CALL TO ORDER
Chair Sheehan called the meeting to order at 2:00 p.m. on
Wednesday, June 6, 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
Jerry Gibson, Member
Richard T. Grimm, Member
Max J. Sword, Member
George P. Ashak, Acting Executive Officer
Denise W. Wong, Deputy Corporation Counsel
Erin Marie Yamashita, Secretary

EXCUSED
Karen Chang, Member

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

ASCERTAINMENT
OF QUORUM
Counsel Wong ascertained that a quorum was present

CHIEF OF POLICE REPORT
Chief Ballard reported on an officer-involved shooting. She stated that the officer was doing
well and is on a planned vacation. She also discussed a newspaper article which revealed
some of the suspects past struggles.

Chief Ballard reported that the two labor grievances that had been the subject of and HLRB
proceeding and an arbitration have been removed to Circuit Court by agreement of the parties.
HPD will comply with decisions rendered by the Circuit Court. The court date is currently
pending.

Chair Sheehan asked for an explanation as she did not understand the process of why the
matter has been referred to Circuit Court. It was explained by both Chief Ballard and Legal
Counsel Uyema that SHOPO had filed a suit in the Circuit Court based upon Ch. 92-F and the
HLRB had stayed their decision because the basis of SHOPO’s arguments were 92-F issues,
which were not within the jurisdiction of the HLRB. The HLRB will wait for the circuit court
decision and then rule on the labor aspects after a decision by the circuit court.
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Traffic Fatalities
Chief Ballard reported that traffic fatalities are higher this year by four during 2017 and five more than 2016. Out of the 23 fatalities, ten involved pedestrians and eight involved a person riding a motorcycle, and three involved persons in automobiles. Commissioner Grimm asked if there were any moped riders involved in the fatalities to which Chief Ballard answered that the fatalities all involved persons on motorcycles. He then suggested HPD contact the local motorcycle clubs to assist in some way. Chief Ballard thanked Commissioner Grimm for his suggestion, and will ask the Traffic Division to reach out to the clubs. The traffic division will conduct public education for traffic safety.

Vice-Chair Levinson asked if any of the pedestrian fatalities involved cell phone use while in a crosswalk. Chief Ballard was not aware of any cases that involved persons on their cell phones in the crosswalk. There was also a brief discussion on the crosswalk signals.

Media Meetings
Chief Ballard has invited members of the media (print and television) to meet with her tomorrow. The meeting will be for the media to ask questions and she will share her view on sensitivity issues i.e., when publishing information about victims. She is hoping to have about two meeting per year or more if there are any issues that come up.

Questions/Comments by Commissioners
Chair Sheehan asked Chief Ballard if she has noticed any trends in criminality since becoming Chief of Police. Chief Ballard said the areas are about the same but the growing area is cybercrime or the use of a computer for fraud. As far as auto theft, Chief Ballard said a great deterrent for theft is people locking their cars and removing valuables, even when parking in their own garages.

APPROVAL OF MINUTES
Vice-Chair Levinson made a motion to approve the May 2, 2018, meeting minutes. Commissioner Gibson seconded the motion.

Discussion: None.

Vote: By a unanimous vote, the motion carried.

PUBLIC TESTIMONY
M. David Deif
Mr. Deif provided commissioners with his personal history and a letter that he wrote to The Honorable Hilary Benson Gagnes with Mr. Ashak at the Honolulu Police Commission office. Mr. Deif said he met with a detective on Monday and thought the detective might offer some type of compensation for him to move to another state (California); however, the detective did not offer any compensation. They met at 7 a.m. at the Alapai Police Station and the detective told Mr. Deif he has changed his mind, no compensation. He feels like he is being harassed and would like some type of compensation.
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M. David Deif (Continued)
Chair Sheehan explained to Mr. Deif that his requests were not within the jurisdiction of the Commission. Chair Sheehan said he could go to Small Claims court, explained the process to him, and informed him the Commission has no authority to order compensation or get involved in the day to day operations of the Honolulu Police Department.

Mr. Deif was thanked for attending the meeting and was escorted out of the meeting.

Ms. Yvonne Perry
Ms. Perry introduced herself and said she was in attendance to provide her insight to the new era of the Honolulu Police Department and Police Commission. She suggested the following:

- Creation of a new image and remove the mission statement from police cars
- Officers should be educated when joining the department—they need to have writing skills, listening skills, and better comprehension skills
- Officers should not be a bullies when responding to calls for service
- Respect women and take what they say as being significant
- Police officers should not be exploited by fast-food restaurants

Ms. Perry provided an example of not being respected when she made a call for service and the report was inaccurate in the events that happened. She then commended Corporal Low of District 7 who took the time to listen to her, took accurate notes, and repeated what she said and had her review what he had written down to make sure everything written was correct.

Chair Sheehan thanked Ms. Perry for attending the meeting and requested Ms. Perry leave her notes so they can be shared with Chief Ballard.

NEW BUSINESS
Report on Actions Taken at the Executive Session of April 18, 2018
Commissioner Gibson reported commissioners approved the March 21, 2018, executive session minutes on April 18, 2018 and took action on one case involving four officers.

Complaint number 17-068 involved one complainant and four officers. The allegations of discourtesy-profanity, excessive use of force, and unnecessary use of force were not sustained.

Commissioner Sword seconded the motion.

Discussion: None.

Vote: By a unanimous vote, the motion carried.
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Commissioner Individual Reports on Commission Business
2018 State of Hawaii Police Commissioners’ Conference
Chair Sheehan reported that she, Vice-Chair Levinson, and Commissioner Alivado attended the conference. Each commissioner than provided a brief report on the conference.

Commissioner Alivado thought the conference was good and that interacting with neighbor-island commissions and departments was beneficial, provided everyone with similarities and differences each agency faces, and the presentations were informative. She also said she would be willing to help organize next year’s conference since it is Honolulu’s turn to host.

Vice-Chair Levinson said this was his second police commissioners’ conference he has attended since joining the Commission. The opportunity to meet with fellow commissioners is a valuable opportunity for exchanging ideas and brainstorming; however, the meeting among commissioners should be longer.

He thought some of the presentations at the conference were good, particularly the homelessness presentation. He appreciated the Hawaii Police Department’s presentation on peer counseling and thought the segment relating to mental health challenges facing the police was good, and said the Department of Health’s resources are limited and that the number of persons who receive services is a small segment of the ones in need.

Presentations like the opioid crisis were interesting but not worthwhile, he was disappointed in the presentation on prosecutorial challenges by the Hawaii County Prosecutor, and that the presentation by the Hawaii County Corporation Counsel on civil challenges facing police departments was a waste of time.

Overall he is ambivalent on the matter of the conferences and understands why the City Council chose to cut funding for commissioners to travel and attend annual conferences. He also does not think operations would be diminished if they did not have any more of the conferences.

Chair Sheehan stated this is her second conference as well and thought it was nice to see familiar faces. She said the neighbor islands were interested in Vice-Chair Levinson’s dealings with the Honolulu Corporation Counsel, and she found the presentations on homelessness very interesting as there were examples of criminals utilizing resources meant to aid individuals.

As each commission has the responsibility to plan a conference and Honolulu being next, she would like to consider the content, schedule, and invitees (police department commanders, SHOPO, and commissioners) and ways to make the conference productive for commissioners.

Vice-Chair Levinson added that while the presentations were informative there wasn’t much that commissioners didn’t already know. The value in the event is the opportunity for exchange of thoughts and information between the four commissions. He suggested dropping the “educational” portions of the agenda and spending more time discussing commission business. Chair Sheehan added that she would like to have more discussion on police departments.
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Police Commission Rule 11
Vice-Chair Levinson reported he, through Deputy Corporation Counsel Wong, has re-drafted Rule 11 to include the goal posts requested by Mayor Caldwell in his May 16, 2018 letter. There is now a section clarifying, “what acts done in the performance of duty by a police officer” means. Vice-Chair Levinson is happy with the results of the process and it is an improvement of what was sent to Mayor Caldwell.

Commissioners then discussed the next steps. Vice-Chair Levinson said the work is complete and made a motion that the Commission re-commence the formal Chapter 91 process of rulemaking with the objective of passing out a newly revised Rule 11 for transmission after all statutory requirements have been satisfied.

Chair Sheehan then asked if a motion to withdraw the earlier draft and to commence with the most currently version to Rule 11 was necessary. Vice-Chair Levinson said he did not think it was necessary and that the previous draft is in limbo at this point, essentially at a dead end, because the Mayor will not officially disapprove or approve it. He does not see any impediment to the Commission’s starting new.

Commissioner Sword indicated the process would have to start again. Commissioners would have to approve the newly revised Rule 11 and conduct a public hearing. This would also include Rule 10 since the initial revisions were to both Rule 10 and Rule 11. Vice-Chair Levinson said Mayor Caldwell has remained silent on Rule 10 and has orally said he is fine with Rule 10. Commissioner Sword stated Mayor Caldwell has not officially approved Rule 10, it was part of the rulemaking, and suggested to make a clean break and include Rule 10.

Vice-Chair Levinson then recommended Rule 10 be included since the changes were minor and non-controversial and resend everything to the Mayor. Commissioner Sword then asked staff what the timeframe would be and was told approximately 30 to 40 days due to the meeting schedule and requirements for advertisement.

Commissioner Alivado requested clarification on the Ramseyer markings. Vice-Chair Levinson clarified bracketed language is to be deleted and underscore is new language. Commissioner Alivado then asked Counsel Wong if COR was in agreement to which Counsel Wong indicated COR was in agreement.

Chair Sheehan then seconded the motion to commence the changes to Rule 10 as previously sent to the Mayor and Rule 11 as presented today.

Discussion: Commissioner Grimm ask for clarification on the mention police matrons and reserve police officers in Rule 11. Vice-Chair Levinson said it is his understanding there are no longer police matrons and that reserve police officers are eligible to request legal representation. Chair Sheehan requested Chief Ballard explain the duties of a reserve police officer. Chief Ballard provided a history of the reserve officer program and that reserve officers are volunteer officers with the same authority of a paid officer. Previously, reserve officers were required to complete HPD’s recruit school and attended classes twice a week and every Saturday for approximately 18 months. The recruit school requirement has been discontinued and the reserve officers now are officers who have retired or resigned in good standing from HPD. There are 150 reserve officer positions, which requires 20 hours a month of service.
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Police Commission Rule 11 (Continued)
Vice-Chair Levinson requested to amend his motion to incorporate two corrections. The first to remove the mention of “police matron” from Rule 11-1(d) and the second from Rule 11-2 (d) the subsection should be corrected to “…as provided in Rule 11-2 (c).” Chair Sheehan seconded the motion.

Discussion: No further discussion.

Vote: By a unanimous vote, the motion passed.

Future Agenda Items
Chair Sheehan requested the following items be included in the June 20, 2018 agenda:

1. Discussion of change to the Standards of Conduct that would require participation or cooperation with the Police Commission when investigators contact officers for an interview. It is her understanding that officers are not required to participate and she would like to discuss Garrity matters with the Chief.

2. Update on Act 64, Sunshine Law revisions by Deputy Corporation Counsel Wong because it is important for commissioners to be to date on the Sunshine Law and Uniform Information Practices Act.

3. Discussion on a possible “#metoo prevention” training by the Commission on Status of Women and commissioners by the Hawaii State Commission on the Status of Women.

4. Presentation by Ms. Kaily Wakefield from the Civil Beat Law Center for the Public Interest on Sunshine Law guidance regarding agendas and contested case hearings.

Consideration of Requests for Legal Counsel
Commissioner Sword requested Items 3a and 3j be deferred to the June 20, 2018 meeting. The Commission has not yet received the recommendation memorandums from COR which are being finalized.

Vice-Chair Levinson wanted to make sure the memorandums from COR for each of the requests for legal counsel would be attached to the minutes. Staff informed him, Chair Sheehan had requested that at the previous meeting, so they would be attached.

Chair Sheehan informed commissioners she is recusing herself from the considerations for the officer requesting legal counsel for USDC Civil No. 18-00100 ACK-KSC as she may be a potential witness.

Officer Lanell S. Arakawa, USDC Civil No. 18-00100 ACK-KSC
Commissioner Sword made a motion to approve the request for legal counsel from Officer Arakawa for Civil No. 18-00100. Commissioner Alivado seconded the motion.

Discussion: Vice-Chair Levinson requested a friendly amendment and said the motion should more appropriately be that the commission accepts Officer Arakawa’s request for legal representation, not accepting COR’s recommendation. Commissioner Sword requested clarification of the acceptance of the request for legal counsel or approval of legal counsel. Commissioners agreed the term should be approved.
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Officer Lanell S. Arakawa, USDC Civil No. 18-00100 ACK-KSC (Continued)  
Commissioner Sword then requested to change his motion to approve legal counsel for Officer  
Lanell S. Arakawa for USDC Civil No. 18-00100 ACK-KSC.  

Vote: The motion carried with Commissioners Sword, Gibson, Alivado, Grimm, and Levinson  
voting in favor of the motion. Chair Sheehan abstained. A letter will be sent to the requesting  
officer informing her of the Commission’s decision.  

Sergeant Brian Blackwell, USDC Civil No. 18-00100 ACK-KSC  
Commissioner Sword made a motion to accept the application for legal counsel from Sergeant  
Brian Blackwell for USDC Civil No. 18-00100. Commissioner Gibson seconded the motion.  

Discussion: None.  

Vote: The motion carried with Commissioners Sword, Gibson, Alivado, Grimm, and Levinson  
voting in favor of the motion. Chair Sheehan abstained. A letter will be sent to the requesting  
officer informing him of the Commission’s decision.  

Detective Brandon Lau, USDC Civil No. 18-00100 ACK-KSC  
Commissioner Sword made a motion to accept the application for legal counsel from Detective  
Brandon Lau for USDC Civil No. 18-00100. Commissioner Gibson seconded the motion.  

Discussion: None.  

Vote: The motion carried with Commissioners Sword, Gibson, Alivado, Grimm, and Levinson  
voting in favor of the motion. Chair Sheehan abstained. A letter will be sent to the requesting  
officer informing him of the Commission’s decision.  

Detective Paul Lee, USDC Civil No. 18-00100 ACK-KSC  
Commissioner Sword made a motion to accept the application for legal counsel from Detective  
Paul Lee for USDC Civil No. 18-00100. Commissioner Gibson seconded the motion.  

Discussion: None.  

Vote: The motion carried with Commissioners Sword, Gibson, Alivado, Grimm, and Levinson  
voting in favor of the motion. Chair Sheehan abstained. A letter will be sent to the requesting  
officer informing him of the Commission’s decision.  

Lieutenant Benjamin Moszkowicz, USDC Civil No. 18-00100 ACK-KSC  
Commissioner Sword made a motion to accept the application for legal counsel from Lieutenant  
Benjamin Moszkowicz for USDC Civil No. 18-00100. Commissioner Gibson seconded the  
motion.  

Discussion: None.  

Vote: The motion carried with Commissioners Sword, Gibson, Alivado, Grimm, and Levinson  
voting in favor of the motion. Chair Sheehan abstained. A letter will be sent to the requesting  
officer informing him of the Commission’s decision.
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Officer Alan K. Rodrigues, USDC Civil No. 18-00100 ACK-KSC
Commissioner Sword made a motion to accept the application for legal counsel from Officer Alan K. Rodrigues for USDC Civil No. 18-00100. Commissioner Gibson seconded the motion.

Discussion: None.

Vote: The motion carried with Commissioners Sword, Gibson, Alivado, Grimm, and Levinson voting in favor of the motion. Chair Sheehan abstained. A letter will be sent to the requesting officer informing him of the Commission’s decision.

Officer April (Daniels) Thornton, USDC Civil No. 18-00100 ACK-KSC
Commissioner Sword made a motion to accept the application for legal counsel from Officer (Daniels) Thornton for USDC Civil No. 18-00100. Commissioner Gibson seconded the motion.

Discussion: None.

Vote: The motion carried with Commissioners Sword, Gibson, Alivado, Grimm, and Levinson voting in favor of the motion. Chair Sheehan abstained. A letter will be sent to the requesting officer informing her of the Commission’s decision.

Sergeant Keith Vegas, USDC Civil No. 18-00100 ACK-KSC
Commissioner Sword made a motion to accept the application for legal counsel from Sergeant Keith Vegas for USDC Civil No. 18-00100. Commissioner Gibson seconded the motion.

Discussion: None.

Vote: The motion carried with Commissioners Sword, Gibson, Alivado, Grimm, and Levinson voting in favor of the motion. Chair Sheehan abstained. A letter will be sent to the requesting officer informing him of the Commission’s decision.

EXECUTIVE OFFICER’S REPORT
Acting Executive Officer Ashak reported as of June 6, 2018, the Commission has received 35 complaints compared to 44 in 2017. Eight complaints are pending the has been one withdrawal and 14 referrals were referrals to PSO.

The process for hiring the executive officer and two investigators is moving along. A copy of the tentative FY2018/2019 was distributed in the commissioner mail.

EXECUTIVE SESSION
A 3:17 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
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EXECUTIVE SESSION (continued)
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.

Chair Sheehan 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 4:06 p.m.

ANNOUNCEMENTS
Chair Sheehan announced the next meeting Honolulu Police Commission will be on June 20,
2018 at 2:00 p.m.

ADJOURNMENT
At 4:06 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.
To: Honorable Hilary Benson Gagnes

In Re: Harassment, Intimidation, and Stalking

I understand that Hawaii Elder Abuse involves causing physical, financial, psychological or emotional harm to someone 60 years of age or older. This also includes, verbal assault, threats, abuse, harassment, intimidation, socially isolating a person, and stalking.

I have been subjected to the above-mentioned, at one time or another, continually during the last few years as a resident of both Hawaii and California.

For the past few years I have been harassed, stalked, and intimidated by the Anti-Trust Terrorism Investigation Unit (ATIU) and other agents who have listened to my phone conversations. I understand I could be wrong, but the law allows for the bugging of phones and harassment of private citizens for national security reasons. If that is the law, then I accept that.

By recommendation of the Honolulu Police Commission Chairman, Mr. Max. Sword, he has appointed Captain Reed Vanic to assist me in looking into the matter.

I asked Captain Vanic to establish a meeting with the ATIU. He did speak with them, however, they refused to meet.

Below are my grievances:

1. I signed a lease with a landlord (Exhibit 1), however the ATIU called and spoke with him, after which he refused to honor the lease. It was canceled for no reason.

2. Unknown persons wrote three checks, for a total of $9,000.00, from my account. The bank contacted me, stating I was over drawn and that I would be arrested for bouncing checks. I looked at my records and discovered I had not written the checks in question. The bank officer contacted the police white crime unit. The agent, Robin Cruz, came over and opened Forgery case 17-034817 (Exhibit 2.) He has been investigating for one year and there has been no progress.

3. On December 30, 2017, I fell asleep in the lobby of the Prince Hotel. I opened my eyes and the security guard told me I was not supposed to sleep in there. I apologized and as I got up I noticed the same 12 people were sitting in the lobby that I had seen before I fell asleep. As I was leaving I saw this man come out of the elevator who was the leader of the group that were sitting next to me. I had seen this group of people before so I called 911. The record of this call is attached (Exhibit 3.)
On May 21, 2018, at about 1230 hours, Mahmoud E. DEIF, arrived at the Main Police Station and requested to meet with the Anti-Terrorism Unit (ATIU). DEIF wanted reassurance that he was not currently under investigation by the ATIU. I met with DEIF at the CID, and assured DEIF that he was not part of any on-going ATIU investigation at this time. This report was generated at DEIF’s request for documentation of our conversation.

DISPOSITION: Case Closed / Records Only.

REPORT NARRATIVE

Refer to synopsis.
This card verifies that a report has been filed with the Honolulu Police Department.

Classification: Miscellaneous Public
Report number: 18-192998
Date initiated: 5-21-18

Lieutenant XXXXXXXXX will assign the investigation to a detective who can be reached at XXXXXXXX. The initial officer who submitted the report is Lt. Nakasato and is assigned to the Main (ATIU) Police Station, telephone number 723-3808.

HPD-443 (R-1/09)

* 5-21-18: The HPD-ATIU is not currently investigating Mr. DEIF at this time. 

Lt. Nakasato

For information on obtaining reports, verification letters, and applicable fees, please contact the Records and Identification Division at (808) 529-3271. Certain restrictions may apply to the release of any report.
Aloha, Madam Chair, Members and Chief Susan Ballard

I am here to give my insight to a new era of the Honolulu Police Dept.

- **Create a new image.** Remove of the old verbiage on the sides of the police vehicles: Integrity, fairness and respect; Chief Kealoha turned it into a joke.
- **Police officers need to be better educated when they join.** They need better writing, comprehension and listening skills.
- **Stop being bullies.**
- **Respect woman and take what they say as being significant.**
- **The police should not be exploited by companies.** (Such as fast food companies like McDonald’s and Jack in the Box)
- **Cpl. Michael Low of Dist. 7 is an outstanding officer.**
Police Commission Mtg.
June 6, 2018
Honolulu Main Police Station
2 p.m.

Intro
Aloha, Madam Chair, Members and Chief Susan Ballard.
I’m here to give my insight for the new era of our HPD.

Notes

- **The department needs to create a new image.**
  Remove the old verbiage on the sides of the vehicles: Integrity, fairness and respect; former Chief Kealoha turned it into a mockery. The new chief should come up with her own slogan.

- **Police officers need**
  1) Better education when they join because good writing, comprehension and listening skills are necessary to write more accurate reports and analyze the situations better.

  2) To stop being bullies and too quick on the draw. It costs the department money, lots of money.

  3) To respect women and take what they say as being significant.

  4) Should not be exploited by companies. (McDonald’s and Jack in the Box) These companies should have their own security handle the matter before they call HPD after the fact. Of course these establishments should have their own clear working surveillance equipment and properly trained staff.

- **Cpl. Michael Low of Dist. 7 is an outstanding officer.** This experienced policeman should be promoted. He listens, is sincerely concerned and repeats the report to you to make sure it is as accurate as it can be.