

1 assault, extreme psychological abuse, or malicious
2 property damage between family or household members;
3 or

4 (2) Any act which would constitute an offense under
5 section 709-906, or under part V or VI of chapter 707
6 committed against a minor family or household member
7 by an adult family or household member.

8 "Extreme psychological abuse" means an intentional or
9 knowing course of conduct directed at an individual that
10 seriously alarms or disturbs consistently or continually bothers
11 the individual, and that serves no legitimate purpose; provided
12 that such course of conduct would cause a reasonable person to
13 suffer extreme emotional distress.

14 "Family or household member" means spouses or reciprocal
15 beneficiaries, former spouses or former reciprocal
16 beneficiaries, persons who have a child in common, parents,
17 children, persons related by consanguinity, persons jointly
18 residing or formerly residing in the same dwelling unit, and
19 persons who have or have had a dating relationship.

20 "Law enforcement officer" means a sheriff, deputy sheriff,
21 police officer, parole officer, or probation officer.



1 "Malicious property damage" means intentional or knowing
2 damage to the property of another, without consent, with an
3 intent to thereby cause emotional distress.

4 **§ -2 Domestic violence policy; adoption; implementation.**

5 (a) By January 1, 2013, every agency shall adopt and implement
6 a written policy on domestic violence committed or allegedly
7 committed by law enforcement officers of the agency that meets
8 the minimum standards specified in this section. In developing
9 its policy, each agency shall consult public and private non-
10 profit domestic violence advocates and any other organizations
11 and professions the agency finds appropriate.

12 (b) The policy shall provide due process for law
13 enforcement officers and, at a minimum, shall provide:

14 (1) Prehire screening procedures reasonably calculated to
15 disclose whether an applicant for a law enforcement
16 officer position:

17 (A) Has committed or, based on credible sources, has
18 been accused of committing an act of domestic
19 violence; or

20 (B) Is currently or has previously been subject to
21 any order under chapter 586;



- 1 (2) For mandatory and immediate response to acts or
- 2 allegations of domestic violence committed or
- 3 allegedly committed by a law enforcement officer;
- 4 (3) To a law enforcement officer, upon the request of the
- 5 law enforcement officer or when the law enforcement
- 6 officer has been alleged to have committed an act of
- 7 domestic violence, information on domestic violence
- 8 prevention programs;
- 9 (4) For mandatory and immediate reporting by agency
- 10 employees when an employee becomes aware of an
- 11 allegation of domestic violence committed or allegedly
- 12 committed by a law enforcement officer of the agency
- 13 employing the law enforcement officer;
- 14 (5) Procedures to address reporting by an agency employee
- 15 who is the victim of domestic violence committed or
- 16 allegedly committed by a law enforcement officer;
- 17 (6) For mandatory and immediate self-reporting by a law
- 18 enforcement officer to the officer's employing agency
- 19 when the agency has responded to a domestic violence
- 20 call in which the law enforcement officer committed or
- 21 allegedly committed an act of domestic violence;



- 1 (7) For mandatory and immediate self-reporting by a law
2 enforcement officer to the officer's employing agency
3 if the officer is currently or has previously been
4 subject to any order under chapter 586;
- 5 (8) For the initiation of prompt separate and impartial
6 administrative and criminal investigations of acts or
7 allegations of domestic violence committed or
8 allegedly committed by a law enforcement officer;
- 9 (9) For appropriate action to be taken during an
10 administrative or criminal investigation of acts or
11 allegations of domestic violence committed or
12 allegedly committed by a law enforcement officer. The
13 policy shall provide procedures to determine, in a
14 manner consistent with applicable law and the agency's
15 ability to maintain public safety, whether to relieve
16 the law enforcement officer of agency-issued weapons
17 and other agency-issued property and whether to
18 suspend the law enforcement officer's power of arrest
19 or other police powers pending resolution of any
20 investigation;
- 21 (10) For prompt and appropriate discipline or sanctions
22 when, after an agency investigation, it is determined



1 that a law enforcement officer has committed an act of
2 domestic violence;

3 (11) That when there has been an allegation of domestic
4 violence committed or allegedly committed by a law
5 enforcement officer, the agency shall immediately make
6 available to the alleged victim the following
7 information:

8 (A) The agency's written policy on domestic violence
9 committed or allegedly committed by a law
10 enforcement officer;

11 (B) Information, including but not limited to contact
12 information, about public and private non-profit
13 domestic violence advocates and services; and

14 (C) Information regarding relevant confidentiality
15 policies related to the victim's information;

16 (12) Procedures for the timely response to an alleged
17 victim's inquiries into the status of the
18 administrative investigation and the procedures the
19 agency will follow in an investigation of domestic
20 violence committed or allegedly committed by a law
21 enforcement officer;



1 (13) Procedures requiring an agency to immediately notify
2 the employing agency of a law enforcement officer when
3 the notifying agency becomes aware of acts or
4 allegations of domestic violence committed or
5 allegedly committed by the law enforcement officer;
6 and

7 (14) Procedures for agencies to access and share domestic
8 violence training.

9 **§ -3 Training.** (a) No later than January 1, 2013,
10 every law enforcement officer hired by an agency before July 1,
11 2012, shall be trained by the agency on the agency's policy
12 required under this section.

13 (b) Law enforcement officers hired by an agency on or
14 after July 1, 2012, shall, within six months of beginning
15 employment, be trained by the agency on the agency's policy
16 required under this section.

17 **§ -4 Reporting.** No later than twenty days prior to the
18 convening of each regular session beginning with the regular
19 session of 2014, every agency shall submit to the legislature
20 and governor a copy of its policy developed under this section,
21 any revisions to the policy, and a statement as to whether the
22 agency has complied with the training required under this



1 section. The copy, revisions, and statement may be provided in
2 electronic format."

3 SECTION 2. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so much
5 thereof as may be necessary for fiscal year 2012-2013 to assist
6 the counties in implementing section 1 of this Act. The
7 specific appropriations to the police department of each county
8 are as follows:

- 9 (1) City and county of Honolulu \$
- 10 (2) Hawaii county \$
- 11 (3) Maui county \$
- 12 (4) Kauai county \$

13 SECTION 3. The sums appropriated shall constitute the
14 State's share of the cost of the mandated law enforcement agency
15 domestic violence policy program under section 1 of this Act, as
16 required by article VIII, section 5 of the Hawaii State
17 Constitution.

18 SECTION 4. The sum appropriated to each county policy
19 department shall be expended by the county police department for
20 the purposes of this Act.



H.B. NO. 1917

1 SECTION 5. This Act shall take effect on July 1, 2012.

2

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Report Title:

Domestic Violence Policy; Law Enforcement Agencies

Description:

Requires law enforcement agencies to adopt and implement a written policy on domestic violence committed or allegedly committed by law enforcement officers of the agency by January 1, 2013. Specifies minimum policy standards that must be met by the agency. Establishes policy training deadlines.

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