

Honolulu, Hawaii  
March 31, 2014

RE: S.B. No. 2591  
S.D. 1  
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 S.B. No. 2591, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to improve transparency in police misconduct by amending the requirements for the report submitted annually by the county chiefs of police to the Legislature to:

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



The Civil Beat Law Center for the Public Interest; American Civil Liberties Union of Hawaii; Society of Professional Journalists, Hawaii Chapter; League of Women Voters of Hawaii; and one concerned individual testified in support of this measure. The State of Hawaii Organization of Police Officers opposed this measure. The Office of Information Practices provided comments.

Your Committee respectfully notes that consistent with *State of Hawaii Organization of Police Officers v. Society of Professional Journalists, University of Hawaii Chapter, 83 Hawaii 378 (1996) (SHOPO v. SPJ)*, allowing the disclosure of all suspension information instead of just discharge information does not violate the privacy rights of individual police officers. The Hawaii 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 Hawaii's constitutional right to privacy." Nonetheless, your Committee has determined to limit required disclosures of police misconduct to suspensions of one year or more per incident and discharges.

Your Committee has amended this measure by:

- (1) Extending 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 responsible party for reporting to the Legislature and retaining disciplinary records for each reported incident;
- (3) Amending the Freedom of Information Act under the Hawaii Uniform Information Practices Act to permit the disclosure of certain information regarding police officers suspended for one year or more, in addition to discharged officers;
- (4) Making it effective upon its approval; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.



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 S.B. No. 2591, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2591, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

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



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KARL RHOADS, Chair



