

HONOLULU POLICE COMMISSION
City and County of Honolulu
State of Hawaii
Minutes of the Regular Meeting
January 4, 2017

CALL TO ORDER Chair Sword called the meeting to order at 2:00 p.m. on Wednesday, January 4, 2017, in Conference Room A at the Honolulu Police Department Alapai Headquarters

PRESENT Max J. Sword, Chair
Cha Thompson, Vice-Chair
Luella T. Costales, Member
Eddie Flores, Member
Steven H. Levinson, Member
Loretta A. Sheehan, Member
Marc C. Tilker, Member

Daniel W. S. Lawrence, Executive Officer
Krishna F. Jayaram, Deputy Corporation Counsel
Janel R. Aguinaldo, Police Commission Support Clerk

ALSO PRESENT Cary N. Okimoto, Acting Chief of Police
Jerry J. Inouye, Deputy Chief
William R. Axt, Assistant Chief
Alan K. Bluemke, Assistant Chief
Janet E. Crotteau, Assistant Chief
Clayton G. Kau, Assistant Chief
Larry R. Lawson, Major
Ryan T. Nishibun, Major

ASCERTAINMENT Counsel Jayaram ascertained that a quorum was present
OF QUORUM

CHIEF OF POLICE REPORT

Traffic Statistics

Acting Chief Okimoto reported to date in December 2016, there were 57 fatalities as compared to 48 in 2015 and 55 in 2014.

Fireworks Statistics

From December 1, 2016 to January 2, 2017, there were 2285 fireworks related calls for service and 9757 pounds of fireworks were recovered. In addition, HPD conducted Knock and Talk operations. Out of the 123 operations, a total of 96 citations were issued and seven arrests were made.

Questions from Commissioners

Commissioner Levinson inquired about the Knock and Talk procedure.

Questions from Commissioners (Continued)

Deputy Chief Inouye reported when an officer arrives to a fireworks call and it's not on view but the person is able to provide an address or identify the person who was illegally using the fireworks, HPD will approach the alleged person to inform them people are complaining about their illegal use of fireworks. Deputy Chief Inouye would like the public to know that HPD are aware of the illegal use of fireworks and they are out there trying to enforce the law. Commissioner Levinson thanked Deputy Chief Inouye for his explanation.

Commissioner Sheehan asked Acting Chief Okimoto about the officers who received target letters. Acting Chief Okimoto reported there were four officers, excluding Chief Kealoha, who received target letters. There is no knowledge of target letters sent prior to that and none since then.

Commissioner Sheehan then asked if the four officers had been ROPA'd and if they are still working in HPD. Acting Chief Okimoto stated the four officers are ROPA'd and have been reassigned. Commissioner Sheehan inquired if the four officers hold supervisory positions and what kind of work they do. Acting Chief Okimoto reported the officers are not holding any supervisory positions and they are on desk duty conducting work needed in the district they are assigned to.

Commissioner Sheehan was concerned about the possibility of any witness intimidation towards the targeted officers, tampering of evidence, or obstruction of justice. Deputy Chief Inouye explained that is why those officers were reassigned. An example would be major who received a target letter had been relieved of his assignment and his command, he was moved to another division where the work performed will not put him in position to handling or dealing with any information related to the case. Commissioner Sheehan was glad to hear that.

Commissioner Sheehan then asked if there is a time limit planned for ROPA. Deputy Chief Inouye said it depends on how the federal cases progresses and if there are indictments. Deputy Chief Inouye stated it's in the public's best interest for HPD to remove their police authority until the case is resolved and can come to a conclusion. Commissioner Sheehan then inquired about the communication with those officers and their command about what's happening and what they should expect. Deputy Chief Inouye explained that they gave a brief synopsis about what's going on to their command, and both Acting Chief Okimoto and Deputy Chief Inouye, intend to continue public service and believe in their HPD. Any kind of target letters as well as any allegations of illegal conduct will be addressed and appropriate action will be taken.

Commissioner Sheehan wondered about the morale with the rank and file. Acting Chief Okimoto feels morale is getting better. They are keeping them informed and communicating with them as much as possible. Acting Chief Okimoto's staff is heavily involved in communicating with the commanders to make sure they also inform their rank and file. Commissioner Sheehan thanked Acting Chief Okimoto.

Given that Commissioner Levinson is new to the HPC, Commissioner Levinson wanted Acting Chief Okimoto to explain what he meant by "morale is getting better". Acting Chief Okimoto explained that the lengthy uncertainty of the federal case and watching their own go through this process makes the officers wonder what is going to happen.

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Questions from Commissioners (Continued)

Now that this situation is coming to some point, such as Chief Kealoha putting himself on ROPA, Acting Chief Okimoto and staff are trying to bring everyone up to speed and boost up their morale. Commissioner Levinson thanked Acting Chief Okimoto.

It was confirmed that the Rape Case presentation will be held on January 18, 2017. Also, Chair Sword asked if the crime mapping website is complete and that all the categories, as requested, were added to the website. Assistant Chief Axt replied that the crime mapping website is complete and is readily available to the public.

APPROVAL OF MINUTES

Commissioner Tilker made a motion to approve the November 16, 2016, meeting minutes. Commissioner Flores seconded the motion. By a unanimous vote, the motion carried.

NEW BUSINESS

Findings

Commissioner Flores reported no complaints were reviewed by the commissioners during the executive session of November 16, 2016, and informed those in attendance the October 19, 2016, executive session minutes were approved. Commissioner Flores then made a motion to accept the report. Commissioner Costales seconded the motion. By a unanimous vote, the motion carried.

PUBLIC TESTIMONY

Senator Will Espero

Senator Will Espero thanked HPD for the work and effort they did over this new year's holiday, and was pleasantly surprised with the fireworks bust. Senator Espero, as well as the residents, appreciates the officers' time and effort that are involved with community programs such as Coffee With a Cop, Community Policing, Keiki ID, Pal, Neighborhood Watch. Senator Espero stated that the majority of HPD are professional, law abiding public servants, and we need to always remember that.

Senator Espero and speaking for the public, are asking for transparency with the Commission, have open meetings, as well as an open meeting regarding the situation with Chief Kealoha. Senator Espero pointed out on the HPC agenda that there is no mention of the status of our chief, any letters they may have received or any information that is of concern to the general public. Senator Espero suggested he would have put under an open agenda, a receipt of letter from police chief, Chief Kealoha's ROPA, and that he had stepped down from his position, and then in an open session discuss what happens when a police chief voluntarily ROPA's himself and why, so the residents of Honolulu will know what we are thinking and what direction will be taken. He feels the public would be supportive and boost their morale if they were more informed about what is going on.

A suggestion was made by Senator Espero, that the HPC meetings to be held somewhere else because it doesn't feel public friendly because the public cannot freely go in and out, you have to show your ID, and a police officer has to escort you in.

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Senator Will Espero (Continued)

Commissioner Sheehan respectfully assured Senator Espero that the HPC did not ROPA the chief, the chief ROPA'd himself in which HPC accepted his decision. Senator Espero was aware of that. Per HPD policies as well as the Charter, Commissioner Sheehan explained to Senator Espero that the commissioners, being the chief's supervisor, can suspend him with pay, suspend without pay, or we can remove him. These are legal options under the HPD policy and the Charter. Senator Espero understands and would like it to be articulated in an open meeting because the public should have the right to give their input because it is their police department and their police chief.

Chair Sword explained due to the Hawaii Revised Statutes, personnel matters have to be discussed in Executive Session and when it is done, a public statement will be made based on what they plan on doing. Senator Espero stated Sunshine Law says that people have the right to give their input on any agenda item. Chair Sword explained that is why there is a public testimony agenda item on the agenda. Senator Espero feels the public wouldn't know they could come and talk about this because it is not specifically stated on the agenda. Chair Sword understands and will try to be more specific on the public agenda.

Due to Commissioner Levinson's understanding, the HPC at that time did not take any action, as he indicated with the ROPA decision made by the chief and the 30 days leave with pay did not involve HPC.

Chair Sword assured Senator Espero that transparency and openness to the public to the extent possible.

Mr. Aaron Hunger

Mr. Aaron Hunger gave public testimony at the HPC meeting on January 4, 2017, and also submitted a written public testimony at the HPC office, which was provided to the commissioners and made available to the public at the HPC meeting.

Mr. Hunger is an ex-police officer who served for over 25 years. He conducts research through the University of Hawaii, and his research focuses on the accountability systems of the HPD and perceived problems with officer generated violent encounters at women and the mentally ill. Mr. Hunger has appeared in local media and has testified at the legislatures about types of reform policies that best addresses the issues HPD and Chief Kealoha face.

Mr. Hunger read his written public testimony that explains his research and analysis on Chief Kealoha's leadership, his influence on behavior displayed by HPD's rank and file, and maladministration. Several situations and points are stated to support Mr. Hunger's analysis of Chief Kealoha's leadership and the power HPD entails.

The HPC is the longest constant civilian led accountability mechanism in the United States since 1932, as stated by Mr. Hunger. Mr. Hunger would like to see the HPC to be aware and make an appropriate decision about Chief Kealoha's maladministration instead of justifying his actions.

Commissioner Levinson asked Mr. Hunger about his time with the Charter Commission and if he had some insight about the intent of the Charter Commission with respect to Amendment 1.

Mr. Aaron Hunger (Continued)

Mr. Hunger has given public testimony, a rebuttal to SHOPO's contention of transfer of authority and supports HPC having more of a position to provide external civilian led accountability of the department. Also, Mr. Hunger does have some insight as to the discussions that took place during the formation of the Charter Amendment prior to going to voters. Commissioner Levinson thanked Mr. Hunger.

Vice-Chair Cha suggested Mr. Hunger be more present at the HPC meetings so he would know that the HPC does the job that is expected of them and there is no favoritism for any particular officer, including the Chief of Police. The HPC has been working on coming to a decision and Vice-Chair Cha welcomes other citizens to come to the meetings to express their thoughts.

Commissioner Sheehan appreciated Mr. Hunger's work and effort he had put into his testimony. Speaking for herself, Commissioner Sheehan assured Mr. Hunger that there are commissioners who are working and are continuing to work, and will be reviewing the Chief of Police performance. Commissioner Sheehan feels Mr. Hunger's work would be helpful to her and asked if he would like to work with her as far as reviewing his documentation concerning the chief.

Chair Sword would like the same information from Mr. Hunger and asked the information be directed to the Executive Officer so all the commissioners would have the same information. Mr. Hunger pointed out that he made an attempt to work with the HPC in the past but we did not participate, the change in position at HPC was why Mr. Hunger came forward at this time.

Brian Black

Mr. Brian Black is the Executive Director of the Civil Beat Law Center for the Public Interest. Mr. Black briefly went over his submitted written public testimony which explains why the status of the Chief of Police should be discussed openly and why there should be transparency. Mr. Black goes on to explain having public access will give the public the ability to observe what the HPC does and how they do their jobs. By doing so, this instills trust in the commission and that the HPC is doing true oversight for the entire Honolulu Police Department. Chair Sword thanked Mr. Black for his testimony.

EXECUTIVE SESSION

At 2:56 p.m. Commissioner Costales made a motion to enter into executive session to review agenda items pursuant to HRS 92-5 (a), subsections (2), (4), (5), (6), and (8) to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; to consult with its attorneys on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities; to investigate proceedings regarding criminal misconduct; to consider sensitive matters related to public safety or security; to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to state or federal law, or a court order.

RETURN TO OPEN SESSION

The Commission returned to the open session at 4:53 p.m.

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ANNOUNCEMENTS

At 4:54 p.m. the Commission returned to the open session and announced that the meeting will recess and reconvene on Friday, January 6, 2017, at 11:30.
