

Honolulu, Hawaii  
February 27, 2014

RE: H.B. No. 1812  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1812 entitled:

"A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT,"

begs leave to report as follows:

The purpose of this measure is to require disclosure of misconduct by police officers by amending requirements for the annual reports submitted to the Legislature by:

- (1) Specifying a due date and reporting period;
- (2) Requiring more detail, including disclosure of multiple incidents involving the same officer;
- (3) Requiring annual updates on on-going internal grievance adjustment procedures that had not yet concluded by the end of the prior reporting period; and
- (4) Requiring retention of the disciplinary records of each reported incident for the longer of the department's own record retention period or six months after the final annual report concerning that incident has been filed.

The Hawaii Chapter of the Society of Professional Journalists, Civil Beat Law Center for the Public Interest, and a concerned individual testified in support of this measure. The

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State of Hawaii Organization of Police Officers testified in opposition to this measure.

Your Committee has amended this measure by:

- (1) Increasing the minimum time that disciplinary records must be maintained for each reported incident from six months to eighteen months;
- (2) Specifying that the Chief of each county police department is the person responsible for reporting updated information and retaining disciplinary records for each reported incident;
- (3) Permitting the disclosure of information relating to a police officer's misconduct that results in a suspension, in addition to a discharge, under Hawaii's Uniform Information Practices Act; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee respectfully notes that consistent with *State of Hawai'i Organization of Police Officers v. Society of Professional Journalists, University of Hawai'i Chapter, 83 Hawai'i 378 (1996) (SHOPO v. SPJ)*, this measure does not violate the privacy rights of individual police officers. The Hawai'i Supreme Court held in *SHOPO v. SPJ* that, "The information that must be disclosed pursuant HRS § 92F-14(b)(4)(B) regarding a public employee's employment-related misconduct and resulting discipline, is not 'highly personal and intimate information' and is, therefore, not within the scope of Hawai'i's constitutional right to privacy."

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1812, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1812, H.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

*Karl Rhoads*

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KARL RHOADS, Chair



