

PROPOSAL C-1

Section 6-1603 of the Revised Charter of the City and County of Honolulu 1973, as amended, is amended to read as follows:

“Section 6-1603. Chief of Police —

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 appointment. The chief shall have had 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 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.

2. Before the expiration of a term to which appointed, the chief may be removed or suspended by the police commission [only for cause] for any reason. Such reasons may include but are not limited to:

- a) The chief has committed any act, while engaged in the performance of his or her duties, that constitutes a reckless disregard for the safety of the public or another law enforcement officer;
- b) The chief has caused a material fact to be misrepresented for any improper or unlawful purpose;
- c) The chief is unable to perform his or her duties with reasonable competence or reasonable safety because of a mental condition, including alcohol or substance abuse.
- d) The chief has acted in a manner for of furthering his or her self-interest or in a manner inconsistent with the interest of the public or the chief’s governing body.

As prerequisites to removal or suspension, the chief shall be given a written statement of the [~~charge~~] reasons for removal or suspension and an opportunity for a hearing before the police commission.

[3. Gross or continuous maladministration shall be a cause sufficient for removal of the chief. Before removing the chief for such cause, the commission shall give the chief written notice of and a reasonable period to cure the gross or continuous maladministration. If the gross or continuous maladministration is not cured to the commission’s satisfaction within the period given, the commission may proceed to remove the chief in accordance with subsection 2.

This subsection shall not be construed as:

- a) Making gross or continuous maladministration the only cause sufficient for removal of a chief; or

- b) Requiring the commission to give the notice and opportunity for cure specified under this subsection when removing a chief for a cause other than gross or continuous maladministration.]”