CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAI'I

FILED
FEB 17 2024
PURSUANT TO ROH Sec. 1-2.5

No. 22-30

RESOLUTION

INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973 (AMENDED 2017 EDITION), AS AMENDED, RELATING TO THE POLICE DEPARTMENT AND THE CHIEF OF POLICE.

WHEREAS, Section 6-1603 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Charter"), establishes the position and qualifications of the Chief of Police ("Chief") of the City and County of Honolulu ("City"); and

WHEREAS, Charter Section 6-1604 sets forth the powers, duties, and functions of the Chief; and

WHEREAS, Charter Sections 6-1603.1 and 6-1603.2 require the Police Commission ("Commission") to appoint the Chief to serve at the pleasure of the Commission for a term of five years; provided that the Commission may remove or suspend the Chief at any time for any reason, prior to the expiration of the five-year term; and

WHEREAS, the Council is aware that the Commission is currently in the midst of searching for a new Chief; and

WHEREAS, the Council believes there are certain qualities, characteristics, and training that any qualified candidate being considered for the position of Chief should possess, and likewise there are certain qualities, characteristics, and backgrounds that should disqualify a candidate from being selected as the Chief; and

WHEREAS, the Council also believes that best practices in modern day policing continue to evolve, and there are certain duties and functions of the Chief that should be explicitly stated and are reasonably expected by the general public; and

WHEREAS, the Council holds that the Chief should consult with the Commission, as representative of the greater civilian community, regarding the adoption and promulgation of the rules and regulations of the Honolulu Police Department, and the periodic review thereof, and should be responsive to the various inquiries of the Commission; now, therefore,

RESOLUTION

BE IT RESOLVED by the Council of the City and County of Honolulu:

1. That the following question be placed on the 2022 general election ballot:

"Shall the Revised City Charter be amended to:

1. Amend the Statement of Policy for the Police Department to:

    a. Add accountability, transparency, and public service to the bases for the system of law enforcement in the City and County of Honolulu;

    b. Add integrity and empathy to the standards of police recruitment; and

    c. Add the following principles for the Department:

        1) Annual training designed to inform police officers of modern methods of policing that protect the officers' safety and improve police-community relations; and

        2) Community engagement based on open and honest communication with the people of the City through regular public updates;

2. Require the Chief of Police to have the following additional qualifications:

    a. No conviction for any crime that includes an element of assault, domestic abuse, sexual misconduct, corruption, dishonesty, or falsification;

    b. No history of discriminatory bias;

    c. A bachelor's degree from an accredited college or university;

    d. A demonstrated commitment to professional development and modern standards of police conduct;

    e. Training in de-escalation and mental health awareness in law enforcement; and

    f. Experience in strategic planning and management; and

3. Require the Chief of Police to:

   a. Consult with the Police Commission regarding rules and regulations necessary for the organization and internal administration of the police department, and the periodic review thereof; and

   b. Cooperate with all inquiries from the Police Commission?"

2. That Section 6-1602 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended to read as follows:

"Section 6-1602. Statement of Policy –

[~~It is hereby declared to be the~~] The purpose of this chapter of the charter is to establish in the city a system of law enforcement [~~which shall be~~] based on accountability, transparency, public service, and due regard for the constitutional rights of all persons, which [~~shall promote~~] promotes the highest possible degree of mutual respect between law enforcement officers and the people of the city, and which [~~shall provide~~] provides for the expeditious apprehension of those who violate the law. In order that these purposes may be achieved, the police department shall be conducted in accordance with the following principles:

(a) Standards of recruitment shall be designed to attract into the service persons with high degrees of education, intelligence, integrity, empathy, and personal stability.

(b) Promotions shall be based upon fair standards of merit and ability, which shall include peacekeeping and law enforcement criteria.

(c) Grievance procedures for the people and police officers of the city shall be based on due regard for their constitutional rights.

(d) Annual training shall be designed to inform officers of modern methods of policing that protect the safety of the officers and improve police-community relations, including de-escalation of conflict situations, non-discriminatory law enforcement, mental health awareness, and best practices for community interaction in non-conflict situations.

(e) Community engagement shall be based on open and honest communication with the people of the city through regular public updates on the policies and activities of the police department."

RESOLUTION

3. That Section 6-1603 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Chief of Police –"), be amended by amending subsection 1 to read as follows:

"1. The chief of police shall be appointed by the police commission for a term of five years. The chief shall serve at the pleasure of the police commission and shall not attain any property interest in the position of chief of police. The police commission may remove or suspend the chief of police at any time prior to the expiration of the [~~five-year~~] five-year appointment. The chief [~~shall have had~~] must have the following qualifications:

(a) [a] A minimum of five years of [~~training and~~] experience in law enforcement work, at least three years of which shall have been in a responsible administrative capacity[~~.~~];

(b) No conviction for any crime that includes an element of assault, domestic abuse, sexual misconduct, corruption, dishonesty, or falsification;

(c) No history of discriminatory bias;

(d) A bachelor's degree from an accredited college or university;

(e) A demonstrated commitment to professional development and modern standards of police conduct;

(f) Training in de-escalation of conflict situations and mental health awareness in law enforcement; and

(g) Experience in strategic planning and management.

The chief shall not serve beyond the expiration of a term unless appointed again by the police commission. If desiring to do so, the police commission may appoint an incumbent chief to a new term without first engaging in an applicant solicitation and selection process."

RESOLUTION

4. That Section 6-1604 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended to read as follows:

"**Section 6-1604. Powers, Duties and Functions <u>of Chief of Police</u>** –

The chief of police shall:

(a) Be responsible for the preservation of the public peace; the protection of the rights of persons and property; the prevention of crime; the detection and arrest of offenders against the law and the enforcement and prevention of violations of all laws of the state and city ordinances and all rules and regulations made in accordance therewith.

(b) Train, equip, maintain and supervise the force of police officers.

(c) Serve process and notices both in civil and criminal proceedings.

(d) Promulgate rules and regulations necessary for the organization and internal administration of the department[~~.~~], <u>and review the rules and regulations at least every five years, all in consultation with the police commission.</u>

(e) Prepare and, when deemed necessary, update a five-year plan of goals and objectives for the police department. The chief shall submit the plan and each update to the commission for review and recommendations.

(f) Appoint the deputy chiefs of police. A deputy chief shall have the right of reinstatement to a previously occupied civil service position in the police department when<u>:</u>

(1) [~~the~~] <u>The</u> deputy chief had held a permanent appointment to the position immediately before appointment to the office of deputy chief; and

(2) [~~the~~] <u>The</u> deputy chief's tenure in the office has not been terminated for cause.

If exercising the right <u>of reinstatement</u>, the deputy chief shall be reinstated, without necessity of examination, to the former civil service position immediately following termination of tenure as deputy chief.

(g) Cooperate with all inquiries from the police commission.

(h) Perform such other duties as may be required by this charter or by law."

5. That Article XVI of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended by adding a new section to be appropriately designated by the Revisor of the Charter and to read as follows:

"**Section 16- . Transition Provisions Concerning the Qualifications of the Chief of Police –**

The chief of police holding office on December 31, 2022, if any, shall continue to serve for the remainder of the chief's term and any reappointment, notwithstanding the 2022 amendments made to Section 6-1603, unless:

(a) The police commission thereafter removes the chief of police pursuant to Section 6-1603; or

(b) The chief otherwise vacates the office.

Upon the office becoming vacant, it shall be filled in accordance with Section 6-1603."

6. That in Sections 2, 3, 4, and 5, Charter material to be repealed is bracketed and stricken and new Charter material is underscored. When revising, compiling, or printing these Charter provisions for inclusion in the Revised Charter of the City and County of Honolulu 1973, the Revisor of the Charter need not include the brackets, the material that has been bracketed and stricken, or the underscoring.

7. That if these Charter provisions are amended by any other Charter amendment(s) approved by the voters at the 2022 general election, the Revisor of the Charter, in revising, compiling, or printing the Revised Charter:

a. May designate or redesignate articles, chapters, sections, or parts of sections, and rearrange references thereto;

b. Shall, except as otherwise expressly provided in this resolution or in the other resolution(s) amending these Charter provisions, give effect, to the extent possible, to all of the amendments approved; and

The Revisor of the Charter also may change capitalization or the forms of numbers and monetary sums for the sake of uniformity.

RESOLUTION

8. That upon adoption of this resolution by the Council, the City Clerk be and is hereby directed:

   a. To prepare the necessary ballots with the question contained in this resolution and with spaces for "yes" and "no" votes on the question for presentation to the voters at the 2022 general election. The City Clerk may make technical and nonsubstantive changes to the form of the question presented in order to conform it to the form of other Charter amendment questions presented to the voters at the same election; and

   b. To publish the above-proposed Charter amendments at length in a daily newspaper of general circulation in the City and County of Honolulu at least 45 days prior to their submission to the voters at the 2022 general election.

9. That upon approval of the Charter amendment question posed in this resolution by a majority of the voters voting thereon, as duly certified, the Charter amendments proposed in this resolution shall take effect on January 1, 2023.

INTRODUCED BY:

DATE OF INTRODUCTION:

FEB 17 2022
Honolulu, Hawai'i

Councilmembers

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PURSUANT TO ROH Sec. 1-2.5