

THE CIVIL BEAT
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House Committee on Labor & Public Employment
Honorable Aaron Ling Johanson, Chair
Honorable Stacelynn K.M. Eli, Vice Chair

RE: Testimony Supporting H.B. 285, Relating to Public Safety

Hearing: February 12, 2019 at 9:20 a.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. 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.

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.