

SB2591

SHOPO



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TO: The Honorable Clayton Hee, Chair
Senate Committee on Judiciary and Labor

The Honorable Maile S. L. Shimabukuro, Vice Chair
Senate Committee on Judiciary and Labor

Members of the Senate Committee on Judiciary and Labor

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

DATE: February 24, 2014

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

DECISION

MAKING DATE: Tuesday, February 25, 2014
10:30 a.m. Conference Room 016

This bill concerns county police departments' annual reports to the legislature regarding incidents of misconduct by police that result in suspension or discharge of a police officer. The State of Hawaii Organization of Police Officers ("SHOPO") opposes this bill in part.

First, in 52D-3.5, proposed section (b)(1), we oppose the change from a "summary" to "summarize 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, the proposed subsection (b)(4) should be amended as follows:

(4) State whether the highest non-judicial grievance adjustment procedure timely invoked by the police officer or the police officer representative has concluded and 30 calendar days have elapsed following the issuance of the decision;....

This will reduce some of this bill's conflict with Hawaii Revised Statutes section 92-F14(b)(4)(B).

Third, the proposed subsection (b)(4)(A)(i) regarding the police department's findings of fact and conclusions of law concerning criminal conduct, exceeds information that is permitted to be released by HRS section 92F-14(b)(4).

Fourth, the proposed section 52D-3.5(e) should be amended as follows:

(e) For any incident reported pursuant to this section and subject to subsection (b)(4)(B), the county police department shall provide updated information in each successive annual report, until the highest non-judicial grievance procedure timely invoked by the police officer has concluded and 30 calendar days have elapsed following the issuance of the decision....

The Honorable Clayton Hee, Chair
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Fifth, the only information authorized by HRS section 92F-14(b)(4)(B) for release is therein specified, and this release of specified information only applies to county police officers in cases that result in discharge after the highest non-judicial grievance procedure has concluded, a written decision sustaining the discharge has been issued, and 30 calendar days have elapsed after the issuance of that decision.

Finally, the county police departments will be in violation of HRS section 92F-14 (b)(4)(B) and 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.

SHOPO strongly recommends that this bill be deferred until its conflicts with HRS section 92F-14(b)(4)(B) can be resolved.