

HB1812

HD1 SD1

LATE

TESTIMONY



ALAN M. ARAKAWA
MAYOR

OUR REFERENCE

YOUR REFERENCE

POLICE DEPARTMENT COUNTY OF MAUI

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March 28, 2014



GARY A. YABUTA
CHIEF OF POLICE

CLAYTON N.Y.W. TOM
DEPUTY CHIEF OF POLICE

The Honorable Senator Clayton Hee, Chair
And Members of the Committee on Judiciary and Labor
The Senate
State Capitol
Honolulu, Hawaii 96813

RE: House Bill No. 1812, HD1, SD1,
RELATING TO LAW ENFORCEMENT

Dear Chair Hee and Members of the Committee on Judiciary and Labor:

The Maui Police Department would like to submit testimony in opposition to H.B. No. 1812, HD1, SD1. The passage of this bill 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 result in a suspension. The added amendment in Section 2 of this bill will also remove the exemption for county police officers from disclosure of their names for incidents of misconduct resulting in suspension under Section 92F-14(b)(4)(B), Hawaii Revised Statutes.

The Maui Police Department understands that we have a duty to keep the trust of our community. As such we fully comply with the current annual reporting procedures under 52D-3.5, Hawaii Revised Statutes. With this bill we acknowledge that reporting criteria is a positive discussion point, but we also must strive to be fair to the needs of our employees who serve and sacrifice for our community.

In reviewing the proposed bill we have issues, as it appears that the removal of the exemption in Section 92F-14(b)(4)(B), Hawaii Revised Statutes will allow more than the intended information released in the annual report categories of the department's Standards of Conduct.

The annual report categories under 52D-3.5, Hawaii Revised Statutes are:

1. Malicious use of physical force;
2. Mistreatment of prisoners;
3. Use of drugs and narcotics; and
4. Cowardice.

The Honorable Senator Clayton Hee, Chair

March 28, 2014

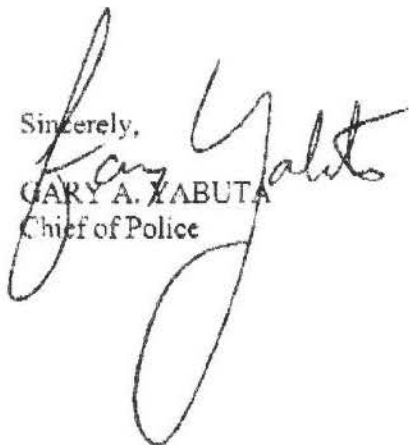
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By removing Section 92F-14(b)(4)(B), Hawaii Revised Statutes officers names could be released in situations out of the annual report even if they may still be in the grievance and arbitration process. If the officer is exonerated, this information is already in the public view and thus may deny the officer due process within the current system.

It is understood that this measure hopes to improve the applicability of HRS section 52D-3.5 and may facilitate informed public dialogue between the community we serve and the police. But until conflicts with HRS section 92F-14(b)(4)(B) are resolved in a fair and reasonable manner, this bill should be deferred as it appears more discussion is needed.

Thank you for allowing the Maui Police Department the opportunity to testify on H.B. No. 1812, HD1, SD1.

Sincerely,


GARY A. YABUTA
Chief of Police