

JAN 22 2016

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# A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 353C, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§353C- (a) The director of public safety shall submit  
5 to the legislature no later than January 31 of each year an  
6 annual report of misconduct incidents that resulted in  
7 suspension or discharge of a sheriff or deputy sheriff. The  
8 reporting period of each report shall be from January 1 to  
9 December 31 of the year immediately prior to the year of the  
10 report submission.

11           (b) The report shall:

12           (1) Summarize the facts and the nature of the misconduct  
13           for each incident;

14           (2) Specify the disciplinary action imposed for each  
15           incident;

16           (3) Identify any other incident in the annual report  
17           committed by the same sheriff or deputy sheriff; and



1       (4) State whether the highest nonjudicial grievance  
2       adjustment procedure timely invoked by the sheriff or  
3       deputy sheriff or the sheriff or deputy sheriff's  
4       representative has concluded:

5       (A) If the highest nonjudicial grievance adjustment  
6       procedure has concluded, the report shall state:

7           (i) Whether the incident concerns conduct  
8           punishable as a crime, and if so, describe  
9           the department's findings of fact and  
10          conclusions of law concerning the criminal  
11          conduct; and

12          (ii) Whether the department notified the attorney  
13          general of the incident; or

14       (B) If the highest nonjudicial grievance adjustment  
15       procedure has not concluded, the report shall  
16       state the current stage of the nonjudicial  
17       grievance adjustment procedure as of the end of  
18       the reporting period.

19       (c) The report shall tabulate the number of sheriffs or  
20       deputy sheriffs suspended and discharged under the following  
21       categories of the department's Standards of Conduct:



- 1        (1) Malicious use of physical force;
- 2        (2) Mistreatment of prisoners;
- 3        (3) Use of drugs and narcotics; and
- 4        (4) Cowardice.
- 5        (d) The department shall post the annual reports on its  
6 public website.
- 7        (e) The summary of facts provided in accordance with  
8 subsection (b)(1) shall not be of such a nature so as to  
9 disclose the identity of the individuals involved.
- 10       (f) For any misconduct incident reported pursuant to this  
11 section and subject to subsection (b)(4)(B), the director shall  
12 provide updated information in each successive annual report,  
13 until the highest nonjudicial grievance adjustment procedure  
14 timely invoked by the sheriff or deputy sheriff has concluded.  
15 In each successive annual report, the updated information shall  
16 reference where the incident appeared in the prior annual  
17 report. For any incident resolved without disciplinary action  
18 after the conclusion of the nonjudicial grievance adjustment  
19 procedure, the director shall summarize the basis for not  
20 imposing disciplinary action.



1       (g) For each misconduct incident reported in an annual  
2 report, the director shall retain the disciplinary records in  
3 accordance with the department's record retention policy or for  
4 at least eighteen months after the final annual report  
5 concerning that incident, whichever period is longer."

6       SECTION 2. Section 52D-3.5, Hawaii Revised Statutes, is  
7 amended to read as follows:

8       "§52D-3.5 Reports to legislature. (a) The chief of each  
9 county police department shall submit to the legislature no  
10 later than January 31 of each year an annual report of  
11 misconduct incidents that resulted in suspension or discharge of  
12 a police officer. The reporting period of each report shall be  
13 from January 1 to December 31 of the year immediately prior to  
14 the year of the report submission.

15       (b) The report shall:

16       (1) Summarize the facts and the nature of the misconduct  
17       for each incident;

18       (2) Specify the disciplinary action imposed for each  
19       incident;

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



- 1           (4) State whether the highest nonjudicial grievance  
2           adjustment procedure timely invoked by the police  
3           officer or the police officer's representative has  
4           concluded:
- 5           (A) If the highest nonjudicial grievance adjustment  
6           procedure has concluded, the report shall state:
- 7           (i) Whether the incident concerns conduct  
8           punishable as a crime, and if so, describe  
9           the county police findings of fact and  
10          conclusions of law concerning the criminal  
11          conduct; and
- 12          (ii) Whether the county police department  
13          notified the respective county prosecuting  
14          attorney of the incident; or
- 15          (B) If the highest nonjudicial grievance adjustment  
16          procedure has not concluded, the report shall  
17          state the current stage of the nonjudicial  
18          grievance adjustment procedure as of the end of  
19          the reporting period.



1           (c) The report shall tabulate the number of police  
2 officers suspended and discharged under the following categories  
3 of the department's Standards of Conduct:

- 4           (1) Malicious use of physical force;  
5           (2) Mistreatment of prisoners;  
6           (3) Use of drugs and narcotics; and  
7           (4) Cowardice.

8           (d) Each county police department shall post the annual  
9 reports on their public websites.

10          [~~(d)~~] (e) The summary of facts provided in accordance with  
11 subsection (b) (1) shall not be of such a nature so as to  
12 disclose the identity of the individuals involved.

13          [~~(e)~~] (f) For any misconduct incident reported pursuant to  
14 this section and subject to subsection (b) (4) (B), the chief of  
15 each county police department shall provide updated information  
16 in each successive annual report, until the highest nonjudicial  
17 grievance adjustment procedure timely invoked by the police  
18 officer has concluded. In each successive annual report, the  
19 updated information shall reference where the incident appeared  
20 in the prior annual report. For any incident resolved without  
21 disciplinary action after the conclusion of the nonjudicial



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1 grievance adjustment procedure, the chief of each county police  
 2 department shall summarize the basis for not imposing  
 3 disciplinary action.

4 ~~(f)~~ (g) For each misconduct incident reported in an  
 5 annual report, the chief of each county police department shall  
 6 retain the disciplinary records in accordance with the  
 7 department's record retention policy or for at least eighteen  
 8 months after the final annual report concerning that incident,  
 9 whichever period is longer."

10 SECTION 3. Statutory material to be repealed is bracketed  
 11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.  
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# S.B. NO. 2195

**Report Title:**

State Sheriff Division; County Police Department; Misconduct  
Incident Report

**Description:**

Requires the state sheriff division to submit yearly reports on  
sheriff and deputy sheriff misconduct to the legislature.  
Requires county police departments and the state sheriff  
division to post those reports on their public websites.

*The summary description of legislation appearing on this page is for informational purposes only and is  
not legislation or evidence of legislative intent.*

