
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.

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



Report Title:

Law Enforcement; Police Officer; Misconduct; Annual Report

Description:

Requires additional detail and updating for annual reports to the Legislature of police misconduct; requires retention of disciplinary records for the later of eighteen months after reporting or the date according to the county police department's record retention policy; permits disclosure under the Uniform Information Practices Act of certain information regarding misconduct by a police officer only in cases that result in the discharge of an officer and if specific factors are met, including the passing of ninety calendar days following the issuance of a decision sustaining the discharge. (CD1)

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