

HONOLULU POLICE COMMISSION  
City and County of Honolulu  
State of Hawaii  
Minutes of the Regular Meeting  
August 21, 2019

CALL TO ORDER                      Chair Sheehan called the meeting to order at 2:00 p.m. on Wednesday, August 21, 2019, in Conference Room A at the Honolulu Police Department Alapai Headquarters

PRESENT                                Loretta A. Sheehan, Chair  
Shannon L. Alivado, Vice-Chair (Entered at 2:30 p.m.)  
Karen Chang, Member  
Steven H. Levinson, Member  
Carrie K. S. Okinaga, Member  
Richard M. Parry, Member  
  
James K. S. Yuen, Executive Officer  
Denise W. Wong, Deputy Corporation Counsel  
Erin Marie Yamashita, Secretary

EXCUSED                                Jerry Gibson, Member

ALSO PRESENT                        Allan T. Nagata, Assistant Chief

ASCERTAINMENT OF QUORUM                      Counsel Wong ascertained that a quorum was present

CHIEF OF POLICE REPORT

Assistant Chief Nagata introduced himself and informed commissioners he was in attendance due to Chief Ballard's attendance at the statewide labor management meetings August 21-22, 2019.

Assistant Chief Nagata thanked commissioners for their support and attendance at this year's HPD Ohana Reunion dinner. There were over 400 attendees and the event was a success. He also reported a scam alert was issued due to a text/e-mail scam that stated applicants accepted to train with HPD needed to pay \$8,000. The HPD was made aware of the scam when a citizen reported the e-mail, and issued a statement that the HPD does not require payment to train with HPD and that the e-mail/text was fraudulent.

Commissioner Sheehan asked Assistant Chief Nagata if he had any information on the reimbursement to HPD from the Attorney General's Office for the assistance provided to the Hawaii County Police Department. Assistant Chief Nagata informed commissioners that he is unable to answer their questions and would follow up with Chief Ballard.

APPROVAL OF MINUTES

Commissioner Okinaga made a motion to approve the minutes of the July 17, 2019, meetings. Commissioner Levinson seconded the motion.

## MINUTES OF THE REGULAR MEETING

August 21, 2019

Page 2

### APPROVAL OF MINUTES (Continued)

Discussion: None.

Vote: Commissioners Sheehan, Chang, Levinson and Okinaga voted to approve the minutes of the July 17, 2019 meeting. Commissioner Parry abstained from the vote as he was not present at the July 17, 2019 meeting.

### PUBLIC TESTIMONY

None.

### NEW BUSINESS

#### Request for Legal Counsel from Officer Kevin E. Bailey, Civ. No. 19-1-0649 JPC

Commissioner Levinson discussed his review of the request for legal counsel submitted by Officer Kevin E. Bailey for Civil No. 19-1-0649 JPC. After a review of the complaint and the memorandum from COR, Commissioner Levinson made a motion to approve legal counsel for Officer Bailey for Civil No. 19-1-0649 JPC. Chair Sheehan seconded the motion.

Discussion: None.

Vote: By a unanimous vote, the motion carried.

#### Report on Actions Taken at the Executive Sessions of June 19 and July 3, 2019

Chair Sheehan reported at the executive session of June 19, 2019, commissioners approved the May 15, 2019, executive session meeting minutes, and took action on five cases involving seven officers.

HPC No. 19-009 involved four officers and one complainant. The complaint of malicious use of force and mistreatment against each officer was not sustained.

HPC No. 19-010 involved one officer and one complainant. The officer was exonerated of the unnecessary use of force charge.

HPC No. 19-011 involved one officer and one complainant. The complaints of discourtesy-harsh remarks and conduct unbecoming an officer were not sustained.

HPC No. 19-014 involved one officer and one complainant. The officer was exonerated of the discourtesy-harsh remarks charge.

HPC No. 19-017 involved one officer and one complainant. The discourtesy-harsh remarks charge against the officer was sustained.

Commissioners also accepted the recommendation of the executive officer and closed HPC No. 19-019 through the filing of a public service report pursuant to Commission Rule 9-1(a).

## MINUTES OF THE REGULAR MEETING

August 21, 2019

Page 3

### Report on Actions Taken at the Executive Sessions of June 19 and July 3, 2019 (Continued)

Chair Sheehan then made a motion to accept the report for the June 19, 2019 report on actions. Commissioner Levinson seconded the motion.

Discussion: None.

Vote: By a unanimous vote, the motion carried.

Chair Sheehan then reported during the executive session of July 3, 2019, commissioners approved the June 5, 2019, executive session meeting minutes, and took action on two cases involving two officers.

HPC No. 19-021 involved one officer and one complainant. The partiality complaint against the officer was not sustained and the officer was exonerated of the discourtesy-name/badge number charge.

HPC No. 19-030 involved one officer and one complainant. The discourtesy-intimidation charge against the officer was not sustained.

Chair Sheehan then made a motion to accept the report for the July 3, 2019 report on actions. Commissioner Levinson seconded the motion.

Discussion: None.

Vote: Commissioners Sheehan, Chang, Levinson and Okinaga voted to approve the report and Commissioner Parry abstained from the vote as he was not present at the July 3, 2019 executive session.

### Executive Officer's Report

EO Yuen reported as of August 20, 2019, there have been 58 complaints received compared to 46 in 2018, and 57 in 2017. There are 15 cases pending, 13 cases have been referred to the PSO, two closed by PSR, and two complaints withdrawn.

### EXECUTIVE SESSION

At 2:19 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.

## MINUTES OF THE REGULAR MEETING

August 21, 2019

Page 4

### EXECUTIVE SESSION (Continued)

Commissioner Okinaga 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 p.m. to conduct the HRS 52-D8 Adjudication (Contested Case Hearing) for Officer Reginald B. Ramones and Officer John R. Rabago for Cr. No. CR19-00040 LEK. The contested case hearing began at 3:00 p.m. and ended at 4:10 p.m. Refer to transcript for further details.

### RETURN TO EXECUTIVE SESSION

At 4:10 p.m. the Commission returned to the executive session in order to conduct deliberations for the contested case hearing.

### RETURN TO OPEN SESSION

The Commission returned to the open session at 4:20 p.m. Chair Sheehan announced the request for legal counsel from Officer Reginald B. Ramones for Cr. No. CR19-00040 LEK was approved and a findings of fact, conclusions of law, and decision and order would be issued. She also announced the Commission would continue deliberation on the request for legal counsel from Officer John R. Rabago during its next meeting, September 4, 2019.

### ANNOUNCEMENTS

Chair Sheehan announced the next meeting of the Honolulu Police Commission will be on September 4, 2019.

### ADJOURNMENT

At 4:23 p.m. Commissioner Parry made a motion to adjourn the meeting. Commissioner Levinson seconded the motion.

Discussion: None.

Vote: Unanimous.