

HONOLULU POLICE COMMISSION
City and County of Honolulu
State of Hawaii
Minutes of the Regular Meeting
April 4, 2018

CALL TO ORDER Chair Sheehan called the meeting to order at 2:00 p.m. on Wednesday, April 4, 2018, in Conference Room A at the Honolulu Police Department Alapai Headquarters

PRESENT Loretta A. Sheehan, Chair
 Steven H. Levinson, Vice-Chair
 Karen Chang, Member
 Richard T. Grimm, Member

 George P. Ashak, Acting Executive Officer
 Denise Wong, Deputy Corporation Counsel
 Erin Marie Yamashita, Secretary

EXCUSED Shannon L. Alivado, Member
 Jerry G. Gibson, Member
 Max J. Sword, Member

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

ASCERTAINMENT Counsel Wong ascertained that a quorum was present
OF QUORUM

CHIEF OF POLICE REPORT

Chief Ballard reported the suspect in the incident at Lucky Strike was arrested and charged with bail set at \$150,000.

Since the month of May is the National Bicycling month, HPD reached out to the Hawaii Bicycle League (HBL) and will be working with them in May on educational PSAs for cyclist and motorists. The Traffic Division has also asked the HBL to make the Traffic Division aware of any problem areas in order for an awareness campaign on traffic enforcement at problem locations.

Sergeant Gabe Kira was arrested for domestic violence/abuse of a household member for an incident occurring on April 3, 2018. The case is still under investigation and Sergeant Kira is on ROPA (Restriction of Police Authority).

Chair Sheehan requested clarification on incidents involving officers and wanted to know if the officer's immediate supervisor was required to report to the scene. Chief Ballard responded that the supervisor on duty in the district where the offense occurred would respond to the scene and make notification to the officer's command, and the Professional Standards Office.

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CHIEF OF POLICE REPORT (Continued)

Chief Ballard informed commissioners that they have been having guest speakers during the Command Meetings. She would like to make the meeting meaningful and have educational, leadership, supervision or motivational offerings for the command staff. The latest speaker was Dr. Kent Keith who is known for the Paradoxical Commandments spoke with the Command Staff this morning and former State School Superintendent Patricia Hamamoto attended a previous command meeting. Chief Ballard invited commissioners to provide suggestions on speakers or any ideas they may have because the goal is to have meaningful meetings. Chair Sheehan said she is sure commissioners could contribute and suggested persons from the business community as they may offer different perspectives.

APPROVAL OF MINUTES

Commissioner Grimm made a motion to approve the March 7, 2018, meeting minutes. Commissioner Levinson seconded the motion.

Discussion: None.

Vote: By a unanimous vote, the motion carried.

PUBLIC TESTIMONY

Mr. Debito Beamer

Mr. Beamer informed commissioners he was in attendance today at the suggestion of Mr. Andrew Perreira of the Mayor's Office as well as Major Nishibun of the Traffic Division. He discussed an incident on March 22, 2018, in which he felt the conduct of the officer who stopped him was unbecoming and that the officer's enforcement of the law was a waste of the grant funding HPD had received. Mr. Beamer filed a complaint against the officer issuing the citation with the HPD's Professional Standards Office (PSO) on March 23, 2018. A brief discussion was held on the investigation of the complaint and whether the PSO or the Commission would handle the investigation.

Mr. Beamer provided commissioners with his personal experiences as a cyclist in Honolulu and the dangers he has experienced while riding in traffic. He also suggested the fines cyclists received when issued citations during the enforcement operation be converted into warnings and the fines be quashed.

Vice-Chair Levinson asked Mr. Beamer what he was cited for to which Mr. Beamer replied he was cited for an untaxed bicycle. Vice-Chair Levinson then asked if the bicycle had the registration sticker on the bicycle. Mr. Beamer acknowledged that he did not have a sticker on the bicycle when he was cited and that his previous bicycle that did have a registration sticker was stolen. Because he did not receive assistance in locating his stolen bicycle, he did not see the point in registering his new bicycle.

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Mr. Debito Beamer (Continued)

Vice-Chair Levinson suggested Mr. Beamer read an opinion issued by the Hawaii Supreme Court, *Ruf v. Honolulu Police Department*, which explains HPD's duty to the public, and suggested Mr. Beamer register his bicycle.

Chair Sheehan asked Mr. Beamer if he was a member of the Hawaii Bicycling League (HBL) to which he responded that he had been a member of the HBL. She then encouraged Mr. Beamer communicate his concerns through the HBL, and Chief Ballard had previously announced the HPD would be working with the HBL during the month of May as part of national bicycling month. Mr. Beamer said he is familiar with the HBL, and has cycled with them before and he has sent copies of his documentations to various agencies and media making them aware of his actions.

Chair Sheehan then informed Mr. Beamer that neither the Commission nor the HPD has the power to quash the citations as requested, and he should explain his situation to the judge.

Ms. Lani Tachera

Ms. Tachera informed commissioners her family has been in Hawaii for well over 100 years and came under the king and queen. She then explained that she has experienced disturbing events, which include men, who she does not know, repetitively stalking her in Honolulu. She has called police for the purposes of filing police reports, but the reports are either erroneous or incomplete, with no investigation conducted for over a year and a half.

Ms. Tachera is petrified to be out and to be around men she does not know. She brought a copy of a police report that she feels is incomplete because she had filled out two additional forms with a police officer who did not attach them to the police report. The forms included descriptions of the men she confronted and communicated that she did not appreciate them stalking her. Ms. Tachera requested her case be assigned to one detective to investigate the men who are stalking her.

Ms. Tachera then told commissioners officers responding to her calls for service have told her she is mentally ill. She does not appreciate the comments because officers do not have the academic qualifications to be making the conclusion Ms. Tachera is mentally ill. In Ms. Tachera's opinion, officers are violating state and federal laws, and she is concerned that the State Constitution, the U.S. Constitution, and the Bill of Rights are not valid.

Chair Sheehan informed Ms. Tachera that she is entitled to a full and accurate police report and asked Chief Ballard if someone could provide assistance to Ms. Tachera. Chief Ballard then requested Sergeant Defoster assist Ms. Tachera in explaining the classification of the police report and obtain any additional information she may have.

NEW BUSINESS

Mr. Roy K. Amemiya, Jr., Managing Director

Chair Sheehan welcomed Mr. Amemiya who then thanked commissioners for their hard work. He then said the purpose of his attendance was because the HPD has a new chief and several new commissioners.

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Mr. Roy K. Amemiya, Jr., Managing Director (Continued)

Mr. Amemiya reviewed Mayor Caldwell's priorities for the upcoming year relating to the City-wide staffing shortages, housing first initiatives, enforcement of existing laws, efforts relating to the chronically homeless, and the creation of stricter vagrancy and sidewalk laws. He mentioned two localities that will be focused upon are Waikiki and Chinatown. With regard to Waikiki, meetings were held with HPD in order to identify additional camera locations and the Caldwell administration is working on proposals for concessionaires to add lockers at designated areas, which allow beachgoers to secure their personal belongings. A proposal to a moratorium on future cabaret licenses will also be submitted.

With regard to the Chinatown area, Mayor Caldwell, Mr. Amemiya, and members HPD have met with some of the Chinatown merchants to inform them there would be an increased police presence in order to address crimes in the area. Additional efforts in Chinatown include the relocation of the River of Life Mission to a recently acquired property in Iwilei. During the meeting, merchants indicated that there needs to be a good balance and merchants should be able to thrive and the public visit Chinatown safely.

Commissioner Chang asked if there were plans, strategies, and ways to execute each challenge to which Mr. Amemiya answered in the affirmative. He then shared that what has worked elsewhere with the chronic homeless is housing first. This provides immediate housing and services for a person so he/she does not have to go to a shelter. During the first year of the program in Honolulu, there were 130 persons serviced and 100 in the second year. Currently, there are 100 persons assisted so far, so the program is working.

Commissioner Chang then asked if the City partners with health care providers and how the resources for social workers are brought to the program. Mr. Amemiya informed commissioners much of the services were previously handled by the State; however, much of the funding is no longer available. The City is working with the hospitals to keep people from going to the emergency room, and has found a location near the recently acquired Iwilei property, which will include a hygiene/intake/storage center on the first floor, a medical treatment center on the second floor, and beds on the third floor, and permanent housing on the fourth floor.

Commissioners shared their concerns that the process of arresting and processing a chronic homeless person would not solve the issue. They also wanted to know if there was any evidence the process works, and commented that the burden on HPD is great. Mr. Amemiya explained that the concern is with the service-adverse population, people who would rather be out on the street, and consistent enforcement may make a service-adverse person consider housing. He provided the efforts in Pearl City as example and that service providers went out well in advance to meet and provide services. That effort produced and approximately 25 percent of people accepting assistance and/or returning to their homes.

Vice-Chair Levinson asked Mr. Amemiya if he had the current breakdown of the homeless population to which Mr. Amemiya responded current contracts for services require the service provider to enter information about their clients, and he believes HPD is also keeping statistics on contacts. He then shared, from memory, that of the approximately 5,000 homeless individuals on Oahu about 500 are chronic and that the majority are working homeless or in some other category.

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Mr. Roy K. Amemiya, Jr., Managing Director (Continued)

Vice-Chair Levinson then stated there is a general lack of awareness on individuals who are homeless. Mr. Amemiya agreed and said of the 5,000 about half are sheltered and the other half are not, and the reason the chronically homeless and service resistant are being discussed is because they are the ones most visible to the public. He indicated there are many groups working with the homeless and provided the Kahauiki subdivision as an example.

Chair Sheehan said she understood the Mayor's concern with Waikiki and Chinatown and they are the economic engines important in Honolulu but, HPD is unfairly looked upon as a social-service agency and other law-enforcement and government agencies do not provide assistance. Mr. Amemiya said he could not answer for other agencies but appreciates the efforts by HPD with the community policing because most times it is a police officer that gets a homeless individual help due to his/her building trust and rapport with someone.

Commissioner Grimm shared his 17-year experience working with homeless. He thinks there are more than 500 chronic homeless, until laws change things will remain the same because those who do not want help are very resistant, and service agencies can also get frustrated.

Vice-Chair Levinson commented that the penal code limits court's sentencing options to incarceration, probation, fines and restitution. He does not think homeless people would be incarcerated, placed on probation, and fines and restitution are not relevant, so the problem is a real problem.

Commissioners and Mr. Amemiya then discussed the roles and responsibilities of the Managing Director as well as the Commission and that there may be some awkwardness for the police chief because the appointing and supervisory bodies are different and do have overlapping responsibilities. The revisions to the City Charter were also discussed as well as commissioners requesting Chief Ballard inform them if they are officiously meddling.

Report on Actions Taken at the Executive Session of February 21, 2018

Vice-Chair Levinson reported at the Executive Session of February 21, 2018, commissioners approved the January 17, 2018, executive session minutes and took action on three cases involving four officers. He then made a motion to accept the report.

Complaint number 17-063 involved one complainant and one officer. The complaints of discourtesy-profanity, unnecessary use of force, and excessive use of force were not sustained.

Complaint number 17-071 involved one complainant and one officer. The officer was exonerated of the overbearing conduct and threatening complaints.

Complaint number 17-073 involved one complainant and one officer. The complaint of conduct unbecoming an officer was not sustained.

Commissioner Grimm seconded the motion.

Discussion: None.

Vote: By a unanimous vote, the motion carried.

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Commissioner Individual Reports on Commission Business

Vice-Chair Levinson has received copies of the rules from various City boards/commissions, and he will begin reviewing them in preparation for the Honolulu Police Commission rule revision.

EXECUTIVE OFFICER'S REPORT

Acting Executive Officer Ashak reported as of April 4, 2018, the Commission has received 21 complaints compared to 29 in 2017. Nine complaints are pending, eight were referrals to PSO, and there are eight pending requests for legal counsel. As far as the executive officer vacancy, the recruitment is closed, applications are being reviewed, and additional information obtained from applicants if necessary.

EXECUTIVE SESSION

At 3:07 p.m., Commissioner Chang 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.

During this meeting, discussion with the Chief of Police and her staff regarding internal strategies and sensitive criminal investigation matters relating to public safety that disclosure could significantly risk the circumvention of law and undermine the effectiveness of police protection of the public.

Commissioner Grimm 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 4:33 p.m.

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ANNOUNCEMENTS

Chair Sheehan announced the next meeting Honolulu Police Commission will be on April 18, 2018 at 2 p.m.

ADJOURNMENT

At 4:35 p.m. Commissioner Grimm made a motion to adjourn the meeting. Commissioner Chang seconded the motion.

Discussion: None.

Vote: By a unanimous vote, the motion carried.