

HONOLULU POLICE COMMISSION
City and County of Honolulu
State of Hawaii
Minutes of the Regular Meeting
March 21, 2018

CALL TO ORDER Chair Sheehan called the meeting to order at 2:00 p.m. on Wednesday, March 21, 2018, in Conference Room A at the Honolulu Police Department Alapai Headquarters

PRESENT Loretta A. Sheehan, Chair
 Steven H. Levinson, Vice-Chair
 Shannon L. Alivado, Member
 Richard T. Grimm, Member
 Max J. Sword, Member

 George P. Ashak, Acting Executive Officer
 Duane W. H. Pang, Deputy Corporation Counsel
 Erin Marie Yamashita, Secretary

EXCUSED Karen Chang, Member
 Jerry Gibson, Member

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

ASCERTAINMENT Counsel Pang ascertained that a quorum was present
OF QUORUM

CHIEF OF POLICE REPORT

Chief Ballard thanked Commissioners Sheehan and Levinson for attending the awards ceremony this morning. She also thanked Commissioner Grimm for meeting with her and staff members and providing tips in working with the media.

As requested, Chief Ballard informed commissioners she has forwarded her listing of functions and speaking engagements she has attended to date to Commission staff for distribution to commissioners.

Chief Ballard shared there has been 15 fatalities this year. Nine were pedestrians in which three persons were in a crosswalk, five involved motorcycles, and one fatality was the result of vehicle. HPD is considering what types of programs it will conduct on traffic safety.

Questions and Comments by Commissioners

Chair Sheehan informed Chief Ballard that she noticed Ms. Donna Garcia has filed a lawsuit and commissioners may be following the story as it was recently in the news.

Chair Sheehan asked Chief Ballard to provide an update on the recent officer-involved shooting. Chief Ballard informed commissioners officers responded to a call for service at the Dillingham 7-Eleven store. The suspect attempted to rob the store and when officers arrived, he pointed what appeared to be a weapon at the officers.

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Questions and Comments by Commissioners

Two officers each fired one shot at the suspect and missed. The suspect, who does have a lengthy rap sheet, then fainted. He was placed under arrest and charged yesterday.

Chair Sheehan, after seeing and reading the coverage of bombs being placed in various locations on the mainland, wanted to know if HPD has close relationships with federal agencies such as the Bureau of Alcohol, Tobacco, Firearms in Honolulu and how equipped is HPD to deal with firearm and explosive threats. Chief Ballard responded that HPD does have a good working relationship with fellow agencies and if there is any need for assistance, it is always available. Additionally, Chief Ballard informed commissioners HPD has been meeting with the U.S. Attorney, Kenji Price and First Deputy, Ron Johnson in initiating the Project Safe Neighborhood, a project that was initiated in 2001.

HPD will be coordinating with the U. S. Attorney's Office and the Department of the Prosecuting Attorney in pursuing people with unregistered firearms, drug dealers and drug users. Chief Ballard explained that many of the cases could not be taken to court because of state issues or a person would receive little or no jail time. Utilizing the federal system allows for a person to be dealt with in the federal system, which has more severe consequences. Chair Sheehan agreed and said that the federal system also offers more resources for law enforcement and offenders. Chief Ballard agreed and said relationships between the federal government and other state agencies are positive making communities safer.

APPROVAL OF MINUTES

Commissioner Sword made a motion to approve the February 21, 2018, meeting minutes. Commissioner Levinson seconded the motion.

Discussion: None.

Vote: Commissioners Sheehan, Levinson, Sword, and Grimm voted in favor of the motion. Commissioner Alivado recused herself because she was not in attendance at the February 21, 2018 meeting.

PUBLIC TESTIMONY

None.

NEW BUSINESS

Report on Actions Taken at the Executive Session of February 7, 2018

Commissioner Sword reported that at the Executive Session of February 7, 2018, commissioners approved the January 3, 2018, executive session minutes. Commissioner Levinson seconded the motion.

Discussion: None.

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Report on Actions Taken at the Executive Session of February 7, 2018 (Continued)

Vote: Commissioners Sheehan, Levinson, Sword, Gibson, Chang, and Grimm voted in favor of the motion. Commissioner Alivado recused herself because she was not in attendance at the January 3, 2018 meeting.

Commissioner Individual Reports on Commission Business

Chair Sheehan informed those in attendance that this item would be a permanent agenda item in order for commissioners to keep on track with their personal contributions to the Commission.

Commissioner Grimm reported he thinks HPD is on track and during their meeting spoke about issues in the television industry. They also discussed contacts and he suggested ways to approach members of the media, and possibly taking a proactive action on traffic safety and what is going on within HPD as far as training and other duties of HPD officers during certain types of situations.

In his process to update the Commission's Rules, Vice-Chair Levinson has requested staff gather copies of rules for other commissions—Liquor Commission, Fire Commission, Civil Service Commission, Planning Commission, Rate Commission, and Ethics Commission.

Chair Sheehan reported she and Vice-Chair Levinson met with three members of the board of directors for Mothers Against Drunk Driving (MADD) last Friday. Discussion included the efficacy of checkpoint stops and a media campaign to prevent drunk driving. Chair Sheehan shared that she feels HPC meetings can and should be used to have informed conversations about law enforcement, so she extended an invitation to MADD to attend a meeting. The members also expressed their appreciation for the HPD, and would like to be part of the conversation during the April 18, 2018 meeting.

Chair Sheehan also mentioned Kevin Takata of the Attorney General's Office and that the Hawaii Internet Crimes Against Children Unit would like to attend a Commission meeting. She will discuss possible dates with Mr. Takata. With regard to the Waikiki Forum and people getting together to discuss the cabaret license issues, Chair Sheehan, on behalf of the commission, offered members to be a part of the conversation and mentioned Commissioners Sword and Gibson.

In further discussing cabaret licenses, Commissioner Grimm wanted to know what percentage of the problems involve places with cabaret licenses because bars without a cabaret license close at 2 a.m. Commissioner Sword shared that what is problematic is the people bar hopping, and going from a bar that closes at 2 a.m. to one that closes at 4 a.m. Commissioner Sword further explained that hotels are able to control patrons pretty well. Commissioner Grimm then asked how many bars have cabaret licenses in Waikiki to which Chief Ballard responded there are seven in Waikiki not counting hotels. Chief Ballard added that incidents may not happen at the bars but after patrons leave the bar, off property, but the common denominator is that the people are coming from the bars.

EXECUTIVE OFFICER'S REPORT

Acting Executive Officer Ashak reported as of March 21, 2018, the Commission has received 19 complaints compared to 23 in 2017. Eight complaints are pending, seven were referrals to PSO, and there are six pending requests for legal counsel one of which is scheduled for a contested case hearing today.

Acting Executive Officer Ashak also reported he received an e-mail from the Managing Director in response to the March 11, 2018 memo requesting the status of the update of the Commission's rules. In the e-mail, the Managing Director stated that on March 7, 2018, the Department of the Corporation Counsel (COR) issued a memo to the Mayor stating Rule 11 meets form and legality requirements and that he received a courtesy visit from the Chair and Vice-Chair and the Mayor has not taken any action on the rules.

Chair Sheehan stated that she and Vice-Chair Levinson did pay a courtesy visit to the Mayor to see if there were any concerns to which the Mayor stated he may want to attend a meeting and that he is still reviewing the Commission rules.

EXECUTIVE SESSION

A 2:23 p.m., Commissioner Alivado 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 Sword 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 3:07 p.m.

ADJUDICATION

The contested case hearing for former chief of police Louis M. Kealoha began at 3:07 p.m. and ended at 3:51 p.m. Attorney Kevin Sumida represented former chief of police Louis M. Kealoha and Deputy Corporation Counsel Robert Rawson attended on behalf of the Department of the Corporation. Refer to transcript for further details.

RETURN TO EXECUTIVE SESSION FOR DELIBERATION PURPOSES

The Commission returned to executive session at 3:55 p.m. for deliberation of the request for legal counsel from former chief of police Louis M. Kealoha.

RETURN TO OPEN SESSION

The Commission returned to open session at 4:19 p.m.

ADJUDICATION

Chair Sheehan informed those in attendance that commissioners did deliberate and voted on the request for legal counsel from former chief of police Louis M. Kealoha. She then announced the Commission voted unanimously that Chief Kealoha's involvement in the alleged mailbox theft appears to be a personal issue and the factual allegations made in the complaint do not reflect that Chief Kealoha is being sued for acts done in the performance of his duty as a police officer. Therefore, commissioners do not approve payment of Chief Kealoha's legal fees.

ANNOUNCEMENTS

Chair Sheehan announced the next meeting Honolulu Police Commission will be on April 4, 2018 at 2 p.m.

ADJOURNMENT

At 4:35 p.m. Commissioner Sword made a motion to adjourn the meeting. Vice-Chair Levinson seconded the motion.

Discussion: None.

Vote: By a unanimous vote, the motion carried.

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 Richard T. Grimm, Member
 Max J. Sword, Member

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APPROVAL OF MINUTES

Commissioner Sword made a motion to approve the February 21, 2018, meeting minutes. Commissioner Levinson seconded the motion.

Discussion: None.

Vote: Commissioners Sheehan, Levinson, Sword, and Grimm voted in favor of the motion. Commissioner Alivado recused herself because she was not in attendance at the February 21, 2018 meeting.

PUBLIC TESTIMONY

None.

NEW BUSINESS

Report on Actions Taken at the Executive Session of February 7, 2018

Commissioner Sword reported that at the Executive Session of February 7, 2018, commissioners approved the January 3, 2018, executive session minutes. Commissioner Levinson seconded the motion.

Discussion: None.

MINUTES OF THE REGULAR MEETING

March 21, 2018

Page 3

Report on Actions Taken at the Executive Session of February 7, 2018 (Continued)

Vote: Commissioners Sheehan, Levinson, Sword, Gibson, Chang, and Grimm voted in favor of the motion. Commissioner Alivado recused herself because she was not in attendance at the January 3, 2018 meeting.

Commissioner Individual Reports on Commission Business

Chair Sheehan informed those in attendance that this item would be a permanent agenda item in order for commissioners to keep on track with their personal contributions to the Commission.

Commissioner Grimm reported he thinks HPD is on track and during their meeting spoke about issues in the television industry. They also discussed contacts and he suggested ways to approach members of the media, and possibly taking a proactive action on traffic safety and what is going on within HPD as far as training and other duties of HPD officers during certain types of situations.

In his process to update the Commission's Rules, Vice-Chair Levinson has requested staff gather copies of rules for other commissions—Liquor Commission, Fire Commission, Civil Service Commission, Planning Commission, Rate Commission, and Ethics Commission.

Chair Sheehan reported she and Vice-Chair Levinson met with three members of the board of directors for Mothers Against Drunk Driving (MADD) last Friday. Discussion included the efficacy of checkpoint stops and a media campaign to prevent drunk driving. Chair Sheehan shared that she feels HPC meetings can and should be used to have informed conversations about law enforcement, so she extended an invitation to MADD to attend a meeting. The members also expressed their appreciation for the HPD, and would like to be part of the conversation during the April 18, 2018 meeting.

Chair Sheehan also mentioned Kevin Takata of the Attorney General's Office and that the Hawaii Internet Crimes Against Children Unit would like to attend a Commission meeting. She will discuss possible dates with Mr. Takata. With regard to the Waikiki Forum and people getting together to discuss the cabaret license issues, Chair Sheehan, on behalf of the commission, offered members to be a part of the conversation and mentioned Commissioners Sword and Gibson.

In further discussing cabaret licenses, Commissioner Grimm wanted to know what percentage of the problems involve places with cabaret licenses because bars without a cabaret license close at 2 a.m. Commissioner Sword shared that what is problematic is the people bar hopping, and going from a bar that closes at 2 a.m. to one that closes at 4 a.m. Commissioner Sword further explained that hotels are able to control patrons pretty well. Commissioner Grimm then asked how many bars have cabaret licenses in Waikiki to which Chief Ballard responded there are seven in Waikiki not counting hotels. Chief Ballard added that incidents may not happen at the bars but after patrons leave the bar, off property, but the common denominator is that the people are coming from the bars.

EXECUTIVE OFFICER'S REPORT

Acting Executive Officer Ashak reported as of March 21, 2018, the Commission has received 19 complaints compared to 23 in 2017. Eight complaints are pending, seven were referrals to PSO, and there are six pending requests for legal counsel one of which is scheduled for a contested case hearing today.

Acting Executive Officer Ashak also reported he received an e-mail from the Managing Director in response to the March 11, 2018 memo requesting the status of the update of the Commission's rules. In the e-mail, the Managing Director stated that on March 7, 2018, the Department of the Corporation Counsel (COR) issued a memo to the Mayor stating Rule 11 meets form and legality requirements and that he received a courtesy visit from the Chair and Vice-Chair and the Mayor has not taken any action on the rules.

Chair Sheehan stated that she and Vice-Chair Levinson did pay a courtesy visit to the Mayor to see if there were any concerns to which the Mayor stated he may want to attend a meeting and that he is still reviewing the Commission rules.

EXECUTIVE SESSION

A 2:23 p.m., Commissioner Alivado 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 Sword 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 3:07 p.m.

ADJUDICATION

The contested case hearing for former chief of police Louis M. Kealoha began at 3:07 p.m. and ended at 3:51 p.m. Attorney Kevin Sumida represented former chief of police Louis M. Kealoha and Deputy Corporation Counsel Robert Rawson attended on behalf of the Department of the Corporation. Refer to transcript for further details.

RETURN TO EXECUTIVE SESSION FOR DELIBERATION PURPOSES

The Commission returned to executive session at 3:55 p.m. for deliberation of the request for legal counsel from former chief of police Louis M. Kealoha.

RETURN TO OPEN SESSION

The Commission returned to open session at 4:19 p.m.

ADJUDICATION

Chair Sheehan informed those in attendance that commissioners did deliberate and voted on the request for legal counsel from former chief of police Louis M. Kealoha. She then announced the Commission voted unanimously that Chief Kealoha's involvement in the alleged mailbox theft appears to be a personal issue and the factual allegations made in the complaint do not reflect that Chief Kealoha is being sued for acts done in the performance of his duty as a police officer. Therefore, commissioners do not approve payment of Chief Kealoha's legal fees.

ANNOUNCEMENTS

Chair Sheehan announced the next meeting Honolulu Police Commission will be on April 4, 2018 at 2 p.m.

ADJOURNMENT

At 4:35 p.m. Commissioner Sword made a motion to adjourn the meeting. Vice-Chair Levinson seconded the motion.

Discussion: None.

Vote: By a unanimous vote, the motion carried.

HONOLULU POLICE COMMISSION
City and County of Honolulu
State of Hawaii
Minutes of the Regular Meeting
March 21, 2018

CALL TO ORDER Chair Sheehan called the meeting to order at 2:00 p.m. on Wednesday, March 21, 2018, in Conference Room A at the Honolulu Police Department Alapai Headquarters

PRESENT Loretta A. Sheehan, Chair
 Steven H. Levinson, Vice-Chair
 Shannon L. Alivado, Member
 Richard T. Grimm, Member
 Max J. Sword, Member

 George P. Ashak, Acting Executive Officer
 Duane W. H. Pang, Deputy Corporation Counsel
 Erin Marie Yamashita, Secretary

EXCUSED Karen Chang, Member
 Jerry Gibson, Member

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

ASCERTAINMENT Counsel Pang ascertained that a quorum was present
OF QUORUM

CHIEF OF POLICE REPORT

Chief Ballard thanked Commissioners Sheehan and Levinson for attending the awards ceremony this morning. She also thanked Commissioner Grimm for meeting with her and staff members and providing tips in working with the media.

As requested, Chief Ballard informed commissioners she has forwarded her listing of functions and speaking engagements she has attended to date to Commission staff for distribution to commissioners.

Chief Ballard shared there has been 15 fatalities this year. Nine were pedestrians in which three persons were in a crosswalk, five involved motorcycles, and one fatality was the result of vehicle. HPD is considering what types of programs it will conduct on traffic safety.

Questions and Comments by Commissioners

Chair Sheehan informed Chief Ballard that she noticed Ms. Donna Garcia has filed a lawsuit and commissioners may be following the story as it was recently in the news.

Chair Sheehan asked Chief Ballard to provide an update on the recent officer-involved shooting. Chief Ballard informed commissioners officers responded to a call for service at the Dillingham 7-Eleven store. The suspect attempted to rob the store and when officers arrived, he pointed what appeared to be a weapon at the officers.

MINUTES OF THE REGULAR MEETING
March 21, 2018
Page 2

Questions and Comments by Commissioners

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Chair Sheehan, after seeing and reading the coverage of bombs being placed in various locations on the mainland, wanted to know if HPD has close relationships with federal agencies such as the Bureau of Alcohol, Tobacco, Firearms in Honolulu and how equipped is HPD to deal with firearm and explosive threats. Chief Ballard responded that HPD does have a good working relationship with fellow agencies and if there is any need for assistance, it is always available. Additionally, Chief Ballard informed commissioners HPD has been meeting with the U.S. Attorney, Kenji Price and First Deputy, Ron Johnson in initiating the Project Safe Neighborhood, a project that was initiated in 2001.

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APPROVAL OF MINUTES

Commissioner Sword made a motion to approve the February 21, 2018, meeting minutes. Commissioner Levinson seconded the motion.

Discussion: None.

Vote: Commissioners Sheehan, Levinson, Sword, and Grimm voted in favor of the motion. Commissioner Alivado recused herself because she was not in attendance at the February 21, 2018 meeting.

PUBLIC TESTIMONY

None.

NEW BUSINESS

Report on Actions Taken at the Executive Session of February 7, 2018

Commissioner Sword reported that at the Executive Session of February 7, 2018, commissioners approved the January 3, 2018, executive session minutes. Commissioner Levinson seconded the motion.

Discussion: None.

MINUTES OF THE REGULAR MEETING

March 21, 2018

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Report on Actions Taken at the Executive Session of February 7, 2018 (Continued)

Vote: Commissioners Sheehan, Levinson, Sword, Gibson, Chang, and Grimm voted in favor of the motion. Commissioner Alivado recused herself because she was not in attendance at the January 3, 2018 meeting.

Commissioner Individual Reports on Commission Business

Chair Sheehan informed those in attendance that this item would be a permanent agenda item in order for commissioners to keep on track with their personal contributions to the Commission.

Commissioner Grimm reported he thinks HPD is on track and during their meeting spoke about issues in the television industry. They also discussed contacts and he suggested ways to approach members of the media, and possibly taking a proactive action on traffic safety and what is going on within HPD as far as training and other duties of HPD officers during certain types of situations.

In his process to update the Commission's Rules, Vice-Chair Levinson has requested staff gather copies of rules for other commissions—Liquor Commission, Fire Commission, Civil Service Commission, Planning Commission, Rate Commission, and Ethics Commission.

Chair Sheehan reported she and Vice-Chair Levinson met with three members of the board of directors for Mothers Against Drunk Driving (MADD) last Friday. Discussion included the efficacy of checkpoint stops and a media campaign to prevent drunk driving. Chair Sheehan shared that she feels HPC meetings can and should be used to have informed conversations about law enforcement, so she extended an invitation to MADD to attend a meeting. The members also expressed their appreciation for the HPD, and would like to be part of the conversation during the April 18, 2018 meeting.

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In further discussing cabaret licenses, Commissioner Grimm wanted to know what percentage of the problems involve places with cabaret licenses because bars without a cabaret license close at 2 a.m. Commissioner Sword shared that what is problematic is the people bar hopping, and going from a bar that closes at 2 a.m. to one that closes at 4 a.m. Commissioner Sword further explained that hotels are able to control patrons pretty well. Commissioner Grimm then asked how many bars have cabaret licenses in Waikiki to which Chief Ballard responded there are seven in Waikiki not counting hotels. Chief Ballard added that incidents may not happen at the bars but after patrons leave the bar, off property, but the common denominator is that the people are coming from the bars.

EXECUTIVE OFFICER'S REPORT

Acting Executive Officer Ashak reported as of March 21, 2018, the Commission has received 19 complaints compared to 23 in 2017. Eight complaints are pending, seven were referrals to PSO, and there are six pending requests for legal counsel one of which is scheduled for a contested case hearing today.

Acting Executive Officer Ashak also reported he received an e-mail from the Managing Director in response to the March 11, 2018 memo requesting the status of the update of the Commission's rules. In the e-mail, the Managing Director stated that on March 7, 2018, the Department of the Corporation Counsel (COR) issued a memo to the Mayor stating Rule 11 meets form and legality requirements and that he received a courtesy visit from the Chair and Vice-Chair and the Mayor has not taken any action on the rules.

Chair Sheehan stated that she and Vice-Chair Levinson did pay a courtesy visit to the Mayor to see if there were any concerns to which the Mayor stated he may want to attend a meeting and that he is still reviewing the Commission rules.

EXECUTIVE SESSION

A 2:23 p.m., Commissioner Alivado 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 Sword 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 3:07 p.m.

ADJUDICATION

The contested case hearing for former chief of police Louis M. Kealoha began at 3:07 p.m. and ended at 3:51 p.m. Attorney Kevin Sumida represented former chief of police Louis M. Kealoha and Deputy Corporation Counsel Robert Rawson attended on behalf of the Department of the Corporation. Refer to transcript for further details.

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RETURN TO OPEN SESSION

The Commission returned to open session at 4:19 p.m.

ADJUDICATION

Chair Sheehan informed those in attendance that commissioners did deliberate and voted on the request for legal counsel from former chief of police Louis M. Kealoha. She then announced the Commission voted unanimously that Chief Kealoha's involvement in the alleged mailbox theft appears to be a personal issue and the factual allegations made in the complaint do not reflect that Chief Kealoha is being sued for acts done in the performance of his duty as a police officer. Therefore, commissioners do not approve payment of Chief Kealoha's legal fees.

ANNOUNCEMENTS

Chair Sheehan announced the next meeting Honolulu Police Commission will be on April 4, 2018 at 2 p.m.

ADJOURNMENT

At 4:35 p.m. Commissioner Sword made a motion to adjourn the meeting. Vice-Chair Levinson seconded the motion.

Discussion: None.

Vote: By a unanimous vote, the motion carried.

HONOLULU POLICE COMMISSION
City and County of Honolulu
State of Hawaii
Minutes of the Regular Meeting
March 21, 2018

CALL TO ORDER Chair Sheehan called the meeting to order at 2:00 p.m. on Wednesday, March 21, 2018, in Conference Room A at the Honolulu Police Department Alapai Headquarters

PRESENT Loretta A. Sheehan, Chair
Steven H. Levinson, Vice-Chair
Shannon L. Alivado, Member
Richard T. Grimm, Member
Max J. Sword, Member

George P. Ashak, Acting Executive Officer
Duane W. H. Pang, Deputy Corporation Counsel
Erin Marie Yamashita, Secretary

EXCUSED Karen Chang, Member
Jerry Gibson, Member

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

ASCERTAINMENT OF QUORUM Counsel Pang ascertained that a quorum was present

CHIEF OF POLICE REPORT

Chief Ballard thanked Commissioners Sheehan and Levinson for attending the awards ceremony this morning. She also thanked Commissioner Grimm for meeting with her and staff members and providing tips in working with the media.

As requested, Chief Ballard informed commissioners she has forwarded her listing of functions and speaking engagements she has attended to date to Commission staff for distribution to commissioners.

Chief Ballard shared there has been 15 fatalities this year. Nine were pedestrians in which three persons were in a crosswalk, five involved motorcycles, and one fatality was the result of vehicle. HPD is considering what types of programs it will conduct on traffic safety.

Questions and Comments by Commissioners

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MINUTES OF THE REGULAR MEETING
March 21, 2018
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Questions and Comments by Commissioners

Two officers each fired one shot at the suspect and missed. The suspect, who does have a lengthy rap sheet, then fainted. He was placed under arrest and charged yesterday.

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APPROVAL OF MINUTES

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Discussion: None.

Vote: Commissioners Sheehan, Levinson, Sword, and Grimm voted in favor of the motion. Commissioner Alivado recused herself because she was not in attendance at the February 21, 2018 meeting.

PUBLIC TESTIMONY

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NEW BUSINESS

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MINUTES OF THE REGULAR MEETING

March 21, 2018

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Commissioner Individual Reports on Commission Business

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HONOLULU POLICE COMMISSION
City and County of Honolulu
State of Hawaii
Minutes of the Regular Meeting
March 21, 2018

CALL TO ORDER Chair Sheehan called the meeting to order at 2:00 p.m. on Wednesday, March 21, 2018, in Conference Room A at the Honolulu Police Department Alapai Headquarters

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 Shannon L. Alivado, Member
 Richard T. Grimm, Member
 Max J. Sword, Member

 George P. Ashak, Acting Executive Officer
 Duane W. H. Pang, Deputy Corporation Counsel
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EXCUSED Karen Chang, Member
 Jerry Gibson, Member

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MINUTES OF THE REGULAR MEETING

March 21, 2018

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APPROVAL OF MINUTES

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Discussion: None.

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PUBLIC TESTIMONY

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NEW BUSINESS

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Discussion: None.

MINUTES OF THE REGULAR MEETING

March 21, 2018

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Commissioner Grimm reported he thinks HPD is on track and during their meeting spoke about issues in the television industry. They also discussed contacts and he suggested ways to approach members of the media, and possibly taking a proactive action on traffic safety and what is going on within HPD as far as training and other duties of HPD officers during certain types of situations.

In his process to update the Commission's Rules, Vice-Chair Levinson has requested staff gather copies of rules for other commissions—Liquor Commission, Fire Commission, Civil Service Commission, Planning Commission, Rate Commission, and Ethics Commission.

Chair Sheehan reported she and Vice-Chair Levinson met with three members of the board of directors for Mothers Against Drunk Driving (MADD) last Friday. Discussion included the efficacy of checkpoint stops and a media campaign to prevent drunk driving. Chair Sheehan shared that she feels HPC meetings can and should be used to have informed conversations about law enforcement, so she extended an invitation to MADD to attend a meeting. The members also expressed their appreciation for the HPD, and would like to be part of the conversation during the April 18, 2018 meeting.

Chair Sheehan also mentioned Kevin Takata of the Attorney General's Office and that the Hawaii Internet Crimes Against Children Unit would like to attend a Commission meeting. She will discuss possible dates with Mr. Takata. With regard to the Waikiki Forum and people getting together to discuss the cabaret license issues, Chair Sheehan, on behalf of the commission, offered members to be a part of the conversation and mentioned Commissioners Sword and Gibson.

In further discussing cabaret licenses, Commissioner Grimm wanted to know what percentage of the problems involve places with cabaret licenses because bars without a cabaret license close at 2 a.m. Commissioner Sword shared that what is problematic is the people bar hopping, and going from a bar that closes at 2 a.m. to one that closes at 4 a.m. Commissioner Sword further explained that hotels are able to control patrons pretty well. Commissioner Grimm then asked how many bars have cabaret licenses in Waikiki to which Chief Ballard responded there are seven in Waikiki not counting hotels. Chief Ballard added that incidents may not happen at the bars but after patrons leave the bar, off property, but the common denominator is that the people are coming from the bars.

EXECUTIVE OFFICER'S REPORT

Acting Executive Officer Ashak reported as of March 21, 2018, the Commission has received 19 complaints compared to 23 in 2017. Eight complaints are pending, seven were referrals to PSO, and there are six pending requests for legal counsel one of which is scheduled for a contested case hearing today.

Acting Executive Officer Ashak also reported he received an e-mail from the Managing Director in response to the March 11, 2018 memo requesting the status of the update of the Commission's rules. In the e-mail, the Managing Director stated that on March 7, 2018, the Department of the Corporation Counsel (COR) issued a memo to the Mayor stating Rule 11 meets form and legality requirements and that he received a courtesy visit from the Chair and Vice-Chair and the Mayor has not taken any action on the rules.

Chair Sheehan stated that she and Vice-Chair Levinson did pay a courtesy visit to the Mayor to see if there were any concerns to which the Mayor stated he may want to attend a meeting and that he is still reviewing the Commission rules.

EXECUTIVE SESSION

A 2:23 p.m., Commissioner Alivado 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 Sword 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 3:07 p.m.

ADJUDICATION

The contested case hearing for former chief of police Louis M. Kealoha began at 3:07 p.m. and ended at 3:51 p.m. Attorney Kevin Sumida represented former chief of police Louis M. Kealoha and Deputy Corporation Counsel Robert Rawson attended on behalf of the Department of the Corporation. Refer to transcript for further details.

RETURN TO EXECUTIVE SESSION FOR DELIBERATION PURPOSES

The Commission returned to executive session at 3:55 p.m. for deliberation of the request for legal counsel from former chief of police Louis M. Kealoha.

RETURN TO OPEN SESSION

The Commission returned to open session at 4:19 p.m.

ADJUDICATION

Chair Sheehan informed those in attendance that commissioners did deliberate and voted on the request for legal counsel from former chief of police Louis M. Kealoha. She then announced the Commission voted unanimously that Chief Kealoha's involvement in the alleged mailbox theft appears to be a personal issue and the factual allegations made in the complaint do not reflect that Chief Kealoha is being sued for acts done in the performance of his duty as a police officer. Therefore, commissioners do not approve payment of Chief Kealoha's legal fees.

ANNOUNCEMENTS

Chair Sheehan announced the next meeting Honolulu Police Commission will be on April 4, 2018 at 2 p.m.

ADJOURNMENT

At 4:35 p.m. Commissioner Sword made a motion to adjourn the meeting. Vice-Chair Levinson seconded the motion.

Discussion: None.

Vote: By a unanimous vote, the motion carried.