

TITLE XX

LAW ENFORCEMENT STANDARDS BOARD

CHAPTER XX-7

CERTIFICATION ACTION PROCEDURES

DRAFT (5-13-2025)

SUBCHAPTER 1

AUTHORITY, PURPOSE, AND GENERAL PROVISIONS

§XX-7-1 Authority and purpose.

(a) This chapter is adopted pursuant to sections 139-2 and 139-3, Hawaii Revised Statutes, which authorize the Law Enforcement Standards Board to:

- (1) Establish, enforce, and maintain statewide professional and ethical standards for certified law enforcement officers;
- (2) Develop and maintain the LESB Code of Conduct; and
- (3) Promote integrity, professionalism, and accountability within law enforcement agencies.

(b) The purpose of this chapter is to:

- (1) Establish the professional conduct and ethical standards required of all certified law enforcement officers;
- (2) Incorporate the LESB Code of Conduct as a mandatory standard for certification;
- (3) Define the duty of officers to uphold public trust and report misconduct;
- (4) Clarify that compliance with this chapter is distinct from the disciplinary procedures in chapter XX-6; and
- (5) Support the integrity and professionalism of Hawaii's law enforcement community through consistent enforcement of certification standards. [Eff 7/1/26] (Auth: HRS §§139-2, 139-3) (Imp: HRS §§139-2, 139-3)

§XX-7-2 Definitions.

As used in this chapter, unless the context requires otherwise:

“Administrative law judge” or “ALJ” means a neutral hearing officer assigned to preside over a contested case hearing under chapter 91, Hawaii Revised Statutes, in place of, or in support of, the Hearing Board.

“Appellate Review Panel” means a panel designated by the Board to consider appeals of certification actions. The panel reviews the record of the Hearing Board and provides a recommendation to the Board to affirm, reverse, modify, or remand the matter.

“Board” means the Law Enforcement Standards Board established under section 139-2, Hawaii Revised Statutes.

“Certification” means the formal recognition issued by the Board conferring law enforcement authority upon an individual under chapter 139, Hawaii Revised Statutes.

“Decertification” means the revocation of certification by the Board, resulting in the loss of law enforcement authority conferred under chapter 139, Hawaii Revised Statutes. The terms “revocation” and “decertification” may be used interchangeably in this chapter when referring to the loss of certified status.

“Hearing Board” means a panel appointed by the Board to conduct contested case hearings under chapter 91, Hawaii Revised Statutes, and to submit findings of fact and recommendations to the Board in matters involving certification actions.

“Judicial review” means the right of a party aggrieved by a final decision of the Board to appeal to the circuit court in accordance with section 91-14, Hawaii Revised Statutes.

“National Decertification Index” or “NDI” means a national database maintained by the International Association of Directors of Law Enforcement Standards and Training, which contains records of law enforcement officers who have been decertified, denied certification, suspended, or are otherwise subject to certification action or investigation in a participating jurisdiction.

“Relinquishment” means the certification action initiated by a voluntary surrender of certification, resulting in the certification status of “Relinquished.”

“Revocation” means the formal action by the Board to terminate an officer’s certification due to findings of ineligibility under chapter 139, Hawaii Revised Statutes. Revocation results in the loss of law enforcement authority and shall be permanent, and subject to a formal petition for reinstatement after a specified period, as determined by the Board.

“Serious misconduct” means conduct including, but not limited to:

- (1) Felony convictions;
 - (2) Misuse of authority;
 - (3) Unjustified use of deadly force;
 - (4) Sexual misconduct under color of authority;
 - (5) Perjury or falsification of records;
 - (6) Obstruction of justice, including suppression of evidence or witness tampering;
- and
- (7) Bias-based policing and discriminatory enforcement.

“Suspension” means the temporary loss of certification imposed by the Board, during which the individual shall not exercise any law enforcement authority. A suspension may be for a defined period, subject to specified conditions, or both, as determined by the Board.

“Voluntary surrender” means the formal act of an officer affirmatively relinquishing their certification in writing, in accordance with procedures established by the Board. [Eff 7/1/26] (Auth: HRS §§139-2, 139-3) (Imp: HRS §§139-3, 91-1, 91-14)

§XX-7-3 Applicability and jurisdiction.

(a) This chapter applies to:

- (1) All individuals certified as law enforcement officers under chapter 139, Hawaii Revised Statutes;

- (2) All applicants for certification under chapter XX-2; and
 - (3) All law enforcement agencies subject to Board reporting and compliance requirements.
- (b) The Board has exclusive jurisdiction to determine certification eligibility and status. Certification actions taken under this chapter are final and binding, and no law enforcement agency may override or disregard a certification denial, suspension, or revocation imposed by the Board. [Eff 07/01/26] (Auth: HRS §139-2; HRS §139-3) (Imp: HRS §139-3; HRS §139-6))

§XX-7-4 Review of conduct for initial certification.

(a) When determining whether an applicant qualifies for initial certification under chapter XX-2, the Board may consider conduct relevant to character, fitness, and compliance with professional standards, as follows:

(1) For incumbent and incumbent executive-level officers, the Board may consider conduct that occurred on or after July 1, 2026, the effective date of this chapter, through the date certification is granted.

(2) For new applicants, returning officers, and applicants previously certified in another jurisdiction or through military service, the Board may consider conduct occurring at any time prior to or during the certification process.

(b) Once certified by the Board, an officer's subsequent conduct shall not be used to reconsider the officer's initial eligibility for certification but may be subject to review, investigation, and action under this chapter. [Eff 7/1/26] (Auth: HRS §139-2 and 139-3) (Imp: HRS §139-3 and 139-6)

SUBCHAPTER 2

GROUND FOR CERTIFICATION ACTIONS

§XX-7-5 Certification actions not employment actions.

(a) The Board has exclusive authority to impose certification actions, including denial, suspension, revocation, and reinstatement of certification, under chapter 139, Hawaii Revised Statutes.

(b) Employment decisions, including hiring, promotion, demotion, discipline, and termination, remain the authority of individual law enforcement agencies and are governed by applicable civil service laws and collective bargaining agreements. [Eff 7/1/26] (Auth: HRS §139-2 and 139-3) (Imp: HRS §139-3 and 139-6)

§XX-7-6 Mandatory decertification.

(a) The Board shall revoke an officer's certification if the officer engages in conduct that constitutes grounds for mandatory decertification under this section, including but not limited to:

- (1) Conviction of a felony in any jurisdiction;
- (2) Conviction of a misdemeanor involving moral turpitude, including but not limited to:

- (A) Domestic violence, as defined under section 706-606.6, Hawaii Revised Statutes;
- (B) Fraud, perjury, or false reporting;
- (C) Bribery, official misconduct, or abuse of authority;
- (D) Knowingly falsifying official records, including training, employment, or investigative documents; or
- (E) Acts of dishonesty or deception related to official duties;
- (3) Use of excessive force in violation of law or agency policy resulting in serious injury or death;
- (4) Failure to intervene in or report known misconduct by another officer, when required by law or agency policy;
- (5) Sexual misconduct under color of authority, including but not limited to:
 - (A) Sexual assault or coercion using one's official position; or
 - (B) Unwanted sexual contact with individuals in custody or under control;
- (6) Use of deadly force without legal justification, including unjustified shootings or in-custody deaths due to officer actions; or
- (7) Conduct that renders the officer unfit to serve in law enforcement, including but not limited to:
 - (A) Participation in organized criminal activity;
 - (B) Tampering with evidence in an official investigation; or
 - (C) Engaging in bias-based or discriminatory enforcement practices.
- (b) A law enforcement agency shall submit a report to the Board within ten calendar days of discovering that an officer has engaged in conduct described under subsection (a).
- (c) Upon receipt of the report, the Board shall review the matter and conduct an independent investigation if necessary. If the violation is confirmed, the Board shall revoke the officer's certification by formal action.
- (d) A law enforcement agency that fails to report known mandatory decertification conduct may be subject to administrative sanctions, as determined by the Board.

(Auth: section 139-2, Hawaii Revised Statutes; section 139-3, Hawaii Revised Statutes)
(Imp: section 139-3, Hawaii Revised Statutes; section 139-6, Hawaii Revised Statutes)

§XX-7-7 Discretionary suspension or decertification.

- (a) The Board may suspend or revoke an officer's certification for conduct that does not mandate decertification under section XX-7-6, but which nonetheless demonstrates a lack of fitness to serve as a law enforcement officer. Grounds for discretionary certification action include, but are not limited to:
 - (1) Substance abuse, including:
 - (A) On-duty intoxication;
 - (B) Use of illegal substances; or
 - (C) Refusal to comply with agency drug testing policies related to certification requirements;
 - (2) Financial misconduct, coercion, or retaliation, including:
 - (A) Accepting bribes or financial gain unrelated to lawful compensation; or
 - (B) Retaliating against individuals who report misconduct;
 - (3) A pattern of dishonesty, including:

- (A) Repeated false statements in official reports;
- (B) Misrepresentation of material facts; or
- (C) Tampering with or concealing evidence;
- (4) Obstruction of justice, including:
 - (A) Suppression of evidence;
 - (B) Interfering with, influencing, or attempting to intimidate witnesses;
 - (C) Interference with internal or external investigations; or
- (5) Bias-based or discriminatory policing practices, including:
 - (A) Taking enforcement actions based on race, ethnicity, gender, religion, or other protected characteristics.
- (b) Upon receipt of a complaint, report, or credible allegation of misconduct under this section, the Board shall initiate a review and, if appropriate, a formal investigation.
- (c) The officer shall be provided written notice of the alleged conduct and an opportunity to respond, in accordance with the procedures set forth in Subchapter 3, prior to final Board action.
- (d) Following review and any applicable hearing process, the Board may impose one or more of the following certification actions:
 - (1) Revocation of certification;
 - (2) Suspension of certification for a defined period or until specified conditions are met; or
 - (3) Remedial training, probation, or other corrective measures as a condition of continued certification. [Eff 7/1/26] (Auth: HRS §139-2 and 139-3) (Imp: HRS §139-3 and 139-6)

XX-7-8 Reporting requirements for law enforcement agencies.

- (a) A law enforcement agency shall report any of the following events to the Board within ten calendar days:
 - (1) Termination, resignation, or retirement of an officer who is under investigation for serious misconduct;
 - (2) Filing of criminal charges against a certified officer; or
 - (3) A sustained finding of misconduct involving excessive force, dishonesty, criminal behavior, or other conduct that may constitute grounds for certification action under this chapter.
- (b) Reports shall be submitted through the Board's designated electronic reporting system or other method approved by the Administrator.
- (c) An agency that fails to comply with the reporting requirements of this section may be subject to administrative action by the Board, including notice to the agency head and other appropriate sanctions.
- (d) The employing agency shall also report any employment action taken against an individual who is applying for certification under chapter XX-2—including incumbent, lateral, or new-hire applicants—when the reason for the action involves conduct that would constitute a violation of LESB standards under this chapter or Chapter XX-6. [Eff 7/1/26] (Auth: HRS §139-2 and 139-3) (Imp: HRS §139-3 and 139-6)

SUBCHAPTER 3

CERTIFICATION ACTION PROCEDURES

§XX-7-9 Initiation of proceedings.

- (a) The Board may initiate a certification action under this chapter upon receiving credible information indicating that a certified officer, applicant, or former officer may have engaged in conduct subject to action under this chapter or Chapter XX-6.
- (b) Certification action may be initiated based on any of the following:
 - (1) A public complaint, agency referral, or credible report of misconduct;
 - (2) A mandatory report submitted by a law enforcement agency under Section XX-7-21;
 - (3) A criminal charge, conviction, or court finding relevant to certification status; or
 - (4) A Board-initiated review, audit, or compliance inspection indicating a possible violation of certification standards.
- (c) Proceedings under this chapter may involve:
 - (1) Certified officers;
 - (2) Individuals applying for certification, including new hires, lateral officers, or incumbent officers under Chapter XX-2; or
 - (3) A former officer who remains certified but is no longer employed by a law enforcement agency, or who is seeking reinstatement under Section XX-7-19 or Section XX-7-20, shall be subject to Board jurisdiction under this chapter. A former officer who remains certified shall continue to be subject to Board jurisdiction for up to two years following separation from employment, unless certification is revoked, suspended, or formally relinquished sooner. [Eff 7/1/26] (Auth: HRS §139-2 and 139-3) (Imp: HRS §139-3 and 139-6)

§XX-7-10 Due process and certification action procedures.

- (a) Case initiation and investigation.
 - (1) Upon receipt of allegations, complaints, or agency referrals, the LESB Administrator shall initiate a case and conduct a preliminary review.
 - (2) If the matter falls within the Board's jurisdiction, the LESB Administrator shall open a formal investigation. If the matter does not fall within the Board's jurisdiction, the case shall be recorded as "information only," meaning that it is retained for administrative tracking purposes but will not result in certification action.
 - (3) If the LESB Administrator determines that the alleged conduct constitutes a presumptive decertification offense or presents an immediate risk to public or officer safety, the Administrator may initiate an emergency suspension in accordance with Section XX-7-12.
 - (4) Prior to initiating an emergency suspension, the LESB Administrator shall consult with the Chairperson of the Board or the Chairperson's designee.
 - (5) Notification of the investigation shall be sent to the officer within fifteen calendar days of case initiation.

(6) The LESB Administrator shall complete the formal investigation within sixty calendar days of case initiation, unless extended for good cause with written justification. The officer and the officer's employing agency shall be notified of any delay.

(7) The LESB Administrator may also initiate a certification action to deny certification to an applicant based on background findings, failure to meet minimum eligibility requirements, or conduct inconsistent with the standards of this chapter or Chapter XX-2. Such conduct may include dishonesty or cheating during the certification application or basic training process. Denial of certification shall follow the procedures set forth in this section, including notice, opportunity to respond, and hearing rights.

(b) Disposition of investigations with no certification action.

(1) If, after completing the investigation, the LESB Administrator determines that certification action is not warranted, the case shall be assigned the "information only" status described in subsection (a)(2).

(2) The LESB Administrator shall provide written notification of the investigative findings to the officer and the officer's employing agency.

(3) Records of such cases shall be retained only for the minimum period required by law and in accordance with Section XX-7-26 of this chapter, which governs the confidentiality, retention, and disclosure of certification records.

(4) Personally identifiable information contained in such records shall be protected in accordance with Hawaii's Uniform Information Practices Act, Chapter 92F, Hawaii Revised Statutes.

(c) LESB Administrator notice and hearing opportunity.

(1) Following an LESB investigation that indicates certification action may be warranted, the LESB Administrator shall notify the officer in writing of the investigative findings and of the officer's right to request a hearing with the Administrator. Notification of the officer's employing agency shall occur in accordance with subsection (g).

(2) The officer shall have fifteen calendar days from the date of notice to respond. If the officer declines the opportunity for a hearing, or fails to respond within the time allowed, the case shall proceed without an Administrator hearing.

(3) If the officer requests a hearing before the Administrator, the hearing shall be scheduled within thirty calendar days of the officer's response.

(4) Upon request, the LESB Administrator shall make available to the officer any investigative findings, supporting documentation, or other relevant materials that may be considered in the case. These materials shall be provided at least ten calendar days prior to any scheduled hearing, or within ten calendar days of the officer's request if no hearing has yet been scheduled. The Administrator may redact or withhold confidential or privileged materials in accordance with Chapters 91 and 92F, Hawaii Revised Statutes, or other applicable laws.

(d) LESB Administrator hearing and disposition of cases.

(1) An officer who elects to participate in the LESB Administrator hearing may be accompanied by a representative, including legal counsel, a union representative, or a personal advocate, for support and guidance.

(2) The purpose of the Administrator's hearing is to receive the officer's personal account of the matter. While representatives may speak during the proceeding, the Administrator's determination shall be based solely on the officer's own statements and the available investigative or administrative record.

- (3) If the officer declines the Administrator's hearing, the Administrator shall make no substantive findings and the case shall proceed directly to the LESB Hearing Board.
- (4) If the officer participates in the Administrator's hearing, the Administrator shall:
- (A) Consider the officer's direct account, explanation, and response alongside the investigative findings; and
 - (B) Make a determination based on all available evidence.
- (5) If the LESB Administrator determines that no certification action is warranted, the officer shall receive:
- (A) Written notice of the decision and any admonishments, if applicable; and
 - (B) Confirmation that the case may only be reopened upon rejection of the Administrator's determination at the next LESB meeting.
- (6) If the LESB Administrator determines that certification action may be warranted, the case shall be referred to the LESB Hearing Board for review.
- (7) The LESB Administrator shall issue a written summary of findings and determination within fifteen calendar days following the Administrator's hearing.
- (e) LESB Hearing Board process.
- (1) The LESB Hearing Board shall:
- (A) Review the LESB Administrator's findings and either accept or reject the recommendation for a hearing; and
 - (B) Schedule and conduct a hearing under Chapter 91, Hawaii Revised Statutes, contested case procedures if certification suspension or revocation is considered. The hearing shall be scheduled within sixty calendar days of the referral, unless continued for good cause.
- (2) An officer whose case is referred to the LESB Hearing Board may be represented by legal counsel, a union representative, or personal advocate. The representative may participate to the full extent permitted under Sections 91-9 and 91-10, Hawaii Revised Statutes, including the rights to present and rebut evidence, conduct cross-examination, and submit oral or written arguments.
- (3) The officer may present witnesses, submit documentary evidence, and offer testimony on their own behalf. The officer may also request the presence of LESB investigators or other relevant personnel for questioning and may cross-examine witnesses presented by the LESB. These rights shall be exercised in accordance with the procedural rules governing contested case hearings under Chapter 91, Hawaii Revised Statutes.
- (4) The standard of proof for certification actions shall be as follows:
- (A) For certification revocation, the LESB Hearing Board shall apply a "clear and convincing evidence" standard.
 - (B) For certification suspensions and written admonishments, the LESB Hearing Board shall apply a "preponderance of the evidence" standard.
 - (C) These standards shall apply to findings of fact and the determination of whether a certification action is warranted.
- (5) After the hearing, the Hearing Board may:
- (A) Dismiss the case and take no action;
 - (B) Issue an admonishment, which does not constitute certification action but may be imposed as a corrective outcome under Section XX-7-13(d); or
 - (C) Recommend certification suspension or revocation, which requires final LESB approval.

(6) Hearing Board determinations of “No Action” or “Admonishment” shall be implemented by the LESB Administrator within ten business days and reported at the next full LESB meeting.

(7) In the event of scheduling conflicts, regional limitations, recusal of Hearing Board members, case backlog, or other good cause, the Board may designate a qualified Administrative Law Judge (ALJ) to conduct the contested case hearing in place of the LESB Hearing Board. The ALJ shall carry out all functions of the Hearing Board, including presiding over the hearing, receiving evidence, issuing proposed findings of fact and conclusions of law, and recommending a certification action. The ALJ’s recommendations shall be submitted to the Board for final disposition consistent with Chapter 91, Hawaii Revised Statutes.

(f) LESB final disposition of certification actions.

(1) The full LESB, with a quorum present, shall make final determinations on:

(A) Certification suspensions, including time-limited or conditional reinstatement; and

(B) Certification revocations, whether permanent or with a defined reinstatement timeline.

(2) Certification revocations or suspensions shall only be finalized after a vote of the full LESB.

(3) In addition to revocation or suspension, the Board may issue a written admonishment or impose remedial training or a probationary period as conditions of continued certification, consistent with the sanctions authorized in Section XX-7-13.

(4) All final certification action decisions issued by the Board shall be in writing, include findings of fact and conclusions of law, and be subject to judicial review in accordance with Section 91-14, Hawaii Revised Statutes.

(5) The full LESB shall vote on any Hearing Board recommendation for certification suspension or revocation within thirty calendar days of receiving the final Hearing Board report, or at the next regularly scheduled meeting of the LESB, whichever comes first.

(g) Agency notification and coordination.

(1) The LESB Administrator shall provide timely written updates to the officer’s employing agency at key stages of the case, including:

(A) Initiation of a formal investigation;

(B) Notification of proposed action under subsection (c);

(C) Scheduling of Administrator or Hearing Board proceedings; and

(D) Final LESB determination.

(2) Agency notification shall be made in parallel with notifications to the subject officer.

[Eff 7/1/26] (Auth: HRS §139-2 and 139-3) (Imp: HRS §91-9 and 91-10 and 91-11 and 91-13 and 91-14 and 139-3)

§XX-7-11 Emergency suspension.

(a) The LESB Administrator may initiate an emergency suspension of an officer’s certification if the Administrator determines that the alleged conduct:

(1) Constitutes a presumptive decertification offense under this chapter; or

(2) Presents an immediate risk to public or officer safety.

(b) Prior to initiating an emergency suspension, the LESB Administrator shall consult with the Chairperson of the Board or the Chairperson’s designee.

(c) An emergency suspension shall take effect upon written notice to the officer and the officer's employing agency and shall remain in effect until:

(1) Rescinded by the LESB Administrator or the Board; or

(2) Final disposition of the certification case by the Board under Section XX-7-10.

(d) Written notice of the emergency suspension, issued in conjunction with the standard certification action process under Section XX-7-10, shall include:

(1) A description of the conduct or information that supports the emergency action;

(2) A reference to the applicable sections of this chapter that may support certification action;

(3) Notice of the officer's right to request a hearing under Chapter 91, Hawaii Revised Statutes; and

(4) Instructions for submitting a written response or requesting a hearing within fifteen calendar days.

(e) A contested case hearing related to the emergency suspension shall be scheduled before the LESB Hearing Board or an assigned Administrative Law Judge, in accordance with Section XX-7-10(e), within sixty calendar days of the suspension, unless continued for good cause.

(f) An emergency suspension may be converted to a final suspension or revocation only after completion of the certification action process set forth in Section XX-7-10.

(g) In cases where the LESB Administrator initiates an emergency suspension under this section, the Administrator shall not conduct the Administrator hearing described in Section XX-7-10(d). The case shall proceed directly to the LESB Hearing Board or assigned Administrative Law Judge in accordance with Section XX-7-10(e). [Eff 7/1/26] (Auth: HRS §139-2 and 139-3) (Imp: HRS §91-8.5 and 91-9 and 91-11 and 139-3)

§XX-7-12 Certification sanctions.

(a) Decertification (Permanent Revocation).

(1) The Board shall revoke an officer's certification if the officer is found to have committed violations warranting permanent decertification, as established in Section 139-8, Hawaii Revised Statutes.

(2) A decertified officer shall be ineligible for certification for a period of not less than ten years. After this period, reinstatement may be petitioned, subject to Board review and approval.

(3) The Board shall report all revocations of certification to the National Decertification Index (NDI), as required by Chapter 139, Hawaii Revised Statutes.

(b) Certification suspension.

(1) The Board may suspend certification for violations that do not meet the threshold for permanent decertification but for which temporary suspension of certification is warranted.

(2) Suspension conditions may include one or more of the following:

(A) Completion of remedial training in specific areas of deficiency;

(B) Probationary monitoring with compliance requirements; or

(C) Any other corrective measures required as conditions of reinstatement.

(c) Mandatory remedial training or probation.

(1) The Board may require remedial training if an officer's deficiencies relate to performance, policy knowledge, or non-egregious misconduct.

(2) The Board may impose a probationary period during which the officer must comply with Board-mandated corrective measures to retain certification.

(d) Written admonishment.

(1) A written admonishment is a formal corrective notice issued by the Board, intended to:

(A) Caution the officer regarding conduct or performance concerns;

(B) Provide guidance to support improved professional conduct; and

(C) Serve as a corrective notice that does not constitute certification action.

(2) A written admonishment does not constitute certification action but may be referenced in future Board proceedings.

(e) Denial of certification.

(1) The Board may deny certification to an applicant for failure to meet eligibility criteria or for conduct inconsistent with Board standards under this chapter or Chapter XX-2.

(2) Certification denial shall be treated as a certification action for purposes of notice, hearing, and appeal under this chapter. [Eff 7/1/26] (Auth: HRS §139-2 and 139-3)

(Imp: HRS §139-3 and 139-8)

SUBCHAPTER 4

APPEALS AND REINSTATEMENT

§XX-7-13 Right to appeal.

(a) Appeal process.

(1) A law enforcement officer, applicant, or former officer who is subject to certification suspension, revocation, or denial may file an appeal with the Board within thirty calendar days of receiving the final decision.

(2) A timely appeal shall stay the finality of the Board's decision, except in cases where immediate decertification is required for public safety reasons as determined by the Board.

(3) The appeal shall be submitted in writing to the Board Administrator, who shall forward the request to the Board's Appellate Review Panel for review.

(4) An officer who timely appeals a certification action shall retain their certification status during the appeal process, unless:

(A) The Board determines that continued certification poses an immediate risk to public safety; or

(B) The officer has been convicted of a felony offense or another crime requiring mandatory decertification under Section 139-8, Hawaii Revised Statutes.

(5) Appeals shall be conducted in accordance with the contested case procedures outlined in Chapter 91, Hawaii Revised Statutes, including but not limited to:

(A) The right to a hearing before an impartial adjudicative panel;

(B) The right to present evidence, call witnesses, and cross-examine opposing witnesses;

(C) The right to legal representation during the appeal process; and

(D) The requirement that the Board provide a written decision explaining the outcome of the appeal. [Eff 7/1/26] (Auth: HRS §139-2 and 139-3) (Imp: HRS §91-9 and 91-10 and 91-11 and 91-14 and 139-3)

§XX-7-14 Appellate Review Process.

(1) Appeals shall be reviewed by an appellate review panel, which shall be independent of the original Hearing Board and composed of three members, including at least one public or civilian member. No individual who participated in the original contested case hearing may serve on the appellate panel.

(2) The Appellate Review Panel shall confirm that the appropriate evidentiary standard was applied in the underlying decision:

(A) Certification revocation must be supported by clear and convincing evidence; and

(B) Certification suspension and admonishment must be supported by a preponderance of the evidence.

(3) The Panel shall not substitute its judgment for that of the LESB Hearing Board but may remand or reject the recommendation if the incorrect evidentiary standard was applied or if the conclusions are not supported by substantial evidence in the record.

(4) The Appellate Review Panel may:

(A) Affirm the recommended action;

(B) Reject the recommended action; or

(C) Remand the recommended action to the Hearing Board for further proceedings.

(5) The officer shall have the right to submit a written statement in support of the appeal.

(6) A written summary of the Panel's recommendation shall be submitted to the full Board within thirty calendar days of the appeal being assigned, unless extended for good cause.

(7) The recommendation shall be considered at the next regularly scheduled meeting of the Board or within thirty calendar days of submission, whichever comes first.

(8) In the event of scheduling conflicts, recusals, case backlog, or other good cause, the Board may assign a qualified Administrative Law Judge to conduct the appellate review in place of the appellate panel. The assigned Administrative Law Judge shall be independent of the original contested case hearing and shall not have participated in the underlying proceedings.

(9) Any party aggrieved by a final certification action decision of the Board may seek judicial review in accordance with section 91-14, Hawaii Revised Statutes. For a summary of applicable procedures, see Appendix B. [Eff 7/1/26] (Auth: HRS §139-2 and 139-3) (Imp: HRS §91-13 and 91-14 and 139-3)

§XX-7-15 Reinstatement of Certification.

(a) Eligibility for Reinstatement

(1) An officer whose certification has been suspended or revoked may petition for reinstatement only after satisfying all conditions imposed by the Board and completing the required ineligibility period.

(2) The Board shall not consider reinstatement petitions before the minimum ineligibility period expires, which shall be:

(A) Not less than ten years for a revoked certification, unless otherwise specified in the Board's final decision; and

- (B) The full suspension period for a suspended certification, subject to compliance with Board conditions.
- (3) Reinstatement petitions shall include:
 - (A) Evidence of rehabilitation and good moral character;
 - (B) Proof of compliance with any remedial training or corrective measures ordered by the Board; and
 - (C) A written statement from the petitioner explaining the basis for reinstatement.
- (b) Reconsideration following denial of certification
 - (1) An individual whose application for certification has been denied may submit a petition for reconsideration no earlier than one year from the date of the denial, unless the Board's decision specifies a longer ineligibility period.
 - (2) The petition must include:
 - (A) A written explanation of the change in circumstances or additional information that supports reconsideration; and
 - (B) Any evidence demonstrating that the original basis for denial has been resolved or is no longer applicable.
 - (3) The Board may deny the petition without further hearing if the petitioner fails to present new or materially different information from that originally considered.
 - (4) If the petition is accepted for review, the matter shall proceed in accordance with the certification procedures established in Chapter XX-2 and this chapter. [Eff 7/1/26]
(Auth: HRS §139-2 and 139-3) (Imp: HRS §139-3 and 139-8)

§XX-7-16 Reinstatement Review Process.

- (a) Board Review and Decision
 - (1) The LESB Hearing Board shall review all petitions for reinstatement, considering:
 - (A) The nature and circumstances of the original certification action;
 - (B) Completion of required corrective actions or documented professional remediation; and
 - (C) Compliance with all conditions for reinstatement as specified by the Board.
 - (2) Officers petitioning for reinstatement may request a hearing before the LESB Hearing Board.
 - (3) The LESB shall issue a final decision on reinstatement within ninety calendar days of receiving the petition. [Eff 7/1/26] (Auth: HRS §139-2 and 139-3) (Imp: HRS §139-3 and 91-9 and 91-14)

SUBCHAPTER 5

VOLUNTARY SURRENDER OR RELINQUISHMENT OF CERTIFICATION

§XX-7-17 Voluntary Surrender or Relinquishment of Certification.

- (a) Process for Voluntary Surrender
 - (1) A law enforcement officer may voluntarily surrender their certification by submitting a written request to the Hawaii Law Enforcement Standards Board (LESB).
 - (2) The request shall include:

- (A) The officer's full name, certification number, and agency affiliation;
 - (B) A notarized statement affirming the officer's voluntary intent to relinquish certification; and
 - (C) If applicable, a statement regarding any pending investigations.
- (b) Effect of Surrender
- (1) A voluntary surrender shall be deemed a relinquishment of certification and shall result in a certification status of "Relinquished," subject to final disposition by the Board.
 - (2) If the officer is under investigation for conduct that may warrant suspension or revocation, the LESB shall retain jurisdiction to complete its investigation and, if appropriate, initiate a certification action under this chapter.
 - (3) If the Board determines that suspension or revocation is warranted, the officer's certification status shall be updated to reflect the Board's action and shall replace the "Relinquished" status.
 - (4) A voluntary surrender does not preclude the LESB from reporting the officer's certification status to the National Decertification Index (NDI) or other relevant law enforcement certification databases.
- (c) Reapplication for Certification
- (1) Officers who voluntarily surrender their certification shall be considered ineligible for reappointment as a law enforcement officer in Hawaii unless certified through a new application process in accordance with Chapter XX-2.
 - (2) An officer who voluntarily surrendered certification may submit a new application for certification no sooner than five years after the date of surrender, subject to:
 - (A) Completion of all current LESB certification requirements;
 - (B) Demonstration of good moral character and fitness to serve as a law enforcement officer; and
 - (C) Approval by the LESB following a review of the officer's past conduct. [Eff 7/1/26] (Auth: HRS §139-2 and 139-3) (Imp: HRS §139-3 and 139-8)

SUBCHAPTER 6

CERTIFICATION ACTION MATRIX AND PRESUMPTIVE SANCTIONS

§XX-7-18 Certification Action Matrix and Use of Presumptive Sanctions.

- (a) Adoption of the Certification Action Matrix
 - (1) The Hawaii Law Enforcement Standards Board (LESB) Certification Action Matrix and Presumptive Sanctions, dated July 1, 2026, is hereby incorporated by reference into this chapter.
- (b) Purpose and Application
 - (1) This matrix shall guide certification actions for violations of:
 - (A) Professional conduct standards;
 - (B) Certification eligibility requirements; and
 - (C) Use-of-force policies and other ethical obligations.
 - (2) The LESB shall utilize the matrix to ensure consistency and fairness in certification actions. The matrix shall serve as a presumptive guide, and the Board may consider

additional aggravating or mitigating factors not listed in the matrix in determining the appropriate certification action.

(c) Public Access and Distribution

(1) A copy of the Certification Action Matrix and Presumptive Sanctions shall be:

(A) Maintained by LESB as an official record;

(B) Provided to all law enforcement agencies under LESB jurisdiction; and

(C) Made publicly available on the LESB website.

(d) Future Amendments

(1) This incorporation by reference includes all future updates and amendments to the matrix, as formally adopted by the LESB. [Eff 7/1/26] (Auth: HRS §139-2 and 139-3) (Imp: HRS §139-3 and 91-2)

SUBCHAPTER 7

REINSTATEMENT FOLLOWING LOSS OF CERTIFICATION

§XX-7-19 Reinstatement Following Decertification.

(a) Eligibility for Reinstatement

(1) A law enforcement officer whose certification has been revoked may petition for reinstatement after ten years, unless otherwise specified by the LESB in the original revocation order. Reinstatement following voluntary relinquishment is governed by §XX-7-20.

(2) Officers whose certification was revoked due to the following shall be presumed permanently ineligible for reinstatement. However, they may petition under paragraph (1) if they can demonstrate exceptional circumstances and clear and convincing evidence of rehabilitation:

(A) Conviction of a felony in any jurisdiction;

(B) Conviction of a misdemeanor involving moral turpitude, as defined under HRS §706-606.6;

(C) A pattern of egregious misconduct demonstrating a lack of integrity or fitness to serve as a law enforcement officer.

(b) Reinstatement Petition Process

(1) A petition for reinstatement shall be submitted in writing to the LESB and must include:

(A) Evidence of rehabilitation, including but not limited to:

(i) Completion of rehabilitative or corrective programs (e.g., substance abuse treatment, ethics training);

(ii) Demonstrated record of community service or civic engagement;

(iii) Letters of recommendation attesting to character improvement;

(B) Documentation of professional retraining, including completion of an LESB-approved law enforcement academy or remedial training program;

(C) A signed affidavit attesting to the officer's current legal and professional standing, including disclosure of any new criminal charges or disciplinary actions.

(c) Grounds for Denial of Reinstatement

- (1) The LESB may deny reinstatement if:
 - (A) The officer fails to demonstrate adequate rehabilitation or retraining;
 - (B) The original grounds for decertification continue to pose a risk to public safety;
 - (C) The officer has engaged in additional misconduct since decertification;
 - (D) The officer has failed to comply with LESB's reinstatement conditions.
- (2) Denial of reinstatement may be appealed in accordance with §XX-7-6, following contested case procedures under HRS Chapter 91.
- (d) Conditional or Probationary Reinstatement
 - (1) The LESB may, at its discretion, grant conditional reinstatement subject to:
 - (A) A probationary period of up to twenty-four months;
 - (B) Compliance with specific training, mentoring, or supervision requirements;
 - (C) Restrictions on law enforcement duties based on the nature of prior misconduct.
 - (2) An officer who violates the terms of conditional reinstatement shall have their certification revoked immediately, with no further right to appeal. [Eff 7/1/26] (Auth: HRS §139-2 and 139-3) (Imp: HRS §139-3 and 91-9 and 91-14)

§XX-7-20 Reinstatement Following Relinquishment.

- (a) Eligibility and Waiting Period
 - (1) An officer who voluntarily surrendered their certification may apply for reinstatement no sooner than five years after the effective date of the relinquishment.
 - (2) The LESB may extend the waiting period if:
 - (A) The surrender occurred during a pending investigation; or
 - (B) The circumstances surrounding the surrender involved conduct that would independently justify decertification.
- (b) Petition Requirements
 - (1) A reinstatement petition shall include:
 - (A) A completed LESB certification application under Chapter XX-2;
 - (B) Documentation of compliance with current training and eligibility requirements; and
 - (C) A written statement explaining the applicant's reasons for reentering law enforcement service and the steps taken since relinquishment to maintain professional readiness.
- (c) Review and Disposition
 - (1) The LESB may, at its discretion, grant reinstatement, deny reinstatement, or impose conditions prior to reinstatement.
 - (2) Conditions may include:
 - (A) Completion of a basic law enforcement academy or remedial training;
 - (B) A probationary certification period; or
 - (C) Ongoing reporting requirements for a defined period.
 - (3) Denial of reinstatement may be appealed in accordance with §XX-7-14 and Chapter 91, Hawaii Revised Statutes.

REPORTING AND PUBLIC RECORDS

§XX-7-21 Mandatory Reporting by Law Enforcement Agencies.

(a) Reporting requirement. Law enforcement agencies shall report to the law enforcement standards board within fifteen calendar days upon the occurrence of any of the following events involving a certified officer or an employed or sponsored applicant for certification:

(1) Termination, resignation, or placement under investigation for serious misconduct, where the alleged conduct could result in decertification under LESB rules;

(2) Failure to meet LESB certification renewal requirements, including failure to complete required training;

(3) Arrest or conviction for any offense that may affect certification eligibility, including but not limited to crimes involving dishonesty, violence, or moral turpitude.

(b) Contents of report. The report submitted to LESB shall include:

(1) The officer's full name, certification number, and employing agency;

(2) A summary of the event triggering the report, including relevant dates and factual allegations;

(3) Supporting documentation, such as termination notices, investigation summaries, charging documents, or training compliance records; and

(4) Contact information for an agency representative who can provide additional information upon request. Agencies shall update the LESB within fifteen calendar days following the final disposition of any investigation that was initially reported under subsection (a)(1).

(c) Compliance and enforcement.

(1) The LESB may audit agency compliance with mandatory reporting obligations under this section.

(2) Failure to comply with these obligations may result in:

(A) Referral to the office of the attorney general for administrative or legal action;

(B) Notification to the head of the reporting agency; and

(C) Other corrective actions authorized under chapter 139, Hawaii Revised Statutes.

(d) Data handling requirements. All reports submitted under this section shall be subject to the data collection, retention, confidentiality, and public access provisions of chapter XX-8, Hawaii Administrative Rules.

(Auth: section 139-2, Hawaii Revised Statutes; section 139-3, Hawaii Revised Statutes)

(Imp: section 139-3, Hawaii Revised Statutes; section 139-8, Hawaii Revised Statutes)

§XX-7-22 Public Disclosure of Certification Actions.

(a) Certification status disclosure. The board shall maintain and make publicly available a list of officers whose certification has been:

(1) Revoked due to misconduct, failure to meet training requirements, or other grounds under this chapter or chapter XX-6, including but not limited to sections XX-7-6 and XX-7-7; or

(2) Suspended for any period due to a certification action or noncompliance with board-imposed conditions.

(b) Publication schedule. The list of revoked or suspended officers shall be published on the board's official website and updated at least quarterly.

(c) Confidentiality and redaction. Personally identifiable information shall be redacted or withheld in accordance with chapter 92F, Hawaii Revised Statutes. Records disclosed under this section shall not include:

- (1) Home addresses;
- (2) Social security numbers;
- (3) Medical records; or
- (4) Any other information protected by law.

(d) Additional disclosures. Requests for additional information related to certification actions shall be processed in accordance with chapter 92F, Hawaii Revised Statutes, and the requirements of chapter XX-8, Hawaii Administrative Rules, including but not limited to section XX-8-4. [Eff 7/1/26] (Auth: HRS §139-2 and 139-3) (Imp: HRS §139-3 and 139-8)

APPENDIX A

Certification Action Matrix and Presumptive Sanctions (Incorporated by reference in §XX-7-18)

(a) Purpose and use.

The Certification Action Matrix establishes presumptive sanctions to guide the Board in determining the appropriate certification action in cases of misconduct, noncompliance, or disqualifying conduct. The matrix is intended to ensure consistency and fairness while allowing for individualized outcomes. The Board retains full authority to depart from any presumptive sanction based on documented aggravating or mitigating factors.

(b) Sanction categories.

- (1) **Mandatory revocation** means revocation required by statute or rule; no discretion is permitted.
- (2) **Presumptive revocation** means revocation is presumed unless substantial mitigating factors are present.
- (3) **Suspension** means a temporary loss of certification for a defined period, with or without conditions.
- (4) **Remedial condition** means a corrective sanction such as mandated training, supervision, or probation, imposed to maintain certification eligibility.
- (5) **Written admonishment** means a non-disciplinary corrective notice issued by the Board and may be referenced in future proceedings.

(c) Aggravating and mitigating factors.

- (1) Aggravating factors may include:
 - (A) Failure to report known misconduct;
 - (B) Intentional deception or dishonesty;
 - (C) A pattern of similar violations;
 - (D) Lack of remorse or refusal to accept responsibility; or
 - (E) Misconduct resulting in physical injury or significant public harm.
- (2) Mitigating factors may include:
 - (A) Voluntary disclosure or self-reporting;
 - (B) Demonstrated rehabilitation or corrective action;
 - (C) Isolated nature of the conduct;
 - (D) Cooperation with an investigation or disciplinary process; or
 - (E) Agency discipline or corrective measures already imposed.

(d) Certification action matrix.

**Hawaii Law Enforcement Standards Board
CERTIFICATION ACTION MATRIX**

Misconduct	Mitigated Sanction	Presumptive Sanction	Aggravated Sanction
Felony conviction	—	Mandatory revocation	Mandatory revocation
Misdemeanor involving moral turpitude	Suspension	Revocation	Permanent revocation
Falsification of official reports	Suspension with remedial training	Revocation	Permanent revocation
Sexual misconduct under color of authority	Revocation	Revocation	Permanent revocation
Unjustified use of deadly force causing death or serious injury	Suspension and retraining	Revocation	Permanent revocation
Use of position for personal gain	Suspension with probation	Suspension or revocation	Revocation
Bias-based policing or discriminatory enforcement	Suspension with training	Suspension or revocation	Revocation
Obstruction of justice (e.g., witness tampering, evidence suppression)	Revocation	Revocation	Permanent revocation
Failure to complete required training	Suspension (lifted upon compliance)	Suspension	Suspension with remedial order
Misuse of agency systems or databases	Admonishment	Suspension	Suspension or revocation
Failure to supervise resulting in subordinate misconduct	Remedial condition	Suspension	Suspension or revocation
Resignation or surrender during active investigation	Suspension	Revocation	Revocation (replacing “relinquished”)
Failure to report disqualifying conduct	Admonishment	Suspension	Suspension or revocation
Violation of Board orders	Remedial condition or suspension	Suspension or revocation	Revocation

(e) Application and discretion.

(1) The Board may impose a greater or lesser sanction than listed if supported by aggravating or mitigating factors and documented in the final record.

(2) The absence of a specific violation from the matrix does not prevent the Board from taking certification action in accordance with this chapter.

(3) Voluntary surrender of certification does not preclude the Board from completing an investigation or issuing a final certification action. If warranted, the Board may replace the certification status of “Relinquished” with “Revoked” or “Suspended.” [Eff 7/1/26]
(Auth: HRS §139-2 and 139-3) (Imp: HRS §139-3 and 139-8)

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APPENDIX B

Judicial Review of LESB Certification Decisions *(Referenced in §XX-7-15 and §XX-7-24)*

Pursuant to section 91-14, Hawaii Revised Statutes, any party aggrieved by a final certification action decision of the Law Enforcement Standards Board (LESB) following a contested case hearing may seek judicial review.

(a) Right to appeal.

Any officer or party affected by a final decision of the Board may file a petition for judicial review in the appropriate circuit court.

(b) Time to file.

A petition for judicial review must be filed within thirty calendar days after the Board's final decision is served.

(c) Notice and service.

The petitioner must:

- File the notice of appeal with the appropriate circuit court;
- Serve the notice of appeal on all parties, including the LESB, within the 30-day deadline.

(d) Record on appeal.

The LESB shall prepare and transmit the complete administrative record to the court, including:

- All exhibits and materials considered by the LESB;
- The Hearing Board's proposed findings and recommendations;
- The Appellate Review Panel's findings, if applicable;
- The final written decision of the Board.

(e) Scope of court review.

The reviewing court shall examine the record to determine:

- Whether the decision was based on substantial evidence;
- Whether the applicable legal standards were applied;
- Whether the Board followed proper procedures;
- Whether the decision was affected by legal error or procedural irregularity.

(f) Court actions.

The court may:

- Affirm the Board's decision;
- Reverse or modify the decision;
- Remand the matter to the LESB for further proceedings.

(g) Legal grounds for reversal.

As stated in section 91-14(g), Hawaii Revised Statutes, the court may reverse or remand the Board's decision if it finds:

- A violation of constitutional or statutory rights;
- The Board exceeded its legal authority;
- Procedural or legal error;
- Findings that are clearly erroneous in view of the record;
- The decision was arbitrary or capricious. [Eff 7/1/26] (Auth: HRS §139-2 and 139-3) (Imp: HRS §139-3 and 91-14)

APPENDIX C

Certification Action Process Flowcharts (Referenced in §XX-7-11 and §XX-7-24)

(a) Purpose.

This appendix provides visual references for the LESB certification action process, including intake, investigation, hearing, appeal, and reinstatement. These flowcharts are intended to assist officers, agencies, and the public in understanding the stages of certification actions governed by this chapter.

(b) Flowchart content.

The flowcharts illustrate:

- (1) Complaint receipt, jurisdiction screening, and preliminary review;
- (2) Voluntary surrender eligibility and limitations;
- (3) Administrator hearing opportunities and outcomes;
- (4) LESB Hearing Board procedures and evidentiary standards;
- (5) Final Board decisions;
- (6) Appeals and appellate review options;
- (7) Judicial review and reinstatement procedures; and
- (8) Voluntary surrender and the Board's continuing jurisdiction to act.

(c) Legal effect.

The flowcharts are provided for reference and transparency. They do not alter or expand the provisions of this chapter and are not enforceable as independent rules. In the event of any discrepancy between a flowchart and a rule section, the rule text shall control.

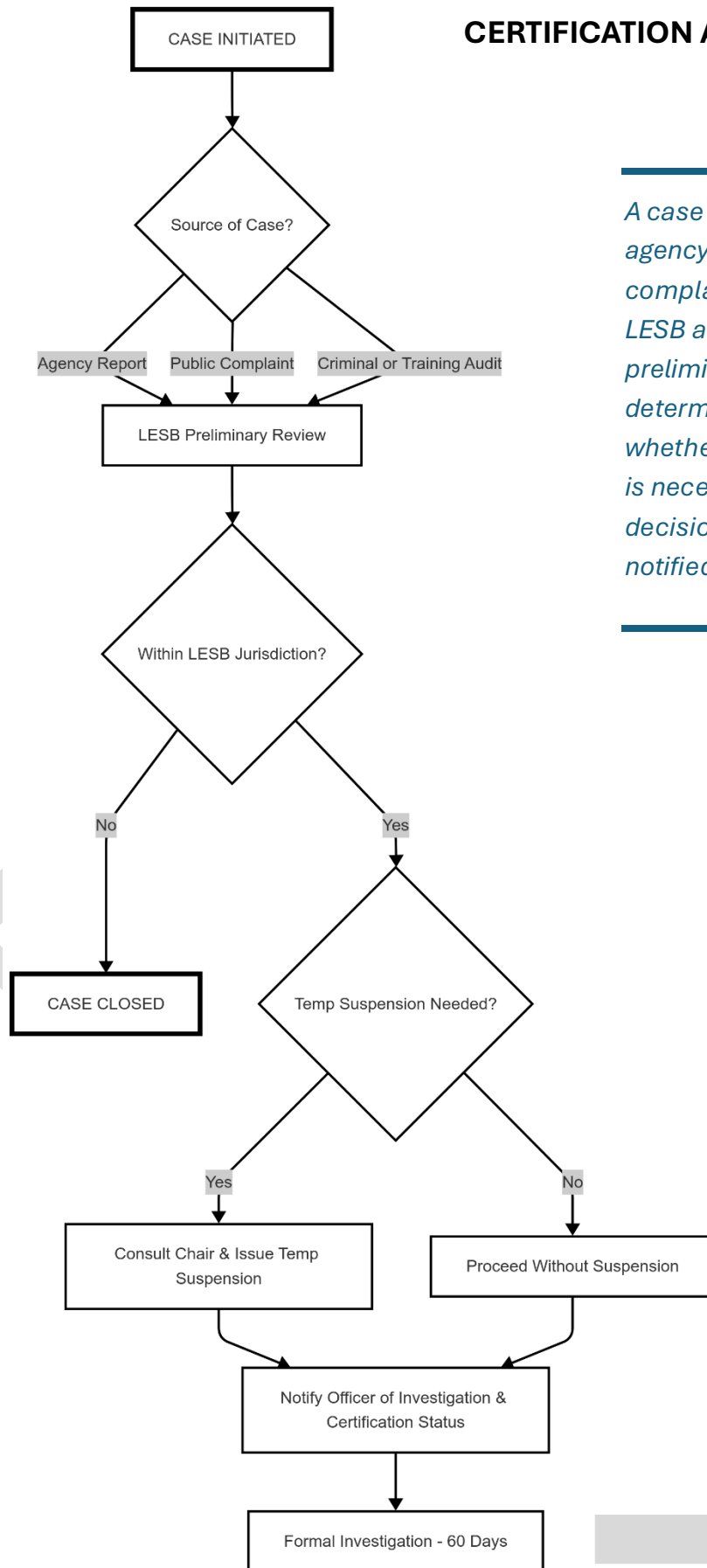
(d) Availability.

Official versions of the flowcharts shall be maintained by the Board and made available on the LESB website. Flowcharts may be updated for clarity or layout without formal amendment, provided that the underlying rule procedures remain unchanged.

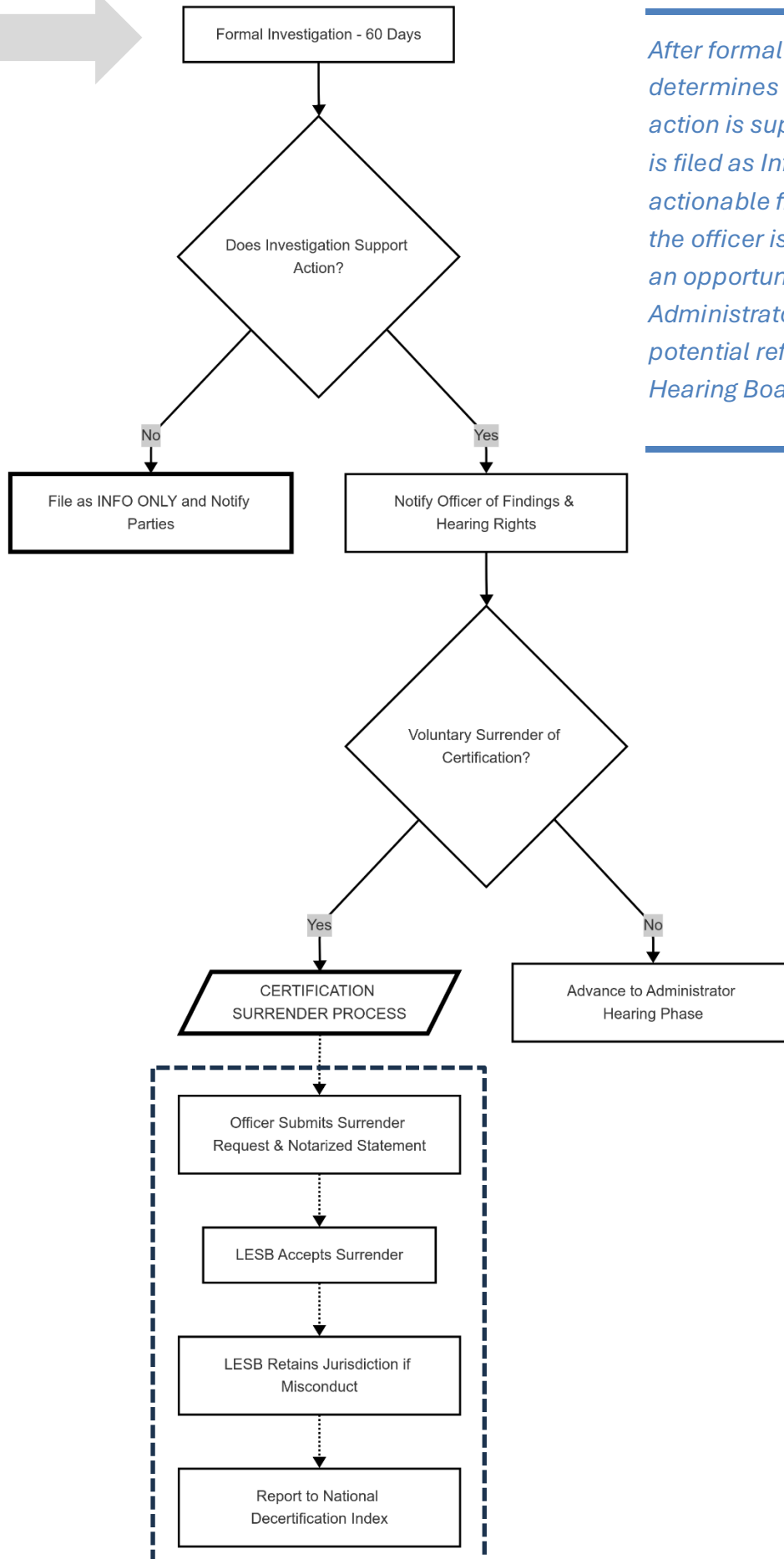
(e) Visual supplement.

The following pages contain illustrative flowcharts referenced in this appendix. These flowcharts are provided for public education and officer guidance. [Eff 7/1/26] (Auth: HRS §139-2 and 139-3) (Imp: HRS §139-3 and 91-2)

LESB CERTIFICATION ACTION PROCESS *Flowchart*

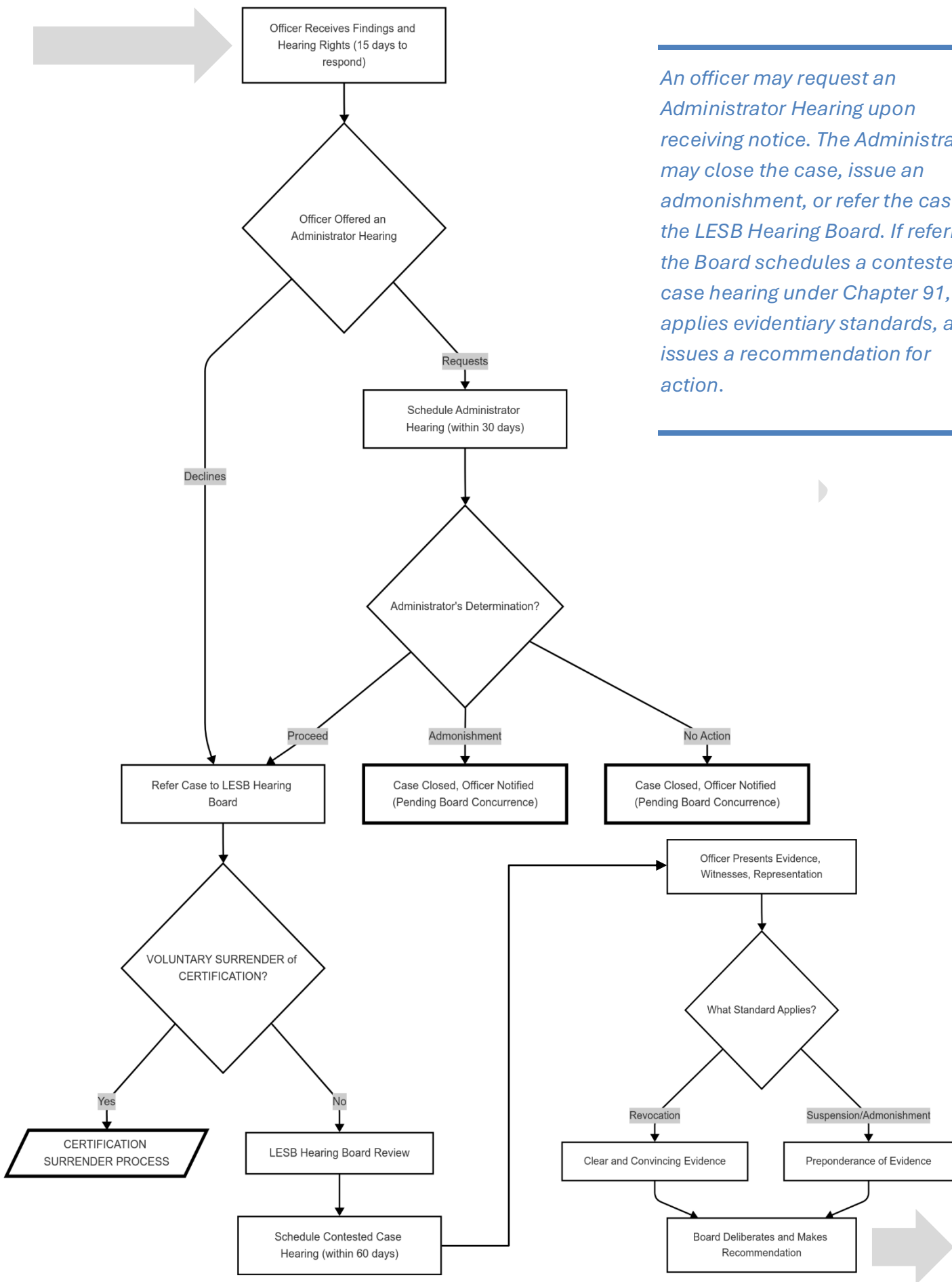


A case may be initiated through agency reporting, public complaints, a criminal charge, or LESB audits. Following a preliminary review, LESB determines jurisdiction and whether a temporary suspension is necessary. Regardless of that decision, the officer is formally notified of the investigation.

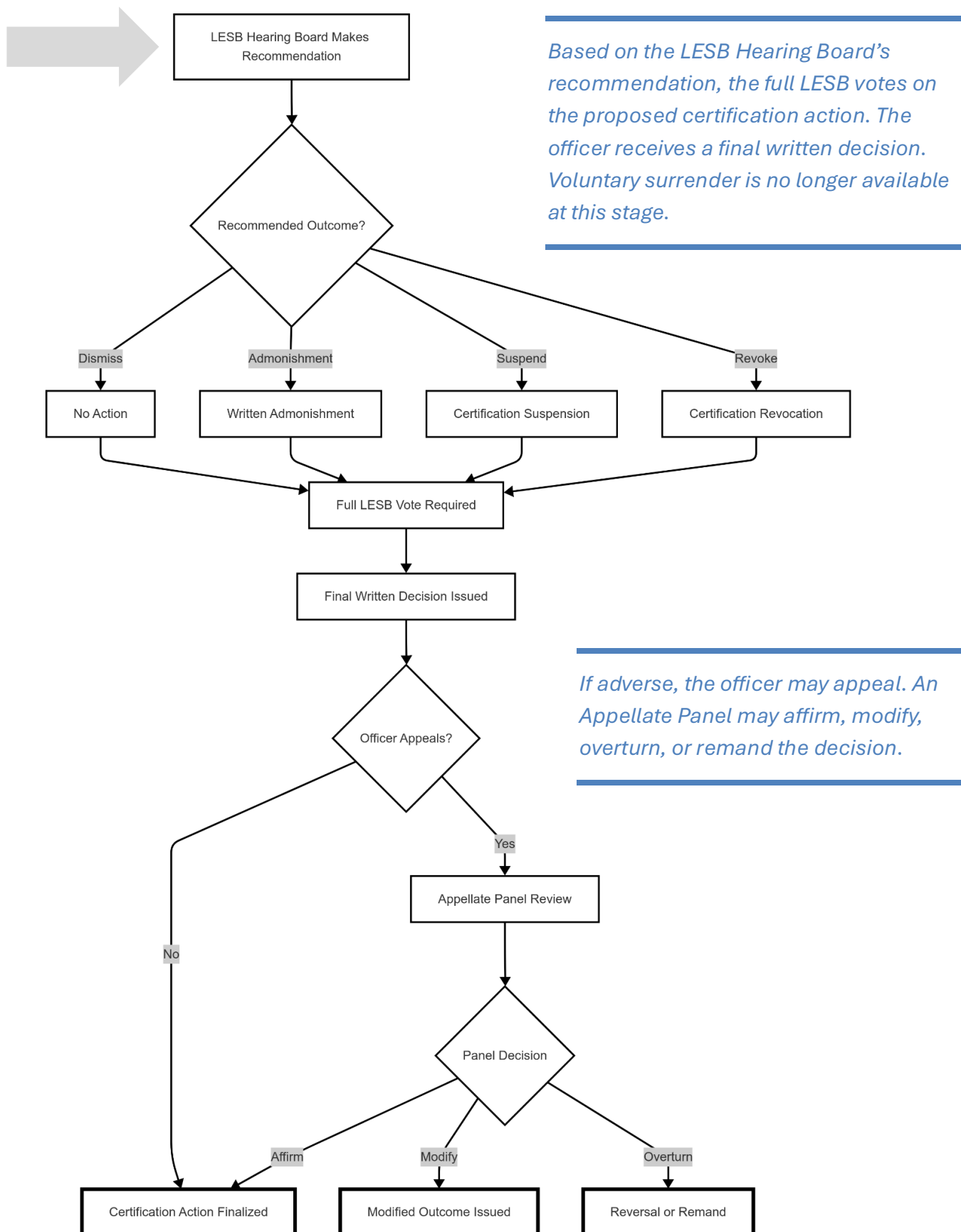


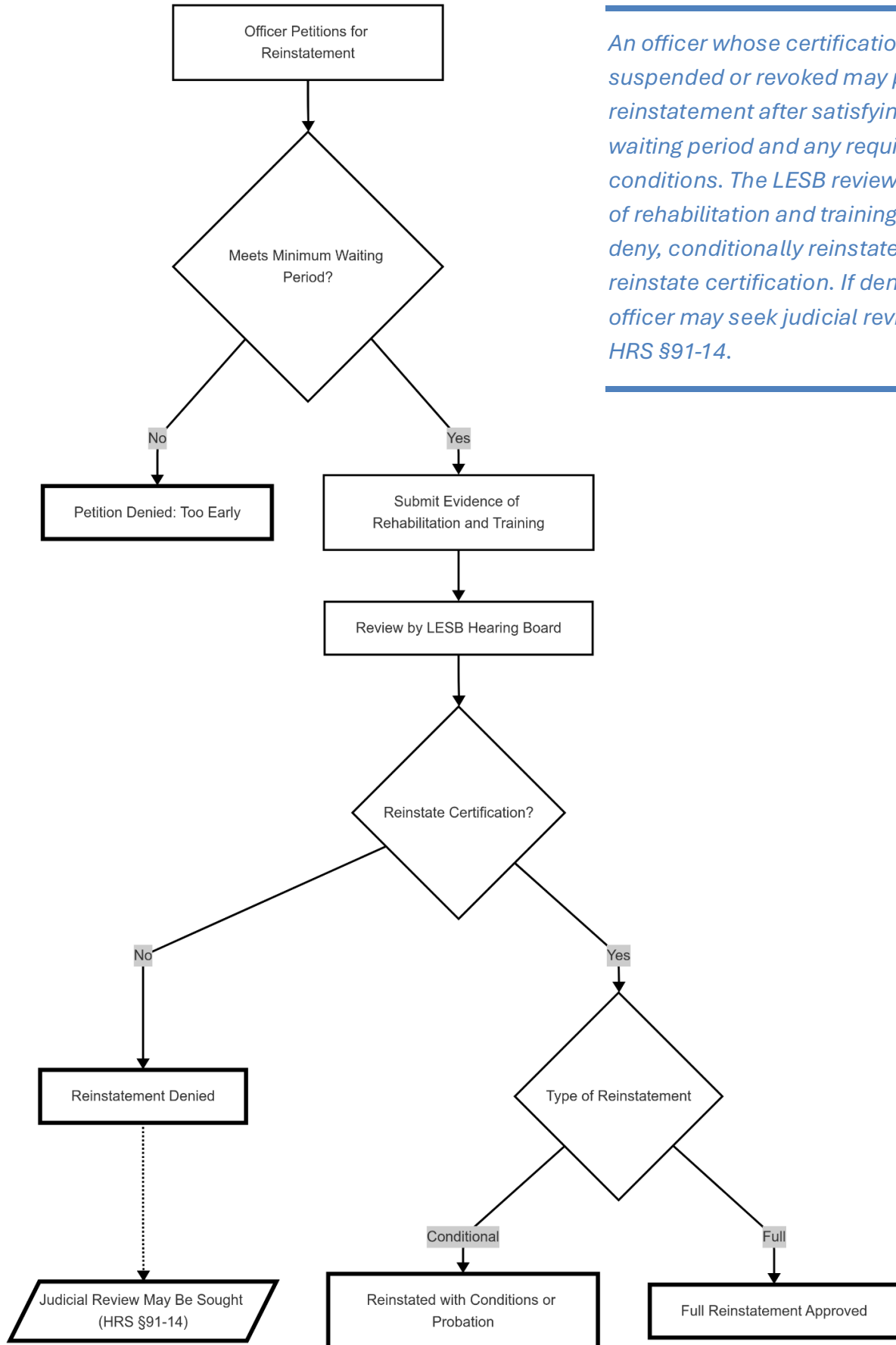
After formal investigation, the LESB determines whether certification action is supported. If not, the case is filed as Informational Only. If actionable findings are identified, the officer is notified and offered an opportunity to participate in an Administrator Hearing before potential referral to the LESB Hearing Board.





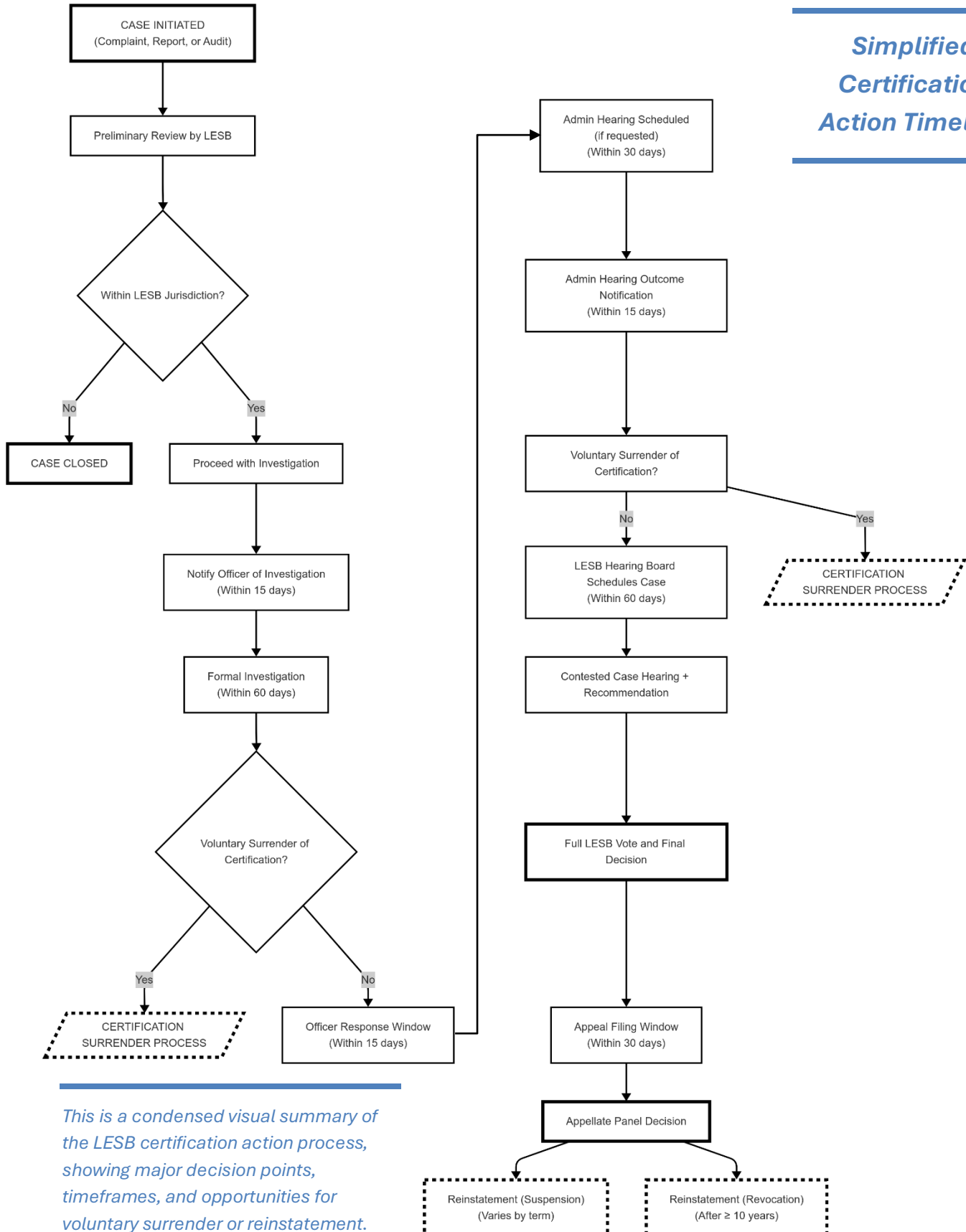
An officer may request an Administrator Hearing upon receiving notice. The Administrator may close the case, issue an admonishment, or refer the case to the LESB Hearing Board. If referred, the Board schedules a contested case hearing under Chapter 91, applies evidentiary standards, and issues a recommendation for action.





An officer whose certification has been suspended or revoked may petition for reinstatement after satisfying the waiting period and any required conditions. The LESB reviews evidence of rehabilitation and training and may deny, conditionally reinstate, or fully reinstate certification. If denied, the officer may seek judicial review under HRS §91-14.

Simplified Certification Action Timeline



This is a condensed visual summary of the LESB certification action process, showing major decision points, timeframes, and opportunities for voluntary surrender or reinstatement.