

HONOLULU POLICE DEPARTMENT
POLICY
ORGANIZATION, MANAGEMENT, AND ADMINISTRATION

December 1, 2016

Policy Number 2.21

STANDARDS OF CONDUCT

POLICY

The Honolulu Police Department (HPD) shall issue copies of the Standards of Conduct (see the attachment) to all police officers and this document shall be used for the control, disposition, and government of the officers.

Note: The Standards of Conduct is also available on the HPD Web site and the intranet.

PROCEDURE

I. PROFESSIONAL CONDUCT AND RESPONSIBILITIES

- A. Prior to assuming sworn status, all officers shall take an oath of office to enforce the law and uphold the Constitution of the United States and the Constitution of the State of Hawaii.
- B. All officers shall abide by the Standards of Conduct.

December 1, 2016

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II. PROCEDURES

New employees will receive their copies of the Standards of Conduct from the Human Resources Division during their orientation period.

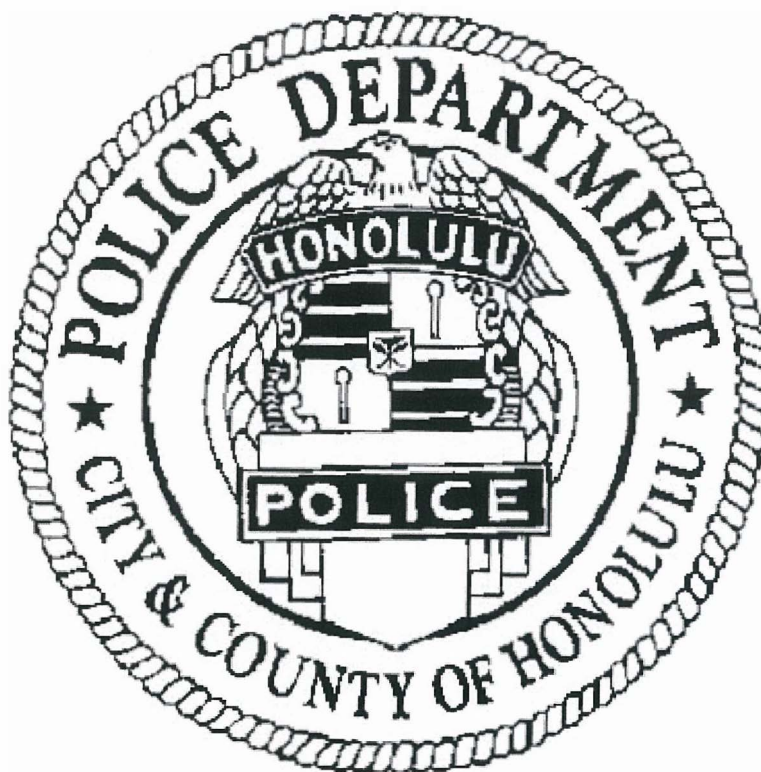

LOUIS M. KEALOHA
Chief of Police

Attachment

Post on bulletin
board for one week

Policy first issued
March 29, 2002

STANDARDS OF CONDUCT OF THE HONOLULU POLICE DEPARTMENT



Issued to: _____

STANDARDS OF CONDUCT
OF THE
HONOLULU POLICE DEPARTMENT
City and County
of Honolulu

Pursuant to the authority vested in the Chief of Police by the Hawaii Revised Statutes and the Revised Charter of the City and County of Honolulu, the Standards of Conduct are published for the control, disposition, and government of the officers and civilian employees of the Honolulu Police Department.

The Standards of Conduct were initiated on March 31, 1986. These Standards of Conduct are effective as of December 1, 2016. All previously enacted Rules and Regulations are hereby rescinded.


LOUIS M. KEALOHA
Chief of Police

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ARTICLE I

HONOLULU POLICE DEPARTMENT

- A. The police department of the City and County of Honolulu shall consist of a Chief of Police, a police commission, a force of police officers and such other officers and civilian employees as necessary.
- B. The Chief of Police shall be appointed by the police commission. The Chief of Police shall have 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. The Chief of Police may be removed by the police commission only after being given a written statement of the charges upon which removal is based and a hearing before the commission.
- C. The Chief of Police shall:
 - 1. Be responsible for the preservation of public peace, the protection of the rights of persons and property, the prevention of crime, the detection and arrest of offenders, and the enforcement of all state laws and city ordinances and all rules and regulations made pursuant thereto;
 - 2. Train, equip, maintain, and supervise the force of police officers;
 - 3. Serve processes and notices in both civil and criminal proceedings;
 - 4. Promulgate rules and regulations and Standards of Conduct necessary for the organization and internal administration of the department; and
 - 5. Perform such other duties as required by the Charter of the City and County of Honolulu or by law.
- D. The Chief of Police shall plan, organize, staff, direct, and control the personnel and resources of the department and administer the department in a manner consistent with the Charter of the City and County of Honolulu, the ordinances of the City and County of Honolulu, and the laws of the State of Hawaii to attain the goals of the department. The Chief of Police shall also see that:

1. Each officer, reserve officer, and civilian employee completes a personal history statement; and
2. All employees, including officers, reserve officers, special officers, and civilian employees take the Oath of Office before entering service. The Oath is filed in the Honolulu Police Department's Human Resources Division. This does not apply when an exception is justified by an officially declared national or state emergency or as otherwise provided by law.

APPOINTMENTS

- HONOLULU POLICE DEPARTMENT
Honolulu, Hawaii
Police Officers Commission

Chief of Police

ARTICLE III

OATH OF OFFICE

Upon appointment to the Honolulu Police Department, every officer, including reserve and special police officers, before entering service shall take an oath, which shall be in substantially the following form:

Oath of Office

I solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Hawaii and that I will faithfully discharge my duties as a police officer to the best of my ability.

ARTICLE IV

APPLICABILITY, AMENDMENT, REPEAL, AND PUBLICATION OF THE
STANDARDS OF CONDUCT

A. APPLICABILITY

Officers shall be subject to all Standards of Conduct and all directives, orders, and procedures of the Honolulu Police Department at all times, whether on or off duty. This includes all periods of absence, whether authorized or unauthorized.

B. AMENDMENT AND REPEAL

1. The Chief of Police reserves the right and power to amend, revoke, or repeal these Standards of Conduct, provided such action shall be preceded by consultation with employees' unions as provided by the appropriate collective bargaining agreements in force. Any such action shall be consistent with state laws, city ordinances, and the Charter of the City and County of Honolulu.
2. All Standards of Conduct and amendments thereto, unless otherwise provided therein, shall take effect immediately upon approval of the Chief of Police.
3. During any emergency, the Chief of Police may suspend, temporarily or for a specific time, any of the Standards of Conduct. Such suspension shall immediately render ineffective the particular standard or standards of conduct so suspended.

C. PUBLICATION OF THE STANDARDS OF CONDUCT

1. All amendments to the Standards of Conduct shall be published and a copy of such changes shall be posted on the Honolulu Police Department's intranet. Written notification of any standard of conduct change shall be forwarded to the union(s) upon implementation of the change.
2. The Information Technology Division shall keep a true and complete copy of all Standards of Conduct of the Honolulu Police Department then in force, which shall be available for inspection by any employee of the Honolulu Police Department.

- D. No standard of conduct shall be so construed as to constitute a contract on the part of the Chief of Police to do or not to do any particular act or acts or to continue in force any standard of conduct.

ARTICLE V

CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held as long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

ARTICLE VI

COMMAND

- A. Superior officers and supervisory personnel shall be responsible for adherence to the department's Standards of Conduct and all other directives, orders, and procedures. They shall maintain discipline and shall provide leadership and supervision to ensure the efficient and effective operation of their units.
- B. Superior officers and supervisory personnel must command and require that their orders be obeyed and adhered to. They shall:
 - 1. Lead, direct, train, guide, and supervise officers in their assigned duties;
 - 2. Evaluate and recommend subordinates for promotion;
 - 3. Support the actions of subordinates who act properly within the scope of their official duties; and
 - 4. Administer disciplinary action in accordance with departmental directives.
- C. Superior officers and supervisory personnel shall respond effectively to fiscal and other conditions through measures such as prioritizing, developing, reallocating, and reorganizing resources.

ARTICLE VII

DISCIPLINE, PROFESSIONAL GUIDELINES, AND RESPONSIBILITIES

A. GUIDE FOR DISCIPLINARY ACTION

1. Existence of facts established by a preponderance of evidence establishing that there has been a violation of law, ordinance, the Standards of Conduct, directive, order, or procedure shall be sufficient to justify the implementation of disciplinary action under these Standards of Conduct.
2. Disciplinary action for violations of responsibilities contained in Article VI and section B and section C of this article shall be determined by the Chief of Police.
3. Disciplinary action for violations of standards contained in Article VIII of these Standards of Conduct shall be as follows:

a. Class A Standards

Minimum action - Suspension of ten working days

Maximum action - Dismissal

b. Class B Standards

Minimum action - Suspension of five working days

Maximum action - Dismissal

c. Class C Standards

Minimum action - Suspension of one working day

Maximum action - Dismissal

d. Class D Standards

Minimum action - Divisional counseling

Maximum action - Suspension of ten working days

e. Class E Standards

Maximum action - Suspension of five working days

3-24-2017

B. PROFESSIONAL GUIDELINES

1. Loyalty - Loyalty to the department and to coworkers is an important factor in departmental morale and efficiency. Officers and civilian employees shall maintain such loyalty to the department and their coworkers as is consistent with the law and professional ethics.
2. Cooperation - Cooperation between the ranks and units of the department is essential for effective law enforcement. Therefore, all officers and civilian employees are strictly charged with establishing and maintaining a high level of cooperation.
3. General Guidelines - Officers shall, at all times, take appropriate action to:
 - a. Identify criminal offenders and criminal activity and, where appropriate, apprehend offenders and participate in subsequent court proceedings;
 - b. Reduce the opportunities for the commission of crimes through preventive patrol and other techniques;
 - c. Aid individuals in danger of physical harm;
 - d. Protect constitutional guarantees;
 - e. Facilitate the movement of people and vehicles;
 - f. Assist those who cannot care for themselves;
 - g. Resolve conflicts;
 - h. Identify potentially serious law enforcement and government problems;
 - i. Create and maintain a feeling of security in the community;
 - j. Promote and preserve civil order;
 - k. Provide emergency services; and
 - l. Enforce all federal, state, and local laws and ordinances coming within the jurisdiction of the department.

4. Duty Requirements - Officers are always subject to duty although periodically relieved of its routine performance. Officers assigned to specialized duties are not relieved from taking necessary or appropriate action outside the scope of their specialized assignments.

C. RESPONSIBILITIES

1. Knowledge of Laws and Regulations - Officers are expected to establish and maintain a working knowledge of those ordinances of the City and County of Honolulu, statutes of the State of Hawaii, Standards of Conduct and procedures and orders of the department and elements thereof which are applicable to their functions as police officers. In the event of improper actions or breaches of discipline, it will be presumed that the officers were familiar with the law, Standards of Conduct, procedure, or order in question.
2. Obedience to Laws and Regulations - Officers and civilian employees shall observe and obey all laws and ordinances and all rules, regulations, Standards of Conduct, and orders of the department. This includes any order of a supervisor or any order relayed from a supervisor by an employee of the same or lesser rank.
3. Manner of Issuing Orders - Orders from supervisors to subordinates shall be in clear, understandable language; civil in tone; and issued in furtherance of departmental business.
4. Unlawful Orders - Command or supervisory officers shall not issue any order which is contrary to any law, ordinance, departmental rule, or standard of conduct.
5. Obedience to Unlawful Orders - Officers and civilian employees are not required to obey any order which is contrary to federal or state law, local ordinance, or standard of conduct. Responsibility for refusal to obey such order rests with individual officers and civilian employees. They shall be required to justify their actions.
6. Obedience to Unjust Orders - Officers and civilian employees who are given orders which they feel to be unjust must first obey the order to the best of their ability and then may proceed to appeal under current departmental provisions.

7. Conflicting Orders - Upon receipt of an unlawful order, an order contrary to the Standards of Conduct or an order conflicting with any previous order or instruction, the officer or civilian employee affected shall advise the person issuing the order of this fact. Responsibility for countermanding the original order or instruction then rests with the individual issuing the conflicting order. If the original order or instruction is countermanded, the later order shall be obeyed.
8. Unlawful, Unjust, or Improper Orders; Reports and Appeals - Officers and civilian employees receiving unlawful, unjust, or improper orders shall, at the first opportunity, send a To/From report to the Chief of Police through official channels.

This report shall contain the facts of the incident and the action taken. Appeals for relief from such orders may be made at the same time. Extra-departmental action regarding such an appeal shall be conducted through the Office of the Chief.

9. Extended Action - Repetitious violations of any Standards of Conduct shall be considered grounds for dismissal. Three or more violations occurring within a span of twelve months for which disciplinary action is imposed is considered "repetitious" for disciplinary purposes.
10. Performance - Officers and civilian employees shall perform their duties as required or directed by law, Standards of Conduct, other directives, policies, or procedures or by order of a supervisor. All lawful duties required by competent authority shall be performed promptly and as directed, notwithstanding the general assignment of duties and responsibilities.
11. Mental and Physical Competence - It is the responsibility of officers and civilian employees to maintain their physical and mental well-being and to seek assistance when they are aware of physical or emotional problems.

It is also the responsibility of fellow and supervisory officers to be alert to physical and emotional problems that may actually or potentially interfere with job performance and to take such preventive actions as may be required.

A finding that any officer is (at the time of the annual physical examination or any other time or upon examination by the City and County physician, the police psychologist, or any other reputable physician or psychologist) physically or mentally unable to perform the duties for which the individual was employed shall be presented to the Chief of Police for consideration.

12. Conduct - Officers and civilian employees shall conduct their private and professional lives in a manner which conforms to the highest professional behavior and demeanor.
13. Detrimental Statement - Officers and civilian employees shall not make any false or misleading statement that maligns the character or reputation of any member of the police department.
14. Political Activities - Members of the police department may participate in the election of any candidate for public office. However, they are prohibited from:
 - a. Using city time, equipment, material, or premises for campaign purposes;
 - b. Performing campaign activities during working hours;
 - c. Using the city mail or messenger service for campaign purposes;
 - d. Using the Honolulu Police Department badge or other departmental markings or insignias in promotional materials or referring to opponents in campaigns in departmental documents; and
 - e. Using their position to give unwarranted advantages or preferential treatment to campaigns.
15. Departmental Investigations - Testifying - Officers and civilian employees are required to respond truthfully to questions of or render all materials and relevant statements to a competent authority in a departmental administrative investigation when so directed.

16. Falsification of Records - Officers and civilian employees shall not knowingly falsify (either orally or in writing) official reports or enter or cause to be entered (either orally or in writing) any inaccurate, false, or improper information on any records of the department.
17. Truthfulness - Officers and civilian employees are required to be truthful at all times, except as necessary in the performance of a specific lawful police objective.
18. Use of Drugs and Narcotics - The illegal possession or use by officers or civilian employees of any tranquilizer, narcotic, depressant, intoxicating compound, stimulating drug, or its derivatives is expressly prohibited.
19. Commission of any Criminal Act - Officers and civilian employees shall not commit any criminal act.
20. Operating a Motor Vehicle Under the Influence of an Intoxicant - Officers and civilian employees shall not operate a vehicle while under the influence of an intoxicant or leave the scene of a motor vehicle collision.
21. Domestic Violence - Officers and civilian employees shall not commit the offense of abuse of a family or household member as defined by the Hawaii Revised Statutes.

ARTICLE VIII

STANDARDS

A. CLASS A STANDARDS

- A 1 - Malicious Use of Physical Force - Officers shall not maliciously use physical force, including the use of an instrument, that may result in bodily injury.
- A 2 - Cowardice - Officers shall not display cowardice in the performance of their duty.
- A 3 - Mistreatment of Prisoners - Officers and civilian employees shall not abuse prisoners.
- A 4 - Use of Marijuana - The use of or illegal possession by officers or civilian employees of marijuana or a marijuana product or its derivatives is expressly prohibited.

B. CLASS B STANDARDS

- B 1 - Physical Abuse - Officers and civilian employees shall not physically abuse other officers or civilian employees.
- B 2 - Drinking Intoxicating Beverages on Duty - Officers and civilian employees shall not drink intoxicating beverages while on duty except in performance of a police duty and only with the specific consent of a commanding officer.
- B 3 - Security of Departmental Business - Officers and civilian employees shall not reveal police information outside the department or remove or cause to be removed any official records except as provided elsewhere in these Standards of Conduct or as required by directives, orders, law, or competent authority. Specifically, information ordinarily accessible only to officers and civilian employees and names of informants, complainants, witnesses, and other persons known to the police are considered confidential.

- B 4 - Personal Preferment - Officers and civilian employees shall not seek the influence or intervention of any organization or persons outside the department for purposes of personal preferment, advantage, or transfer, except as provided for by the Civil Service Rules and regulations or any collective bargaining contract.
- B 5 - Gambling - Officers and civilian employees are prohibited from engaging in any unlawful gambling activity unless it is in the performance of an assigned duty.
- B 6 - Assistance - Officers shall take appropriate police action to aid a fellow police officer or any other person who is exposed to danger or in a situation where danger may impend.

C. CLASS C STANDARDS

- C 1 - Solicitation and Acceptance of Gifts, Gratuities, Fees, Rewards, Loans, Etc. - Officers and civilian employees shall not solicit or accept any gifts, gratuities, loans, fees, or rewards where there are any direct or indirect connections between the solicitations or offerings and their departmental membership or employment. The prior written approval from and prior determination by the Chief of Police that the item is not intended to influence the recipient in the performance of his or her official duties are required before the item is accepted.
- C 2 - Disposition of Unauthorized Gifts, Gratuities, Etc. - Any unauthorized gifts, gratuities, loans, fees, rewards, or other things which come into the possession of officers or civilian employees shall be forwarded to the Office of the Chief together with a written report of the circumstances which led to such possession.

- C 3 - Conduct Toward Supervisory Personnel and Subordinates - Officers and civilian employees shall treat supervisory personnel and subordinates with respect. Officers and civilian employees shall not be insubordinate to supervisors.
- C 4 - Relief - Officers and civilian employees are to remain at their assignments and on duty until properly relieved.
- C 5 - Consumption of Intoxicants and Prescribed Drugs - Officers and civilian employees shall not consume intoxicants nor use prescribed drugs to the extent that evidence of such consumption is apparent when reporting for duty or to the extent that their ability to perform duty is impaired.
- C 6 - Intoxicants on Departmental Premises - Officers and civilian employees shall not bring or keep any opened container of intoxicating liquor or display or consume any intoxicating liquor on departmental premises except as required by official duty.
- C 7 - Firearms - Officers shall not display, brandish, manipulate, or draw firearms unnecessarily except for inspection or official use in accordance with departmental directives.
- C 8 - Malingering - Officers and civilian employees shall not pretend or exaggerate incapacity or illness as to avoid duty.
- C 9 - Recommending Attorneys, Bail Bond Brokers, Tow Services, or Others Prohibited - Officers and civilian employees shall not suggest, recommend, advise, or otherwise counsel any person who comes to their attention as a result of police business in the retention of any attorney, bail bond broker, tow service, alarm company, private investigator, or security service.

- C10 - Commercial Testimonials - Officers and civilian employees shall not permit their names or photographs to be used to endorse any product or service, which may in any way be connected with law enforcement without the prior written permission of the Chief of Police. They shall not, without prior written permission of the Chief of Police, allow their names or photographs to be used in any commercial testimonial, which alludes to their position or employment with the department.
- C11 - Impartial Attitude - Officers and civilian employees shall remain completely impartial toward all persons coming to the attention of the department. They shall not display favoritism for or discriminate against a person because of race, ethnicity, national origin, gender identification, creed, religion, sexual orientation, age, disability, or influence.
- C12 - Obtaining of Liquor - Officers on duty or in uniform shall not enter any place for the purpose of obtaining liquors except as necessary in the performance of a specific, lawful police objective.
- C13 - Use of Physical Force - Physical force shall only be used by officers in their official capacity when legally justified.
- C14 - Overbearing Conduct - Overbearing or oppressive conduct shall not be practiced under color of police authority.

D. CLASS D STANDARDS

- D 1 - Absence From Duty - All officers and civilian employees who, unless otherwise directed, fail to appear properly attired and equipped for duty at the date, time, and place specified for so doing are "absent without leave." Failure to return from lunch break or any other approved absence shall be included under this standard. If an officer or civilian employee is unable to report for duty, such inability shall be reported in accordance with departmental directives.
- D 2 - Conduct Toward the Public - Officers and civilian employees shall be courteous when dealing with the public. They shall refrain from using harsh, violent, degrading, or insolent language that could be construed as being directed at a member of the public. When requested, officers shall courteously furnish their names and badge numbers both orally and in legible writing.
- D 3 - Criticism of Orders - Officers and civilian employees shall not publicly criticize any instruction or order received from competent authority.
- D 4 - Conducting Personal Business - Officers and civilian employees are prohibited from conducting personal business while on duty.
- D 5 - Reporting for Duty - Unless otherwise directed, officers and civilian employees shall report for duty at the time and place specified, properly attired, and equipped. If an officer or civilian employee is unable to report for duty or court, such inability shall be reported in accordance with departmental directives.
- D 6 - Departmental Property and Equipment - Employees shall not use any departmental equipment unless authorized by competent authority. Employees are responsible for the proper care and custody of departmental property and equipment assigned to them.

- D 7 - Transporting Citizens - Citizens will be transported in police vehicles only when necessary to accomplish a police purpose. Such transportation will be provided in conformance with departmental directives or at the direction of a supervisory officer or communications center.
- D 8 - Reporting Motor Vehicle Collisions - Motor vehicle collisions involving officers and civilian employees, city property, and/or equipment must be reported in accordance with established procedures.
- D 9 - Traffic Regulations - Officers and civilian employees shall comply with traffic regulations and signals except when operating under the exemptions granted by law. In any event, caution shall be exercised to safeguard lives and property.
- D10 - Radio Discipline - Use of police radio equipment and response to radio calls shall conform to departmental directives and the rules and regulations of the Federal Communications Commission.
- D11 - Conduct and Responsibility While in Uniform - Any time an officer is in uniform, compliance with departmental directives is required as if the officer were on duty.
- D12 - Sleeping - Officers and civilian employees shall not sleep on duty.
- D13 - Court Attendance - Officers and civilian employees shall be punctual and attend court when duly subpoenaed. If an officer or civilian employee is unable to report for court, such inability shall be reported in accordance with departmental directives.
- D14 - Social Media - Officers and civilian employees' activities on personal social media accounts shall comply with all applicable city policies, rules, directives, and city, state, and federal laws.

E. CLASS E STANDARDS

- E 1 - Ticket Sales by Police Officers and Civilian Employees - Officers and civilian employees are prohibited from selling or offering for sale tickets of any character whatsoever, without prior written approval of the Chief of Police.
- E 2 - Ticket Sales, Etc., by Police-Associated Groups - Associations, clubs, auxiliaries, fraternities, or other groups of officers and civilian employees acting under the auspices or sanction of the department shall not sell tickets, solicit sales of any kind, or offer performances of any nature to raise funds for special purposes without prior written approval of the Chief of Police.
- E 3 - Military Courtesy - Officers shall conform to normal standards of military courtesy.
- E 4 - National Colors and Anthem - Uniformed officers shall render full military honors to the national colors and anthem at appropriate times.
- E 5 - Wearing the Uniform - Uniforms shall be kept neat, clean, and well pressed at all times. Unless otherwise directed, uniforms shall be worn complete. Uniformed employees shall also maintain a military bearing.
- E 6 - Equipment - All equipment must be clean, in good working order, and conform to department specifications.
- E 7 - Vehicles - All subsidized vehicles shall be equipped and maintained in accordance with departmental directives.
- E 8 - Appearance - The personal appearance and grooming of officers and civilian employees shall conform to published departmental requirements.
- E 9 - Reports - Officers shall promptly submit such reports as are required in performance of their duties or by competent authority.

- E10 - Conduct Toward Associates - Employees shall treat associates with respect.
- E11 - Directives - Violation of departmental directives is prohibited.

ARTICLE IX

SUSPENSIONS, LEAVE PENDING INVESTIGATION, AND DISMISSALS

A. GUIDELINES

1. Suspensions - A suspension for not more than ten working days may be executed by authorized supervisors for on-view violations of the Standards of Conduct or other directives of the department or after an investigation has upheld an allegation.
2. Leave With Pay Pending Investigation - Leave with pay pending investigation may be executed by authorized supervisors for alleged violations of the Standards of Conduct or other directives of the department that necessitate the removal of the employee from the work place. This action is nondisciplinary in nature and may be imposed for a period consistent with existing Civil Service Rules.
3. Leave Without Pay Pending Investigation - Leave without pay pending investigation may be executed by authorized supervisors after the employee has been provided the time and opportunity to respond to a determination to place the employee on leave without pay. Leave without pay pending investigation is a nondisciplinary action and may be imposed for a period consistent with existing Civil Service Rules.

B. Authority

1. Suspension, leave with or without pay pending investigation, or dismissal of any officer or civilian employee shall be pursuant to current Civil Service Rules, the Standards of Conduct, and/or other applicable directives of the Honolulu Police Department.
2. By the authority vested in the Chief of Police in the appropriate Civil Service Rules, the below-enumerated personnel of the Honolulu Police Department are authorized to execute suspensions and leave with or without pay pending investigation in accordance with the Standards of Conduct and other applicable directives of the Honolulu Police Department.
 - a. All officers of the rank of sergeant and above are authorized to execute suspensions and leave with or without pay pending investigation upon subordinate officers and civilian employees.

- b. All employees officially designated as temporarily acting in the capacity of either police or civilian employee supervisors shall have the same authority as if they were permanent employees in such positions.
- c. The following civilian personnel are authorized to execute suspensions and leave with or without pay pending investigation upon civilian subordinates only.
 - 1) Finance Division
 - a) Property and Supply Manager
 - b) Accountant VI
 - 2) Human Resources Division
 - a) Personnel Assistant
 - b) Personnel Clerk II
 - 3) Records and Identification Division
 - Police Evidence Custodian II
 - 4) Telecommunications Systems Section
 - a) Radio Communications Coordinator
 - b) Radio Technician III
 - 5) Vehicle Maintenance Section
 - a) Automotive Equipment Superintendent I
 - b) Automotive Repair Supervisor II
 - 6) Communications Division
 - a) Supervising Police Radio Dispatcher
 - b) Emergency Response Operator III

- 7) Information Technology Division
Data Processing Systems Analyst IV
- 8) Scientific Investigation Section
 - a) Forensic Laboratory Director
 - b) Forensic Laboratory Supervisor
 - c) Evidence Specialist III
 - d) Photographic Technician III

C. Limitations

- 1. All actions by the aforementioned authorized supervisors shall be limited to:
 - a. Suspension for a maximum of ten working days in response to on-view violations or following investigation of alleged violations;
 - b. Leave with pay pending investigation action;
 - c. Leave without pay pending investigation, after completion of the leave with pay provisions; and
 - d. Written reprimand.
- 2. The Chief of Police shall remain the sole authority to demote or dismiss any employee for infractions of departmental orders, policies, or the Standards of Conduct.

D. Procedures and Responsibilities

- 1. Whenever an officer is suspended or placed on leave with or without pay pending investigation, the badge, department issued firearms, ammunition, identification card, and any police department equipment as determined by competent authority (Chief of Police or designee, commanding officer, or the employee's immediate supervisor) shall be surrendered forthwith to the officer who has ordered the action. The surrendered equipment shall, as soon as possible thereafter, be delivered to the division-level commander or the commander's designee for appropriate disposition pending the outcome of the case.

In the event of a prolonged suspension or leave with or without pay pending investigation, the named items shall be returned to the Property and Supply Section, Finance Division, and/or applicable element (e.g., Telecommunications Systems Section, Human Resources Division, etc.) for storage.

2. Whenever a civilian employee is suspended or placed on leave with or without pay pending investigation, the identification cards and any police department equipment as determined by the employee's immediate supervisor shall be surrendered forthwith to the person who has ordered the action. The identification card and any police department equipment requested shall be delivered to the employee's division-level commander or the commander's designee for appropriate disposition pending the outcome of the case.
3. While under suspension, on leave with or without pay pending investigation, or appealing dismissal from the department, an officer shall not:
 - a. Exercise police authority;
 - b. Carry upon the person any firearm, including department issued or approved firearms; and
 - c. Wear the police uniform or any part thereof.
4. An officer or civilian employee shall not receive any compensation for the period of any suspension, leave without pay pending investigation, or pending the appeal of a dismissal.

ARTICLE X

DISCIPLINARY PROCEDURES

A. PROCEDURE

1. If it is determined that an employee has violated the Standards of Conduct, other directives, or other departmental orders and disciplinary action is to be taken, the following procedure shall be followed:
 - a. Unless the situation requires otherwise, prior to taking any disciplinary action, the supervisor shall:
 - 1) Review the personnel records of the employee in question; and
 - 2) In all cases, assure himself or herself that the contemplated action is fair, impartial, and consistent with disciplinary actions previously taken in other cases.
 - b. If a suspension is to be imposed, the date(s) should be predetermined, shall be consecutive working date(s), and shall not occur during any authorized leave-with-pay period. Immediate suspensions shall be imposed in accordance with relevant Civil Service Rules and applicable collective bargaining agreements.
 - 1) For any suspension or written reprimand, the original Notice of Disciplinary Action, HPD-121 form, shall be issued to the employee. The employee shall acknowledge receipt of the HPD-121 form by signing each of the four duplicate copies. If the action is an immediate suspension, a shop steward (if requested) shall be present to witness the service of the HPD-121 form and to receive a copy for the union.
 - 2) The supervisor shall have the original investigative report and one copy of the HPD-121 form forwarded immediately to the Office of the Chief.

- 3) The supervisor shall prepare an original and four copies of the HPD-121 form and make distribution only as enumerated in sections A b 1) and 2) above. A copy shall be given to the appropriate shop steward or union representative, if present, who shall acknowledge receipt. A copy will also be mailed to the appropriate union. All remaining copies shall be sent with a copy of the investigative report and attached to a memorandum. The memorandum shall be addressed to the Chief of Police and routed via the chain of command for appropriate comments.
 - 4) Upon approval by the Chief of Police, the original and copy of the supervisor's investigative report, along with the remaining copies of the HPD-121 form and the memorandum, shall be forwarded to the personnel officer for appropriate distribution and subsequent filing with the Professional Standards Office.
- c. If a supervisor recommends a demotion or dismissal, the recommendation with supporting justification shall be included in the investigative report and forwarded to the Chief of Police. If an immediate suspension relating to the same incident was also imposed, it shall also be noted in the investigative report to the Chief of Police.
2. Administrative investigations and related actions shall be in accordance with provisions of state, county, and federal laws, the Revised Charter, Honolulu Police Department Standards of Conduct, departmental policies and procedures, and the appropriate bargaining unit agreement in effect at the time of the violation.
 3. Disciplinary actions shall be considered final unless amended by the Chief of Police or amended in response to an appeal via the Department of Human Resources or the employee's collective bargaining grievance procedure.

B. SCOPE OF INVESTIGATIVE AUTHORITY

1. The procedures outlined herein shall apply to:
 - a. "On view" supervisory action;
 - b. Investigations originating within the division, either by supervisory or private citizen complaint;
 - c. Investigations administratively referred to the division-level commander for completion; and
 - d. Any completed investigative report from another source which is administratively referred to the division-level commander for disciplinary action.
2. This procedure shall not supersede procedures for the investigation of complaints registered with the police commission, those which are administratively assigned and carried out by the Professional Standards Office, or those which are criminal in nature.

ARTICLE XI

RESIGNATIONS

- A. At least fourteen days prior to the date on which any voluntary resignation is to take effect, the person wishing to resign shall submit to the Chief of Police, through official channels, a written and signed Resignation, HPD-259 form. The Chief of Police may waive the requirement for advance notice.
- B. All resignations shall be submitted and processed in accordance with civil service regulations.

ARTICLE XII

DEFINITIONS

Whenever used in these Standards of Conduct, the below-listed terms shall have the following meanings:

- A. "Police force" shall mean the officers and other employees under the command of the Chief of Police. Where the word "department" is used, it shall be considered synonymous;
- B. "Commanding officer" shall mean the officer assigned by the Chief of Police to command any divisional-level command of the department. The same designation shall apply to any officer, regardless of grade, who may be temporarily in command of such divisional-level command;
- C. "Superior officer" shall mean any officer with the rank of captain or above and the civilian equivalent to include persons temporarily assigned to those positions;
- D. The word "employee" includes all police officers, civilian employees, helicopter pilots, reserve officers, recruits, and volunteers;
- E. "Division-level commander" shall apply to a commander at the rank of major or below who reports to an assistant chief or officer of higher rank;
- F. "Officer" shall mean all police officers, helicopter pilots, reserve officers, and sworn recruits; and
- G. "Supervisory personnel" shall mean any officer with the rank of sergeant, detective, or above or civilian equivalent to include persons temporarily assigned to those positions.

ARTICLE XIII

SEPARABILITY CLAUSE

Whenever a provision of these Standards of Conduct conflicts with a law, statute, ordinance, regulation, or union contract the terms of the law, statute, ordinance, regulation, or union contract shall take precedence. If any section of a standard is affected, the remaining sections that do not conflict with a law, statute, ordinance, regulation, or union contract will remain in force.