

HONOLULU POLICE COMMISSION
City and County of Honolulu
State of Hawaii
Minutes of the Regular Meeting
January 17, 2018

CALL TO ORDER Chair Sword called the meeting to order at 2:00 p.m. on Wednesday, January 17, 2018, in Conference Room A at the Honolulu Police Department Alapai Headquarters

PRESENT Max J. Sword, Chair
Karen Chang, Member
Steven H. Levinson, Member
Loretta A. Sheehan, Member

Daniel W. S. Lawrence, Executive Officer
George P. Ashak, Investigator
Richard Lewallen, Deputy Corporation Counsel
Erin Marie Yamashita, Secretary

EXCUSED Jerry Gibson, Member

ALSO PRESENT Susan Ballard, Chief of Police
John D. McCarthy, Deputy Chief of Police
Jonathon B. Grems, Deputy Chief of Police

ASCERTAINMENT OF QUORUM Counsel Lewallen ascertained that a quorum was present

CHIEF OF POLICE REPORT

Promotion Ceremony

Chief Ballard reminded commissioners of the promotion ceremony on January 22, 2018, for sergeants and lieutenants at the Neal Blaisdell Center, Pikake Room at 10:30 a.m.

Conversion Referral Report

Chief Ballard and staff will provide commissioners with a presentation on February 21, 2018, on how the Honolulu Police Department's disciplinary process works. This will be beneficial for commissioners so they will be able to understand how complaints sustained by the Commission are converted into charges in the Standards of Conduct, as the conversion can be difficult due to the different charges.

Missile Alert

Chief Ballard reviewed HPD's response to the missile alert on January 13, 2018.

At 8:07 a.m. a notice, which most people received on their cell phones, was issued. Once it was realized the message was sent in error the issuing of the notice was stopped.

Because HPD is an alternate state warning site and has a direct hotline to the state warning point, HPD was able to confirm the false alarm three minutes after the warning was issued.

Missile Alert (Continued)

Chief Ballard explained the State is required to issue the retraction, not HPD. HPD waited approximately two minutes and because the State still had not sent out a retraction, it was decided that officers would utilize the vehicle P.A. systems to notify as many people as possible across the island. Notice of the false alarm was posted on HPD social media sites and media outlets were contacted.

HPD also contacted EMS, The Bus, and made contact with the Fire Department through officers contact with firefighters.

Chief Ballard shared there were lessons learned by HPD from this incident, and HPD needs to make timely notifications to its partners—EMS, The Bus and the Fire Department even though it is not HPD's responsibility. As first responders, it is important for the information to be shared with them as soon as possible.

One other issue HPD will be working on with the State is for HPD to provided with a direct line to PACOM which will allow for direct communication with PACOM and not having to wait for the State to take action or make an announcement.

Chief Ballard commended the Communications Division for their actions and remaining calm and assisting callers. There were approximately 5,500 calls that came in through the 911 system and dispatchers were able to answer approximately 3,000 of those calls from people who were panicking and wanting to know what to do. Chief Ballard also shared she learned something she was unaware of, which is if HPD's communication system gets overwhelmed with calls, calls are routed to a backup in Colorado. That company ended up getting approximately 600 calls. Dispatchers also returned calls from the approximately 1,500 dropped calls in order to make sure there was not some type of emergency.

Commissioner Chang asked Chief Ballard to explain the protocol as she was unclear of who was the responsible agency to make the announcement of a false alarm. Chief Ballard explained that the state warning point, which is the State Civil Defense, in this particular case was the responsible agency. The City and County of Honolulu can call an all clear for weather issues such as tsunamis and hurricanes. As far as protocol followed by State agencies, Chief Ballard was unclear the exact process.

APPROVAL OF MINUTES

Commissioner Chang made a motion to approve the December 20, 2017 meeting minutes. Commissioner Sheehan seconded the motion.

Discussion: Commissioner Levinson requested an amendment to page 8 of the regular meeting minutes—striking “extreme displeasure with” and inserting “total rejection of.”

Vote: By a unanimous vote, the motion carried.

PUBLIC TESTIMONY

No public testimony.

NEW BUSINESS

Report on Actions Taken at the Executive Session of December 6, 2018

Commissioner Sheehan reported the following actions taken by the Commission during the December 6, 2017, executive session:

Commissioners took action on four cases involving seven officers.

Complaint number 17-041 involved one complainant and one officer. The complaint of threatening was not sustained.

Complaint number 17-049 involved one complainant and four officers. The complaints of discourtesy-profanity and excessive use of force against all four officers, and malicious use of force against one of the officers were not sustained.

Complaint number 17-054 involved one complainant and one officer. The complaint of conduct unbecoming an officer was sustained.

Complaint number 17-060 involved one complainant and one officer. The complaint of overbearing conduct was not sustained.

Commissioners also directed the executive officer to close HPC Nos. 17-059, 17-066, and 17-067 without referral for further investigation pursuant to Commission Rule 9-1(a), (b), and (c).

Commissioner Sheehan then made a motion to accept the report. Commissioner Levinson seconded the motion.

Discussion: None.

Vote: Unanimous.

Discussion of Performance Goals and Evaluation Criteria for the Chief of Police

Commissioners reviewed the latest draft of the Chief's performance evaluation, which included Commissioner Levinson's non-substantive changes.

Commissioner Sheehan requested clarification from Chief Ballard that the action plan was provided by her to the Commission. Chief Ballard responded in the affirmative. Commissioner Sheehan then asked if a requirement or section would be necessary for a chief to draft an action plan. Commissioner Levinson and Executive Officer Lawrence explained the providing of an action plan, at least annually, was included in the Police Commission section of the evaluation and the execution of the action plan was included in the Managerial section. After discussion, commissioners decided both the providing and execution of the action plan should be included in the Action Plan section only.

Commissioner Sheehan then asked if commissioners were agreeable to asking for both an action plan and a five-year plan. Executive Officer Lawrence explained the five-year plan is a requirement of the City Charter.

Discussion of Performance Goals and Evaluation Criteria for the Chief of Police (Continued)

Chair Sword then entertained motion to accept the revisions. Commissioner Chang then made a motion for the Action Plan section to include a requirement to provide an action plan as well as to execute the plan and delete the requirements from the Police Commission and Managerial sections. Commissioner Levinson seconded the motion.

Discussion: None.

Vote: Unanimous.

A final copy of the evaluation will be provided to commissioners and Chief Ballard.

EXECUTIVE OFFICER'S REPORT

Executive Officer Lawrence reported as of January 17, 2018, the Commission has received three complaints, and there a seven pending complaints. He then introduced George Ashak the most senior investigator who will serve as the acting executive officer until the position is filled.

EXECUTIVE SESSION

A 2:24 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 Sheehan seconded the motion.

Discussion: None.

Vote: By a unanimous vote, the motion carried.

RETURN TO OPEN SESSION

The Commission returned to the open session at 3:30 p.m.

ADJUDICATIONS

Contested Case Hearing for Officer Sterling Naki, USDC Civil No. 17-00142 KSC

The contested case hearing for Officer Sterling Naki began at 3:41 p.m. and ended at 5:00 p.m. Attorney Richard Wurdeman represented Officer Naki, and Deputy Corporation Counsel Ernest Nomura attended on behalf of the Department of the Corporation Counsel.

Contested Case Hearing for Officer Sterling Naki, USDC Civil No. 17-00142 KSC (Continued)

After much discussion, Commissioner Sheehan made a motion to deny Officer Naki's request for legal representation by the City and County of Honolulu. Commissioner Levinson seconded the motion. The motion to deny legal representation passed with a unanimous vote.

Contested Case Hearing for Officer Joshua Omoso, USDC Civil No. 17-00142 KSC

The contested case hearing for Officer Joshua Omoso began at 5:06 p.m. and ended at 5:35 p.m. Attorney Richard Wurdeman represented Officer Omoso, and Deputy Corporation Counsel Ernest Nomura attended on behalf of the Department of the Corporation Counsel.

After much discussion, Commissioner Sheehan made a motion to deny Officer Omoso's request for legal representation by the City and County of Honolulu. Commissioner Levinson seconded the motion. The motion to deny legal representation passed with a unanimous vote.

ANNOUNCEMENTS

Chair Sword announced the next meeting Honolulu Police Commission will be on February 7, 2018 at 2 p.m.

ADJOURNMENT

At 6:16 p.m. Commissioner Levinson made a motion to adjourn the meeting. Commissioner Chang seconded the motion.

Discussion: None.

Vote: By a unanimous vote, the motion carried.