

SHOPO

LATE TESTIMONY



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TO: The Honorable Will Espero, Chair
Senate Committee on Public Safety, Intergovernmental
And Military Affairs

The Honorable Rosalyn H. Baker, Vice Chair
Senate Committee on Public Safety, Intergovernmental
And Military Affairs

Members of the Senate Committee on Public Safety,
Intergovernmental and Military Affairs

FROM: Tenari Ma'afala, President 
State of Hawaii Organization of Police Officers

DATE: February 3, 2014

SUBJECT: Testimony on S.B. No. 2591, Relating to Law Enforcement

HEARING DATE: Tuesday, February 4, 2014
3:45 p.m. Conference Room 224

Thank you for the opportunity to testify on this bill. The State of Hawaii Organization of Police Officers ("SHOPO") opposes this bill in part.

In Section 1 of the bill, HRS § 52D-3.5 (b) provides in relevant part as follows:

(b) The report shall:

(1) ~~[include a summary of]~~ Summarize the facts and the nature of the misconduct for each incident ~~[which resulted in the suspension or discharge of a police officer];~~

(2) Specify the disciplinary action imposed for each incident ~~[,and];~~

(3) Identify any other incident in the annual report committed by the same police officer; and

(4) State whether the highest non-judicial grievance adjustment procedure timely invoked by the police officer or the police officer's representative has concluded.

First, we oppose the change from a "summary" to "[s]ummarize the facts and circumstances" because it conflicts with the current law and the proposed subsection (d) that the "summary of facts" "shall not be of such a nature so as to disclose the identity of the individuals involved."

Second, subsection (b)(3) above, "identify any other incident ... committed by the same police officer" also is in direct conflict with subsection (d) that the "summary of facts" "shall not be of such a nature so as to disclose the identity of the individuals involved."

Third, we oppose the reporting of the step that the grievance is at. Any additional requirement to add detailed facts to a summary of misconduct that resulted in a suspension or discharge of the officer, may prematurely and unfairly identify the officer.

Further, the county police departments would be in violation of this law should the descriptions they provide indirectly identify an officer who has been suspended, or was discharged without first having had the opportunity to exercise and exhaust fully all of the administrative remedies, which are specified in the collective bargaining agreement and in state law, as is clearly set forth in Hawaii Revised Statutes section 92F-14(b)(4).