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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 any employee having police powers.  
8 The 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 employee; and



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

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

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

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

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

18       (c) The report shall tabulate the number of employees  
19       having police powers suspended and discharged under the  
20       following categories of the department's Standards of Conduct:

21       (1) Malicious use of physical force;



1        (2) Mistreatment of prisoners;

2        (3) Use of drugs and narcotics; and

3        (4) Cowardice.

4        (d) The department shall post the annual reports on its  
5 public website.

6        (e) The summary of facts provided in accordance with  
7 subsection (b) (1) shall not be of such a nature so as to  
8 disclose the identity of the individuals involved.

9        (f) For any misconduct incident reported pursuant to this  
10 section and subject to subsection (b) (4) (B), the director shall  
11 provide updated information in each successive annual report,  
12 until the highest nonjudicial grievance adjustment procedure  
13 timely invoked by the employee having police powers has  
14 concluded. In each successive annual report, the updated  
15 information shall reference where the incident appeared in the  
16 prior annual report. For any incident resolved without  
17 disciplinary action after the conclusion of the nonjudicial  
18 grievance adjustment procedure, the director shall summarize the  
19 basis for not imposing disciplinary action.

20        (g) For each misconduct incident reported in an annual  
21 report, the director shall retain the disciplinary records in



1 accordance with the department's record retention policy or for  
2 at least eighteen months after the final annual report  
3 concerning that incident, whichever period is longer."

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

6 "§52D-3.5 Reports to legislature. (a) The chief of each  
7 county police department shall submit to the legislature no  
8 later than January 31 of each year an annual report of  
9 misconduct incidents that resulted in suspension or discharge of  
10 [~~a police officer.~~] any employee having police powers. The  
11 reporting period of each report shall be from January 1 to  
12 December 31 of the year immediately prior to the year of the  
13 report submission.

14 (b) The report shall:

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

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

19 (3) Identify any other incident in the annual report  
20 committed by the same [~~police officer,~~] employee; and



1 (4) State whether the highest nonjudicial grievance  
2 adjustment procedure timely invoked by the [~~police~~  
3 ~~officer~~] employee or the [~~police officer's~~] employee'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 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.

20 (c) The report shall tabulate the number of [~~police~~  
21 ~~officers~~] employees having police powers suspended and



1 discharged under the following categories of the department's  
2 Standards of Conduct:

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

7 (d) Each county police department shall post the annual  
8 reports on its public website.

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

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



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

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

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

11 SECTION 4. This Act shall take effect upon its approval.

12



**Report Title:**

Department of Public Safety; County Police Department;  
Misconduct Incident Report

**Description:**

Requires the director of public safety to annually submit to the legislature and post on the department of public safety's public website reports on misconduct incidents that resulted in suspension or discharge of an employee having police powers. Expands the scope of the required county police chiefs' annual reports regarding misconduct of police officers to include misconduct of employees having police powers. Requires the county police chiefs' annual reports to be posted on the respective county police department's public website. (SD1)

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

