

HONOLULU POLICE COMMISSION  
City and County of Honolulu  
State of Hawaii  
Minutes of the Regular Meeting  
May 17, 2017

CALL TO ORDER                      Chair Sword called the meeting to order at 2:00 p.m. on Wednesday, May 17, 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 (Exited at 2:38 p.m.)  
Steven H. Levinson, Member  
Loretta A. Sheehan, 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  
William R. Axt, Acting Deputy Chief  
Clayton G. Kau, Assistant Chief  
Lynne Uyema, Legal Advisor

ASCERTAINMENT OF QUORUM                      Counsel Jayaram ascertained that a quorum was present

CHIEF OF POLICE REPORT

Acting Chief Okimoto thanked commissioners for their participation during Police Week and informed commissioners the HPD Annual Report is nearing completion. The Report will be posted on the HPD's website and hardcopies distributed. He also reviewed upcoming events which the Honolulu Police Department (HPD) will participate in:

- Police Activities League Judo – held every Tuesday and Friday at the Kailua High School Gym from 4:30 to 6 p.m. for more information call 723-8517
- May 19, 2017, Coffee With a Cop at the Mililani Wal-Mart from 8:30 to 10:30 a.m.
- May 25, 2017, Wahiawa Police Station Blood Drive from 7 a.m. to 3 p.m.
- May 25, 2017, Palama Kupuna Fair at the Palama Settlement beginning at 9 a.m.
- May 26, 2017, Say HI and Health Fair at the Parents And Children Together Center, Kuhio Park Terrace Courtyard from 10 a.m. to 12 p.m.
- May 26, 2017, Keiki I.D. Fair at Kaiulani Elementary School from 2 to 5 p.m.
- May 30, 2017, Coffee With a Cop at the McDonalds located on 2121 South King Street from 8 to 10 a.m.

#### Traffic Statistics

Currently there are 17 fatalities compared to 14 in 2016 and 19 in 2015. There were 2,044 speeding citations, 754 seat belt citations, and 158 OVUII arrests during the period of May 1 through 15, 2017.

#### Questions and Comments by Commissioners

Commissioner Costales asked if there were any statistics for attendance at the Coffee With A Cop events, specifically, if there were any follow-up reports on attendance or concerns shared by attendees. Acting Chief Okimoto informed commissioners a report is submitted indicating how many people attend the events and the types of questions and/or concerns shared. This allows for officers to be better prepared to answer or assist persons who attend the events.

Chair Sword asked for a status update on the cases being re-investigated. Acting Chief Okimoto reported the two cases have been completed and conferred at the Prosecutor's Office. One case was declined and the other accepted for prosecution. The one case was declined due to witness statements and lack of detail in witness statements.

#### APPROVAL OF MINUTES

Commissioner Thompson made a motion to approve the April 19, 2017, meeting minutes. Commissioner Flores seconded the motion.

Vote: Commissioners Sword, Thompson, Costales, Levinson and Flores voted to approve the minutes; Commissioner Sheehan abstained from the vote as she was not present at the April 19, 2017 meeting.

#### PUBLIC TESTIMONY

##### Mr. Benjamin Shafer

Mr. Shafer thanked commissioners for their service and said he attended the meeting because he wanted to suggest the Commission consider Ms. A'o Pohaku Rodenhurst to fill a position on the committee or as a commissioner because she is someone who works with grass-roots organizations, is a Native Hawaiian, and is an active community member. Chair Sword thanked Mr. Shafer for attending the meeting and requested he contact the Mayor's Office as commissioners are appointed by the Mayor and confirmed by the City Council.

##### Mr. Mateo Caballero, Legal Director of the ACLU of Hawaii

Mr. Caballero stated he was testifying on behalf of the ACLU of Hawaii and wanted to inform commissioners that the ACLU of Hawaii submitted a letter to the Commission a few days ago that has ten questions for the next chief of police. He also informed commissioners he will make himself and the ACLU of Hawaii available if commissioners have any questions or comments about the letter.

Commissioner Levinson requested to make a disclosure and informed commissioners he has resigned from the Board of the Directors of the ACLU of Hawaii and that he first became aware of the letter Mr. Caballero is referring to yesterday when he received a copy of the letter by e-mail from the Deputy Executive Director of the ACLU of Hawaii.

Mr. Mateo Caballero, Legal Director of the ACLU of Hawaii (Continued)

Commissioner Levinson stated he has been a member of the Board of Directors of the ACLU since 2009 and that in light of the letter and matters raised he made the decision to resign from the Board since it would be difficult for him to serve simultaneously on both the Honolulu Police Commission and the Board of Directors of the ACLU of Hawaii.

Mr. Kevin Mulkern

Commissioner Sheehan informed commissioners she received an e-mail testimony from Mr. Kevin Mulkern a member of the Kuliouou Kalani-Iki Neighborhood Board No. 2. Executive Officer Lawrence informed commissioners each commissioner has a copy of the testimony attached to their agenda.

Questions from Commissioners

Commissioner Sheehan asked Mr. Caballero if he or the ACLU of Hawaii be able to serve as a resource for commissioners during the selection process for the chief of police. Mr. Caballero stated he would be available and providing assistance is part of the ACLU of Hawaii's role and mission.

NEW BUSINESS

Report on Actions

Commissioner Costales reported that at the Executive Session of April 5, 2017 the Commission took action on one case involving one officer. Complaint number HPC 16-084, involved one complainant and one officer. The allegation of discourtesy-harsh remarks against the officer was not sustained. The Commission also approved the minutes of the March 1, 2017 executive session. Commissioner Costales then made a motion to approve the report. Commissioner Thompson seconded the motion.

Vote: By a unanimous vote, the motion carried.

UNFINISHED BUSINESS

Proposed Amendment to Honolulu Police Commission Rule 11

Executive Officer Lawrence reported research is still being done concerning amendments to Rule 10 and anticipates a proposal will be provided to commissioners at the next meeting. Once commissioners review and discuss the amendments to the rules the process can continue with public hearing and comments.

Status of Request from Kevin Sumida for Recusal of Commissioner Sheehan

Executive Officer Lawrence informed commissioners the May 8, 2016 (sic) letter from Mr. Sumida is included in their mail. He also informed commissioners the contested case hearing for Chief Kealoha has been delayed until the issue has been resolved. Mr. Sumida indicated he will submit his motion for Commissioner Sheehan to be disqualified by May 23, 2017. Mr. Sumida will be notified that it is up to him to reschedule the contested case hearing.

Status of Request from Kevin Sumida for Recusal of Commissioner Sheehan (Continued)

Commissioner Sheehan requested the May 5, 2017 letter from Honolulu Police Commission Executive Officer Lawrence to Mr. Sumida and the May 8, 2016 (sic) letter from Mr. Sumida be made a part of the record and attached to the minutes.

Selection Process for the Next Chief of Police

Executive Officer Lawrence informed commissioners the deadline for clarification submission was May 16, 2017. The additional information will be reviewed and report provided to commissioners at the next meeting. Selection of the consultants is moving along and commissioners will also be updated as to the status of the consultants at the next meeting.

Possible Creation of a Citizen's Assessment Panel to Assist in the Assessment of Chief of Police Candidates

Chair Sword explained that when he proposed using a citizen's panel as part of the selection process it was based on previous chief selections and, as in the past, the assessors would serve only in an advisory capacity by scoring applicants in the assessment center. Commissioners would make the final decision concerning the finalists and ultimately select the next chief of police.

Chair Sword then said that since making the announcement regarding the panel, he and other commissioners have been inundated with positive and negative feedback and endless suggestions on additional individuals who should be considered for the panel. He also said that the panel selection has overshadowed the main objective in choosing the right chief of police for the City and County of Honolulu.

Chair Sword said he would prefer, with everyone's consent, to forego the citizen's panel and move forward with the process in finalizing the process in securing a consultant and see what ideas the consultant may have in how to proceed forward.

Commissioner Levinson agreed with Chair Sword's concerns over the convening of a panel. He informed those in attendance that there has been a general misunderstanding among the public and also from some of the media as to what the nature and function of the panel was supposed to be. Commissioner Levinson then reviewed and read portions of an article by the Civil Beat editorial board from May 11, 2017, which he feels is part of the reason for misunderstanding. Vice-Chair Thompson agreed with Commissioner Levinson and stated that she wished the media did a fair job and that commissioners cannot please everyone, but that is something that they will have to deal with.

Commissioners Costales and Sheehan agreed with Chair Sword that the selection of members became a distraction and that community input from a diverse community is important and valuable.

All commissioners agreed the most important responsibility for the Commission is the selection of a chief of police and public input is very important. They supported and agreed Chair Sword's request to forego the use of a panel. Chair Sword requested commissioners express appreciation from the Commission to those each nominated.

EXECUTIVE OFFICER'S REPORT

Executive Officer Lawrence reported the Commission has received 40 complaints to date and that the number of the complaints last year during this time was 37 complaints. Of the 40 complaints, there are 16 pending investigation, 16 complaints have been referred to the HPD's Professional Standards Office, one complaint was withdrawn, and two complaints were serviced with the Honolulu Police Commission's Public Service Report.

Four cases are being distributed for review and decision at the next meeting.

EXECUTIVE SESSION

At 2:38 p.m. Commissioner Levinson 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 3:20 p.m.

ANNOUNCEMENTS

Due to an anticipated lack of quorum, the June 7, 2017 meeting of the Honolulu Police Commission will be canceled. The next meeting will be on June 21, 2017.

ADJOURNMENT

At 3:35 p.m. Vice-Chair Thompson made a motion to adjourn the meeting. Commissioner Sheehan seconded the motion, by a unanimous vote, the motion carried.

ATTACHMENTS AVAILABLE FOR REVIEW AT THE  
HONOLULU POLICE COMMISSION OFFICE  
PLEASE CALL 723-7581 FOR ASSISTANCE