

SUMMARY OF PROPOSED COMMITTEE DRAFT:

**RESOLUTION 22-29
INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND
COUNTY OF HONOLULU 1973 (AMENDED 2017 EDITION), AS AMENDED,
RELATING TO THE POLICE COMMISSION AND ITS MEMBERSHIP.**

The PROPOSED CD1 makes the following amendments:

- A. Amends the revision to Charter Section 6-1605.1 in Section 2 of the BE IT RESOLVED clause by deleting proposed new paragraphs (a) and (d) of the newly numbered subsection 1, respectively requiring the Commission's membership to include "a former employee of a law enforcement entity" and an "attorney with an active license to practice before the courts of the State of Hawaii."
- B. Conforms the proposed question to be placed on the 2022 general election ballot in Section 1 of the BE IT RESOLVED clause, to remove reference to the deleted paragraphs (1)(a) and (1)(d), noted above.
- C. Makes miscellaneous technical and nonsubstantive amendments.



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. **22-29, CD1**

PROPOSED

RESOLUTION

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

WHEREAS, Section 6-1606 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Charter"), sets forth the powers, duties, and functions of the Police Commission ("Commission") of the City and County of Honolulu ("City"); and

WHEREAS, Charter Section 6-1605 provides that "[t]here shall be a police commission which shall consist of seven members," and provides no additional requirements regarding the composition of the Commission or the qualifications of its members beyond the general requirements set forth for boards and commissions in Charter Section 13-103; and

WHEREAS, all members of the Commission are currently appointed by the Mayor, subject to confirmation by the Council; and

WHEREAS, the Council believes increased diversity of personality, experience, opinion, and knowledge, as it relates to the important work of the Commission, would serve as a strong foundation to foster trust and confidence in law enforcement within our communities; and

WHEREAS, the Council's confidence in the Commission would be enhanced by authorizing the Council to appoint three of its seven members; and

WHEREAS, the Council feels that the current mission statement of the Commission needs to be amended to strengthen the Commission's commitment to collaboration between the Honolulu Police Department and the broader community; and

WHEREAS, the Council further believes that a more diversified Commission is in the best interest of the public, and that establishing certain qualifications for certain members to serve on the Commission, will allow for more effective oversight, ensure accountability and align with the Commission's broadened mission statement; now, therefore,



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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 provisions relating to the Police Commission be amended to:

1. Require that the Commission consist of seven members, including at least one member engaged in the social work or behavioral health field, and one member with experience working with at-risk youths;
2. Require that each member of the Commission shall:
 - a. Have demonstrated empathy, integrity, sound judgment, and ability to work with individuals from diverse racial, social, and economic demographics;
 - b. Not have been convicted of any crime that includes an element of assault, domestic abuse, sexual misconduct, corruption, dishonesty, or falsification; and
 - c. Publicly disclose before appointment any conflict of interest that could bear upon the individual's performance as a commissioner;
3. Provide that the mission of the Commission shall be to improve police-community relations and public confidence in the Police Department by eliminating conflicts of interests, by promoting collaboration between the Department and the community, and by promoting transparency, fairness, and equity in the Department;
4. Require that four Commission members be appointed by the Mayor and confirmed by the Council, and three members be appointed by the Council; and
5. Provide a transition for the new requirements for members of the Police Commission?"



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2. That Section 6-1605 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended to read as follows:

"Section 6-1605. Police Commission –

1. There shall be a police commission, which shall consist of seven civilian members[-], including, at a minimum:

(a) One member who is engaged in the social work or behavioral health field; and

(b) One member with experience working with at-risk youths.

When a member fulfilling one of the requirements of paragraph (a) or (b) is replaced, the replacement shall satisfy the requirement of the same paragraph.

2. Four members shall be appointed by the mayor and confirmed by the council, and three members shall be appointed by the council by resolution.

3. Each candidate for membership on the police commission shall:

(a) Have demonstrated empathy, integrity, sound judgment, and an ability to work with individuals from diverse racial, social, and economic demographics;

(b) Not have been convicted of any crime that includes an element of assault, domestic abuse, sexual misconduct, corruption, dishonesty, or falsification; and

(c) Publicly disclose before appointment any personal, professional, or financial conflict of interest that could bear upon the individual's performance as a commissioner.

4. The mission of the police commission shall be to improve police-community relations and community confidence in the police department by eliminating conflicts of interests, by promoting collaboration between the police department and the community, and by promoting transparency, fairness, and equity in the police department.



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5. The commission may appoint such staff and engage consultants as is necessary to assist it in the performance of its duties. ~~[The]~~ Except as provided in this section, the commission shall be governed by the provisions of Section 13-103 of this charter."
3. 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 Police Commission –
 1. The 2022 amendments made to Section 6-1605 shall not affect the term of any member of the police commission who is serving on the effective date of the amendments. Unless vacating the office sooner, each such member shall continue in service on the commission until the expiration of the member's term.
 2. The mayor and council shall alternate appointing members to the commission as vacancies become available, until such time that the numbers of mayoral and council appointees are in compliance with those 2022 amendments. The first vacancy shall be filled by a mayoral appointment subject to council confirmation. If any commissioner vacates the office, the vacancy shall be filled in the same manner as the vacating commissioner was appointed. Initial appointees following the effective date of the amendments must satisfy at least one of the qualifications specified in Section 6-1605.1(a) or (b) until those requirements for the commission's composition are met."
4. That in Sections 2 and 3, 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.
5. 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 Charter:
 - a. May designate or redesignate articles, chapters, sections, or parts of sections, and rearrange references thereto;



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- 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.

- 6. 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.



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7. 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:

Tommy Waters

DATE OF INTRODUCTION:

February 17, 2022
Honolulu, Hawaii

Councilmembers