

STANDARDS OF CONDUCT	Document Number	GO 300
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1. PURPOSE

The purpose of this policy is to define and establish Standards of Conduct for all Hawai'i Police Department personnel.

2. PERSONS AFFECTED

All personnel.

3. POLICY

It shall be the policy of the Hawai'i Police Department that all personnel shall be subject to all departmental orders, policies, rules, and directives, including the Standards of Conduct, at all times, whether on or off duty, including all periods of absence, whether authorized or unauthorized.

4. AUTHORITY

Police Chief – The Police Chief has the authority to alter, amend, revoke, or repeal these Standards of Conduct, except as provided by law. The Police Chief may, during any emergency, temporarily suspend any of the Standards of Conduct.

5. PROCEDURES

5.1. Guide for Disciplinary Action

5.1.1. Existence of facts established by a test of evidence sufficient to convince a reasonable mind of guilt, which shall be proven by a clear and convincing standard of evidence.

a. The clear and convincing evidentiary standard is a higher standard than preponderance of the evidence but a lower standard than proof beyond a reasonable doubt and requires distinct evidence of culpability, not just a stronger likelihood of guilt than innocence. The rules of evidence need not be strictly adhered to.

5.1.2. Final determination of disciplinary action for violations contained in this General Order shall be made by the Police Chief.

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- 5.1.3. In addition, counseling and/or training may be imposed when it is believed to be in the best interest of the department and personnel. Final determination of any imposed training and/or counseling for violations contained in this General Order shall be made by the Police Chief.
- 5.1.4. Disciplinary action for violations contained in Sections 5.2 through 5.3 of this General Order shall be as follows:
  - a. Maximum action for violations of Section 5.2 or any Class A, B, and C Rules is dismissal.
  - b. Notwithstanding any provisions outlined in subsequent paragraphs of this section, maximum action for violations of a Class D Rule is suspension of ten (10) working days.
  - c. Repetitious violations for which disciplinary action is imposed shall be considered grounds for dismissal.

5.2. Professional Conduct and Responsibilities

- 5.2.1. Standard of Conduct - Personnel shall conduct their lives in such a manner as to avoid bringing themselves or the department into disrepute.
- 5.2.2. Performance of Duty - Personnel shall perform their duties as required or directed by law, departmental procedures, policies or orders, or by order of a command or supervisory officer. All lawful duties shall be performed promptly notwithstanding the general assignment of duties and responsibilities.
- 5.2.3. Obedience to Laws, Written Orders, Policies, etc. - Personnel shall observe and obey all Federal and State Laws, Ordinances of the County of Hawai'i and all departmental orders, policies, directives, and regulations.
- 5.2.4. Duty to Intervene - Personnel shall intervene within their scope of authority and training and notify the appropriate supervisory authority, if they observe other department personnel or other public safety associates engage in any unreasonable use of force or

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if they become aware of any violation of any Federal and State Laws, Ordinances of the County of Hawai‘i and all departmental orders, policies, directives, and regulations.

a. Civilian personnel are not required to intervene in use of force situations or incidents.

5.2.5. Commission of any Criminal Act - Personnel shall not commit any criminal act. For the purpose of this section, it is not required that the member be convicted of a crime. The administrative determination of a violation of this section may be made independent of any criminal proceedings.

5.2.6. Falsification of Records - Personnel shall not knowingly or intentionally falsify records or enter or cause to be entered any inaccurate, false, or improper information on any record or records of the department.

5.2.7. Loyalty - Personnel shall maintain loyalty to the department and their associates as is consistent with the law and the law enforcement code of ethics.

5.2.8. Cooperation - Personnel are charged with establishing and maintaining a high level of cooperation between other members and units of the department to ensure effective law enforcement.

5.2.9. Assistance - Sworn personnel shall take appropriate police action toward aiding fellow sworn personnel exposed to danger or in a situation where danger may be impending.

5.2.10. General Responsibilities - Sworn personnel 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.

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- 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 service.
- l. Enforce state and local laws and ordinances coming within the jurisdiction of the department.

5.2.11. Duty Responsibilities - Although certain hours are allotted for the performance of duty, sworn personnel are always subject to duty. The fact that they may be technically off duty shall not relieve them from the responsibility of taking appropriate action in significant matters coming to their attention.

5.2.12. Knowledge of Laws, Orders, Policies, etc. - Sworn personnel are expected to establish and maintain a working knowledge of those ordinances of the County of Hawai'i, Statutes of the State of Hawai'i, orders, policies, and directives of the department and divisions 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 sworn personnel were familiar with the law, order or policy in question.

5.2.13. Orders of Command or Supervisory Officers - Personnel shall obey all lawful orders and directives given by command or

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supervisory officers, including any order relayed from a superior by personnel of the same or lesser rank.

- 5.2.14. Manner of Issuing Orders - Orders from command or supervisory personnel to subordinates shall be in clear, understandable language, civil in tone and issued in pursuit of departmental business.
- 5.2.15. Unlawful Orders - Command or Supervisory personnel shall not knowingly issue any order, which is in violation of any law or ordinance, departmental orders or policies and/or in conflict with a collective bargaining contract.
- 5.2.16. Non-compliance with Unlawful Orders - Personnel are not required to obey an order which is contrary to federal and state law, local ordinances of the County of Hawai‘i, or regulations, orders, policies, or directives of the department. Should an unlawful order be given, personnel affected will advise the person issuing the order of this fact. Responsibility for refusal to obey rests with individual personnel. They justify their actions at the risk of being insubordinate.
- 5.2.17. Obedience to Unjust Orders - Upon receipt of an order that is felt to be unjust, the affected personnel will advise the person issuing the order of this fact. If compliance of the order is insisted upon, the order must be obeyed to the best of the personnel's ability and the affected personnel may then proceed to appeal as provided herein.
- 5.2.18. Conflicting Orders - Upon receipt of an order conflicting with any previous order or instruction, the personnel affected shall advise the person issuing the order of this fact. Responsibility for countermanding the original order or instruction then rests with the person issuing the order. If so directed, the latter order shall be obeyed. Orders will be countermanded or conflicting orders issued only when reasonably necessary for the good of the department.
- 5.2.19. Reports and Appeals - Unlawful, Unjust, Conflicting Orders - Personnel receiving unlawful, unjust or conflicting orders shall, at the first opportunity, report in writing to the Police Chief through

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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. Disposition of such an appeal will be made through the office of the Police Chief.

5.2.20. Personal Preferment - Personnel shall not seek to influence or intervene in departmental matters for purposes of personal preferment, advantage, transfer, or advancement except as provided for by Civil Service Rules and Regulations, departmental orders, policies and/or any collective bargaining contract.

### 5.3. Rules of Conduct

#### 5.3.1. Class A Rules

- a. Intoxication - Personnel shall not be intoxicated while on duty.
- b. Use of Drugs and Narcotics - The illegal or unauthorized possession or use by personnel of any tranquilizer, narcotic, depressant and/or stimulating drug or compound is expressly prohibited.
- c. Malicious Use of Physical Force - The malicious use of physical force by sworn personnel which results in bodily injury or that causes physical pain, illness or any impairment of physical condition of another person is prohibited.
- d. Misuse of Position or Office - Personnel shall not use their official positions with the department to gain personal favors or to conduct non-police activities.

#### 5.3.2. Class B Rules

- a. Mistreatment of a Person in Police Custody - Personnel shall not mistreat any person in police custody.
- b. Gambling - Personnel are prohibited from engaging in any unlawful gambling activity, unless in performance of any assigned duty.

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- c. Drinking Intoxicating Beverages on Duty - Personnel shall not drink intoxicating beverages while on duty, including meal hours, except in performance of a police duty and never while in uniform.
- d. Security of Departmental Business - Personnel shall not reveal police information outside the department or remove or cause to be removed, any official records except as provided elsewhere in this manual or as required by law or competent authority. For the most part, information contained in police records is considered confidential.
- e. Soliciting of Gifts, Gratuities, Fees, Rewards, Loans, Etc. - Personnel shall not solicit any gifts, gratuities, loans or fees where there are any direct or indirect connections between solicitations and their departmental membership or employment.
- f. Use of Intimidation in Legal Proceedings - Personnel shall not use their official positions as a means of forcing or intimidating persons as witnesses or complainants in any legal proceeding.
- g. Truthfulness - Personnel are required to be truthful at all times whether under oath or not. Untruthfulness of any police statement, whether written or oral, is prohibited.
- h. Departmental Investigations - Testifying - Personnel are required to respond truthfully to questions by, or render any and all materials and relevant statements to, a competent authority in a departmental administrative investigation when so directed.
- i. Compensation for Damages Sustained on Duty - Personnel shall not seek in any way, or accept from any person, money or other compensation for damages sustained or expenses incurred in the line of duty except as authorized by the Police Chief.

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### 5.3.3. Class C Rules

- a. Acceptance of Gifts, Gratuities, Fees, Loans, Records, Etc. - Personnel shall not accept directly or indirectly any gifts, gratuities, loans, fees, rewards, or any other things of value arising from or offered because of police employment or activities connected with said employment.
- b. Firearms - Display and Discharge - Sworn personnel shall not display, draw, or discharge firearms except for official use in accordance with departmental policies.
- c. Impartial Attitude - Personnel shall remain impartial to all persons coming to the attention of the department. They shall not exhibit partiality for or against any person.
- d. Excessive Use of Physical Force - Sworn personnel shall not use any more physical force than is necessary to accomplish the immediate police purpose.
- e. Overbearing Conduct - Sworn personnel shall not practice overbearing or oppressive conduct under color of police authority.
- f. Physical Abuse - Personnel shall not physically abuse other personnel, whether superior or subordinate, while on duty, in a job-related situation or as a result of an incident arising from employment.
- g. Consumption of Intoxicants - Personnel shall not consume intoxicants to the extent that evidence of such consumption is apparent when reporting for duty, or to the extent that the ability to perform duty is impaired.
- h. Firearms - Discharge - Sworn personnel are required to report any discharge of firearms (except routine target practice). Such reports are to be made according to current departmental procedures.



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- i. Purchase of Liquor - Sworn personnel in uniform shall not enter any place where intoxicating liquors are kept or offered for sale for the purpose of purchasing same.

5.3.4. Class D Rules

- a. Commercial Testimonials - Personnel shall not permit their names or photographs to be used to endorse any product or service which is in any way connected with law enforcement, allow their names or photographs to be used in any commercial testimonial which alludes to their official position or employment without the permission of the Police Chief.
- b. Recommending Attorneys, Bail Bond Brokers, Tow Services, Etc. - Officers and 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 service, private investigator, or security service except in the case of relatives seeking such services or advice.
- c. Sleeping on Duty - Personnel shall not sleep on duty.
- d. Conduct Toward the Public - Personnel shall be courteous when dealing with the public. They shall avoid harsh, violent, profane, or insolent language. Upon request, they shall furnish their name and badge number in a courteous manner.
- e. Transportation of Public - The public may be transported in a police vehicle, to include subsidized vehicles, only when necessary to accomplish a police purpose. Such transportation may be done in conformance with departmental policy or at the direction of a command officer, immediate supervisor or communications center.
- f. Traffic Regulations - Personnel shall comply with traffic regulations and signals except when operating emergency

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vehicles under the exemptions granted by law. In any event, caution shall be exercised to safeguard lives and property.

- g. Arrest in Personal Quarrels - Sworn personnel shall not make arrests in their own quarrels or those of their families except under grave circumstances such as would justify them in using measures of self-defense.
- h. Exchanged/Use of Badge Prohibited - The badge shall not be altered, exchanged or transferred except by order of the Police Chief. Personnel shall not use other personnel's badges or official police credentials without permission of the Police Chief; nor shall they permit any person not appointed as department personnel to use the official badge or credentials at any time.
- i. Absence from Duty - Personnel shall appear for duty at the date, time and place specified unless excused by competent authority.
- j. Conduct toward Superior and Subordinate Officers & Associates - Personnel shall treat superior officers, subordinates and associates with respect. Personnel shall not be insubordinate to superior officers and/or supervisors.
- k. Disposition of Unauthorized Gifts, Gratuities, Etc. - Any unauthorized gifts, gratuities, loans, fees, rewards or other things which come into the possession of personnel shall be forwarded to the office of the Police Chief together with a written report of the circumstances which led to such possession.
- l. Good Order and Discipline - Personnel shall not commit any act or commission which is contrary to and/or detrimental to the good order and discipline of the department.
- m. Intoxicants on Departmental Premises - Personnel shall not bring into or keep any intoxicating liquor on departmental premises except that which is confiscated, held for evidence, or prescribed by a physician.

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- n. Radio Discipline - Personnel operating police radio equipment shall observe regulations for such operation as set forth in departmental orders and by the Federal Communications Commission.
- o. Relief - Personnel are to remain at their assignment and on duty until properly relieved.
- p. Reports - Personnel shall promptly submit such reports as are required in performance of their duties.
- q. Court Attendance - Personnel shall be punctual in court attendance and be clean and neat in appearance.
- r. Police Identification - Replicas, regardless of size, of the official badge, identification card or cap shield of the Hawai'i Police Department shall not be purchased, acquired, or possessed by any personnel nor presented to any person without the prior approval of the Police Chief.
- s. Ticket Sales, Etc. by Police Associated Groups - Associations, clubs, auxiliaries, fraternities or other groups of personnel acting under the auspices or sanction of the department shall not sell tickets, solicit sales of any kind, or offer performances of any nature toward raising funds for special purposes without the prior approval of the Police Chief. Approval will not be given when the seller may be identified as department personnel.
- t. Criticism of Orders - Personnel shall not publicly criticize any instruction or order received from competent authority.
- u. Conducting Personal Business - Personnel are prohibited from conducting personal business while on duty.
- v. Military Courtesy - Sworn personnel shall conform to normal standards of military courtesy and refer to each other by rank.

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- w. National Colors and Anthem - Sworn personnel in uniform will render full military honors to the national colors and anthem at appropriate times.
- x. Reporting for Duty - Unless otherwise directed, personnel shall report for duty at the time and place specified, wearing proper attire and equipped.
- y. Wearing the Uniform - Uniforms shall be kept clean, neat and well-pressed at all times. Unless otherwise directed, uniforms shall be worn complete. Uniformed personnel shall maintain a military bearing.
- z. Equipment - All equipment must be clean, in good working order and conform to department specification.
- aa. Department Property and Equipment - Personnel shall not use any departmental equipment unless authorized by competent authority. Personnel are responsible for the proper care of departmental property and equipment assigned to them.
- bb. Reporting Accidents - Accidents involving personnel, county property and/or equipment must be reported in accordance with adopted procedures.
- cc. Clarifying Instructions - Personnel who are in doubt as to the nature of detail of their assignment/instruction shall seek clarification from the person issuing the assignment or instructions.
- dd. Duty to Act Promptly and Decisively - Sworn personnel shall act promptly at the scenes of crimes, disorders, accidents, disasters or other situations that require police attention, and in dealing with suspects and in disposing of their assignments. When the police purpose might be jeopardized by delay, immediate action shall be taken even though the incident would ordinarily be dealt with by other sworn personnel or another bureau. Sworn personnel shall

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not give evidence of indecision or lack of confidence by their actions.

- ee. Maintaining Communication - Personnel on duty shall be directly available by normal communication or shall keep their office, headquarters or superior officer informed of the means by which they may be reached when not immediately available. Personnel sent on call, shall immediately upon the completion of the task, notify the dispatcher or their superior officer of the nature of the call and of the action taken.
- ff. Assisting in Civil Cases - Unless carrying out a duty assignment, personnel on duty shall not participate in civil cases except to prevent or abate a breach of the peace or any other crime.
- gg. Instituting Civil Action - Personnel shall not institute any civil action arising out of their official duties without prior written notification to the Police Chief.
- hh. Notice of Suits Against Personnel - Personnel who have a damage suit filed against them by reason of an act performed by the personnel in the line of duty shall forthwith notify the Police Chief in writing, furnishing a copy of the complaint together with a statement of the date and time of service.
- ii. Public Statements - Personnel shall not address public gatherings or release any material or photographs concerning the operation, policies or administration of the department unless authorized by the Police Chief.
- jj. Subversive Acts Prohibited - Personnel shall not perform any acts or make any statements oral or written or otherwise which tend to bring the department or its personnel into disrepute or ridicule, or which destructively criticize the department or its administration in the performance of their official duties, or which tend to disrupt or impair the performance of official duties and obligations of department personnel; or which tend to interfere with or subvert the

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reasonable supervision or proper discipline of department personnel.

- kk. Playing Cards or Pool on Duty - Uniformed sworn personnel on duty shall not engage in any game of cards, billiards, pool, etc. in a public place.
- ll. Availability of Weapons - Personnel shall not place weapons or objects adaptable for use as weapons and capable of inflicting serious bodily injury, or permit such weapons or objects to remain unattended, in any location or place in a police building normally accessible to a prisoner, suspect, or other non-police person.
- mm. Traffic Arrests, Sworn Personnel Not in Uniform - Sworn personnel not in uniform shall not arrest traffic violators except when the violation is especially flagrant.
- nn. Instituting External Administrative Complaints – Personnel shall not institute any External Administrative Complaint without prior written notification to the Police Chief.