

HONOLULU POLICE COMMISSION
City and County of Honolulu
State of Hawaii
Minutes of the Regular Meeting
February 15, 2017

CALL TO ORDER Chair Sword called the meeting to order at 2:00 p.m. on Wednesday, February 15, 2017, in Conference Room A at the Honolulu Police Department Alapai Headquarters

PRESENT Max J. Sword, Chair
Eddie Flores, Member
Steven H. Levinson, Member
Loretta A. Sheehan, Member

EXCUSED Cha Thompson, Vice-Chair
Luella T. Costales, Member
Marc C. Tilker, Member

Daniel W. S. Lawrence, Executive Officer
Krishna F. Jayaram, Deputy Corporation Counsel
Erin Marie Yamashita, Secretary

ALSO PRESENT Cary N. Okimoto, Acting Chief of Police
Jerry J. Inouye, Deputy Chief
William R. Axt, Acting Deputy Chief
Alan K. Bluemke, Assistant Chief
Clyde K. Ho, Assistant Chief
Clayton G. Kau, Assistant Chief
Richard C. Robinson, Assistant Chief
Craig T. Uehira, Major
Lynne Uyema, Legal Advisor

ASCERTAINMENT OF QUORUM Counsel Jayaram ascertained that a quorum was present

CHIEF OF POLICE REPORT

Acting Chief Okimoto reported the Honolulu Police Department (HPD) submitted its annual report to the Legislature for 2016. The report notes that ten officers were discharged and 15 officers are pending termination. As a result, HPD is supporting HB456 and SB424, which proposes releasing the names of officers suspended twice within a five-year period and that the bills show a balance between accountability, transparency and officer rights.

Acting Chief Okimoto answered questions from commissioners on incidents in which officers were discharged by the HPD and after the grievance process the discharge was reduced or is currently in arbitration.

The four steps to the collective bargaining agreement grievance process were reviewed with commissioners. The first step is with the department, second with the assistant chief, third with the Department of Human Resources and the fourth arbitration.

CHIEF OF POLICE REPORT (Continued)

The collective bargaining contract states that if the grievance cannot be settled in steps 1, 2 or 3 the City and the Union go to arbitration. An arbitrator is chosen by lot from a list of five people and whoever is left becomes the arbitrator for the case and makes the final determination.

February 8, 2017 Civil Beat Article – Handling of the Peyton Valiente Investigation

Acting Chief Okimoto informed commissioners that after reading the article he has ordered an administrative investigation and are looking into the possibility of re-opening the case. He has also requested an audit of similar cases.

Commissioners wanted to know if officers are up to date with the current protocols for cases like the Valiente case. Acting Chief Okimoto informed commissioners there are protocols in place and that is the purpose of the investigation—to find out if the protocols/policy were followed. Assistant Chief Robinson informed commissioners the protocols the child abuse detail follows are consistent with national standards. All of the child abuse detectives receive training in the proper procedures and standard protocols which are standardized across the country.

Chair Sword requested a status update at the next meeting.

PUBLIC TESTIMONY

Antonio Vierra

Mr. Vierra, building manager for Harbor View Plaza, attended the meeting in order share his concerns with crimes in their building and the police service received when responding to calls at the residential building at 1676 Ala Moana Boulevard. He provided examples of three cases, one of which included a Class B Felony, in which he feels the police did not respond properly, even after being provided with evidence. Mr. Vierra is concerned officers are not doing their job because there is no follow up investigation or prosecuting of these crimes.

Chair Sword requested Chief Okimoto have a member of the staff speak with Mr. Vierra and provide commissioners with a follow up report at the next meeting.

Steve TaTaii

Mr. TaTaii informed commissioners that he sustained serious injuries when being assaulted by three police officers in front of his house under the instruction of their sergeant. He believed it felt as if the officers were in a tug of war and pulled his hand and elbow as if they were going to separate his arm while he was trying to hold onto the door so his pet bird would not fly out of the house. He explained that he has been complaining to HPD for over a year and a half and has requested a meeting with the chief, major and captain and that people are still shouting hate/race crimes against him. Mr. TaTaii explained that there is a perpetrator telling people to do things to him such as shout at him through his window and that he is a victim of race/hate crimes and he cannot trust the police because the same officers respond when he calls.

Chair Sword asked Mr. TaTaii if he wanted to file a complaint against the officers for mistreating him. Mr. TaTaii indicated he did want to file a complaint. Chair Sword then requested Chief Okimoto have a member of the Professional Standards Office speak with Mr. TaTaii and provide commissioners with a follow up report at the next meeting.

OLD BUSINESS

Selection Process for the Next Chief of Police

Executive Officer Lawrence provided commissioners with an update on the process for the selection process of the next chief. He is working with the HPD Finance Division on the allocation of funds and the Department of Human Resources for the placement of the vacancy announcement (newspaper and online). EO Lawrence wanted to know if commissioners had any changes to the vacancy announcement or concerns.

There was discussion regarding the residency requirement from Ch. 78, Section 1 of the Hawaii Revised Statutes. Chair Sword informed commissioners there have been bills introduced in the House and Senate to explicitly address the problem. EO Lawrence informed commissioners the ad could be sent out in its current form and if there are out-of-state applicants it could be dealt with on a case by case basis. He encouraged commissioners to put the ad out without the residency requirement to start the process.

EO Lawrence informed commissioners he has also been working with the Department of Budget and Fiscal Services on the solicitation for a consultant and needed to know if commissioners wanted to maintain the same structure for the consultant used previously where the consultant would create the written test, run an assessment center, and conduct psychological interviews.

Commissioners agreed they preferred the community group work with the consultant to rank the candidates and commissioners make the decision on the number of finalists to be interviewed. With regard to the make up of the community group it can be discussed at the next meeting and commissioners can come to a consensus on picking the community group members.

Commissioners agreed EO Lawrence should begin the process for the vacancy announcement and solicitation for a consultant. Chair Sword asked EO Lawrence for an estimated completion date for the selection of the next chief to which EO Lawrence estimated, based upon the last selection process, late July or August 2017 if everything proceeded with relatively few complications.

Protocol for Issuing Police Commission Subpoenas

Commissioner Levinson, as tasked, reviewed the proposed protocol for issuing police commission subpoenas drafted by him and Commissioner Sheehan.

Protocol for Including Items on the Agenda

Commissioner Sheehan, as tasked, reviewed the proposed protocol for the placement of items on the agenda drafted by her and Commissioner Levinson.

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Procedures for Future Evaluations of the Chief of Police

Commissioner Sheehan, as tasked, reviewed the proposed usage of an online survey to aid in the annual evaluation of the chief of police as well as allow the rank and file to provide comments about the administration of the HPD.

Chair Sword requested commissioners review the proposals for discussion at the next Commission meeting.

(Copies of the proposals prepared by Commissioners Sheehan and Levinson will be attached to the minutes.)

EXECUTIVE SESSION

At 2:55 p.m. Commissioner Flores 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. Commissioner Sheehan seconded the motion. By a unanimous vote, the motion carried.

RETURN TO OPEN SESSION

The Commission returned to the open session at 3:37 p.m.

ANNOUNCEMENTS

The next meeting of the Honolulu Police Commission will be on March 1, 2017.

ADJOURNMENT

At 3:38 p.m. Commissioner Flores made a motion to adjourn the meeting. Commissioner Sheehan seconded the motion, by a unanimous vote, the motion carried.