

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

CALL TO ORDER Chair Sword called the meeting to order at 2:00 p.m. on Wednesday, March 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
Marc C. Tilker, Member

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

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

ALSO PRESENT Cary N. Okimoto, Acting Chief of Police
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 informed commissioners there are three upcoming Coffee With a Cop events:

- March 20, 2017, at the Aina Haina McDonalds from 8 a.m. to 10 a.m.
- March 22, 2017, at the Waianae Mall Starbucks from 9 a.m. to 11 a.m.
- March 20, 2017, at the Kapolei Parkway McDonalds from 9 a.m. to 11 a.m.

On March 30, 2017, there will be a sign waving campaign reminding motorists, bicyclists and pedestrians to "See and Be Seen" at the intersection of Ala Moana Boulevard and Hobron Lane. Parking for those wanting to participate will be available at the Ala Wai Small Boat Harbor.

Acting Chief Okimoto also provided commissioners with an update on the missing toddler in the Kalihi area. The second watch officers were held over in order to canvass area and an APB was issued. The child was located and reunited with her family.

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Comments and Questions from Commissioners

Commissioner Levinson informed Acting Chief Okimoto the Honolulu Police Commission received a letter from Mr. Alfredo Cooke complimenting Officers Choi and Fatu when they visited the Alapai Headquarters and toured the HPD Museum.

Acting Chief Okimoto was asked to elaborate on the upcoming training for improving officer and citizen contacts and the advanced supervision and management course.

With regard to the upcoming training for improving officer and citizen contacts, Acting Chief Okimoto explained HPD has hired Dr. Brian Fitch of the Thomas and Means Law Firm to provide training on improving officer and citizen contacts when responding to various calls. This will provide a better awareness for officers when communicating with the public. Provided the department has the funds and training can be arranged, this type of training will continue.

The advanced supervision and management training will also be conducted by Dr. Brian Fitch and is provided for sergeants and lieutenants and will assist in the improvement of supervision and management of employees.

HPD Fiscal Year 2017-2018 Budget

Commissioner Sheehan asked when the budget presentation received by commissioners would be made to commissioners. Acting Chief Okimoto informed commissioners that the presentation provided to them would be made at the City Council Budget Briefing tomorrow, March 16, 2017. Commissioner Sheehan then asked Acting Chief Okimoto if it was the intent to have the Commission review the entire budget or just the presentation. Acting Chief Okimoto informed commissioners they could review the entire budget should they want to. Commissioner Flores and Chair Sword shared they have participated in reviewing the entire budget which is very voluminous.

Acting Chief Okimoto requested HPD provide the presentation to the City Council first as they would be able to provide better information when making the presentation to commissioners. Chair Sword requested commissioners submit any questions they had on the budget to Executive Officer Lawrence who would facilitate transmittal to Acting Chief Okimoto.

Investigation Updates

Chair Sword asked for an update on the audit of investigations. Acting Chief Okimoto reported there were three cases assigned to the same detective which have been reassigned, and the detective handling the three cases is being investigated on the handling of the three cases. Acting Chief Okimoto informed commissioners if they required further explanation he could possibly answer them in executive session due to the ongoing investigation.

APPROVAL OF MINUTES

Commissioner Levinson made a motion to approve the February 15, 2017, meeting minutes. Commissioner Flores seconded the motion. By a unanimous vote, the motion carried.

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NEW BUSINESS

Findings

Commissioner Flores reported during the Executive Session of January 4, 2017, the Commission took action on one case involving one officer. The complaint against the officer was sustained. Commissioners also voted to ratify the letter dated December 20, 2016, from Chair Sword to Chief Kealoha placing him on leave with pay until further notice.

During the Executive Session of January 6, 2017, commissioners authorized Chair Sword to work with the Department of the Corporation Counsel to negotiate a retirement agreement with Chief Kealoha.

During the Executive Session of January 18, 2017, the Commission took action on one case involving one officer. The complaint against the officer was not sustained. Commissioners authorized Chair Sword to execute the final retirement agreement with Chief Kealoha and also release the fully executed document if requested.

During the Executive Session of February 1, 2017, the Commission took action on four complaints involving five officers. The following is a breakdown of the actions taken by the Commission:

Cases Reviewed on February 1, 2017

Total Cases Reviewed :	4	Total Officers Involved:	5
Sustained	1	Sustained	1
Not Sustained	3	Not Sustained	4
Exonerated	0	Exonerated	0
Unfounded	0	Unfounded	0

Commissioner Flores then made a motion to accept the report. Commissioner Tilker seconded the motion. Commissioner Sheehan requested a discussion and wanted to know if there was a rule that controls when the timing of disclosing what actions have been taken in executive session because matters being reported are approximately six weeks after they had occurred.

Counsel Jayaram explained the issue could be discussed thoroughly during the executive session; however, all final actions concerning the chief of police, such as the decision to enter into an agreement, were disclosed right away. The items Commissioner Flores described contained certain interim actions that were not final and disclosure could defeat the purpose of the executive session, and that is why the decision was made to not immediately report the actions.

Further discussion was held as to what is exactly included in the report and the actions taken. Chair Sword then called for a vote. By a unanimous vote the motion carried.

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Domestic Violence and Safe on Scene Presentation

Assistant Chief Robinson provided an update on the recent changes in HPD's approach to domestic violence. He explained that domestic violence can be any type of crime and that is why there is difficulty in making an accurate assessment of the number of crimes. The definition of domestic violence has expanded in the past several years, which allows for encompassing what domestic violence is as well as intimate partner violence.

Assistant Chief Robinson further explained that domestic violence is a very complex, cyclical issue and for those who do not deal with domestic violence on a daily basis, like officers and advocates do, it is a very difficult issue to understand and for victims to escape. The old method of how officers would respond to an incident was explained as well as the current way officers respond including the Safe on Scene (SOS) and Lethality Assessment Project.

Currently, HPD partners with the Domestic Violence Action Center on the two projects as well as Child and Family Services. The partnership is very productive and has allowed for HPD to receive training and participate with the agencies in conducting workshops, drafting legislation, and applying for grants.

Assistant Chief Robinson reviewed the Safe on Scene program which began in July 2016, is currently underway in Districts 6 and 7, and runs seven days a week between the hours of 2 p.m. to 11 p.m. The East Honolulu area has had 121 responses, Waikiki 8 responses, and detectives assigned to the domestic violence detail has made 28 referrals. The referrals from the domestic violence details were not a requirement of the program; however, the domestic violence advocates will respond when called in order to provide victims with services. The program end date is February 2019; however, HPD is trying to continue and expand the program but funding is a factor.

Assistant Chief Robinson also reviewed the Lethality Assessment Program (LAP) which provides the victim at the scene of a domestic violence incident with scientifically supported facts which shows the level of risk for potential for future violence. This program is a risk assessment tool for the domestic violence advocate that assists in raising awareness to the victim of his/her potential future.

LAP Training began in February 2016, with 1,232 officers trained and program implementation in June 2016. There have been slightly more than 1,063 assessments and 430 victims have been screened and referred.

HPD policies relating to domestic violence have been updated and officer training has been increased. Recruits receive seven hours of classroom training; two hours during the Field Training and Evaluation Program, all officers receive two hours of training during Annual Recall Training, and police radio dispatchers also receive two hours of training.

(A copy of Assistant Chief Robinson's presentation will be maintained in the Honolulu Police Commission files.)

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Comments and Questions from Commissioners

Commissioner Sheehan noticed that the role of the Department of the Prosecuting Attorney was missing from Assistant Chief Robinson's presentation as well as the conviction rate and requested an explanation. Assistant Chief Robinson stated that domestic violence issues are complicated and acknowledged her career experience of domestic violence; however, successful prosecutions can be challenging and he did not want to speak on behalf of the Prosecutor.

There was additional discussion concerning evidence that is transmitted to the Prosecutor's Office and what was included in the police reports. Specifically, if reports include photographs, 911 tapes, recordings of side utterances made at the scene, are officers instructed to get phone numbers of the alleged perpetrator or the alleged victim and the phone company that they use so they can track or investigate potential obstruction of justice or violations of TROs. Assistant Chief Robinson informed commissioners that the HPD does have a policy on requirements for processing a scene which includes those previously mentioned and that obtaining information for a phone carrier would be done through a subsequent complaint or if there was a TRO violation the phone carrier would be part of that investigation.

Commissioners also asked how photos were taken to which it was explained that cameras are available to officers in every district and can be brought to the scene if requested.

PUBLIC TESTIMONY

Nanci Kriedman

Ms. Kriedman thanked Assistant Chief Robinson for his informational presentation. She informed commissioners that they started meeting with majors, sergeants, and lieutenants in the Criminal Investigation Division in the summer of 2015 to talk about development of the program. It was determined that the program would start small and in practical areas.

Funding was received from the City through the grant-in-aid process, which is supporting the program in Districts 6 and 7. Information continues to be disseminated and improvements to the program are ongoing.

Ms. Kriedman and her staff were introduced to the District 6 and 7 officers during line up in October 2016, when they were ready to respond on scene. A police training video was provided and included survivor experiences with police response. The videos were viewed by District 6 on December 13, 2016 and District 7 on December 7, 2016, and she and her staff were well received in District 6. Reception by District 7 was not positive and Ms. Kriedman explained that she had attempted to entertain discussion and answer questions during their meeting in District 7 and shared that an officer had abruptly asked, "Are you done?" Attempts to meet with CID detectives have also been made.

Ms. Kriedman reviewed statistical information provided within a packet that was distributed to commissioners and answered questions from commissioners. The packet contained information on responses from September 26, 2016 through March 14, 2017 for District 7 and November 10, 2016, through March 14, 2017 for District 6.

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PUBLIC TESTIMONY (Continued)

Nanci Kriedman

Ms. Kriedman stated she has been told there have been personnel changes in the District 7 area and would like to go out and introduce her staff and herself and answer any questions officers may have. She also emphasized the need for officer to refrain from asking a victim if they would like the officer to call an advocate and just call for the advocate as they are trained in facilitating a victim's needs.

Chair Sword requested Acting Chief Okimoto arrange for Ms. Kriedman and her staff to return to District 7 in order to make their presentation.

(A copy of Ms. Kriedman's information packet will be maintained in the Honolulu Police Commission files.)

Sophia Mendoza

Ms. Mendoza introduced herself as the designated spokesperson for the 808 Resistance Action Network. The group was formed March 11, 2017 in support of the ACLU's new initiative called Freedom Cities. She explained what the initiatives of the group were and provided a handout to commissioners, which provided an explanation of each of the nine law enforcement policies. Ms. Mendoza would like to meet with the Mayor, Police Commission, and Chief of Police to discuss and ensure that nine law enforcement policies are accurately conveyed to all parties and that they are understood.

Commissioner Levinson requested to make a disclosure that he has been a member of the Board of Directors of ALCU of Hawaii since late 2009. Should a vote arise any related action that the Police Commission may take, he will probably recuse himself from the vote as well as deliberation on the subject.

In order to clarify what Ms. Mendoza wants from the Honolulu Police Commission and Department, Chair Sword requested Ms. Mendoza provide her information to Executive Officer Lawrence.

(A copy of Ms. Mendoza's handout will be maintained the Honolulu Police Commission files.)

UNFINISHED BUSINESS

Protocol for Obtaining Documents for Review, Issuing Police Commission Subpoenas, and Procedures for Future Evaluations of the Chief of Police, and placement of items on the agenda
Because there are two commissioners absent from the meeting today, Chair Sword deferred this item to the April 5, 2017 meeting.

Legislative Issues Update

Acting Chief Okimoto reported testimony was provided at the legislature this morning concerning HB456 and SB424, which allows for an officer's name to be disclosed after two suspensions within a five year period.

With regard to SB1298 and HB1534, relating to residency requirements, Chair Sword informed commissioners both bills are moving along.

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Update on Selection Process for the Next Chief of Police

Executive Officer Lawrence reported the vacancy announcement was in the March 12, 2017, Star Advertiser and online through the IACP website on March 13, 2017. The consultant process is moving along.

Chair Sword asked commissioners to submit two names of potential assessors to serve as the assessment committee that would consist of at least three but no more than five persons. The names of potential assessors would be discussed in the executive session.

EXECUTIVE SESSION

At 2:57 p.m. Commissioner Sheehan 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 Flores seconded the motion. By a unanimous vote, the motion carried.

RETURN TO OPEN SESSION

The Commission returned to the open session at 4:17 p.m.

ANNOUNCEMENTS

The next meeting of the Honolulu Police Commission will be on April 5, 2017.

ADJOURNMENT

At 4:20 p.m. Commissioner Flores made a motion to adjourn the meeting. Commissioner Tilker seconded the motion, by a unanimous vote, the motion carried.