

JAN 22 2016

A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1 SECTION 1. Chapter 28, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§28- Reports to legislature; law enforcement officers.
5 In the capacity as the State's chief law enforcement officer,
6 the attorney general shall ensure that any department or agency
7 of the State, unless otherwise provided by law, shall submit a
8 report to the legislature no later than twenty days prior to the
9 convening of each regular session, beginning with the regular
10 session of 2017. The report shall include the following
11 information relating to law enforcement officers who are issued
12 a badge and firearm and empowered by law to make arrests:

13 (1) Within the year immediately preceding the report,
14 identify:

15 (A) The number of officers terminated for cause and
16 the cause in each case;



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(B) The number of officers forced to resign and the reasons therefor; and

(C) The number of officers allegedly involved with conduct punishable as a crime, including:

(i) The status of the investigation, if an officer has not been charged with a crime as of the date of the report; provided that the report shall use an identifier of "I" for under investigation and "F" for final;

(ii) If a grievance has been filed against an officer as of the date of the report, the report shall use an identifier of "P" for grievance pending; and

(iii) If any grievance has been resolved through arbitration, the summary of findings if any of the arbitrator; provided that the report shall use an identifier of "A" for arbitration; and

(2) Identify any case involving any conduct of a sexual nature."



1 SECTION 2. Section 26-19, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§26-19 Department of transportation. (a) The department
4 of transportation shall be headed by a single executive to be
5 known as the director of transportation. The department shall
6 establish, maintain, and operate transportation facilities of
7 the State, including highways, airports, harbors, and such other
8 transportation facilities and activities as may be authorized by
9 law.

10 The department shall plan, develop, promote, and coordinate
11 various transportation systems management programs that shall
12 include, but not be limited to, alternate work and school hours
13 programs, bicycling programs, and ridesharing programs.

14 The department shall develop and promote ridesharing
15 programs which shall include but not be limited to, carpool and
16 vanpool programs, and may assist organizations interested in
17 promoting similar programs, arrange for contracts with private
18 organizations to manage and operate these programs, and assist
19 in the formulation of ridesharing arrangements. Ridesharing
20 programs include informal arrangements in which two or more
21 persons ride together in a motor vehicle.



1 The functions and authority heretofore exercised by the
2 department of public works with respect to highways are
3 transferred to the department of transportation established by
4 this chapter.

5 On July 1, 1961, the Hawaii aeronautics commission, the
6 board of harbor commissioners and the highway commission shall
7 be abolished and their remaining functions, duties, and powers
8 shall be transferred to the department of transportation.

9 (b) The department of transportation shall submit a report
10 to the legislature no later than twenty days prior to the
11 convening of each regular session, beginning with the regular
12 session of 2017. The report shall include the following
13 information relating to law enforcement officers with
14 responsibility for harbors and airport security under the
15 jurisdiction of the department:

16 (1) Within the year immediately preceding the report,
17 identify:

18 (A) The number of officers terminated for cause and
19 the cause in each case;

20 (B) The number of officers forced to resign and the
21 reasons therefor; and



1 (C) The number of officers allegedly involved with
2 conduct punishable as a crime, including:

3 (i) The status of the investigation, if an
4 officer has not been charged with a crime as
5 of the date of the report; provided that the
6 report shall use an identifier of "I" for
7 under investigation and "F" for final;

8 (ii) If a grievance has been filed against an
9 officer as of the date of the report, the
10 report shall use an identifier of "P" for
11 grievance pending; and

12 (iii) If any grievance has been resolved through
13 arbitration, the summary of findings if any
14 of the arbitrator; provided that the report
15 shall use an identifier of "A" for
16 arbitration; and

17 (2) Identify any case involving any conduct of a sexual
18 nature."

19 SECTION 3. Section 52D-3.5, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§52D-3.5 Reports to legislature. (a) The chief of each
2 county police department shall submit to the legislature no
3 later than January 31 of each year an annual report of
4 misconduct incidents that resulted in suspension or discharge of
5 a police officer. The reporting period of each report shall be
6 from January 1 to December 31 of the year immediately prior to
7 the year of the report submission.

8 (b) The report shall:

9 (1) Summarize the facts and the nature of the misconduct
10 for each incident;

11 (2) Specify the disciplinary action imposed for each
12 incident;

13 (3) Identify any other incident in the annual report
14 committed by the same police officer; [and]

15 (4) State whether the highest nonjudicial grievance
16 adjustment procedure timely invoked by the police
17 officer or the police officer's representative has
18 concluded:

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



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

(ii) Whether the county police department notified the respective county prosecuting attorney of the incident; or

(B) If the highest nonjudicial grievance adjustment procedure has not concluded, the report shall state the current stage of the nonjudicial grievance adjustment procedure as of the end of the reporting period[-]; and

(5) State number of officers forced to resign and the reasons therefor;

(6) Identify the number of officers allegedly involved with conduct punishable as a crime, including:

(A) The status of the investigation, if an officer has not been charged with a crime as of the date of the report; provided that the report shall use



1 an identifier of "I" for under investigation and
2 "F" for final;

3 (B) If a grievance has been filed against an officer
4 as of the date of the report, the report shall
5 use an identifier of "P" for grievance pending;
6 and

7 (C) If any grievance has been resolved through
8 arbitration as the highest nonjudicial grievance
9 adjustment procedure as provided in subsection
10 (f), the summary of findings, if any, of the
11 arbitrator; provided that the report shall use an
12 identifier of "A" for arbitration; and

13 (7) Identify any case involving any conduct of a sexual
14 nature.

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

- 18 (1) Malicious use of physical force;
19 (2) Mistreatment of prisoners;
20 (3) Use of drugs and narcotics; and
21 (4) Cowardice.



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

4 (e) For any misconduct incident reported pursuant to this
5 section and subject to subsection (b)(4)(B), the chief of each
6 county police department shall provide updated information in
7 each successive annual report, until the highest nonjudicial
8 grievance adjustment procedure timely invoked by the police
9 officer has concluded. In each successive annual report, the
10 updated information shall reference where the incident appeared
11 in the prior annual report. For any incident resolved without
12 disciplinary action after the conclusion of the nonjudicial
13 grievance adjustment procedure, the chief of each county police
14 department shall summarize the basis for not imposing
15 disciplinary action.

16 (f) For each misconduct incident reported in an annual
17 report, the chief of each county police department shall retain
18 the disciplinary records in accordance with the department's
19 record retention policy or for at least eighteen months after
20 the final annual report concerning that incident, whichever
21 period is longer."



SECTION 4. Section 171-3, Hawaii Revised Statutes, is amended to read as follows:

"§171-3 Department of land and natural resources. (a) The department of land and natural resources shall be headed by an executive board to be known as the board of land and natural resources. The department shall manage, administer, and exercise control over public lands, the water resources, ocean waters, navigable streams, coastal areas (excluding commercial harbor areas), and minerals and all other interests therein and exercise such powers of disposition thereof as may be authorized by law. The department shall also manage and administer the state parks, historical sites, forests, forest reserves, aquatic life, aquatic life sanctuaries, public fishing areas, boating, ocean recreation, coastal programs, wildlife, wildlife sanctuaries, game management areas, public hunting areas, natural area reserves, and other functions assigned by law.

(b) Notwithstanding subsection (a), beginning January 1, 2010, the authority to manage, administer, and exercise control over any public lands that are designated important agricultural lands pursuant to section 205-44.5, shall be transferred to the department of agriculture.



1 (c) The department of land and natural resources shall
2 submit a report to the legislature no later than twenty days
3 prior to the convening of each regular session, beginning with
4 the regular session of 2017. The report shall include the
5 following information relating to the law enforcement officers
6 under the jurisdiction of the department, including small boat
7 harbors and natural resources:

8 (1) Within the year immediately preceding the report
9 identify:

10 (A) The number of officers terminated for cause and
11 the cause in each case;

12 (B) The number of officers forced to resign and the
13 reasons therefor; and

14 (C) The number of officers allegedly involved with
15 conduct punishable as a crime, including:

16 (i) The status of the investigation, if an
17 officer has not been charged with a crime as
18 of the date of the report; provided that the
19 report shall use an identifier of "I" for
20 under investigation and "F" for final;



1 (ii) If a grievance has been filed against an
2 officer as of the date of the report, the
3 report shall use an identifier of "P" for
4 grievance pending; and

5 (iii) If any grievance has been resolved through
6 arbitration, the summary of findings if any
7 of the arbitrator; provided that the report
8 shall use an identifier of "A" for
9 arbitration; and

10 (2) Identify any case involving any conduct of a sexual
11 nature."

12 SECTION 5. Section 353C-2, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§353C-2 Director of public safety; powers and duties.

15 [+] (a) [+] The director of public safety shall administer the
16 public safety programs of the department of public safety and
17 shall be responsible for the formulation and implementation of
18 state goals and objectives for correctional and law enforcement
19 programs, including ensuring that correctional facilities and
20 correctional services meet the present and future needs of



1 persons committed to the correctional facilities. In the
2 administration of these programs, the director may:

- 3 (1) Preserve the public peace, prevent crime, detect and
4 arrest offenders against the law, protect the rights
5 of persons and property, and enforce and prevent
6 violation of all laws and administrative rules of the
7 State as the director deems to be necessary or
8 desirable or upon request, to assist other state
9 officers or agencies that have primary administrative
10 responsibility over specific subject matters or
11 programs;
- 12 (2) Train, equip, maintain, and supervise the force of
13 public safety officers, including law enforcement and
14 correctional personnel, and other employees of the
15 department;
- 16 (3) Serve process both in civil and criminal proceedings;
- 17 (4) Perform other duties as may be required by law;
- 18 (5) Adopt, pursuant to chapter 91, rules that are
19 necessary or desirable for the administration of
20 public safety programs; and



(6) Enter into contracts in behalf of the department and take all actions deemed necessary and appropriate for the proper and efficient administration of the department.

[+] (b) [+] ~~[The]~~ In addition to other reports required under this chapter, the department of public safety shall submit a report to the legislature [not] no later than twenty days prior to the [commencement of the 2008 regular session, and every session thereafter, with its] convening of each regular session.

The report shall include:

(1) Its achievements, continuing improvements, and ongoing problems in providing the appropriate mental health care to committed persons under its jurisdiction[-];

(2) With regard to the public safety officers under the jurisdiction of the department, within the year immediately preceding the report identify:

(A) The number of officers terminated for cause and the cause in each case;

(B) The number of officers forced to resign and the reasons therefor; and



1 (C) The number of officers allegedly involved with
2 conduct punishable as a crime, including:

3 (i) The status of the investigation, if an
4 officer has not been charged with a crime as
5 of the date of the report; provided that the
6 report shall use an identifier of "I" for
7 under investigation and "F" for final;

8 (ii) If a grievance has been filed against an
9 officer as of the date of the report, the
10 report shall use an identifier of "P" for
11 grievance pending; and

12 (iii) If any grievance has been resolved through
13 arbitration, the summary of findings, if
14 any, of the arbitrator; provided that the
15 report shall use an identifier of "A" for
16 arbitration; and

17 (3) For purposes of paragraph (2), information on any case
18 involving any conduct of a sexual nature."

19 SECTION 6. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



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1 SECTION 7. This Act shall take effect upon its approval.

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Report Title:

Law Enforcement Officers; Grievances; Reports to Legislature;
State Agencies; County Police Departments

Description:

Requires all state departments, state agencies, and county
policy departments employing law enforcement officers to report
annually to the legislature on specified information concerning
firings, forced resignations, alleged criminal activity,
grievances, and incidents of a sexual nature.

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not legislation or evidence of legislative intent.*

