

STAND. COM. REP. NO.

**627**

Honolulu, Hawaii

**MAR 03**, 1995

RE: S.B. No. 171

S.D. 1

95 MAR -7 P2:21

RECEIVED  
OFC INFORM PRACTICES

Honorable Norman Mizuguchi  
President of the Senate  
Eighteenth State Legislature  
Regular Session of 1995  
State of Hawaii

Sir:

Your Committees on Judiciary and Agriculture, Labor, and  
Employment, to which was referred S.B. No. 171 entitled:

"A BILL FOR AN ACT RELATING TO UNIFORM INFORMATION  
PRACTICES,"

begs leave to report as follows:

The purpose of the bill, as originally received, is to  
exclude from required disclosure under the government records  
law, information pertaining to police department personnel  
misconduct.

Your Committees find that police officers perform an  
important and highly specialized form of public service. The  
duties they carry out are unlike those performed by any other  
public servant. The nature of law enforcement work is extremely  
dangerous; it is often physical, invariably stressful, and highly  
confrontational; and the problems and situations encountered by  
police officers on a daily basis are difficult for individuals  
other than police officers to fully appreciate. Nonetheless,  
officers must fulfill the difficult responsibilities required of  
them by the public in a way that fosters trust, confidence, and  
respect toward the institution.

Because of the level of public trust that must be maintained  
by officers of the law, the issue of public disclosure of police

department personnel misconduct is a controversial issue. Incidents of police misconduct are appropriately addressed internally, and most often officers committing acts of misconduct are either routinely disciplined to the fullest extent of departmental rules and the law or referred to the prosecuting authorities for criminal prosecution.

Your Committees therefore start from the premise that because police work is unlike any other, because their standards of discipline are much stricter and because their contact with the public is daily and constant, police officers should be treated differently than all other public employees.

Your Committees find that in the egregious cases of police misconduct, which hopefully will not be many, criminal charges will be brought against the offending officer.

Your Committees recognize that there may be some serious cases of police misconduct which will not rise to the level of criminal conduct, and it is this group of cases that posed the greatest challenge to the committees.


While requiring public disclosure of the names of those officers discharged, your Committees wish to exercise oversight over those cases involving officers suspended by requiring the chiefs of police to submit on an annual basis the number of officers suspended under the Class A standards of conduct for each county police department. Should the number of cases involving malicious use of physical force and mistreatment of prisoners particularly, increase to the point of concern by the legislature, a new policy on police misconduct will likely be developed.

To address some of the concerns expressed in testimony, your Committees have amended this bill by extending the applicability of the disclosure requirement to acts of police misconduct which result in the discharge of an officer. Your Committees have further amended this bill by directing the chief of each county police department to submit an annual report to the legislature containing information on the number of police officers suspended or discharged by the department over the year. Your Committees find that this bill, as amended, 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.

As affirmed by the record of votes of the members of your Committees on Judiciary and Agriculture, Labor, and Employment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 171, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 171, S.D. 1, and be placed on the calendar for Third Reading.


Respectfully submitted on  
behalf of the members of the  
Committees on Judiciary and  
Agriculture, Labor, and  
Employment,

  
\_\_\_\_\_  
BRIAN KANNO, Chair

  
\_\_\_\_\_  
REY GRAULTY, Chair


State of Hawaii  
The Senate  
The Eighteenth Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: <div style="text-align: center;">SB 171</div>		Date: <div style="text-align: center;">2/27/93 pm</div>		
Committee Referral: <div style="text-align: center;">JDC/AGL</div>		<input type="checkbox"/> The committee is reconsidering its previous decision on this measure.		
The recommendation is to : <div style="display: flex; justify-content: space-around;"><div><input type="checkbox"/> Pass, unamended <input type="checkbox"/> Hold</div><div><input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Recommend</div></div>				
Code	JDC Members	Ayes	Noes	Excused
107	GRAULTY, Roy (C)	X		
119	MCCARTNEY, Mike (VC)	X		
104	CHUMBLEY, Avery	X		
117	MATSUNAGA, Matt		X	
116	MATSUURA, Richard	X		
122	TAM, Rod	X		
101	ANDERSON, Whitney	X		
TOTAL		6	1	0
The measure is: <div style="display: flex; justify-content: space-around;"><div><input checked="" type="checkbox"/> Passed, unamended <input type="checkbox"/> Recommended <input type="checkbox"/> Held</div><div><input checked="" type="checkbox"/> Passed, with amendments</div></div> <p style="margin-top: 5px;">If joint referral, _____ did not support recommendation. committee decision(s)</p>				
Chair's or designee's signature: <div style="text-align: center; font-size: 1.2em;"></div>				
Distribution: <input type="checkbox"/> If passed, attach to Committee Report <input type="checkbox"/> Clerk's Office				

State of Hawaii  
The Senate  
The Eighteenth Legislature

Record of Votes of the Committee on Agriculture, Labor & Employment

Bill/Resolution No.: <b>SB171</b>		Date:			
Committee Referral: <b>JDC/AGL</b>		<input type="checkbox"/> The committee is reconsidering its previous decision on this measure.			
The recommendation is to :		<input type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Recommit			
Code	AGL Member	Ayes	Ayes (WR)	Nays	Excused
113	KABINO, Brian (C)	✓			
124	TANIGUCHI, Brian (VC)	✓			
102	BAKER, Rosalyn	✓			
121	SOLOMON, Malama				✓
101	ANDERSON, Whitney	✓			
TOTAL					
The measure is:		<input type="checkbox"/> Passed, unamended <input checked="" type="checkbox"/> Passed, with amendments <input type="checkbox"/> Recommitted			
<input type="checkbox"/> Held		If joint referral, _____ did not support recommendation. <small>committee acronym</small>			
Chair's or designee's signature: 					
Distribution: <input type="checkbox"/> If passed, attach to Committee Report <input type="checkbox"/> Clerk's Office					