

Honolulu, Hawaii

JUL 02 , 2020

RE: H.B. No. 285
H.D. 1
S.D. 2
C.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 285, H.D. 1, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Require the chief of each county police department to disclose to the Legislature the identity of a police officer upon the suspension or discharge of the officer, beginning with the annual report due no later than January 31, 2021; and
- (2) Amend the Uniform Information Practices Act to allow for the disclosure of employment misconduct information that results in the suspension of a county police officer when the suspension occurs after March 1, 2020.



Your Committee on Conference finds that requiring disclosure of the identities of suspended or discharged county police officers to the Legislature will improve oversight of police departments in cases of severe misconduct. While existing law allows for disclosure of information on discharged county police officers, treating information requests for police officers similarly to other civil servants who are suspended or discharged is consistent and fair and furthers transparency in law enforcement. In addition, to be consistent with all requests for information under the Uniform Information Practices Act, your Committee on Conference believes that a requestor should have the ability to request such information retroactively if the information is available and the request otherwise meets the requirements for disclosure under the Uniform Information Practices Act.

Your Committee on Conference further finds that requiring the Law Enforcement Standards Board to review and recommend statewide policies and procedures for law enforcement, including the use of force, will promote uniformity and public trust in this critical public service. Additionally, while the Law Enforcement Standards Board has the authority to certify law enforcement officers, it lacks the express authority to revoke certifications. Your Committee on Conference finds that authorizing the Board to revoke certifications when warranted provides a logical and necessary enforcement mechanism that complements the Board's powers to certify and investigate.

Your Committee on Conference has amended this measure by:

- (1) Removing the specific reference to the report due to the Legislature no later than January 31, 2021;
- (2) Removing the time limitation under the Uniform Information Practices Act for disclosure of information related to employment misconduct that results in a county police department officer's suspension;
- (3) Empowering the Law Enforcement Standards Board to establish uniform statewide standards for law enforcement, including the use of force;
- (4) Explicitly allowing the Law Enforcement Standards Board to revoke the certification of law enforcement officers for misconduct or failure to meet qualifying standards as warranted;



- (5) Allowing the Law Enforcement Standards Board until December 31, 2021, to finalize its standards and certification process;
- (6) Updating the purpose section;
- (7) Making this measure effective upon approval; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee on Conference notes that this measure, in conjunction with section 52D-3.5(a), Hawaii Revised Statutes, will require that the report due to the Legislature on January 31, 2021, include the identity of any police officer suspended or discharged during the period of January 1, 2020, through December 31, 2020.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 285, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 285, H.D. 1, S.D. 2, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE



KARL RHOADS
Chair



AARON LANG JOHANSON
Co-Chair



CLARENCE K. NISHIHARA
Co-Chair



CHRIS LEE
Co-Chair



