

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 249

This is an advisory opinion in response to a letter requesting advice from the Ethics Commission as to whether the unpaid use of Honolulu Police Department [HPD] resources in a State of Hawaii Organization of Police Officers [SHOPO] video prepared to lobby the legislature violates the City's Standards of Conduct.

The Commission understands the facts relative to the inquiry to be as follows:

SHOPO contacted a City officer ("A") to request A's permission to produce a videotape for use in lobbying the legislature. The purpose of the video was to advocate support of a bill exempting police officers from the State law requiring public disclosure of the names of government employees who have been disciplined.

A gave his approval to the venture which A determined to be in the best interest of A's department. SHOPO did not specifically request the use of marked police cars or officers in uniform in the production. However, A would have granted such permission if asked, because it would have been consistent with earlier decisions A had made to permit their use for projects by other not-for-profit organizations.

The ethical question presented is whether A violated the City's Standards of Conduct when A authorized SHOPO to use HPD resources in producing a videotape to advocate support of a bill exempting police officers from the law requiring public disclosure of the names of government employees who have been disciplined.

The general rule in relation to your question is found in the Revised Charter of the City and County of Honolulu 1973 (1994 Ed.), Section 11-104 which states as follows:

Elected or appointed officers or employees shall not use their official positions to secure or grant special consideration, treatment, advantage, privilege or exemption to themselves or any person beyond that which is available to every other person.

Based on the evidence presented, the Commission finds that A did not violate the City's Standards of Conduct when A authorized SHOPO to make the videotape. A used A's discretion as a department head to promote a project that A believed to be in the best interest of HPD. Furthermore, SHOPO received the same treatment that previously had been given to other not-for-profit organizations.

Dated: May 10, 1995

SAMUEL L. DOMINGO
Chair, Ethics Commission