

JAN 22 2016

A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

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

1 SECTION 1. The legislature finds that state and county law
2 enforcement officers are vital to the State's compelling duty to
3 protect the public. Because law enforcement officers bear such
4 a heavy responsibility, law enforcement agencies must carefully
5 screen applicants for officer positions. If the screening
6 process fails and untrustworthy individuals become law
7 enforcement officers, the public can be harmed and public trust
8 in law enforcement can deteriorate.

9 The legislature further finds that current screening
10 practices employed by state and county law enforcement agencies
11 are insufficient. The recent arrest of a law enforcement
12 officer on the island of Hawaii has highlighted the need for
13 transparency and accurate information in the hiring process for
14 officers. The arrested officer had been terminated by the
15 Honolulu police department for a previous incident but was
16 subsequently hired by a state law enforcement agency even after
17 the agency learned of the officer's prior termination. The



1 legislature finds that this incident demonstrates a clear need
2 for improvements to the screening process for prospective law
3 enforcement officers.

4 The legislature additionally finds that existing law
5 enforcement agency policies regarding personnel records
6 contribute to the lack of transparency, and create unnecessary
7 obstacles for future applicant screening. The rules of at least
8 one law enforcement agency require that disciplinary files be
9 shredded thirty months after an internal investigation is
10 started. The legislature finds that this rule and similar
11 policies create the potential to obfuscate a risk to the public,
12 and that action is required to ensure that vital information
13 will not be lost or undocumented in the future.

14 The purpose of this Act is to require the attorney general
15 to maintain a publicly accessible database of all state and
16 county law enforcement officers who are terminated or forced to
17 resign due to violations of the law or other misconduct.

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



1 "§28- Law enforcement officer termination database. (a)

2 There is established a law enforcement termination database, to
3 be implemented and maintained by the department of the attorney
4 general, of all state and county law enforcement officers who
5 have been terminated from their law enforcement positions. The
6 database shall include those law enforcement officers who were
7 forced to resign from their positions due to criminal activity,
8 improper behavior, or misconduct.

9 (b) The database shall include:

10 (1) The name of each law enforcement officer who was
11 terminated or forced to resign; and

12 (2) The reason each law enforcement officer was terminated
13 or forced to resign; provided that the information in
14 the database shall not be of such a nature so as to
15 disclose the identity of the individuals involved
16 except for the officer who was terminated.

17 (c) Information for the database shall be provided by each
18 state and county law enforcement agency, including:

19 (1) The police department of each county;

20 (2) The department of public safety;

21 (3) The department of transportation; and



(4) The department of land and natural resources division of conservation and resources enforcement.

(d) Each state and county law enforcement agency specified in subsection (c) shall report information specified in subsection (b) to the department of the attorney general within thirty days of an officer's termination or resignation.

(e) The database shall be online and accessible to the public through the Internet.

(f) If a judicial or nonjudicial appeals process allows a law enforcement officer to reclaim that officer's position, or allows that officer to be rehired, the officer's name and reason for termination shall be removed from the database.

(g) Where possible, law enforcement termination information from January 1, 2006, or later shall be included in the database."

SECTION 3. New statutory material is underscored.

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

INTRODUCED BY:

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S.B. NO. 2304

Report Title:

Law Enforcement Officer Termination Database; Attorney General;
County Police Departments; Department of Public Safety;
Department of Transportation; Department of Land and Natural
Resources

Description:

Requires the department of the attorney general to implement and maintain a public database of all law enforcement officers who have been terminated from their law enforcement positions, or forced to resign due to criminal activity, improper behavior, or misconduct. Requires the county police departments, the department of public safety, the department of transportation, and the department of land and natural resources to report all terminations or forced resignations of law enforcement officers to the attorney general within 30 days.

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