

HONOLULU POLICE COMMISSION
City and County of Honolulu
State of Hawaii
Minutes of the Regular Meeting
April 3, 2019

CALL TO ORDER Acting Chair Alivado called the meeting to order at 2:00 p.m. on Wednesday, April 3, 2019, in Conference Room A at the Honolulu Police Department Alapai Headquarters

PRESENT Shannon L. Alivado, Acting Chair
Jerry Gibson, Member
Steven H. Levinson, Member
Carrie K. S. Okinaga, Member

James K. S. Yuen, Executive Officer
Denise W. Wong, Deputy Corporation Counsel
Erin Marie Yamashita, Secretary

EXCUSED Loretta A. Sheehan, Chair
Karen Chang, 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 Wong ascertained that a quorum was present

CHIEF OF POLICE REPORT

Chief Ballard announced HPD will have a health and wellness fair at Sister Roberta Derby park from 11 a.m. to 2 p.m. for employees.

Family night for the 192nd recruit class was April 2, 2019. The class has 27 recruits.

There are two events on Friday, April 5, 2019, the promotional ceremony for captains, majors and one assistant chief and the CrimeStoppers fundraiser dinner.

Questions and Comments from Commissioners

Acting Chair Alivado complimented Chief Ballard on the Citizens Police Academy (CPA) graduation she and Commissioner Levinson attended. She received positive feedback from one of the graduates who is already recruiting attendees. Chief Ballard thanked Commissioners Alivado and Levinson for attending and said she is always encouraging people to apply for CPA.

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Overview of the Major Events Division (MED)

Chief Ballard introduced members of the MED; Major Jay Trinidad, Captain Sunny Santos, Sergeants Prochnow and Fujioka and Major Gerona who will be assigned to the MED, replacing Major Trinidad.

Major Trinidad provided a presentation on the responsibilities of the MED. He explained how the MED works with federal, state, and local government departments and organizations. MED coordinates specialized training and procurement of equipment. The division also assisted neighbor islands Hawaii and Kauai during the lava flow and flooding incidents. A copy of the MED presentation is attached.

Questions and Comments by Commissioners

Commissioner Gibson asked if the division is sufficiently equipped, and if there was any equipment that is relevant to their tasks that they need. Captain Santos said MED has the equipment and works with other departments in order to acquire and store any necessary equipment. If there is a requirement beyond HPD's resources, the Department of Emergency Management (DEM) can also assist in procuring equipment, and that there are standardized national processes in place.

Chief Ballard added that members of the MED division also provide training to different agencies (FBI, federal police officers, sheriffs), businesses, and schools. This allows for standardized training with all agencies, so everyone understand how the mission will be conducted.

Acting Chair Alivado wanted to know how costs are covered when members of the MED travel to the neighbor islands. Captain Santos explained the reimbursement process and that the DEM is responsible for the all hazards incident management team and submits any reimbursement requests to the agency that was assisted.

Commissioner Okinaga asked if reimbursement was for personnel only. Captain Santos explained reimbursement requests may be submitted for personnel, equipment, or damage to vehicles; however, the proper forms must be completed and submitted to DEM for review. Commissioner Okinaga then asked what agency serves as the lead when there are cross-jurisdictional areas and provided the Honolulu Marathon as an example. Captain Santos explained HPD that any large special-duty events such as the Honolulu Marathon or sporting events, HPD will serve as the lead because it is a law-enforcement driven event. MED will set up an incident management team to assist Special Duty, if necessary. Commissioner Gibson asked if the MED assumed responsibility for parades in Waikiki. Captain Santos said the patrol districts and Special Duty handle parades since they have the expertise on traffic flow in their districts.

Acting Chair Alivado asked how MED would work with the private security provides and provided the example of the Bruno Mars concert where you see both private and HPD officers. Captain Santos explained that for concert type events the venue (Ex. Aloha Stadium) is in charge and the venue security manager handles the private security and liaisons with HPD.

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Honolulu 311 Mobile Application

Chief Ballard introduced Sergeant Nancy De Foster who provided commissioners with an overview of the Honolulu 311 Mobile Application, which will go live on April 8, 2019.

Sergeant De Foster informed commissioners that people will be able to report non-emergency concerns which will be trackable online. The use of the 311 application will reduce the number of non-emergency calls to 911. A copy of the presentation, which explained what types of services are available and how to set up an account is attached.

Acting Chair Alivado thanked Sergeant De Foster for her presentation and mentioned she has used the application, with positive experiences.

APPROVAL OF MINUTES

Commissioner Okinaga made a motion to approve the March 6, 2019, meeting minutes. Commissioner Levinson seconded the motion.

Discussion: None.

Vote: By a unanimous vote, the motion carried.

PUBLIC TESTIMONY

Ms. DeAnn Koanui explained she and Ms. Dawn Wemple were in attendance to explain, to the public, what exactly happened in her lawsuit. Ms. Koanui informed commissioners that she has a statement prepared that will be given to the media and that she has copies of portions of the depositions of Chief Ballard and Captain Gerona.

Acting Chair Alivado informed Ms. Koanui that the meeting is a public forum and the Commission is not here to give any action on her testimony, which Ms. Koanui acknowledged.

Ms. Dawn Wemple then began reading the prepared statement and Ms. Koanui completed the statement. A copy of the statement and excerpts from the depositions are attached.

NEW BUSINESS

Report on Actions Taken at the Executive Session of February 20, 2019

Commissioner Gibson reported that at the Executive Session of February 20, 2019, commissioners approved the January 23, 2019, executive session minutes and took action on three cases involving three complainants and four officers.

Complaint number 18-055 involved one complainant and one officer. The complaints of Discourtesy-Insulting Remarks and Conduct Unbecoming an Officer were not sustained.

Complaint number 18-059 involved one complainant and two officers. The complaints of Discourtesy-Insulting Remarks and Discourtesy-Name/Badge Number against each officer were not sustained.

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Report on Actions Taken at the Executive Session of February 20, 2019 (Continued)

Complaint number 18-062 involved one complainant and one officer. The complaints of Discourtesy-Insulting Remarks and Discourtesy-Name/Badge Number were not sustained. Commissioner Gibson then made a motion to approve the report. Commissioner Okinaga seconded the motion.

Discussion: None.

Vote: By a unanimous vote, the motion carried.

Consideration of Requests for Legal Counsel, Civil No. 18-00266 JAO-RT

Officer Lyle W. Wakabayashi, Officer Lyle I. O. Maiava, and Officer Grant T. Mochizuki

Commissioner Levinson reviewed the requests for legal counsel submitted by Officer Lyle Wakabayashi, Officer Lyle I. O. Maiava, and Officer and Officer Grant T. Mochizuki for Civil No. 18-00266 JAO-RT.

Commissioner Levinson explained what the complaint alleged and that that Department of Corporation Counsel (COR) has also provided a recommendation to grant legal counsel for each officer. After a review of the complaint and the memorandum from COR, Commissioner Levinson also feels that legal representation should be provided for each officer. He then made a motion to grant legal representation to Officers Wakabayashi, Maiava and Mochizuki for Civil No. 1800266 JAO-RT

Commissioner Levinson disclosed that Officer Mochizuki was the second of eight officers with whom he had participated in a ride along with during his participation in the Citizens Police Academy. He has not had any interaction with Officer Mochizuki since then and he does not feel he would be biased when making a determination on Officer Mochizuki's request for legal representation.

Discussion: None.

Vote: Unanimous.

Consideration of Request for Legal Counsel

Civil No. 18-1-1374-09 (BIA), Officer Joshua K. Omoso

Commissioner Levinson reviewed the request for legal counsel from Officer Joshua K. Omoso for Civil No. 18-1-1374-09.

Commissioner Levinson explained that the essential facts underlying the lawsuit are not new to the Commission. Commissioners have passed previously on a request from Officer Omoso for legal representation with respect to a prior lawsuit alleging many of the same facts. The Commission did take action with respect to that request.

Commissioner Levinson informed commissioners that COR is recommending a contested case hearing and that COR has also submitted a memorandum to the Commission providing a legal analysis of the matter. After a review of the complaint and given past action taken by the Commission he agrees the matter should be set for a contested case hearing.

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Consideration of Request for Legal Counsel

Civil No. 18-1-1374-09 (BIA), Officer Joshua K. Omoso (Continued)

Commissioner Levinson then made a motion to set the matter for a contested case hearing at the earliest appropriate time. Commissioner Gibson seconded the motion.

Discussion: None.

Vote: Unanimous.

UNFINISHED BUSINESS

Discussion on Creation of Rules or Policies for the Discipline of the Chief of Police

Commissioner Okinaga will be meeting with HPD administration to discuss the changes. Acting Chair Alivado then deferred discussion to the next meeting.

Executive Officer's Report

EO Yuen reported 23 complaints have been received to date. The recruitment for the investigator position is complete. There was a total of 27 applicants. Twenty were qualified for the position and include 11 applicants from Hawaii and out of state nine.

EXECUTIVE SESSION

At 3:06 p.m., Acting Chair 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 Gibson 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 4:15 p.m.

ANNOUNCEMENTS

Chair Sheehan announced the next meeting of the Honolulu Police Commission will be on May 1, 2019.

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ADJOURNMENT

At 4:16 p.m. Commissioner Levinson made a motion to adjourn the meeting. Commissioner Gibson seconded the motion. By a unanimous vote, the motion carried.