



*Honolulu Police Commission
Annual Report 2010*



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MISSION STATEMENT OF THE HONOLULU POLICE COMMISSION

ESTABLISH A SYSTEM OF LAW ENFORCEMENT BASED ON DUE REGARD FOR THE CONSTITUTIONAL RIGHTS OF ALL PERSONS, WHICH SHALL PROMOTE THE HIGHEST DEGREE OF MUTUAL RESPECT BETWEEN POLICE OFFICERS AND THE PUBLIC AND WHICH SHALL PROVIDE FOR THE EXPEDITIOUS APPREHENSION OF THOSE WHO VIOLATE THE LAW.

MAINTAIN A MEANINGFUL, FAIR AND EFFECTIVE SYSTEM OF COMPLAINT PROCEDURE WHEREBY COMPLAINTS AGAINST THE CONDUCT OF THE POLICE DEPARTMENT OR ANY OF ITS OFFICERS AND EMPLOYEES ARE RECEIVED, CONSIDERED, INVESTIGATED AND RESOLVED.

ENHANCE THE PUBLIC CONFIDENCE, TRUST AND SUPPORT IN THE INTEGRITY, FAIRNESS AND RESPECT OF THE POLICE DEPARTMENT, ITS OFFICERS AND EMPLOYEES.



A message from the Mayor
Mayor Peter B. Carlisle

It gives me great pleasure to congratulate the Honolulu Police Commission on another outstanding year of service to the community and for publishing its 2010 Annual Report.

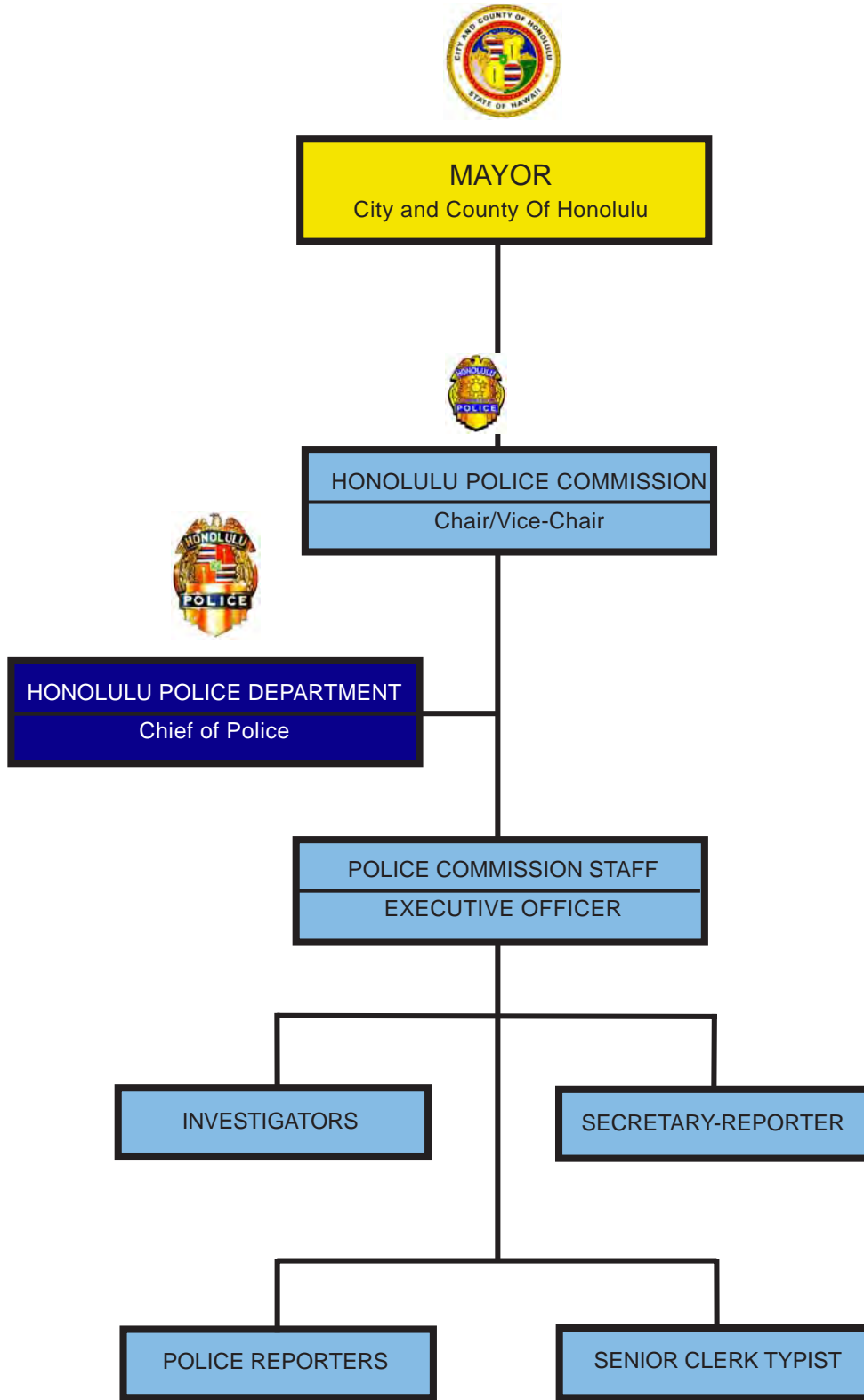
The Commission's diligent oversight of the conduct and matters involving the Honolulu Police Department is greatly appreciated. Its committed efforts have ensured accountability and integrity, protected the rights of residents, and enhanced respect for officers in the community.

On behalf of the people of the City and County of Honolulu, I extend deep appreciation to the commissioners and staff for their exceptional public service.

A handwritten signature in black ink that reads "Peter B. Carlisle". The signature is written in a cursive, flowing style.

PETER B. CARLISLE
Mayor of Honolulu

ORGANIZATION CHART





Chair's Message

Chair Marc C. Tilker

2010 has been a challenging year for this great City. Collectively we continue to fight through the economic challenges that we face both as individuals and as a community.

I have thoroughly enjoyed the challenges of being the chair of the Honolulu Police Commission. The City and County of Honolulu is a place like no other. I am proud to work side by side with the dedicated professionals and citizen volunteers striving to constantly improve our City.

My goal as Chair of the Police Commission is to maintain the public trust of the Honolulu Police Department in the eyes and hearts of every citizen and visitor of Honolulu. I am proud to acknowledge the fine efforts of the members of the Honolulu Police Department. It is a privilege to witness their daily efforts and sacrifices as they strive to maintain order and safety on our streets and in our neighborhoods.

The focus of this commission is to hold officers accountable for their actions that are contrary to our principles. This accountability is the basis for our Police Commission. Our staff of civilian investigations and support personnel makes certain that each and every complaint gets the due diligence that it deserves. It is this system of checks and balances that ensures accountability within the rank and file of HPD and transparency within our government functions.

I support and applaud the tireless efforts of Chief Louis Kealoha and his command staff as they continue to shape our 2,100 member police department into one of the finest and dedicated departments in the nation.

I want to express appreciation to my fellow commissioners for all their commitment and dedication. With their help this Commission has been able to carry out the responsibilities entrusted to us by the citizens of Honolulu.

A handwritten signature in black ink that reads "Marc C. Tilker". The signature is fluid and cursive.

Marc C. Tilker
Chair

HONOLULU POLICE COMMISSIONERS



The following conscientious and dedicated volunteer citizens comprise the present Honolulu Police Commission, whose objective is to serve the public to the best of its ability.



Marc C. Tilker, Chair
President and CEO
Marathon Group, LLC
Term: Feb. 26, 2009 - Dec. 31, 2013

Graduate of Villanova University with a Bachelor of Science in Accountancy.



Craig Y. Watase, Vice-Chair
President
Mark Development, Inc.
Term: Mar. 5, 2008 – Dec. 31, 2012

Graduated from Saint Louis High School, received a Bachelor of Science in Business Administration from Drake University.



Benjamin S. Saguibo, Commissioner
Business Manager/Secretary-Treasurer (Ret.)
Laborers' International Union of North America, AFL-CIO, Local 368
Term: Feb. 28, 2006 – Dec. 31, 2010

Graduated from Waiialua High School, retired from U.S. Military and the Hawaii National Guard with 30 years of service.



Helen H. Hamada, Commissioner
Graphic Designer
University of Hawaii, Kapiolani Community College
Term: Oct. 1, 2008 – Dec. 31, 2009

Graduated from Kaimuki High School, received a Bachelor of Fine Arts from the University of Hawaii at Manoa.

HONOLULU POLICE COMMISSIONERS



Max J. Sword, Commissioner
Vice-President Industry Affairs
Outrigger Enterprises Group
Term: Mar. 4, 2009 - Dec. 31, 2010

Graduate of Punahou School, attended Peru State College.



Christine H. H. Camp, Commissioner
President and CEO
Avalon Development Company LLC
Term: May. 7, 2007 – Mar. 27, 2010

Graduated from Kalani High School, received Bachelor of Science in Business Administration from the Hawaii Pacific University.



Corlis J. Chang, Commissioner
Graduated from Sacred Hearts Academy
Received an A.B. from Harvard University, magna cum laude in Economics
Received J.D. from Northwestern University School of Law
Term: May 27, 2010 – Dec. 31, 2011

Currently a Partner at Goodsell Anderson Quinn & Stifel, a Limited Liability Law Partnership LLP.



Eddie Flores, Jr., Commissioner
President and CEO of L & L Hawaiian Barbecue
Graduated from Balboa High School in San Francisco
Jan. 12, 2010 – Dec. 31, 2012

Bachelor of Business Administration from University of Hawaii, and Master of Liberal Studies from University of Oklahoma.

MEETING AND ATTENDANCE



There were 24 meetings scheduled for 2010. Of the 24 meetings, three were canceled.

	<u>Meetings Attended</u>	<u>Absence(s)</u>
Commissioner Camp	5	4
Commissioner Chang**	9	0
Commissioner Flores***	14	3
Commissioner Hamada	20	1
Commissioner Saguibo	19	2
Commissioner Sword	17	4
Commissioner Tilker	20	1
Commissioner Watase	17	4

Commission meetings are held the first and third Wednesday of each month. The members of the Commission serve without compensation and devote an average of 25 hours of their own time each month.

- * Term ended
- ** Appointed on
- *** Appointed on

POWERS, DUTIES, AND FUNCTIONS



MEMBERSHIP

The commissioners are appointed by the Mayor and confirmed by the City Council for staggered terms of five years. A Chair and Vice-Chair are elected annually by the members.

ADMINISTRATIVE STAFF

The Police Commission administrative staff consists of an executive officer/investigator, three investigators, a secretary-reporter, two police reporters and a senior clerk typist.

BUDGET HIGHLIGHTS

	Expended 2009-2010	Budgeted 2010-2011
SALARIES	\$396,233	\$345,488
CURRENT EXPENSES	98,791	132,143
EQUIPMENT	0	0
TOTAL	\$495,024	\$477,631

The 2010-2011 Current Expenses include lease rental, electricity, parking and other related expenses for the Commission's office located in the Ali'i Place Building (1060 Richards Street, Suite 170).



POWERS, DUTIES, AND FUNCTIONS



REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU, 1973 (2000 Edition)

Section 6-1605, Police Commission

There shall be a Police Commission which shall consist of seven members. The Commission may appoint such staff and engage consultants as is necessary to assist it in the performance of its duties. The Commission shall be governed by the provisions of Section 13-103, Boards and Commissions, of this charter.

Section 6-1606. Powers, duties, and functions

The Police Commission shall:

- (a) Adopt such rules as it may consider necessary for the conduct of its business and review rules and regulations for the administration of the department.
- (b) Review the annual budget prepared by the Chief of Police and may make recommendations thereon to the Mayor.
- (c) Submit an annual report to the Mayor and the City Council.
- (d) Receive, consider and investigate charges brought by the public against the conduct of the department or any of its members and submit a written report of its findings to the Chief of Police. A summary of the charges filed and their disposition shall be included in the annual report of the Commission.
- (e) Review and, if deemed necessary, make recommendations on the five-year plan and any update of goals and objectives for the police department which is submitted by the Chief of Police. The Commission shall not have the power to approve, modify, or reject the plan or any update.
- (f) Compare at least annually the actual achievements of the police department against the goals and objectives in the five-year plan or latest update submitted by the Chief.
- (g) Evaluate at least annually the performance of duties by the Chief of Police.

Except for purposes of inquiry or as otherwise provided in this charter, neither the Commission nor its members shall interfere in any way with the administrative affairs of the department.

COMPLAINT PROCEDURE



A citizen may register a formal complaint at the Commission office between the hours of 7:45 a.m. and 4:30 p.m., Monday through Friday. If the complainant is unable to register his/her complaint at the Commission office, the citizen may call the office to make alternate arrangements through the outreach program.

Complaints must be filed within 60 days from the date of the incident to ensure the availability of accurate investigative information. Past experience has shown that waiting more than 60 days may result in unclear recall by witnesses, an inability on the part of the investigators to locate witnesses, or general confusion and distortion of the facts by all parties involved. The Commission, however, may permit the filing of a complaint after the 60-day period for the following reasons: 1) excusable neglect; 2) newly discovered evidence which by reasonable diligence could not have been discovered in time; or 3) any other reason justifying relief from the 60-day limitation.

The aggrieved citizen gives a statement of the incident to an investigator or police reporter. Upon completion of the final typed statement, the citizen has the opportunity to make any corrections. The complainant signs the statement attesting to its accuracy, and the statement is notarized.

A Police Commission investigator (a non-law enforcement, civil service employee) begins the investigation by contacting as many witnesses as possible and gathering all available facts.

Once a case is filed with the Commission office, efforts are made to complete the investigation within 60 days to preserve the timeliness of investigations and any resultant disciplinary action.

This information is compiled in an objective report and presented to the Commission members for review.

Each Police Commissioner carefully reads the report and renders a recommendation to uphold or deny the allegations of the complaint. This is recorded at an Executive Session. A majority opinion, consisting of four or more votes, determines the disposition of each case. If more information is needed or if a majority vote is lacking, the case is deferred.

COMPLAINT CLASSIFICATION GUIDELINES



HPC 1. CONDUCT TOWARDS THE PUBLIC

A. Partiality

Officers and employees shall not display favoritism or partiality or discriminate against a person because of race, nationality, sex, religion, influence, political persuasion or office, sexual orientation or preference, age or disability.

B. Discourtesy

1. Officers and employees shall be courteous towards the public and shall not use harsh, abusive, disparaging or insulting remarks.
2. Officers shall courteously furnish their names and badge numbers upon request, either orally or in writing.
3. Officers and employees shall not use profanity towards the public or within hearing range of the public.
4. Officers and employees shall not harass, intimidate or badger the public.

C. Overbearing Conduct

Officers and employees shall not be arrogant, overbearing or oppressive towards the public while acting under the color of police authority.

D. Solicitation

Officers and employees shall not use their office or position to solicit anything of value, including but not limited to gifts, gratuities, loans, fees, favors, rewards, sexual favors or dates from the public.

E. Conduct Unbecoming an Officer

Officers and employees shall not engage in any unprofessional, improper or inappropriate conduct towards the public.

F. Damaging Private Property

Officers and employees shall not maliciously destroy or damage private property without justification.

G. Theft of Private Property

Officers and employees shall not take any property from the public without justification.

COMPLAINT CLASSIFICATION GUIDELINES



HPC 1. CONDUCT TOWARDS THE PUBLIC (Continued)

H. Threatening

Officers and employees shall not threaten or intimidate the public with personal injury or arrest without justification.

HPC 2. DERELICTION OF DUTY

Officers and employees shall render assistance to another officer, an employee or to the public during an incident that may result in personal injury, property damage or loss. Officers and employees shall not disregard another officer's attempt to discourage or stop the misconduct during an incident.

HPC 3. USE OF PHYSICAL FORCE

The use of physical force shall be prohibited except to the extent reasonably necessary to accomplish a valid police objective.

A. Unnecessary Use of Force

Officers and employees shall not use unnecessary physical force or contact.

B. Excessive Use of Force

Officers and employees shall not use force beyond permissible limits.

C. Malicious Use of Force

Officers and employees shall not maliciously use physical force or any device that can cause personal injury.

D. Unnecessary Use of Authorized Police Issued Equipment

1. Firearms

Officers shall not unnecessarily display, brandish or manipulate their firearms towards the public.

2. Oleoresin Capsicum (Pepper Spray)

Officers shall not unnecessarily use Oleoresin Capsicum (Pepper Spray) to threaten the public or inflict personal injury.

COMPLAINT CLASSIFICATION GUIDELINES



HPC 3. USE OF PHYSICAL FORCE (Continued)

D. Unnecessary Use of Authorized Police Issued Equipment (continued)

3. Police Baton

Officers shall not unnecessarily use their baton to threaten the public or to inflict personal injury.

4. Taser Gun

Officers shall not unnecessarily use their taser gun to threaten the public or to inflict personal injury.

5. Other Equipment

Officers shall not unnecessarily use any authorized police issued equipment to threaten the public or to inflict personal injury, i.e., flashlight, handcuffs, portable police radio.

HPC 4. MISTREATMENT OF PRISONERS

Officers and employees shall not physically or mentally abuse prisoners and shall provide them with the necessary care and/or assistance if injured while in their custody.



16th Annual National Association for Civilian Oversight of Law Enforcement Conference September 20-23, 2010

The City of Seattle's Police Department Office of Professional Accountability hosted the 16th Annual National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference from September 20-23, 2010 at the Fairmont Olympic Hotel in Seattle, Washington. Promoting Excellence was the theme of the conference. The conference provided an opportunity for citizens, civilian oversight and law enforcement professionals to exchange valuable information about civilian oversight of law enforcement, share experiences and form partnerships for continuing collaboration.

The conference was very informative and discussions included police accountability, off-duty misconduct, workplace retaliation, use of force, criminal investigations, budget issues, and improving police response to the mentally ill.

Benefits of attending the 16th Annual NACOLE Conference included the ability to obtain topical educational and organizational materials related to civilian oversight, assist communities to establish and refine oversight agencies, enhance knowledge about the various oversight models, receive certification in the civilian oversight profession. The conference provided an opportunity to network with the various oversight practitioners, citizens and law enforcement officials and to learn about their success and problem areas.



57th Annual Hawaii State Law Enforcement Officials Association Conference September 23-24, 2010

The 57th annual Hawaii State Law Enforcement Officials Association (HSELOA) conference was hosted by the Kauai Police Department at the Kauai Marriott Hotel in Lihue, Kauai on September 23-24, 2010. The theme of the conference, "Medicinal Marijuana" Current Trends and Future Issues Facing Law Enforcement" recognizes the problems inherent in the exploitation of the use of marijuana for medicinal purposes.

Guest speakers Sergeant Eric Bixler of the Los Angeles Police Department and Deputy Sheriff Glenn Walsh of the Los Angeles Sheriff's office highlighted the Exploitation of Medicinal Marijuana in California and explained the ease with which anyone could obtain marijuana through the proliferating medical marijuana dispensaries throughout the state. Although Marijuana Dispensaries are not yet in Hawaii, the guest speakers offered their experience and perspective from the California and warned of the dangers of the ease of proliferation should marijuana dispensaries be allowed in Hawaii.

Beverly Sameshima, Esq. Assistant U.S. Attorney for the State of Hawaii offered brief perspectives from the viewpoint of the U.S. Attorneys office concerning medical marijuana, highlighting the position of their office that current federal law is that the use, sale or possession of marijuana, whether medically prescribed or not, is unlawful.

Corporation Counsel for the County of Hawaii, Lincoln Ashida, Esq., presented a talk on "The Lowest Enforcement Priority of Cannabis Ordinance: Challenges for our Police and Police Commission." He described the challenges facing law enforcement where an ordinance declares enforcement of cannabis use to be "lowest priority."

Offering a perspective of how to recognize potential drug traffickers and other wrongdoers, Transportation Security Specialist Carl Maccario and Assistant Federal Security Director John Valdes of the Transportation Security Administration ("TSA") offered their experiences at TSA and described how employees are trained to recognize behaviors or characteristics which demonstrated truthfulness or deception.

Updates regarding the Asia-Pacific Economic Cooperation (APEC) conference and the Narcotics Enforcement Division rounded out the conference.

The conference concluded by honoring the HSLEOA Officers of the Year from Kauai, Maui, Hawaii County, and Honolulu Police Departments, as well as the Military and Federal law enforcement agencies for their outstanding dedication and contribution to law enforcement.



Police Commission Activities

2010 Police Week Proclamation Ceremony



Police Commission Activities

Honolulu Police Department's 164th Recruit Class Graduation



Police Commission Activities

Various Activities



COMPLAINTS



There were 86 registered citizen complaints during 2010. The following is a breakdown of the cases by districts/divisions:

DISTRICT/DIVISION CASE OCCURRED	NUMBER OF CASES	PERCENTAGE OF 90 CASES
District 1	26	30.23%
District 2	4	4.65%
District 3	3.5	4.07%
District 4	4	4.65%
District 5	5.5	6.40%
District 6	8.5	9.88%
District 7	12	13.95%
District 8	9	10.47%
Traffic Division	9	10.47%
Central Receiving Division	1	1.16%
Narcotics/Vice Division	.5	.58%
Records and Identification	1	1.16%
Unidentified	2	2.33%

TOTAL: 86 CASES

- District 1 - Central Honolulu (Punahou to Liliha Street)
- District 2 - Mililani, north to Haleiwa, and west to Kaena Point
- District 3 - Aiea, Pearl City, Waipahu
- District 4 - Makapuu Point to Haleiwa (Waimanalo, Kailua, Kaneohe, Kahuku)
- District 5 - Liliha Street to Aiea
- District 6 - Waikiki (Ala Wai to Diamond Head)
- District 7 - East Honolulu (Punahou to Makapuu Point)
- District 8 - West of Kunia Road to Kaena Point (Ewa to Makaha)

The number of cases increased by 26% from 108 cases in 2009 to 86 cases in 2010.

SUMMARY OF COMPLAINTS

The following is a breakdown of the complaints that the Commission took action on at its meeting from January through December 2010:

COMPLAINT	S	NS	EX	UF
Conduct Unbecoming an Officer	5	25	18	0
Damaging Private Property	2	0	0	0
Excessive Use of Force	1	7	0	0
Harassment	1	7	8	0
Harsh Remarks	0	6	1	0
Harsh/Abusive Remarks	0	1	0	0
Harsh/Insulting Remarks	0	4	0	0
Insulting Remarks	1	1	0	0
Mistreatment of a Prisoner	0	5	4	0
Name/Badge Number	2	4	4	0
Overbearing Conduct	7	20	11	0
Partiality	0	8	6	0
Profanity	4	12	3	0
Threatening	0	12	7	0
Unnecessary Use of Firearm	0	3	0	0
Unnecessary Use of Force	0	14	9	0
Unnecessary Use of Oleoresin Capsicum	0	1	1	0
TOTALS	23	130	72	0

TOTAL ALLEGATIONS:.....225

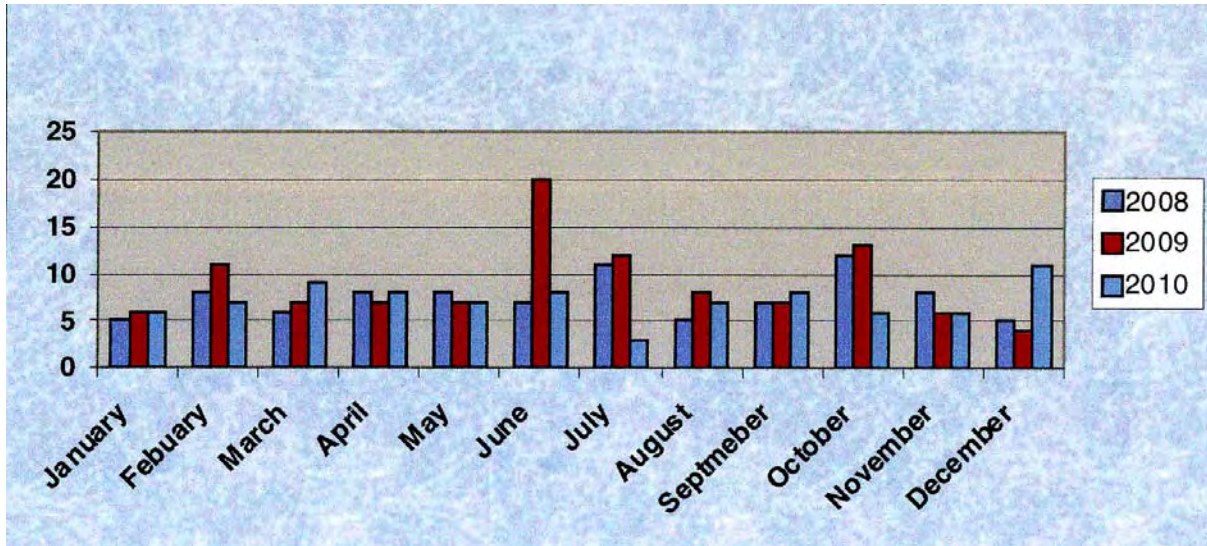
Key: S=Sustained, NS=Not Sustained, EX=Exonerated, UF=Unfounded

By the end of the year, the Commission made decisions on 72 cases and sustained 23 of the total 225 allegations. The number of allegations includes 17 cases carried over from 2009.

SUMMARY OF COMPLAINTS



COMPLAINT CASES REGISTERED BY MONTH



COMPLAINT CASE REGISTRATION-COMPARATIVE FIGURES

	2008		2009		2010	
JANUARY	5	5	6	6	6	6
FEBRUARY	8	13	11	17	7	13
MARCH	6	19	7	24	9	22
APRIL	8	27	7	31	8	30
MAY	8	35	7	38	7	37
JUNE	7	42	20	58	8	45
JULY	11	53	12	70	3	48
AUGUST	5	58	8	78	7	55
SEPTEMBER	7	65	7	85	8	63
OCTOBER	12	77	13	98	6	69
NOVEMBER	8	85	6	104	6	75
DECEMBER	5	90	4	108	11	86
TOTAL	90		108		86	

The shaded column is a running total for each year.

SUMMARY OF COMPLAINTS

COMPLAINT DECISIONS

	2008 COMPLAINTS		2009 COMPLAINTS		2010 COMPLAINTS	
SUSTAINED	6	14%	10	8.93%	15	18.75%
NOT SUSTAINED	11	27%	36	32.14%	29	36.25%
EXONERATED	46	54%	62	55.36%	28	35.00%
UNFOUNDED	0	1%	0	0.00%	0	0%
WITHDRAWN	4	4%	1	.89%	3	3.75%
ADMIN. CLOSED	1	.88%	3	2.68%	5	6.25%
TOTAL	68	101.49%	112	100.00%	80	100.00%

2008: Does not include 27 referrals to HPD Internal Affairs, 21 held over and one administratively closed

2009: Does not include 26 referrals to HPD Professional Standards Office, 16 held over and three administratively closed

2010: Does not include 19 referrals to HPD Professional Standards Office, 23 held over, and five administratively closed

SUMMARY OF COMPLAINTS

REQUESTS FOR LEGAL COUNSEL BY POLICE OFFICERS

The Police Commission reviews and approves or denies a request for legal counsel after the officer has submitted his/her request. officer when they are prosecuted for a crime or sued in a civil suit for acts done in the performance of the officer's duties. The Commission then requests a recommendation by the Department of the Corporation Counsel. In some cases, a contested case hearing may be required in order to determine the approval or denial of the

	RECEIVED	APPROVED	DENIED
JANUARY	0	1	
FEBRUARY	1	0	
MARCH	3	3	
APRIL	0	1	
MAY	6	0	
JUNE	4	6	
JULY	2	4	
AUGUST	3	3	
SEPTEMBER	1	1	
OCTOBER	15	7	
NOVEMBER	3	1	
DECEMBER	0	0	1
TOTAL	38	28	