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|  | DEPARTMENT OF PUBLIC SAFETY | EFFECTIVE DATE: DEC 14 2009 | POLICY NO.: LAW.03.03 |
| | LAW ENFORCEMENT POLICY AND PROCEDURES | SUPERSEDES (Policy No. & Date): NEW | |
| | SUBJECT: POLITICAL ACTIVITY PROHIBITIONS | | Page 1 of 4 |

1.0 PURPOSE

To establish guidelines for engagement in political activities by Law Enforcement Officers.

2.0 REFERENCES AND DEFINITIONS

1 References

- a. The Hatch Act (5 USCS 118k).
- b. Hawaii Revised Statutes (HRS), Section 84-13, Fair Treatment portion of the State Ethics Code.
- c. Opinion of the Hawaii Department of the Attorney General, September 21, 1964, concerning the Hatch Act.
- d. Department policy ERL.05.01, Threats Against State Officials.
- e. Department policy ERL.06.02, Threats Against Judges & Judiciary Employees.

2 Definitions

- a. Political Management: Serving as an officer of a political club including a precinct club; serving as a member or officer of a political club committee; addressing a political club on any partisan political matter; or being active in organizing a political club.
- b. Political Campaigning: An activity the purpose of which is to urge people to act favorably for a particular candidate or political issue.
- c. Political Activity: Fund raisers, coffee hour gatherings, rallies, or conventions for political candidates or issues.
- d. State Equipment: Copy machines, telephones, FAX, typewriters, computers, and vehicles.
- e. State Supplies: Stationary, paper, stamps, and other office supplies.

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- f. State Premises: State offices, conference rooms, working areas, and parking lots.

3.0 POLICY

The provision of law enforcement services is one of the most visible functions of the Department. Protection of the public and enforcement of the law is considered a 24-hour responsibility which requires an exhibition of the highest standards of ethical conduct in public and private living by law enforcement officers.

To ensure the public does not consider the activities of a Law Enforcement Officer as an endorsement under the colors of the Department of a political issue or candidate, Law Enforcement Officers are prohibited from taking an active part in political management or an active part in political campaigning on or off duty. Officers shall retain their right to attend political activities, to which the general public is admitted, to vote as they may choose, and to freely express their opinions on any political issue or candidate, as long as their conduct does not indicate political management or active participation in a political campaign.

4.0 PROCEDURES

.1 Political Campaigning

A Law Enforcement Officer who has any questions about an activity they wish to participate in, on or off duty, that they are not sure may be defined as active participation in political campaigning or political management, shall direct their question to and request approval from the Deputy Director for Law Enforcement. This request shall be made in writing through their chain of command. An officer shall not participate in any activity of this nature unless they have written authorization from the Deputy Director for Law Enforcement.

As guidance in this respect, the following are some examples of prohibited activities, which are considered active participation in political campaigning:

- a. Delivering campaign literature house to house.
- b. Holding or waving signs which reference a political candidate or political issue. This is within buildings as well as on the street.
- c. Making a speech at a political activity.

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- d. Using State time, equipment, supplies, or State premises for campaign activities or campaign purposes. State time means the actual time during which a State employee is supposed to be performing their State duties. State time excludes lunchtime, break time, and vacation time.
- e. Using State personnel during State time for purposes of performing campaign tasks or activities.
- f. Using State mail or messenger services for campaign purposes.
- g. Soliciting campaign contributions or campaign assistance by sending letters addressed to State officials or employees at their State offices.
- h. Using the advantage of their position to give unwarranted advantages or preferential treatment to campaigns.
- i. Selling fund-raiser tickets to, or soliciting the purchase of fund-raiser tickets from the public, subordinates, private businesses, and fellow employees.

EXCEPTION: Political candidates may be escorted through State offices to meet State employees as long as all candidates are treated equally and given the same opportunities.

2 Security Services for Political Activities

Law enforcement Officers on or off duty, in or out of uniform, are prohibited from providing security services, of any kind, at any political activity.

5.0 POLICY EXCEPTIONS

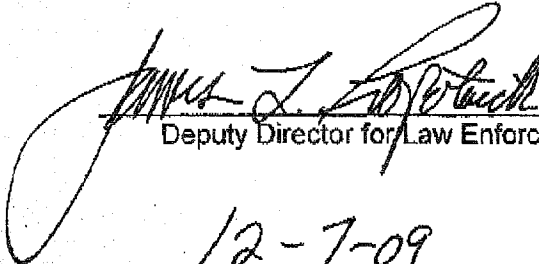
In the event that a State official, judge, or judiciary employee has received a threat and attends a political activity, Department Law Enforcement Divisions may attend the activity in the official capacity of providing protection for the individual or individuals as mandated by Department policy. The Deputy Director for Law Enforcement shall retain the authority to make this decision.

6.0 SCOPE

This policy applies to all Law Enforcement officers.

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Approval Recommended:

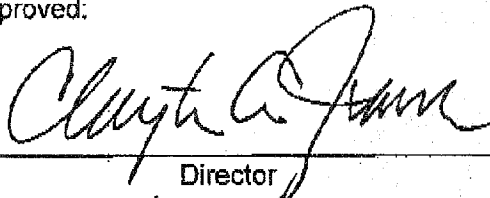


Deputy Director for Law Enforcement

12-7-09

Date

Approved:



Director

12/14/09

Date