

JAN 17 2014

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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:

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                procedure as of the end of the reporting period.
- 21                (c) The report shall tabulate the number of police
- 22        officers suspended and discharged during the previous year under



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

21 (f) For each incident reported in an annual report, the  
22 county police department shall retain the disciplinary records



1 in accordance with its record retention policy or for at least  
2 six months after the final annual report concerning that  
3 incident, whichever period is longer."

4 SECTION 2. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: Will Cygro  
Headland  
II



**Report Title:**

Law Enforcement; Police Officer; Misconduct; Annual Report

**Description:**

Requires the chief of each county police department to submit an annual report to the legislature of misconduct incidents that resulted in suspension or discharge of a police officer from the calendar year immediately prior to the year of the report submission. Requires the county police departments to provide updated information in each successive annual report until the highest non-judicial grievance adjustment procedure has concluded. Requires the county police departments to retain the disciplinary records in accordance with its record retention policy or for at least six months, whichever period is longer.

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

