OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII NO. 1 CAPITOL DISTRICT BUILDING 250 SOUTH HOTEL STREET, SUITE 107 HONOLULU, HAWAII 96813

TELEPHONE: 808-586-1400 FAX: 808-586-1412

EMAIL: oip@hawaii.gov

To: House Committee on Judiciary

From: Cheryl Kakazu Park, Director

Date: February 26, 2019, 2:05 p.m.

State Capitol, Conference Room 325

Re: Testimony on H.B. No. 285, H.D. 1

Relating to Public Safety

Thank you for the opportunity to submit testimony on this bill. The Office of Information Practices ("OIP") supports this bill, which would amend the Uniform Information Practices Act ("UIPA"), chapter 92F, HRS, to limit a clause giving special treatment to information about police officers' misconduct. This proposal would treat information about an officer's suspension the same way as information about any other government employee's suspension, and would require police departments to identify officers receiving a suspension in their annual reports to the Legislature. To reach the same result with less confusing statutory language, OIP has recommended an amendment.

In section 92F-14(b)(4), HRS, the UIPA recognizes a government employee's significant privacy interest in information about possible misconduct, up to a point. While all other government employees' misconduct information becomes public if the misconduct resulted in suspension or termination, the current law gives police officers a special statutory privacy interest even in information about misconduct that resulted in suspension. This bill would no longer provide a special statutory privacy interest for an officer's suspension.

OIP notes as a technical matter, however, that because of the way this bill was originally written, the statutory language proposed by this bill has ended up more complicated than is necessary and could be simplified by taking out the police officer exception altogether, as under this bill the exception would no longer provide for any different treatment of misconduct information than what is set out for public employees in general.

The current law first sets out a general rule that suspension and termination information is not private, then an exception to that general rule for police officer misconduct information, and then an exception to that exception for police officer terminations. This bill would broaden the exception-to-the-exception to remove the privacy protection for police officer suspensions in addition to police officer terminations, which means that the exception-to-the-exception has now swallowed the original exception – in other words, there is no longer any reason to set out an exception at all, since this bill proposes to treat suspension or termination information regarding a county police department officer in the same way as the general rule provides for.

To simplify the proposed amendment and avoid confusion, OIP recommends that instead of the added language in bill page 5, line 10, "discharge <u>or suspension</u> of . . .," this Committee should amend this bill by entirely removing the exception for misconduct information about a county police department officer, so that the language at bill page 5, lines 8-11 would read as follows:

"decision; [provided that subparagraph (B) shall not apply to a county police department officer except in a case which results in the discharge of the officer;]"

House Committee on Judiciary February 26, 2019 Page 3 of 3

The UIPA amendment proposed by this bill would close the gap between treatment of law enforcement officers' misconduct information and that of other government employees, and provide a greater level of government accountability. OIP therefore supports this bill, with a recommended amendment to simplify the language and an effective date of upon approval.

Thank you for considering OIP's testimony and suggested amendment.

THE CIVIL BEAT LAW CENTER FOR THE PUBLIC INTEREST

700 Bishop Street, Suite 1701 Honolulu, HI 96813 Office: (808) 531-4000 Fax: (808) 380-3580 info@civilbeatlawcenter.org

House Committee on Judiciary Honorable Chris Lee, Chair Honorable Joy A. San Buenaventura, Vice Chair

RE: Testimony Supporting H.B. 285 H.D. 1, Relating to Public Safety Hearing: February 26, 2019 at 2:05 p.m.

Dear Chair and Members of the Committee:

My name is Brian Black. I am the Executive Director of the Civil Beat Law Center for the Public Interest, a nonprofit organization whose primary mission concerns solutions that promote government transparency. Thank you for the opportunity to submit testimony in support of H.B. 285 H.D. 1. The Law Center **strongly supports this bill because it will measurably increase public access to information about police discipline**.

In 2018, the Honolulu Police Department reinstated Sgt. Darren Cachola despite a 2014 video that captured him beating a women in a restaurant. HPD wanted to explain to the public why it was required to reinstate Sgt. Cachola, rather than terminate him. But SHOPO filed a lawsuit to stop HPD from telling the public why Sgt. Cachola is still a police officer.¹

That lawsuit is based on the language that this bill would fix. The case will tie up public access to the Cachola files for years. Unless the Legislature makes police officers like all other government employees, *every* record requested about a suspended police officer will be held up for years—regardless how strong the public interest.

In 2013, Honolulu Civil Beat filed a lawsuit to require access to records about suspended police officers who used malicious force, lied during investigations, falsified records, hindered a federal investigation, and committed hit and runs. Five years later, that request also is still in litigation.

HPD's most recent disciplinary report to the Legislature shows that other officers have been suspended (despite HPD's efforts to discharge them) for: (1) "slap[ing] and kick[ing] his girlfriend during an argument" (No. 16-040); (2) "a physical altercation with his ex-wife, causing numerous injuries . . . in the presence of a minor less than 14 years of age" (No. 16-049); (3) DUI and hit-and-run (No. 16-052); (4) DUI, hit-and-run,

¹ The Law Center represents Honolulu Civil Beat in that litigation, but submits this testimony on its own behalf.

House Committee on Judiciary February 26, 2019 Page 2

lying during an investigation, and falsifying records (No. 17-010); (5) stealing drug evidence and lying and/or falsifying records (No. 17-046); and (6) DUI (No. 18-008).

Bills to fix the issues with public access to records of suspended police officers have been introduced every year since 2015. After nearly 25 years, it is apparent that the reasons that the 1995 Legislature distinguished police officers from other government employees (because police officers might be suspended for minor offenses, such as failing to shine their shoes) are no longer legitimate concerns.

The long history of police discipline reflected in the annual legislative reports shows that suspended police officers have committed exceptionally troubling conduct. The public deserves clear and timely access to information about suspended police officers.

Thank you again for the opportunity to testify in support of H.B. 285 H.D. 1.



Holding Power Accountable

Common Cause Hawaii • 307A Kamani St. • Honolulu, HI 96813 • 808.275.6275

February 24, 2019

Testimony IN SUPPORT of HB 285 HD1 Relating to Public Safety

TO: Chair Chris Lee, Vice Chair Joy San Buenaventura and Members of the House Committee on the Judiciary

FROM: Barbara Polk, on behalf of the Board of Common Cause Hawaii

Major focuses of Common Cause Hawaii are transparency and accountability in government. For these reasons, we **strongly support HB 285** that would require the release of the names of police officers who have been suspended or dismissed.

It is very important for people to trust and respect police officers, but that is difficult to do when the public lacks information on the integrity of the police. The names of the people the police arrest are made public, as are disciplinary actions against other public employees. There is no reason to exempt the police.

Over the past few years, and especially recently, there have been many incidents that call into question the behavior of police and the willingness of the police department to call officers to account for their misdeeds. In some cases, it appears that criminal behavior is involved in suspensions or dismissals, but those crimes are not pursued. Better information would increase the respect for police and perhaps also make police officers more careful, if their misdeeds were to be reported publicly.

Please pass HB 285 HD1.



49 South Hotel Street, Room 314 | Honolulu, HI 96813 www.lwv-hawaii.com | 808.531.7448 | voters@lwv-hawaii.com

HOUSE COMMITTEE ON JUDICIARY

Tuesday, February 26, 2019, 2:05 PM, Conference Room 325 HB 285, HD 1, Relating to Public Safety

TESTIMONY

Douglas Meller, Legislative Committee, League of Women Voters of Hawaii

Chair Lee and Committee Members:

The League of Women Voters strongly supports HB 285, HD 1. This bill requires county police departments to disclose to the Legislature the identify of an officer upon that officer's suspension or discharge and amends UIPA to allow public disclosure of information about employment misconduct that results in the suspension of a police officer.

The League of Women Voters of Hawaii believes that UIPA should apply to suspensions of county police officers in exactly the same way that UIPA applies to all suspensions of other public employees. It should not be necessary to file a lawsuit and obtain a court order to compel disclosure of the identity of, and summary information about misconduct by, a county police officer who has been suspended but not discharged for **serious** misconduct.

Thank you for the opportunity to submit testimony.



Feb. 26, 2019

Rep. Chris Lee House Judiciary Committee State Capitol Honolulu, HI 96813

Re: HB 285, HD 1

Chairman Lee and Committee Members:

We support this bill, which would allow disclosure of the names of disciplined police officers in annual reports by the police departments to the Legislature and the public. This would put such officer discipline on a par with that of other disciplined public employees.

Such disclosure would help assure the public that the minority of bad officers will be held accountable. Its trust is important because of police responsibility due to their powers.

This seemed to be the case before the 1980s, when the Honolulu Police Commission would routinely list on agendas the names of officers to be disciplined under the Sunshine Law.

We hope the committee will help end years of secrecy about disciplined officers' identities.

Sincerely,

Stirling Morita

President, Hawaii Chapter SPJ

Ste marte





Committee: House Committee on Judiciary

Meeting Date/Time: Tuesday, February 26, 2019, 2:05 p.m.

Place: Conference Room 325

Re: Testimony of the ACLU of Hawai'i in support of H.B. 285, H.D. 1,

Relating to Public Safety

Dear Chair Lee, Vice Chair San Buenaventura, and Committee Members:

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") writes in support of H.B. 285, H.D. 1, which requires county police departments to disclose the identity of police officers upon the officer's suspension or discharge.

Police transparency and accountability are not only necessary to public trust in the police but they are also integral to public safety and the protection of civil rights and liberties. Presently, obtaining the disciplinary records of county police officers often requires protracted and costly litigation with potentially uncertain results. See Peer News LLC v. City & County of Honolulu, 376 P.3d 1 (Haw. 2016) (holding that under current law, "[d]isclosure of the [county police disciplinary] records is appropriate only when the public interest in access to the records outweighs [the] privacy interest [of the police officer].").

This bill seeks to treat county police officers on equal terms as other government employees, whose disciplinary records are more readily available to the public. See H.R.S. § 92F-14(b)(4)(B)(v) (treating disciplinary actions, except discharge, taken against "a county police department officer" differently from all other government employees for purposes of public records law). The current unequal treatment of county police officers makes little sense, because—given the extraordinary responsibility delegated to the police—the public interest in access to their disciplinary records is much stronger than that for most other government employees.

Consequently, w urge the Committee to support H.B. 285, H.D. 1. Thank you for the opportunity to testify.

Mandy Fernandes Policy Director

ACLU of Hawai'i

The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for 50 years.

> American Civil Liberties Union of Hawai'i P.O. Box 3410 Honolulu, Hawai'i 96801

T: (808) 522-5900 F: (808) 522-5909

E: office@acluhawaii.org www.acluhawaii.org



HB-285-HD-1

Submitted on: 2/26/2019 8:46:02 AM Testimony for JUD on 2/26/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sara Steiner	myself and Laulima Pahoa	Support	No

Comments:

Dearest Hawaii Legislators:

The Drug War has militarized our police. The federal government gives them equipment and special drug war training, grants and matching funds to focus on drugs to the detriment of all other crimes. Police, Prosecutors and the Attorney General keep proceeds of administrative forfeitures they perform without oversite or even audits and focus as high priority on drugs and traffic stings because they pay.

Hawaii police are trained to see the public as enemy combatents and our police are allowed to use deadly force anytime they feel "threatened". Not even the US military troops overseas are allowed to use deadly force against the enemy UNLESS THEY ARE BEING ATTACKED.

I can imagine if you get rid of federal matching funds and grants and unconstitutional administrative forfeitures, which take our police away from answering 911 from the general public, the police department will naturally go back to their mission statement of "protecting and serving".

Until then, I support HB285SD1 as a small improvement for transparancy.

Sincerely,

Sara Steiner





PRESIDENT Malcolm Lutu

VICE PRESIDENT Robert Cavaco

TREASURER
James "Kimo" Smith

SECRETARY
Don Faumuina

John Haina
David "Kawika" Hallums
Jason Boquer-Wintjen

HONOLULU CHAPTER CHAIR Nicholas Schlapak

HAWAI'I CHAPTER CHAIR Todd Pataray

KAUA'I CHAPTER CHAIR Christopher Calio

MAUI CHAPTER CHAIR Mark Vickers

Main Office & Honolulu Chapter 1717 Hos Street

Honolulu, Hawaii 96819-3125 Ph: (808) 847-4676 "84 SHOPO" (800) 590-4676 Toll Free Fax: (808) 841-4818

Hawai'i Chapter Office 688 Kino'ole Street, Room 220 B Hilo, Hawai'i 96720

Ph: (808) 934-8405 Fax: (808) 934-8210

Maui Chapter Office 1887 Will Pa Loop, Suite #2 Walluku, Hawai'i 96793 Ph: (808) 242-6129 Fax: (808) 242-9519

Kaua'i Chapter Office 4264 Rice Street, Lihue Mailing Address: P.O. Box 1708 Lihue, Hawai'i 96766 Ph: (808) 246-8911 February 26, 2019

U.S. MAIL/FAX: 808-586-9456

LATE TESTIMONY

The Honorable Chris Lee, Chair
The Honorable Joy A. San Buenaventura, Vice-Chair
House Committee on Judiciary
Hawaii State Capitol, Room 302
415 South Beretania Street
Honolulu, HI 96813

Re: HB285 HD1-Relating to Public Safety

Dear Chair Lee and Vice-Chair San Buenaventura:

I write to you on behalf of the State of Hawaii Organization of Police Officers ("SHOPO") in strong opposition to HB285 HD1 which relates to amending HRS §52D-3.5 and HRS §92F-14 to wipe out the current privacy protections afforded police officers who have taken on the very dangerous task of protecting you and your constituents in our community.

As you may be aware, over the last 9 months there have multiple incidents reported in the media involving officer related shootings. This includes the July 17, 2018 murder of one of our officers, 10-year veteran police officer Bronson Kaliloa, who was fatally shot by a suspect in Representative San Buenaventura's district. Officer Kaliloa left behind a family including his three young children and his wife. You may also recall that when the officers located Officer Kaliloa's killer several days later, a shoot-out erupted, and another officer was wounded by the gun fire and the murder suspect died. Officer Kaliloa's fatality started as a traffic stop.

On June 1, 2018, Honolulu Police Department ("HPD") officers responded to a call where they were confronted by a suspect wielding a large knife. The suspect lunged at one of the officers forcing the officers to respond with lethal force which killed the suspect. HPD Police Chief Susan Ballard was quoting as saying, "Anytime an officer pulls their weapon and kills somebody, it's not a decision that's made lightly. We want the public to be confident in the fact that our officers are doing the right thing."

On June 24, 2018, officers fatally shot a suspect after the suspect attacked and stabbed a police dog.

The Honorable Chris Lee, Chair
The Honorable Joy A. San Buenaventura, Vice-Chair
House Committee on Judiciary
February 26, 2019
Page 2
Re: HB285 HD1-Relating to Public Safety

On July 26, 2019, a convicted falon anned with a covered off

On July 26, 2018, a convicted felon armed with a sawed-off shotgun was shot by officers during a standoff in Nanakuli after he pointed his gun at the officers. One of our officers was shot along with one of our police dogs.

On September 21, 2018, our Honolulu police officers were involved in another fatal shooting while executing a search warrant. Following that incident, Chief Ballad was quoted as follows:

You know when drugs are involved obviously like this one, there's a high risk or a high incidence of a possibility of weapons it is unfortunate. It's just the environment we're in now and we are seeing more firearms being involved and it's not something the officers can take lightly. Otherwise they may end up losing their lives as well.

On September 27, 2018, Honolulu police officers responded to a theft case when they were confronted and threatened by a man wielding a 7-inch knife. Officers initially used their tasers to try and stop the suspect but were forced to use their firearms when the tasers proved ineffective. The suspect died.

On October 8, 2018, a Honolulu police officer was attacked by a man with a machete who struck the officer's chest. A responding officer discharged their firearm killing the suspect.

On October 12, 2018, Big Island police officers were forced to use lethal force against a suspect who used her vehicle to repeatedly ram a police vehicle and knocked an officer out of his vehicle. The suspect died.

On November 27, 2018, Big Island officers were confronted by a suspect who stabbed himself with a knife and then pointed a rifle at the officers who responded to the scene. He refused to drop the rifle and the officers discharged their weapons which sadly ended the suspect's life.

On December 11, 2018, while on another traffic stop our Big Island officers were confronted by a female suspect who aimed a gun at the officers and refused to put it down. The officers were again forced to respond with deadly force and the suspect was killed.

On January 29, 2019, a suspect with an extensive criminal record attempted to run over an officer and was shot. The suspect died, and cocaine was reportedly found in his vehicle.

Re: HB285 HD1-Relating to Public Safety

Last week, law enforcement officers experienced three shootings in a span of four days. On February 18, 2019, a Deputy Sheriff was reported to have shot and killed a man who attacked the officer at the State Capitol. On February 20, 2019, Honolulu police officers encountered a theft suspect who rammed several vehicles while trying to escape. Shots were fired and the driver was killed. On February 21, 2019, a suspect who pulled a gun on our Honolulu officers was shot after he was found in connection with a shooting that occurred earlier in Kakaako.

You may also recall that in March 2015 several of our Honolulu officers were confronted with a non-compliant suspect who was suspected to be high on drugs with meth in his system. The suspect was in the middle of a main thorough fare on South King Street near Iolani Palace and refused to listen to the officers' requests to move to the sidewalk. It was reported that the responding officers initially used their pepper spray in an attempt to quell the situation without having to use physical force, but the suspect did not comply, and the spray apparently had no effect on the suspect. An officer deployed a taser to stop the suspect. The suspect unfortunately passed away and the Medical Examiner ruled the suspect's death was a homicide. Although the incident occurred in 2015, the Ninth Circuit Court of Appeals ruled last year (July 2018) that the officer's use of the taser was unconstitutional and constituted excessive force. The Court further questioned the propriety of the officers' use of pepper spray during the incident. Although the officers followed their training and the department's use of force policy, the court disagreed with the degree of force used. The City and County of Honolulu will be appealing the decision as they believe our officers acted properly and reportedly view the recent ruling as an "affront to law enforcement." What this case illustrates is that while our officers may follow their training and the policies they are required to adhere to, they may still be adjudged to have engaged in wrongful conduct and be subjected to disciplinary action.

These are just a sample of the volatile and extremely dangerous situations our officers face every day while on the job protecting our citizens. These are dynamic and highly charged situations that require split second decisions. While we rely on our training to make the correct split-second decisions, we are human and are the first to admit we are by no means perfect.

One stated purpose of disclosing a suspended officer's name is to make our officers and the police departments more accountable. Relative to the extreme dangers of the jobs, officers can and are suspended for relatively minor offenses such as being late to work, turning in a late report, losing equipment or being involved in a minor car accident. Disclosing the name of a suspended police officer as HB285 seeks to do will not hold an officer more responsible for any errors, mistakes or wrongdoings he/she commits. Publicly disclosing an officers' name adds absolutely nothing to the multi-layered disciplinary procedures and protocols that are already in place which holds each and every officer responsible for his/her actions. What HB285 will promote is the selling of newspapers, shaming our officers' families and discouraging new recruits from joining the department.

Re: HB285 HD1-Relating to Public Safety

Currently, any officer accused of committing a criminal wrongdoing is fully investigated by the Chief of Police through an Internal Affairs division which is much more extensive than an ordinary citizen accused of wrongdoing is subjected to. The accused officer is investigated twice by the department both criminally and administratively and the entire investigation is required to be documented and forwarded to the Chief of Police for his/her review and disciplinary decision. The Chief of Police is vested with the ultimate authority to discipline an officer and in our experience, the Chiefs do not hesitate to exercise that authority as they feel is appropriate. In addition, the criminal investigation is forwarded to the prosecutor's office for their review and action. Each county also has a police commission that has the authority and power to conduct their own investigations and is another forum where citizens can file complaints against an officer. The police commission employs their own investigators who independently investigate the complaints they receive. Furthermore, if a Chief believes the matter involves an alleged violation of an individual's civil rights, the appropriate federal agency including the FBI can intervene to conduct their own review and investigation which recently happened in a Honolulu case that was reported last year. There is also the State Attorney General's office and County Prosecutors that have their own investigators who can investigate an officer's actions and can bring charges against an officer who has engaged in unlawful conduct. Thus, there already exists a comprehensive investigative and disciplinary system in place that holds our officers fully accountable and responsible for their actions. Even if an officer believed in good faith that their actions were correct at the time they occurred such as in the March 2015 incident, they nonetheless can and will been held accountable for their actions.

If a police chief is not properly investigating or effectively disciplining their officers, they will be held accountable by their respective police commissions which are comprised of members of the public. Currently, we have not heard any complaints or calls to oust any of the current police chiefs for not properly discharging their duties. Based on recent statistics from the Honolulu Police Department's annual reports, HPD experiences approximately 8 police commission complaints per 100,000 calls for service. That is a record any department and community would be proud of, especially when public contact is daily and constant and often involves dangerous, highly confrontational and stressful situations with people in a highly emotional state of mind.

The argument that the HB285 will facilitate transparency also rings hollow when each police department is already required to provide annual detailed reports to the legislature for each and every officer who has been suspended or discharged during the year. When the legislature amended HRS §52D-3.5 in 2014 to expand the scope of information to be disclosed in the annual reports, it stated that the amendment "balances the concern over the public's right to know with the considerations involved in ensuring and maintaining an effective system of law enforcement in the State." These annual reports are required to disclose factual information about the

¹ The Detectives assigned to internal affairs (aka Professional Standards Office) are excluded SHOPO members.

Re:

HB285 HD1-Relating to Public Safety

underlying incident, the specific type of discipline imposed for each incident, identify any other incident committed by the same police officer in the report, whether the incident concerned conduct punishable as a crime including the department's findings of fact and conclusions of law, whether the prosecuting attorney was notified of the incident, the number of officers suspended and discharged and whether the officers were involved in the malicious use of physical force, mistreatment of a prisoner, use of drugs/narcotics or cowardice. For any incident resolved without disciplinary action after a grievance adjustment procedure, the Chief must explain the basis for not imposing disciplinary action. Again, disclosing a suspended officer's name does not make an officer more accountable or responsible for his/her actions because they are already held fully accountable by the police chiefs, police commissions and the various county, state and federal agencies.² How disclosing a suspended officer's name changes things has not been explained by anyone supporting this bill.

We are currently experiencing a shortage of police officers that leave many neighborhoods understaffed because we do not have a sufficient number of police officers to patrol and protect the community. Recruiting officers is becoming much more difficult with mainland police departments coming to Hawaii in a brazen attempt to hire away our officers to their towns. With greater financial incentives to offer that our departments cannot match, officers have left for greener and more affordable pastures.

Chief Ballard publicly stated in April 2018 that HPD was suffering a shortage of 257 police officers and that it will take years to fill the gaps. This crisis is compounded by the recent attempts by the Seattle and San Jose police departments to lure away our officers with offers of higher pay and bonuses. Seattle alone is offering a \$15,000 "bonus" to join their department and is utilizing a mobile billboard in Honolulu to promote their recruitment drive. Moreover, given the shortage of police officers, Chief Ballard announced that property crimes will have to wait to be investigated while HPD prioritized more serious and violent crimes. She explained that the victims of other non-violent crimes will be getting letters from HPD saying the department does not have the resources to pursue their matter without new information. As you know, new information cannot be developed unless the case is actively being investigated so that leaves the case dead in the water. That means if your house gets broken into and your privacy is violated, your case will not be pursued right away, if at all, given the shortage of officers. While that may be acceptable to some people, it is certainly NOT acceptable to SHOPO and its members who know that public safety is ultimately compromised by a lack of police officers patrolling your neighborhood.

² When county prosecutors believe there is sufficient evidence to charge or proceed against an officer for alleged criminal conduction, they file documents in court that names that officer which are available to the public. Likewise, if a person files a civil suit against an officer, those court documents including the officer's names are available at the courts.

Re: HB285 HD1-Relating to Public Safety

A law enforcement job is not like every other job. It is a unique job that is uniquely dangerous. No other job requires a person to carry a gun every day when they leave their families and go off to work which reflects on the dangers associated with being a police officer. Those of us that have chosen to serve as police officers have accepted the risks and dangers that are inherent with our jobs, especially in the current climate of ice addicts who are unpredictable, irrational and willing to kill. Rather than discouraging new officers from joining the police department, we should be doing everything we can to support and encourage new officers to join our depleted ranks. At the end, our job is to protect and serve you, but we cannot effectively serve if we do not have enough officers protecting our island communities of over a million residents with Honolulu alone carrying over 900,000 residents.

Disclosing the names of suspended officers is an effective way to sell papers at the expense of our hard-working officers who lay their lives on the line. While we fully appreciate, and respect transparency and our officers accept the risks of the job, heeding to Civil Beat's self-interests does not help anyone but Civil Beat. The Civil Beat appears to have its own personal law office whose "Executive Director" is a lawyer named Brian Black who seems preoccupied with filing lawsuits to obtain information about our police officers. While Mr. Black complains about the need to have an officer's name, his testimony in support of this bill identified an officer by name so he apparently already has access to names.

Last, the proposed changes to HRS §§52D-3.5 and 92F-14 are inconsistent. The proposed amendment to HRS 52D-3.5 would require the disclosure of an officer's name "upon" suspension or discharge and <u>before</u> the grievance procedure has been exhausted. If the grievance is later sustained in favor of the officer and the Chief is found to have acted improperly, the disciplinary action could be reversed but the current proposed amendment would have already required the release of the officer's name. On the other hand, HRS §92F-14 does not permit disclosure of an officer's name until the grievance process has been exhausted. This inconsistency highlights what appears to be the undermining of an officer's due process and collective bargaining rights.

Unless the legislature strongly feels the respective county police chiefs and police commissions are not doing their jobs to acceptable standards, disclosing a suspended officer's name will not make an officer any more accountable for his/her actions than already exists. We thank you for allowing us to be heard on this very important issue and respectfully hope your committee does not support this bill.

Respectfully submitted,

MALCOLM LUTU

President

HB-285-HD-1

Submitted on: 2/26/2019 8:42:03 AM

Testimony for JUD on 2/26/2019 2:05:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Wendy Arbeit	Individual	Support	No

Comments:

Please support HB285, which will promote public safety, accountability, and transparency by closing the loophole for police that allows them to avoid proper scrutiny when involved in misconduct. Our open records law must apply to all public employees.

Wendy Arbeit

Makiki, Oʻahu



<u>HB-285-HD-1</u> Submitted on: 2/26/2019 9:34:21 AM

Testimony for JUD on 2/26/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ann Strong	Individual	Support	No

Comments:



<u>HB-285-HD-1</u> Submitted on: 2/26/2019 2:18:42 PM Testimony for JUD on 2/26/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tadia Rice	Individual	Support	No

Comments: