
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 the 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:

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

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



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

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

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

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

14 (ii) Whether the county police department
15 notified the prosecuting attorney of the
16 incident.

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



1 (c) The report shall tabulate the number of police
2 officers suspended and discharged during the previous reporting
3 period under the following categories of the department's
4 Standards of Conduct:

- 5 (1) Malicious use of physical force;
6 (2) Mistreatment of prisoners;
7 (3) Use of drugs and narcotics; and
8 (4) Cowardice.

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

12 (e) For any misconduct incident reported pursuant to this
13 section and subject to subsection (b)(4)(B), the chief of each
14 county police department shall provide updated information in
15 each successive annual report, until the highest non-judicial
16 grievance adjustment procedure timely invoked by the police
17 officer has concluded. In each successive annual report, the
18 updated information shall reference where the incident appeared
19 in the prior annual report. For any incident resolved without
20 disciplinary action after the conclusion of the non-judicial
21 grievance adjustment procedure, the chief of each county police



1 department shall summarize the basis for not imposing
2 disciplinary action.

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

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

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

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

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



- 1 (3) Information relating to eligibility for social
2 services or welfare benefits or to the determination
3 of benefit levels;
- 4 (4) Information in an agency's personnel file, or
5 applications, nominations, recommendations, or
6 proposals for public employment or appointment to a
7 governmental position, except:
- 8 (A) Information disclosed under section 92F-
9 12(a)(14); and
- 10 (B) The following information related to employment
11 misconduct that results in an employee's
12 suspension or discharge:
- 13 (i) The name of the employee;
- 14 (ii) The nature of the employment related
15 misconduct;
- 16 (iii) The agency's summary of the allegations of
17 misconduct;
- 18 (iv) Findings of fact and conclusions of law; and
- 19 (v) The disciplinary action taken by the agency;
- 20 when the following has occurred: the highest non-
21 judicial grievance adjustment procedure timely invoked
22 by the employee or the employee's representative has



1 concluded; a written decision sustaining the
2 suspension or discharge has been issued after this
3 procedure; and thirty calendar days have elapsed
4 following the issuance of the decision; [~~provided that~~
5 ~~this subparagraph shall not apply to a county police~~
6 ~~department officer except in a case which results in~~
7 ~~the discharge of the 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.

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



Report Title:

Law Enforcement; Police Officer; Misconduct; Records Retention

Description:

Requires additional detail and updating for annual reports to the Legislature of police misconduct; requires retention of disciplinary records for at least eighteen months after reporting; permits disclosure under the Freedom of Information Act of misconduct by a police officer that results in a suspension. (HB1812 HD1)

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

