

INVESTIGATIVE REVIEW COMMITTEE	Document Number	GO 527
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1. PURPOSE

The purpose of this policy is to establish the Investigative Review Committee (IRC) and define its duties and responsibilities.

2. PERSONS AFFECTED

All department personnel.

3. POLICY

It shall be the policy of the Hawai'i Police Department that it create and maintain an Investigative Review Committee whose responsibility shall be to:

- 3.1. Review and evaluate on-duty traffic casualties involving county-owned or subsidized motor vehicles.
- 3.2. Review and evaluate incident reports of theft, damage, or loss of county-owned equipment or property.

4. DEFINITIONS

- 4.1. Motor Vehicle – Self-propelled vehicle as defined under Chapter 286 of the Hawaii Revised Statutes as Amended.
 - 4.1.1. An exception is that it includes all mopeds, regardless of power output capabilities, if the Traffic Casualty results in total damages greater than \$3,000, or injury/death.
- 4.2. Traffic Casualty – At least one motor vehicle in motion resulting in damage, injury, or death.
 - 4.2.1. An exception is a motor vehicle in motion as a direct result of a cataclysmic event (e.g. tsunami, earthquake, tornado, etc.).
- 4.3. On-Duty Traffic Casualty – A traffic-casualty involving a police department employee operating a:
 - 4.3.1. County-owned or subsidized motor vehicle while on duty; or

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4.3.2. Motor vehicle other than a county owned or subsidized motor vehicle, while on official duty sanctioned by the department.

4.4. Incident – Any on-duty traffic casualty, or the theft, damage, or loss of county-owned equipment or property.

4.5. Avoidable Incident – An incident in which the employee did not take every reasonable precaution to prevent the incident from occurring.

4.6. Unavoidable Incident – An incident which occurred in spite of reasonable precautions taken by the employee.

5. COMMITTEE

5.1. The Investigative Review Committee shall be composed of the following committee members, or as designated by the Police Chief or designee:

5.1.1. Major Technical Services Division – Chairperson; three members selected by the Police Chief holding the rank of Captain or above – Vice Chairperson and members; and Deputy Corporation Counsel – Adviser.

6. RESPONSIBILITIES

6.1. The committee shall review all on-duty traffic casualties involving county-owned or subsidized motor vehicles and review all incident reports of thefts, damages, or loss of county-owned equipment or property in which the replacement value is in excess of \$150.00, and of any incident whereby the employee's badge was stolen, damaged, or lost.

6.2. The committee shall determine whether that incident was avoidable or unavoidable and report their findings and recommendations to the Police Chief for approval.

6.3. A simple majority of board members will constitute a quorum. The Chairperson will vote only in the case of a tie, in which case the chairperson shall cast the deciding vote.

6.4. If the committee determines an incident to be avoidable, they shall recommend appropriate action as specified under Section 7.4.

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7. PROCEDURES

- 7.1. The Division or District Commander shall review each on-duty traffic casualty or incident report and submit a complete copy of the report with a recommendation to the Investigative Review Committee on all on-duty traffic casualties involving police employees; all thefts, damages or loss of county-owned equipment or property which replacement value is in excess of \$150.00 and/or any incident whereby the employee's badge was stolen, damaged, or lost. In incidents whereby the replacement value is \$150.00 or less, the Division or District Commander of the personnel involved shall determine the final action upon approval of the Police Chief.
- 7.2. The Chairperson of the committee shall forward to the Traffic Services Section Commander all on-duty traffic casualties for review. If warranted, additional investigation shall be conducted by the Traffic Services Section. The Traffic Services Section Commander, upon completion of the review, shall submit a recommendation to the Investigative Review Committee.
- 7.3. The committee shall be convened by the Chairperson. They will review all cases and submit its findings and recommendations to the Police Chief for corrective action.
- 7.3.1. If the incident is found to be unavoidable, the case will be closed.
- 7.3.2. If preliminary findings determine an incident to be avoidable, the committee shall submit a notification memorandum to the commander of the affected employee informing him/her of the right to appear before the committee.
- 7.3.3. If a hearing is desired, the employee shall respond within 14 calendar days upon notification. If a request for hearing is not received within 14 calendar days of notification and the committee determines that it was an avoidable incident, the report, with recommendations, shall be forwarded to the Police Chief for final decision.
- 7.3.4. Upon receipt of a request for hearing, the IRC Chairperson shall notify the employee of the date, time, and location that this case will be heard. The hearing will be held during normal business hours and the requesting employee will not be entitled to overtime credit for attendance.

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- 7.3.5. If the employee is unable to attend due to illness, court appearance or emergency assignment, a written request for a new hearing shall be made to the committee chairperson within 48 hours of the scheduled hearing. If the employee fails to appear at the scheduled hearing without prior approval of the Chairperson, the right to appear is forfeited. Exceptions may be made by the Police Chief, for requests submitted after the 48 hour deadline, under exigent circumstances.
- 7.3.6. The employee may have a union representative or legal counsel present during the hearing; however, all statements to the committee shall be made by the employee. The Chairperson may allow the employee's representative, upon request, to make brief statements.
- 7.4. The recommendation, upon approval by the Police Chief, shall be a final decision and will be forwarded to the employee.
- 7.4.1. If the action requires reimbursement to the County, the Chairperson will notify the Accountant IV for appropriate payroll deductions.
- 7.4.2. If driver training is necessary, the Chairperson will notify the Training Section for scheduling of driver training courses.
- 7.4.3. If the action to be taken is an oral or written reprimand, the Chairperson shall prepare the required disciplinary action recommendation and submit it to the Police Chief for his final approval. This action shall be exempt from any Administrative Review Board process.
- 7.4.4. The committee may use the employee's prior driving record, number of prior incidents and degree of negligence involved in the incident under investigation in determining its recommendation.
- 7.5. Cases determined to be *avoidable* shall be retained to file.