1. PURPOSE

The purpose of this General Order is to establish a process to reasonably and objectively review Critical Incidents, including use of force and other police actions that result in death or serious bodily injury of any person(s), and to evaluate the feasibility and appropriateness of implementing subsequent remedial measures.

2. PERSONS AFFECTED

All sworn personnel.

3. POLICY

The Hawai‘i Police Department is tasked with the important responsibility of objectively evaluating Critical Incidents. It is the policy of this department to convene a Special Review Board (SRB) for the review of Critical Incidents.

The Police Chief may at his/her discretion convene the SRB to review other use of force incidents.

4. DEFINITIONS

4.1. Critical Incident – Any incident involving sworn personnel acting under the color of authority that results in the death or serious bodily injury (defined by Section 707-700, H.R.S. as amended) of any person(s) as a result of use of force or other police actions.

4.1.1. For the purposes of this policy, the following will also be considered critical incidents:

a. Death or serious bodily injury of any person(s) in the process of being arrested or while in custody.

b. Discharge of a firearm towards any person(s) by sworn personnel acting under color of authority, even when death or injury does not occur.

4.2. Negligent Discharge – A negligent discharge occurs when the officer did not intentionally discharge a firearm, but the actions of the officer are such

that negligence in the handling, storing, cleaning or operation of the firearm created the deadly force incident.

4.3. Intentional Discharge – An intentional discharge occurs when the officer's actions are a deliberate or intentional response to an incident. The officer engages or uses their firearm, or any instrument, that could create deadly force.

4.4. Accidental Discharge - Accidental discharge denotes that the discharge of a firearm was not preventable. In cases where a firearm is discharged by a law enforcement officer who is trained in the operation, handling, cleaning, deployment and discharge of a firearm, it is either negligence or intentional acts that caused the deadly force incident.

4.4.1. Exception: For the term accidental discharge to be considered by the Special Review Board, there must be clear and convincing evidence of a mechanical malfunction supported by documentation by a licensed or certified gunsmith or armorer, that the officer would not have been conceivably aware existed, or could not have clearly prevented by any means while operating, handling, cleaning, deployment and discharge of the firearm.

5. COMPOSITION OF THE BOARD

5.1. The Special Review Board for Deadly Force Incidents shall be comprised of the Deputy Police Chief or designee and two Assistant Police Chiefs. The Assistant Chief that oversees the area where the incident took place or has the involved personnel under their area of command will not serve on the SRB.

5.2. In the absence of the Deputy Police Chief or an Assistant Police Chief, the Police Chief or Deputy Police Chief may appoint a Police Major. The appointed Police Major shall be from the uninvolved area of the incident.

5.3. The Deputy Police Chief or designee will serve as chairperson. In the absence of the Deputy Police Chief, the senior Assistant Police Chief will serve as chairperson.

5.4. The Deputy Police Chief or designee at the direction of the Police Chief will convene the board as necessary. It will be the responsibility of the

Captain in the Office of Professional Standards to notify the Police Chief of any incident requiring a board review.

5.5. The Office of Professional Standards will ensure that all relevant reports, documents, and materials are available for consideration and review by the board.

5.6. The Sections/Units having criminal investigative responsibility for the Critical Incident shall ensure that a copy of the criminal investigative report(s) is forwarded to the Special Review Board.

5.7. Involved officers are not required to appear before the SRB or provide any statements to the SRB regarding the incident.

6. RESPONSIBILITIES OF THE BOARD

6.1. The Special Review Board for Deadly Force Incidents is empowered to conduct a documented review of the Critical Incident.

6.2. The Special Review Board shall conduct a documented review of the Critical Incident and will make recommendations for any procedural and/or policy changes and recommendations for any training issues and/or equipment issues need to be addressed. The documented review will include a review of the Critical Incident Inquiry and the criminal investigation.

6.3. Recommendations are based on the consensus of the board. After the board has concluded, the board chairperson will submit a written report of the recommendations to the Police Chief.

6.4. At the conclusion of the review process, a copy of all relevant reports and information will be filed with the Office of Professional Standards.

6.5. Training recommendations shall be forwarded to the Captain of Administrative Services for review and for the development of any specific training to assist in preventing similar incidents.

REVIEWED FOR PUBLIC RELEASE