



EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

June 20, 2014

**GOV. MSG. NO. 1222**

The Honorable Donna Mercado Kim,  
President  
and Members of the Senate  
Twenty-Seventh State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

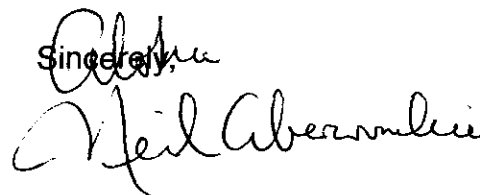
The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Seventh State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 20, 2014, the following bill was signed into law:

SB2591 SD1 HD1 CD1

RELATING TO LAW ENFORCEMENT  
**ACT 121 (14)**

Sincerely,  


NEIL ABERCROMBIE  
Governor, State of Hawaii

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# A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

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

1 SECTION 1. Section 52D-3.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 " ~~[{]}\$52D-3.5 Reports to legislature.[{]}~~ (a) The chief of  
4 each county police department shall submit to the legislature no  
5 later than January 31 of each year an annual report ~~[to the~~  
6 ~~legislature twenty days prior to the convening of the regular~~  
7 ~~session in each year.]~~ of misconduct incidents that resulted in  
8 suspension or discharge of a police officer. The reporting  
9 period of each report shall be from January 1 to December 31 of  
10 the year immediately prior to the year of the report submission.

11 (b) The report shall ~~[include a summary of]:~~

12 (1) Summarize the facts and the nature of the misconduct  
13 for each incident ~~[which resulted in the suspension or~~  
14 ~~discharge of a police officer,];~~

15 (2) Specify the disciplinary action imposed for each  
16 incident ~~[, and];~~

17 (3) Identify any other incident in the annual report  
18 committed by the same police officer; and



1       (4) State whether the highest non-judicial grievance  
2       adjustment procedure timely invoked by the police  
3       officer or the police officer's representative has  
4       concluded:

5       (A) If the highest non-judicial grievance adjustment  
6       procedure has concluded, the report shall state:

7           (i) Whether the incident concerns conduct  
8           punishable as a crime, and if so, describe  
9           the county police department's findings of  
10          fact and conclusions of law concerning the  
11          criminal conduct; and

12          (ii) Whether the county police department  
13          notified the respective county prosecuting  
14          attorney of the incident; or

15       (B) If the highest non-judicial grievance adjustment  
16       procedure has not concluded, the report shall  
17       state the current stage of the non-judicial  
18       grievance adjustment procedure as of the end of  
19       the reporting period.

20       (c) The report shall tabulate the number of police  
21       officers suspended and discharged [~~during the previous year~~]



1 under the following categories of the department's Standards of  
2 Conduct:

3 (1) Malicious use of physical force;

4 (2) Mistreatment of prisoners;

5 (3) Use of drugs and narcotics; and

6 (4) Cowardice.

7 (d) The summary of facts provided in accordance with  
8 subsection (b) (1) shall not be of such a nature so as to  
9 disclose the identity of the individuals involved.

10 (e) For any misconduct incident reported pursuant to this  
11 section and subject to subsection (b) (4) (B), the chief of each  
12 county police department shall provide updated information in  
13 each successive annual report, until the highest non-judicial  
14 grievance adjustment procedure timely invoked by the police  
15 officer has concluded. In each successive annual report, the  
16 updated information shall reference where the incident appeared  
17 in the prior annual report. For any incident resolved without  
18 disciplinary action after the conclusion of the non-judicial  
19 grievance adjustment procedure, the chief of each county police  
20 department shall summarize the basis for not imposing  
21 disciplinary action.



1       (f) For each misconduct incident reported in an annual  
2 report, the chief of each county police department shall retain  
3 the disciplinary records in accordance with the department's  
4 record retention policy or for at least eighteen months after  
5 the final annual report concerning that incident, whichever  
6 period is longer."

7       SECTION 2. Section 92F-14, Hawaii Revised Statutes, is  
8 amended by amending subsection (b) to read as follows:

9       "(b) The following are examples of information in which  
10 the individual has a significant privacy interest:

11       (1) Information relating to medical, psychiatric, or  
12       psychological history, diagnosis, condition,  
13       treatment, or evaluation, other than directory  
14       information while an individual is present at such  
15       facility;

16       (2) Information identifiable as part of an investigation  
17       into a possible violation of criminal law, except to  
18       the extent that disclosure is necessary to prosecute  
19       the violation or to continue the investigation;

20       (3) Information relating to eligibility for social  
21       services or welfare benefits or to the determination  
22       of benefit levels;



1 (4) Information in an agency's personnel file, or  
2 applications, nominations, recommendations, or  
3 proposals for public employment or appointment to a  
4 governmental position, except:

5 (A) Information disclosed under section 92F-  
6 12(a)(14); and

7 (B) The following information related to employment  
8 misconduct that results in an employee's  
9 suspension or discharge:

10 (i) The name of the employee;

11 (ii) The nature of the employment related  
12 misconduct;

13 (iii) The agency's summary of the allegations of  
14 misconduct;

15 (iv) Findings of fact and conclusions of law; and

16 (v) The disciplinary action taken by the agency;

17 when the following has occurred: the highest non-  
18 judicial grievance adjustment procedure timely invoked  
19 by the employee or the employee's representative has  
20 concluded; a written decision sustaining the  
21 suspension or discharge has been issued after this  
22 procedure; and thirty calendar days have elapsed



1 following the issuance of the decision or, for  
2 decisions involving county police department officers,  
3 ninety days have elapsed following the issuance of the  
4 decision; provided that [~~this~~] subparagraph (B) shall  
5 not apply to a county police department officer except  
6 in a case which results in the discharge of the  
7 officer;

8 (5) Information relating to an individual's  
9 nongovernmental employment history except as necessary  
10 to demonstrate compliance with requirements for a  
11 particular government position;

12 (6) Information describing an individual's finances,  
13 income, assets, liabilities, net worth, bank balances,  
14 financial history or activities, or creditworthiness;

15 (7) Information compiled as part of an inquiry into an  
16 individual's fitness to be granted or to retain a  
17 license, except:

18 (A) The record of any proceeding resulting in the  
19 discipline of a licensee and the grounds for  
20 discipline;



- 1 (B) Information on the current place of employment
- 2 and required insurance coverages of licensees;
- 3 and
- 4 (C) The record of complaints including all
- 5 dispositions;
- 6 (8) Information comprising a personal recommendation or
- 7 evaluation; and
- 8 (9) Social security numbers."

9 SECTION 3. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

APPROVED this 20 day of JUN, 2014



GOVERNOR OF THE STATE OF HAWAII