



August 15, 2025

Dawn Szewczyk, Chair  
Charter Commission  
530 South King Street, Room 202  
Honolulu, Hawai'i 96813

**RE: Charter Proposal Concerning Honolulu Police Department**

Dear Chair and Members of the Commission:

I am Executive Director at Public First Law Center, a nonprofit organization that promotes government transparency. We offer the attached proposal on the Honolulu City Charter provisions governing the Honolulu Police Department.

**Issue or Concern**

This proposal primarily seeks to address general dissatisfaction with the operation of the Honolulu Police Commission. In broad strokes, the proposal reorganizes the Commission to serve as independent community-based oversight of the Honolulu Police Department.

**Relevant Charter Sections**

Charter §§ 6-1601 to -1606

**Current Charter Language**

See attached proposal

**Proposed Change**

See attached proposal

**Rationale and Intended Impact**

The key changes:

- Mayor appoints the Chief of Police
- Mayor may fire or suspend Police Chief with approval of Police Commission
- Police Commission expanded to nine members – one from each Council district – selected by Council
- Police Commission's purpose explained and independence clarified
- Police Commission provided more effective role for public complaints
- Police Chief must timely hold public briefings on use of force



To achieve independence of the Commission from HPD and the Police Chief, the proposal provides that the Mayor appoints the Chief of Police. History illustrates that the Commission's power to hire the Police Chief has led the Commission to be less assertive in holding the Chief of Police accountable. The Commission that selects the Police Chief has a strong interest in protecting the success of the selected person. But that interest is counterproductive to the Commission's primary mission as community oversight of HPD. Removing the Commission from the hiring process allows it to focus on oversight and accountability.

Recognizing the continued importance of insulating the Police Chief from excessive political influence, however, the proposal maintains the five-year term of the Chief. Also, while the Police Chief serves at will, the Mayor may only remove the Chief with approval of the Commission.

To reinforce the Commission's role as community-based oversight, the proposal expands the Commission to nine members and requires appointment of Commission members by Council, with each council district represented on the Commission. If the Mayor selects the Police Chief, the Mayor should not have a role in selecting Commission members. And expanding the Commission to require representation from each council district ensures that each community across the island has a representative who can address that community's unique concerns with HPD. The proposal encourages the selection of members that reflect the diversity of the island.

The proposal further strengthens the Commission's role investigating complaints by the public and taking action to effect better policing standards. For example, language is eliminated that purports to restrict the Commission's "interference" with HPD, which language has been cited by Commission members in the past to justify inaction. Neither the Maui nor Kauai Charters have such limits on their respective police commissions.

The proposal also reinforces the community's desire for HPD to embrace modern principles of community policing that encourage transparency through regular public communication. E.g., Final Report of the President's Task Force on 21st Century Policing (May 2015), *available at* <https://www.govinfo.gov/content/pkg/GOVPUB-J36-PURL-gpo64136/pdf/GOVPUB-J36-PURL-gpo64136.pdf>. For example, drawing from laws and policies in other jurisdictions (*e.g.*, California, Colorado, Connecticut, D.C.,

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and Chicago), the proposal specifically requires that the Chief publicly address serious use of force incidents in a timely fashion.<sup>1</sup>

Respectfully,

A handwritten signature in black ink, appearing to read 'R. Brian Black', with a long horizontal flourish extending to the right.

R. Brian Black  
Executive Director

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<sup>1</sup> Other jurisdictions require a briefing within a week to 60 days— with some jurisdictions allowing extensions depending on the circumstances. The proposal provides for 60 days.

## CHAPTER 16 - POLICE DEPARTMENT

### Section 6-1601. Organization --

There shall be a police department which shall consist of a chief of police, a police commission and the necessary staff. The chief of police shall be the administrative head of the police department. The police commission shall operate independently from the chief of police and be a part of the police department for administrative purposes only.

### Section 6-1602. Statement of Policy --

It is hereby declared to be the purpose of this chapter of the charter to establish in the city a system of law enforcement which shall be based on accountability, transparency, and due regard for the constitutional rights of all persons, which shall promote the highest possible degree of mutual respect between law enforcement officers and the people of the city and which shall provide 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:

- (a) Standards of recruitment shall be designed to attract into the service persons with high degrees of education, intelligence 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) Community engagement shall be based on open and honest communication with the people of Honolulu through regular public updates on the activities of the police department.

### Section 6-1603. Chief of Police --

1. The chief of police shall be appointed by the mayor ~~police commission~~ for a term of five years. The chief shall serve at the pleasure of the mayor ~~police commission~~ and shall not attain any property interest in the position of chief of police. The mayor, with approval of 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 mayor ~~police commission~~. If desiring to do so, the mayor ~~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 mayor, with approval of the ~~police commission,~~ 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 reasons for removal or suspension and an opportunity for a public hearing before the police commission.

#### **Section 6-1604. Powers, Duties and Functions --**

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.
- (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 (1) the deputy chief had held a permanent appointment to the position immediately before appointment to the office of deputy chief; and (2) the deputy chief's tenure in the office has not been terminated for cause. If exercising the right, 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) Provide a public briefing on any officer-involved use of force resulting in death or substantial bodily injury. The public briefing shall be held within 60 days of an incident and, unless otherwise prohibited by law, include public release of video footage, 911 calls, and dispatch recordings after redacting graphic or highly personal and intimate portions.
- (h) Cooperate with all inquiries from the police commission.

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

**Section 6-1605. Police Commission --**

There shall be a police commission which shall consist of nine ~~seven~~ members, appointed by the council by resolution after two readings on separate days. One member shall be a resident of each council district. The Commission should reflect the diversity of the City and County of Honolulu, including individuals with law enforcement, social work, and behavioral health experience and individuals from policed communities. The commission may appoint such staff and engage consultants as is necessary to assist it in the performance of its duties. The commission shall be governed by the provisions of Section 13-103 of this charter. All discussion of complaints shall be public unless prohibited by law.

**Section 6-1606. Powers, Duties and Functions --**

The police commission embodies the democratic ideal of community control of the police department, granting the people of Honolulu more oversight over who polices them and how they do it, to encourage preventative, proactive, community-based, and evidence-based approaches to law enforcement. The mission of the police commission shall be to enhance community confidence in the police department by eliminating conflicts of interests; promoting transparency, fairness, and equity in the police department; and encouraging the police department to emphasize community policing, de-escalation, and trauma-informed law enforcement.

The police commission shall:

- (a) Adopt such rules as it may consider necessary for the conduct of its business and review rules and regulations for the administration of the department.
- (b) Publicly review ~~Review~~ the annual budget prepared by the chief of police before submission to the mayor and may make recommendations thereon to the mayor.
- (c) Submit an annual report to the mayor and the city council.
- (d) Receive, consider and investigate all complaints ~~charges~~ brought by the public concerning ~~against~~ the conduct of the department or any of its members. The police commission may refer complaints for an initial investigation by the department with subsequent review by the police commission. If the police commission sustains a complaint, it shall submit a written public report of its findings and recommended action to the chief of police. Within 30 days, if ~~If~~ the chief of police disagrees with the findings of the police commission, the chief shall publicly submit the reasons and if relevant the police chief's recommended action in writing to the police commission. Within 60 days, the police commission will hold a public meeting regarding the police chief's response. If the complaint concerns disciplinary action, the police commission's final decision on discipline shall be binding on the chief of police. A summary of the complaints ~~charges~~ filed and their disposition shall be included in the annual report of the commission.

- (e) The police commission may issue subpoenas and require the attendance of witnesses and the production of evidence pertinent to any ~~the~~ investigation or inquiry and administer oaths to such witnesses to the extent permissible by law and pursuant to Section 13-114.
- (f) Review and, if deemed necessary, make recommendations on the five-year plan and any update of goals and objectives for the police department which is submitted by the chief of police. The commission shall not have the power to approve, modify, or reject the plan or any update.
- (g) Compare at least annually the actual achievements of the police department against the goals and objectives in the five-year plan or latest update submitted by the chief.
- (h) Publicly evaluate ~~Evaluate~~ at least annually the performance of duties by the chief of police.

~~Except for purposes of inquiry or as otherwise provided in this charter, neither the commission nor its members shall interfere in any way with the administrative affairs of the department.~~