A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1   SECTION 1. The purpose of this Act is to:

2   (1) Require the chief of each county police department to

3   disclose to the legislature the identity of a police

4   officer upon the suspension or discharge of the

5   officer; and

6   (2) Amend the Uniform Information Practices Act to allow

7   for the disclosure of employment misconduct

8   information that results in the suspension of a county

9   police officer.

10   SECTION 2. Section 52D-3.5, Hawaii Revised Statutes, is

11 amended as follows:

12   1. By amending subsection (b) to read:

13   "(b) The report shall:

14   (1) Summarize the facts and the nature of the misconduct

15   for each incident;

16   (2) Specify the disciplinary action imposed for each

17   incident;

1   (3)   Identify any other incident in the annual report

2   committed by the same police officer; [and]

3   (4)   State whether the highest nonjudicial grievance

4   adjustment procedure timely invoked by the police

5   officer or the police officer's representative has

6   concluded:

7   (A)   If the highest nonjudicial grievance adjustment

8   procedure has concluded, the report shall state:

9   (i)   Whether the incident concerns conduct

10   punishable as a crime, and if so, describe

11   the county police department's findings of

12   fact and conclusions of law concerning the

13   criminal conduct; and

14   (ii)   Whether the county police department

15   notified the respective county prosecuting

16   attorney of the incident; or

17   (B)   If the highest nonjudicial grievance adjustment

18   procedure has not concluded, the report shall

19   state the current stage of the nonjudicial

20   grievance adjustment procedure as of the end of

21   the reporting period[.]; and

1 (5) Disclose the identity of the police officer upon the

2   police officer's suspension or discharge."

3 2. By amending subsection (d) to read:

4 "(d) The summary of facts provided in accordance with

5 subsection (b)(1) shall not be of such a nature so as to

6 disclose the identity of the individuals involved[-], except as

7 required under subsection (b)(5)."

8 SECTION 3. Section 92F-14, Hawaii Revised Statutes, is

9 amended by amending subsection (b) to read as follows:

10 "(b) The following are examples of information in which

11 the individual has a significant privacy interest:

12 (1) Information relating to medical, psychiatric, or

13   psychological history, diagnosis, condition,

14   treatment, or evaluation, other than directory

15   information while an individual is present at such

16   facility;

17 (2) Information identifiable as part of an investigation

18   into a possible violation of criminal law, except to

19   the extent that disclosure is necessary to prosecute

20   the violation or to continue the investigation;

1   (3)   Information relating to eligibility for social

2   services or welfare benefits or to the determination

3   of benefit levels;

4   (4)   Information in an agency's personnel file, or

5   applications, nominations, recommendations, or

6   proposals for public employment or appointment to a

7   governmental position, except:

8   (A)   Information disclosed under section 92F-

9   12(a)(14); and

10   (B)   The following information related to employment

11   misconduct that results in an employee's

12   suspension or discharge:

13   (i)   The name of the employee;

14   (ii)   The nature of the employment related

15   misconduct;

16   (iii)   The agency's summary of the allegations of

17   misconduct;

18   (iv)   Findings of fact and conclusions of law; and

19   (v)   The disciplinary action taken by the agency;

20   when the following has occurred: the highest

21   nonjudicial grievance adjustment procedure timely

1   invoked by the employee or the employee's

2   representative has concluded; a written decision

3   sustaining the suspension or discharge has been issued

4   after this procedure; and thirty calendar days have

5   elapsed following the issuance of the decision or, for

6   decisions involving county police department officers,

7   ninety days have elapsed following the issuance of the

8   decision; provided that subparagraph (B) shall not

9   apply to a county police department officer except in

10   a case which results in the discharge or suspension of

11   the officer;

12 (5) Information relating to an individual's

13   nongovernmental employment history except as necessary

14   to demonstrate compliance with requirements for a

15   particular government position;

16 (6) Information describing an individual's finances,

17   income, assets, liabilities, net worth, bank balances,

18   financial history or activities, or creditworthiness;

19 (7) Information compiled as part of an inquiry into an

20   individual's fitness to be granted or to retain a

21   license, except:

1   (A)   The record of any proceeding resulting in the

2   discipline of a licensee and the grounds for

3   discipline;

4   (B)   Information on the current place of employment

5   and required insurance coverages of licensees;

6   and

7   (C)   The record of complaints including all

8   dispositions;

9   (8)   Information comprising a personal recommendation or

10   evaluation;

11   (9)   Social security numbers; and

12   (10)   Information that if disclosed would create a

13   substantial and demonstrable risk of physical harm to

14   an individual."

15   SECTION 4.   Statutory material to be repealed is bracketed

16 and stricken.   New statutory material is underscored.

17   SECTION 5.   This Act shall take effect on January 1, 2050.

Report Title:
Police Officers; Disciplinary Action; Public Records; Disclosure

Description:
Requires county police departments to disclose to the Legislature the identity of an officer upon an officer's suspension or discharge. Amends the Uniform Information Practices Act to allow for public access to information about suspended officers. (HB285 HD1)

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