bill easily and efficiently.

The Data Collection Required by H.B. 278 Need Not Be Costly

The many states that already require their agencies to collect and report policing data have demonstrated that data collection can occur without significant expense or burden.

A number of states, including Connecticut, Oregon, and Maryland, appear to fully fund their policing data collection and analysis programs through the National Highway Traffic Safety Administration's grant program under Section 1906 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act. [Section 1906 grants](#) are available to any state that passes a law requiring the publication of demographic data for traffic stops, which H.B. 278 would do. Indeed, Connecticut, Oregon, Maryland, and other states annually receive either \$1.15 million or \$575,000 in Section 1906 grant funding.

States often use this funding to give local police departments a no-cost option for reporting data. For example, with the help of a third-party vendor, the state agencies tasked with policing data collection in Oregon and Colorado both released a password-protected website and app that officers could use to report stop data free of charge.

H.B. 278 also helps ensure smooth implementation by giving departments until January 2027 to start collecting data, a full year after the Attorney General's office issues its implementing regulations. This time buffer will allow Hawai'i's police departments plenty of time to work through any issues with the Attorney General's office before starting the data collection required by H.B. 278. It will also allow law enforcement agencies sufficient time to train officers on any new data collection procedures.

In short, the public, lawmakers, and law enforcement all would benefit tremendously from the passage of H.B. 278. The bill would allow all three groups to have a significantly better understanding of what furthers public safety and what doesn't, and would enable lawmakers and police departments to pursue evidenced-based reforms informed by the comprehensive data collected.

Thank you for considering our testimony.



STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS

Robert Cavaco
State Board President

" A Police Organization for Police Officers Only "
Founded 1971

Term of Office
1-2022 to 12-2025

February 4, 2025

The Honorable David A. Tarnas, Chair
The Honorable Mahina Poepoe, Vice Chair
House Committee on Judiciary & Hawaiian Affairs
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

Dear Chair Tarnas and Vice Chair Poepoe:

Re: **HB 278 – Relating to Policing**

I serve as the President of the State of Hawaii Organization of Police Officers ("SHOPO") and write to you on behalf of our Union in **strong opposition** of HB 278. This bill mandates extensive data collection and reporting requirements for county police departments and police oversight agencies. While we recognize the importance of transparency and accountability in law enforcement, we have significant concerns regarding the potential adverse impacts of this bill on law enforcement operations, officer safety, and community relations.

Impact on Law Enforcement Operations

We have serious concerns about where the manpower will come from to take on the massive task of gathering and compiling this data when our county police departments are already experiencing a critical shortage of officers serving our communities. HB 278 imposes onerous data collection and reporting obligations on police departments, which will divert critical resources away from essential policing activities. The requirement for detailed reporting on every police stop, use of force, and complaint, as outlined in the bill, will necessitate substantial administrative effort and manpower. This diversion of resources could hinder the ability of officers to respond promptly to emergencies and maintain public safety.

Moreover, the bill's requirement for the collection of extensive personal data, including perceived age, race, gender, and disability status of individuals involved in police stops and use of force incidents, raises concerns about the practicality and accuracy of such data collection. Officers are not trained to make determinations about such perceived characteristics, and the subjective nature of these assessments will likely lead to inconsistent and unreliable data, or potential discrimination claims against our officers when no such discrimination was intended.

Officer Safety Concerns

The bill's provisions could inadvertently compromise officer safety. The requirement to report detailed perceived characteristics of individuals, and information about each use of force incident, including the perceived use of alcohol or drugs by individuals involved, may discourage officers from taking necessary actions to protect themselves and the public. Officers may hesitate to use force, even when justified, due to concerns about the subsequent reporting and scrutiny, potentially placing themselves and others at risk.

Additionally, the bill mandates the public availability of incident-level information, which could expose our officers to unwarranted public backlash, attacks and harassment. The potential for personal information to be inadvertently disclosed, despite the bill's provisions to protect such data, remains a significant concern.

Main Office & Honolulu Chapter Office
1717 Hoe Street
Honolulu, Hawaii 96819-3125
Tel: (808) 847-4676 "84 SHOPO"
www.shophawaii.org Fax: (808) 841-4818

Hawaii Chapter Office
688 Kinoole Street, Room 220B
Hilo, Hawaii 96720-3877
Tel: (808) 934-8405
Fax: (808) 934-8210

Kauai Chapter Office
3176 Oihana Street, Suite 104, Lihue
Mailing Add: P. O. Box 1708
Lihue, Hawaii 96766-5708
Tel: (808) 246-8911

Maui Chapter Office
1887 Wili Pa Loop, Suite 2
Wailuku, Hawaii 96793-1253
Tel: (808) 242-6129
Fax: (808) 242-9519

There is also a reporting component to the bill that will require the disclosure of an officer's disciplinary action before the grievance process has concluded. In fairness to our officers, the disclosure of any disciplinary action should be limited to suspensions or terminations and should only be disclosed after the grievance process has concluded. The rationale is that a grievance could be sustained and the officer found completely innocent, thus overturning or modifying the disciplinary action. Therefore, disclosing any discipline before the grievance is final would be premature, serves no valid purpose and could irreparably harm our officers and their reputation.

Impact on Community Relations

While the bill aims to enhance transparency, it may inadvertently strain community relations. The extensive data collection requirements could be perceived as intrusive by the public, leading to a decrease in trust and cooperation with law enforcement. The focus on collecting perceived demographic data may also foster perceptions of bias, even when none exists, further eroding community trust.

Furthermore, the bill's enforcement mechanisms, which allow for civil actions against police departments for non-compliance, may lead to an adversarial relationship between law enforcement and our community. This adversarial stance is counterproductive to the collaborative efforts needed to address community safety concerns effectively. Sufficient safeguards are already in place to ensure that our officers comply with the law and their duties as police officers.

It is not a mere coincidence that our county police departments are suffering a serious staffing shortage like we have never seen before. The staffing crisis is downright scary and compromises the community's safety. There is no way to sugarcoat this reality. Rather than support law enforcement, bills like this cause our officers to feel that they are constantly targeted with bills that make their jobs even more tenuous. When you think about it, when is the last time a bill was introduced or passed to help our officers?

In conclusion, while SHOPO supports efforts to improve transparency and accountability in policing, we believe that HB 278, as currently drafted, poses significant challenges to effective law enforcement operations, officer safety, and community relations. We urge the legislature to reconsider the bill's provisions and work collaboratively with law enforcement agencies and SHOPO to develop a more balanced approach that addresses these concerns while promoting transparency and accountability.

Thank you for considering our perspective. We are committed to working with the legislature to find solutions that enhance public safety and trust in law enforcement.

Respectfully submitted,

ROBERT CAVACO
SHOPO President

RC: ja



February 4, 2025

Representative David Tarnas, Chair
Hawai'i House Committee on Judiciary and Hawaiian Affairs
Via email

Testimony of the Center for Policing Equity in Support of HB 278

Center for Policing Equity is a research and action organization made up of former law enforcement, academics, and community engagement specialists that uses scientific research to identify and reduce racial disparities in policing. In our work with police departments across the country, we have seen firsthand the power of strong data collection to improve policing and public safety. HB 278 brings Hawai'i up to best practice standards and would provide lawmakers, law enforcement, and community members with an essential tool to assess the effectiveness of law enforcement practices, identify potential disparities, and collaborate on evidence-based solutions.

CPE has worked with dozens of law enforcement agencies nationwide who seek our assistance to improve their data collection practices because they know data can help them pinpoint the core issues driving inequity and assess the effectiveness of their policies and practices. Without statewide standards for collection and reporting of vital data points for stops, uses of force, and complaints making it exceedingly difficult to know what stops and interactions with the public are actually improving public safety and which are harming particular communities.

We know that this kind of law is able to spur positive changes with minimal issues for police departments. After Connecticut implemented a data collection law in 2012, several jurisdictions in the state identified racial disparities in their traffic stops and made reforms to their practices which reduced racial disparities with no adverse impact to crime or traffic crashes.¹ Changes to address racial disparities in policing also result in more effective policing: In Newington, Connecticut, after data shed light on an inefficient tactic and the department made a policy change, the number of stops resulting in a DUI arrest increased 250%.²

The proposed data standards should not represent a huge burden or change for most departments. Through conversations with stakeholders, we learned that officers in Connecticut, who are required to collect similar data points, spend less than 30 seconds recording

¹ Ross, M. B., Kalinowski, J. J., & Barone, K. (2020). Testing for disparities in traffic stops: Best practices from the Connecticut model. *Criminology & Public Policy*, 19(4), 1289–1303. <https://doi.org/10.1111/1745-9133.12528>

² Condon, T. (2022, January 31). After poor start, CT anti-racial profiling effort is making progress. *Hartford Courant*. www.courant.com/2022/01/31/after-a-poor-start-connecticuts-anti-racial-profiling-effort-is-making-progress/



each stop. These standards should also not represent a huge cost to the state. Other states fund similar data collection programs with Section 1906 grants provided by the National Highway Traffic Safety Administration.³

HB 278 would help ensure that the right data are collected, empowering law enforcement agencies, lawmakers, and community members to identify factors driving racial disparities and make evidence-based decisions regarding public safety. We urge you to support HB 278 and contribute to a more transparent, accountable, and equitable policing environment in Hawaii.

³ Section 1906 Racial Profiling Prohibition Grants. Governors Highway Safety Association.
<https://www.ghsa.org/about/federal-grant-programs/1906#:~:text=This%20program%20provides%20grants%20to,local%20or%20minor%20rural%20roads>.

HB-278

Submitted on: 2/5/2025 2:37:11 AM

Testimony for JHA on 2/5/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nikos Leverenz	Drug Policy Forum of Hawaii	Support	Written Testimony Only

Comments:

Chair Tarnas, Vice Chair Poepoe, and Committee Members:

On behalf of Drug Policy Forum of Hawai‘i, I am writing in strong support of this measure.

The collection, retention, and dissemination of this kind of data is vital for more exacting oversight of police practices by county commissions, state policymakers, and the public.

One hopes that departments will also find such data useful in the advancement of their missions.

County prosecutors should also collect and report demographic data to better facilitate the impartial administration of justice.

Mahalo for the opportunity to provide testimony.



Support for HB 278 – An Act Relating to Policing
Written Testimony – National Police Accountability Project, Eliana Machefsky, Staff Attorney
House Committee on Judiciary & Hawaiian Affairs–
Wednesday, February 5, 2025

Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

Thank you for the opportunity to provide testimony on this important issue. The National Police Accountability Project (“NPAP”) is a nonprofit organization dedicated to holding law enforcement and corrections agencies accountable to constitutional and professional standards. NPAP has more than 550 attorney members throughout the United States, including Hawaii, who represent plaintiffs in civil actions alleging misconduct by law enforcement officers. We strongly support HB 278.

Public access to information about policing activity is a critical component of efforts to enhance public safety and ensure law enforcement accountability. To fully understand the effects of various policing practices, the impact of enacted reforms, and the need for additional reforms, lawmakers and members of the public must have reliable access to comprehensive data on law enforcement interactions with civilians. Data relating to police stops, arrests, and use of force can reveal deficiencies in department policies or practices in need of reform. Similarly, information on citizen complaints and officer discipline enables members of the public to determine whether the law enforcement agencies sworn to protect and serve them are adequately addressing officer misconduct and preventing future harm. HB 278 would ensure that this critical data is collected and reported to the public.

We are pleased to see the comprehensive data sets relating to traffic and pedestrian stops that HB 278 would require county police departments and police oversight agencies to collect. The traffic stop is the single most common



reason for contact between police officers and civilians¹ and, consequently, one of the most frequent sites of police misconduct. The data, where properly collected, show that drivers of color are disproportionately stopped for minor traffic violations and disproportionately questioned, searched, and subjected to officer force once stopped.²

In order to address racial disparities and inequities in traffic stops, it is critical that police departments collect data on all traffic stops conducted, including the purported reason(s) for the stop, the race of the stopped driver, and whether a search and/or arrest was made. This data will enable lawmakers and communities to understand how frequently drivers of color are stopped, how often those stops are for highly discretionary, low-danger reasons such as a broken headlight or tinted windows, and how regularly those stops escalate into increasingly intrusive law enforcement contact, such as questioning, search, or even arrest.

We are also pleased to see that HB 278 would require data collection on officer use of force, including information on the type of force used, the reason for the initial contact with the civilian, and the perceived race, age, gender, and disability status of the civilian. Law enforcement officers possess immense and unique authority—to carry weapons with which they can

¹ BUREAU OF JUSTICE STATISTICS, *Traffic Stops*, <https://www.bjs.gov/index.cfm?tid=702&ty=tp>; Erika Harrell and Elizabeth Davis, *Contacts Between Police and the Public, 2018—Statistical Tables*, BUREAU JUST. STAT. 4, available at: <https://bjs.ojp.gov/content/pub/pdf/cbpp18st.pdf>.

² See, e.g., David A. Harris, *Driving While Black: Racial Profiling On Our Nation's Highways*, ACLU (Jun. 1999), available at: <https://www.aclu.org/report/driving-while-black-racial-profiling-our-nations-highways>; Jordan Blair Woods, *Traffic Without the Police*, 73 STAN. L. REV. 1471, 1475 (2021) (“Several studies show that Black and Latinx motorists in particular are disproportionately stopped by police for traffic violations and disproportionately questioned, frisked, searched, cited, and arrested during traffic stops.”); Ben Poston, *Racial gap found in traffic stops in Milwaukee*, MILWAUKEE JOURNAL SENTINEL (Dec. 3, 2011), <https://archive.jsonline.com/watchdog/watchdogreports/racial-gap-found-in-traffic-stops-in-milwaukee-ke1hsip-134977408.html/>.



threaten or end an individual's life.³ Available data shows that officers disproportionately employ force—both lethal and non-lethal—against people of color.⁴ Similarly, people living with serious mental illness are 16 times more likely to be killed during interactions with law enforcement than civilians without mental illness who are approached or stopped by the police.⁵ HB 278's data collection on officer use of force—both lethal and non-lethal—will enable Hawaiians to identify any such disparities and take corrective action.

Finally, we applaud HB 278's inclusion of data relating to agency investigations of civilian complaints and disciplinary actions. Data on civilian complaints is a critical tool that communities can use to identify problematic officers and advocate for their removal to prevent further harm. This data also allows communities to evaluate how rigorously their police departments investigate allegations of officer misconduct and, when allegations are sustained, how departments discipline their officers for violations of law and/or department policy. For example, former Minneapolis police officer Derek Chauvin had at least 17 complaints filed against him before he murdered George Floyd by kneeling on his neck.⁶ Only one of those complaints resulted in any type of discipline, which was a mere two letters of reprimand.⁷

³ See Katherine J. Bies, Note, *Let the Sunshine In: Illuminating the Powerful Role Police Unions Play in Shielding Officer Misconduct*, 28 STAN. L. & POL. REV. 109, 142 (2017) ("police officers have the unique state-sanctioned ability to use force on other citizens").

⁴ See, e.g., Roland G. Fryer, Jr., *An Empirical Analysis of Racial Differences in Police Use of Force*, 127 J. Pol. Econ. 1210 (2019).

⁵ Treatment Advocacy Center, *Overlooked in the Undercounted: The Role of Mental Illness in Fatal Law Enforcement Encounters* 1 (Dec. 2015), <https://www.treatmentadvocacycenter.org/overlooked-in-the-undercounted>.

⁶ John Kelly and Mark Nichols, *We found 85,000 cops who've been investigated for misconduct. Now you can read their records*, USA TODAY (Apr. 24, 2019), <https://www.usatoday.com/in-depth/news/investigations/2019/04/24/usa-today-revealing-misconduct-records-police-cops/3223984002/>.

⁷ *Id.*



Data on departmental responses to allegations of officer wrongdoing can also reveal deficient training and problematic department policies. An officer who receives little or no discipline for objectively unconstitutional conduct raises concerns about the department's policies and procedures. Similarly, when recidivist officers are regularly assigned additional training as corrective action but continue to engage in misconduct, there is reason to suspect that the department's training is ineffective.

By ensuring access to data on police encounters with civilians, HB 278 would provide a critical tool for enhancing public safety, fostering public trust of law enforcement, and improving agency policy, procedure, and training. We strongly support HB 278, and encourage you to pass it out of Committee. Thank you again for the opportunity to provide testimony on this important bill. If you have any questions, please do not hesitate to contact me at eliana.npap@nlg.org.

Eliana Machefsky
Staff Attorney, **National Police
Accountability Project**
eliana.npap@nlg.org

HB-278

Submitted on: 2/4/2025 1:19:19 PM

Testimony for JHA on 2/5/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Olderr	Individual	Support	Written Testimony Only

Comments:

I support this bill. If police officers won't hold themselves accountable for their oath to protect and serve, we must make them do so. Accountability for our officers should go farther than this bill suggests, but it's close enough to the bare minimum, so I support it. We cannot rely on the words of the HPD alone if they are acting above board, so having a published report annually about these infractions would allow the transparency and respect that the HPD is currently lacking. I would also like to see more anti-retaliation protections added to this measure. Hence, those filing these reports remain anonymous and can feel safe while reporting on their fellow officer. I do not care if this is a program already done within the HPD right now; it should be enshrined in law in case one of the many bad apples gets promoted and tries to cover their tracks. Support this bill!

HB-278

Submitted on: 2/4/2025 3:48:22 PM

Testimony for JHA on 2/5/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nestor L Robles	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB278 because it is unconstitutional.