

## TITLE XX

### LAW ENFORCEMENT STANDARDS BOARD

#### CHAPTER XX-8

##### DATA MANAGEMENT AND INFORMATION TRANSPARENCY

**DRAFT (5-13-2025)**

###### **§XX-8-1 Purpose.**

The purpose of this chapter is to establish standards for data management, public reporting, and transparency in accordance with section 139-5, Hawaii Revised Statutes, to ensure accountability and public trust in law enforcement. This chapter outlines the Board's data collection responsibilities, public access provisions, and reporting requirements related to officer certification and certification action. All recordkeeping, data handling, and information disclosure activities governed by other chapters of these rules shall be subject to the requirements of this chapter. [Eff 7/1/26] (Auth: HRS §139-5) (Imp: HRS §139-5)

###### **§XX-8-2 Definitions.**

As used in this chapter:

“Annual report” means the summary of Board activities submitted each year in compliance with section 139-5, Hawaii Revised Statutes, including data on certification, certification action, and training.

“Board” means the Hawaii Law Enforcement Standards Board as established under section 139-2, Hawaii Revised Statutes.

“Law enforcement agency” means any state or county agency authorized to employ law enforcement officers pursuant to chapter 139, Hawaii Revised Statutes.

“National Decertification Index” or “NDI” means the national database of officers decertified or disqualified by a credentialing agency.

“Peace officer” means a person certified and employed in a law enforcement capacity in the State of Hawaii, as defined in section 139-1, Hawaii Revised Statutes.

“Public data portal” means an online platform maintained by the Board that provides public access to non-confidential certification and certification action records, consistent with applicable confidentiality laws.

“Use of force report” means a standardized report required under section 139-11, Hawaii Revised Statutes, documenting incidents involving application of force by a law enforcement officer. [Eff 7/1/26] (Auth: HRS §139-2 and 139-3) (Imp: HRS §139-5 and 139-11)

###### **§XX-8-3 Data collection and management.**

(a) The Board shall maintain a centralized database containing the following categories of data:

- (1) Certification and certification action records, including the names and status of officers whose certification is issued, renewed, suspended, revoked, or reinstated;
  - (2) Training and continuing education records required under chapter 139, Hawaii Revised Statutes, and Board rules; and
  - (3) Use of force reports submitted pursuant to section 139-11, Hawaii Revised Statutes.
- (b) The Board shall ensure the security and confidentiality of all certification-related data in accordance with chapter 92F, Hawaii Revised Statutes, and any applicable federal law. [Eff 7/1/26] (Auth: HRS §139-2 and 139-3) (Imp: HRS §139-5 and 139-11)

#### **§XX-8-4 Public reporting and transparency.**

- (a) The Board shall maintain a public data portal that provides access to non-confidential certification and certification action records, including the public certification status disclosures required by section XX-7-22, Hawaii Administrative Rules. Personally identifiable information shall be redacted unless disclosure is required by law.
- (b) The Board's annual report shall include, at a minimum, the following information:
- (1) Certification and certification action statistics for the preceding calendar year;
  - (2) Training compliance data submitted by law enforcement agencies;
  - (3) Use of force incident summaries reported under section 139-11, Hawaii Revised Statutes;
  - (4) Diversity hiring metrics required under section 139-12, Hawaii Revised Statutes; and
  - (5) A summary of certification action records submitted to the National Decertification Index.
- (c) The Board shall coordinate with law enforcement agencies to compile data required for reporting and research, in accordance with chapter 139, Hawaii Revised Statutes, and other applicable law. [Eff 7/1/26] (Auth: HRS §139-2 and 139-3) (Imp: HRS §139-5 and 139-11 and 139-12)

#### **§XX-8-5 National Decertification Index compliance.**

- (a) The Board shall participate in the National Decertification Index and shall submit the names of officers whose certifications have been revoked due to the following:
- (1) Felony convictions;
  - (2) Use of excessive force in violation of section 139-11, Hawaii Revised Statutes;
  - (3) Ethical or professional misconduct as determined by the Board; or
  - (4) Other disqualifying conduct as defined by Board rule.
- (b) The Board shall conduct quarterly audits to ensure compliance with National Decertification Index submission requirements. [Eff 7/1/26] (Auth: HRS §139-2 and 139-3) (Imp: HRS §139-5 and 139-11)

#### **§XX-8-6 Confidentiality and data protection.**

- (a) Certification and certification action data shall be managed in accordance with chapter 92F, Hawaii Revised Statutes, and all applicable federal and state privacy regulations.
- (b) The Board shall implement secure access protocols to prevent unauthorized access to certification-related information. [Eff 7/1/26] (Auth: HRS §139-2 and 139-3) (Imp: HRS §139-5 and chapter 92F)

**§XX-8-7 Records retention.**

(a) The Board shall retain certification, certification action, and training records in accordance with the following:

- (1) Chapter 94, Hawaii Revised Statutes;
- (2) Chapter 92F, Hawaii Revised Statutes;
- (3) Title 3, chapter 12, Hawaii Administrative Rules;
- (4) Official records retention schedules adopted by the Department of Accounting and General Services; and
- (5) Any other applicable federal or state retention requirements.

(b) Retention periods shall be as follows:

- (1) Certification and training records shall be retained for at least five years from the date of the most recent certification renewal;
- (2) Certification action records shall be retained indefinitely and reported to the National Decertification Index; and

(3) Use of force or misconduct-related certification records shall be retained in accordance with chapter 92F, Hawaii Revised Statutes, and applicable Board rules.

(c) Records management and security procedures shall ensure the following:

- (1) All records are securely stored to prevent unauthorized access;
- (2) Certification records remain available for background investigations, compliance audits, and certification determinations; and
- (3) The Board coordinates with the Hawaii State Archives and the Department of Accounting and General Services to ensure proper storage, transfer, or disposal of records in accordance with approved retention schedules. [Eff 7/1/26] (Auth: HRS §139-2 and 139-3) (Imp: HRS §139-5 and chapter 92F and chapter 94)

**§XX-8-8 Board records and work products.**

(a) The provisions of this chapter shall apply to all records and work products created, received, maintained, or distributed by the Board in the course of carrying out its duties under chapter 139, Hawaii Revised Statutes. These include, but are not limited to:

- (1) Certification, certification action, and suspension records maintained under chapters XX-2, XX-6, and XX-7;
- (2) Training credit, continuing education, and instructor compliance records maintained under chapters XX-3, XX-4, and XX-5;
- (3) Waiver and variance requests, decisions, and related documentation maintained under chapter XX-9;
- (4) Board meeting agendas, minutes, notices, and voting records required under chapter XX-1;
- (5) Annual reports to the Governor and Legislature, including certification statistics, diversity metrics, and compliance summaries, as required under section 139-5, Hawaii Revised Statutes;
- (6) Investigative files, hearing records, and case outcomes related to certification actions under chapter XX-7;
- (7) Training audit results, course evaluations, and performance reviews related to Board-approved academies and instructors;
- (8) Policy memoranda, advisory opinions, and official guidance materials issued by the Board or its Administrator; and

(9) Data submitted to, or received from, external systems including the National Decertification Index and inter-agency record systems, where applicable to Board functions.

(b) Records subject to this section shall be collected, retained, redacted, or disclosed in accordance with the requirements of this chapter, chapter 92F, Hawaii Revised Statutes, and applicable federal or state confidentiality laws.

(c) The Board shall ensure that records described in this section are managed in a manner that promotes transparency, protects sensitive information, and supports compliance with statutory and administrative rule requirements. [Eff 7/1/26] (Auth: HRS §139-2 and 139-3) (Imp: HRS §139-5 and chapter 92F)

**§XX-8-9 Privacy, safety, and tactical security exceptions.**

(a) The Board shall redact, withhold, or restrict access to any record or portion of a record governed by this chapter if disclosure would:

(1) Compromise law enforcement operational plans, tactical procedures, or officer safety;

(2) Reveal security-sensitive content related to facility protection, emergency response capabilities, or specialized training methods;

(3) Disclose personal or confidential information protected under chapter 92F, Hawaii Revised Statutes, or other applicable law; or

(4) Interfere with an ongoing investigation, certification action, or Board proceeding.

(b) The Board Administrator shall, in consultation with the Board Chairperson or designee, determine whether an exception under this section applies and shall ensure the decision is documented in accordance with applicable records laws.

(c) Records withheld under this section remain subject to the retention, classification, and data governance provisions of this chapter, including sections XX-8-6 and XX-8-8. [Eff 7/1/26] (Auth: HRS §139-2 and 139-3) (Imp: HRS §139-5 and chapter 92F)