CALL TO ORDER
Chair Sheehan called the meeting to order at 2:00 p.m. on Wednesday, February 20, 2019, in Conference Room A at the Honolulu Police Department Alapai Headquarters

PRESENT
Loretta A. Sheehan, Chair
Karen Chang, Member
Steven H. Levinson, Member
Carrie K. S. Okinaga, Member

EXCUSED
Shannon L. Alivado, Vice Chair
Jerry Gibson, Member
James K. S. Yuen, Executive Officer
Denise W. Wong, Deputy Corporation Counsel
Erin Marie Yamashita, Secretary

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
Counsel Wong ascertained that a quorum was present

OF QUORUM

CHIEF OF POLICE REPORT
Major Cities Chiefs Conference
Chief Ballard reported she, Deputy Chief Grems, and Senior Legal Advisor Uyema attended the Major Cities Chiefs Conference in Washington, D. C. This year’s meeting included all the major city chiefs as well as all of the major city sheriffs. The first day everyone met together as a group and discussed common issues, and on the second day the groups split into two groups---sheriffs in one group and chiefs in another group.

Chiefs had the opportunity to meet and listen to included: President Trump, Matthew Whitaker, Acting Attorney General; Kirstjen Nielsen, Secretary of Homeland Security; and Christopher Wray, FBI Director. Chief Ballard commented that FBI Director Wray actually sat down with attendees and answered questions from the chiefs.

Common issues among police departments included: funding to address testing of rape kits and the red flag (background check) for firearm applications. Chief Ballard also commented on the presentation on the access to digital information contained within locked cellphones.
Major Cities Chiefs Conference (Continued)
While in Washington, D. C., Chief Ballard, Deputy Chief Grems and Legal Advisor Uyema had the opportunity to meet with Senator Schatz and Senator Hirono, graciously spent time discussing important issues and ways in which they could potentially provide assistance to HPD. Chief Ballard explained to the Senators that the cost for video storage for the body-worn camera program and the creation of a non-emergency phone number were large budget items.

Senator Schatz expressed an interest in the HELP and Lift programs, and Senator Hirono expressed her disappointment with the 9th Circuit Court decision on the concealed carry issue, Young v. Hawaii.

Chief Ballard feels HPD is one of the top progressive departments in the country.

Legalization of Marijuana
Chief Ballard commended Deputy Chief McCarthy on the interview he provided this morning on the KITV morning news concerning the legalization of recreational marijuana. He has been asked by KITV to return for further discussion. HPD also prepared an editorial in the Star Advertiser regarding the legalization of marijuana.

Meet the Majors
HPD is starting a new program, Meet the Majors. The first event was last week in District 7 (East Honolulu); the next two meetings are scheduled for tonight (February 20, 2019) in District 1 (Metro Honolulu), and tomorrow in District 5 (Kalihi). The meeting is conducted in a town hall format with the major and captain of each district. Once the format is finalized, a media announcement will be made in order to inform and get the community involved in the meetings.

Peer Support
Thirty-one additional individuals have completed their training for peer support. There are now 55 sworn and civilian personnel trained for peer support who will be paired when responding to calls for service. The program has come a long way in a year’s time.

Commissioner Levinson asked if this is the largest number of employees trained for peer support. Chief Ballard said when the program began there were approximately 200 employees trained for peer support. The goal is to continue to increase the number of trained persons. The spouses of officers has been restarted and are also a part of the Peer Unit and will respond to cases as well.

Recruit Graduation
The 190th Recruit Class consisting of 22 recruits will graduate in a ceremony held at the McKinley High School Auditorium, on Thursday, February 21, 2019.

HLRB Decision Appeal and Release of Cachola Documents
SHOPO has filed an appeal on the HLRB decision with regard to Officer Darren Cachola. Judge Crabtree has ordered the release of the Cachola documents admitted in the Cachola arbitration, and Chief Ballard expects an appeal.
Questions and Comments from Commissioners
Commissioner Levinson asked if Senator Hirono indicated how she hoped to be of assistance with respect to the pending Second Amendment lawsuit. Chief Ballard said Senator Hirono did not provide any specifics.

Commissioner Okinaga thanked Chief Ballard for the opportunity to attend the Command Meeting and for the opportunity to participate in a ride along. She encouraged her fellow commissioners to also attend a command meeting and participate in a ride along.

Chair Sheehan said she read an article that Hawaii is the worst in the country concerning cyber/internet crimes. Chief Ballard informed commissioners the Criminal Investigation Division (CID) had their annual chief’s inspection and the cybercrime unit now has three detectives. Mayor Caldwell has agreed to grant HPD’s request for 37 of the 120 new positions requested in the upcoming budget, so the next step for HPD is to evaluate and decide where the best use of personnel will be.

Chair Sheehan asked how Chief Ballard came up with the number of personnel she felt was necessary to fill the patrol divisions. Chief Ballard explained that she considered five to six officers for every beat 27/7 adequate. For the total number she multiplied that number with the number of beats.

Chair Sheehan then wanted to know if the number of arrests has increased since the number of patrol officers increased. Chief Ballard did not have that information available as far as the numbers of arrests, but said people do notice that there are a lot more officers and the officers are more visible. She and the commanders are encouraging officers to meet the people in their communities.

Chair Sheehan then discussed HPD’s report to the Legislature and said she was appalled at the number of times an un-named arbitrator reversed the disciplinary action imposed by the Chief. Chief Ballard said the reversals are always a concern, but there is no recourse. While some decisions are insulting, the arbitrator has the final decision. Chief Ballard expressed her opinion that sometimes decisions are not made on the merits of the investigation, but for other reasons, which only the arbitrator knows.

Commissioner Levinson asked Chef Ballard if the basis of her opinion was that arbitrators sometimes decide cases for reasons other than the merits of the case. Chief Ballard said she could not answer that question.

Chair Sheehan added that there is no accountability for the arbitrators who make decisions that reverse disciplinary actions, and pointed out that the public and media may begin inquiring into the arbitrations. This could cause officers to lose their privacy interest and arbitrators their confidentiality.
Evaluation of Chief of Police
Chair Sheehan informed Chief Ballard that commissioners anticipate finalizing her evaluation during the executive session. She and Vice-Chair Alivado planned to meet with Chief Ballard to review the evaluation and confirm her wishes with regard to privacy interest i.e., whether she would agree to release the evaluation and the data to the public or whether she would assert her substantial privacy interest. Chief Ballard said her schedule next week is full due to interviews and community talks and that she would be out of town the following week.

APPROVAL OF MINUTES
Commissioner Levinson made a motion to approve the January 23, 2019, meeting minutes. Chair Sheehan seconded the motion.

Discussion: None.

Vote: By a unanimous vote, the motion carried.

PUBLIC TESTIMONY
Ms. Khara Jabola-Carolus, Executive Director of the Hawaii State Commission on the Status of Women, attended the meeting and provided a presentation on sex trafficking in Hawaii. A copy of her presentation is attached to the minutes and the executive report conducted in partnership with the Arizona State University and Dominique Roe-Sepowitz, Ph.D. is available on the Hawaii State Commission on the Status of Women's website: http://humanservices.hawaii.gov/hscsw/.

Questions and Comments from Commissioners
Commissioner Levinson asked Ms. Jabola-Carolus what she meant by “addressing police and other judicial officers who participate in sex trafficking,” and the definition of a “judicial officer” in relation to the presentation. Ms. Jabola-Carolus responded that “judicial officers” were individuals the women could identify, to include: bailiffs, probation officers, or attorneys who were customers.

Chair Sheehan noted Ms. Jabola-Carolus made a distinction between sex trafficking and prostitution and asked Ms. Jabola-Carolus to elaborate. Ms. Jabola-Carolus explained there are two different definitions to sex trafficking—the federal law which requires force, fraud, coercion and state law which includes intimidation and threats. Ms. Jabola-Carolus acknowledged that sex workers often times are sex-trafficking victims at certain times, and willing/consenting prostitutes at different times.

Commissioners asked Ms. Jabola-Carolus who could act on her recommendations and whether there were any formal lines of communications between the Hawaii State Commission on the Status of Women and HPD. Ms. Jabola-Carolus said they have met with HPD in the past and sit on task forces along with HPD representatives.

Chair Sheehan thanked Ms. Jabola-Carolus for her presentation. Ms. Jabola-Carolus thanked commissioners for their questions and apologized that, due to ethical considerations, she was not able to provide identities for follow up.
NEW BUSINESS
Report on Actions Taken at the Executive Session of January 9, 2019
Commissioner Levinson reported that during the Executive Session of January 9, 2019, commissioners approved the December 5, 2018, executive session minutes and took action on one case involving one complainant and one officer. Complaint number 18-050 involved one complainant and one officer. The complaints of Unnecessary Use of Force and Excessive Use of Force were not sustained.

Commissioner Levinson then made a motion to accept the report. Commissioner Okinaga seconded the motion.

Discussion: None.

Vote: By a unanimous vote, the motion carried.

UNFINISHED BUSINESS
Discussion on Creation of Rules or Policies for the Discipline of the Chief of Police
Commissioner Okinaga explained the process she followed when drafting the guidelines and that her intention was to come up with a document that would serve as a guideline for commissioners, current and future, should commissioners have to discipline a chief of police.

Chair Sheehan said further discussion and consultation with counsel would be held in executive session and that it is important for commissioners to have guidelines with flexibility in order for commissioners to use as a guideline, if necessary.

Executive Officer’s Report
EO Yuen reported 12 complaints have been received to date. There are 23 pending investigations, which includes 14 from 2018, three complaints received was referred to the HPD’s Professional Standards Office, and one complaint was withdrawn.

EXECUTIVE SESSION
At 2:55 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.

Commissioner Levinson 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 5:23 p.m.

ANNOUNCEMENTS
Chair Sheehan announced the next meeting Honolulu Police Commission will be on March 6, 2019.

ADJOURNMENT
At 5:24 p.m. Commissioner Chang made a motion to adjourn the meeting. Chair Sheehan seconded the motion. By a unanimous vote, the motion carried.
SEX TRAFFICKING IN HAWA‘I

The Stories of Survivors
January 2019

HAWAII STATE COMMISSION ON THE STATUS OF WOMEN

ARIZONA STATE UNIVERSITY
Authors

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A high demand for the sex industry puts a state at high risk for trafficking.

Sex Trafficking in Hawaiʻi Part I: Exploring Online Sex Buyers

• Measurement of response to fake sex ads on Backpage.com
• Key Findings
  • Supply is limited
  • Demand is exponentially higher than supply
    • 407 unique phone numbers in 24-hours
    • 1 in 11 men on Oʻahu are potential online sex buyers (9%)
  • Demand is significantly more robust than other major U.S. cities
  • There is a tremendous incentive to traffic women and girls
HPD Arrests - Prostitution

January - December 2017:
72 prostitutes
36 buyers

January - June 2018:
37 prostitutes
14 buyers

Act 204, Session Laws 1990, amended this HRS 712-1200 to include customer of a prostitute would also be committing the crime of prostitution.

Source: Lt. Mike Brede, Narcotics/Vice Division, Honolulu Police Department, June 28, 2018
Part II: The Stories of Survivors
Overall Purpose and Goals

Purpose:
To conduct an empirical qualitative research to explore the experiences of victims of sex trafficking in Hawai‘i.

Goals:
• Identify the circumstances in Hawai‘i that have created an environment where sex trafficking exists
• Gather qualitative and quantitative information about who, how, and details about the sex trafficking experiences of victims of sex trafficking in Hawai‘i
• Gather recommendations by the participants
• Contribute ideas for a cohesive, concerted, and data-driven strategic plan.
Part II: The Stories of the Survivors

Methodology

• Mixed methods study
  - Survey and recorded 1:1 interviews w/ trauma-trained clinical social workers

• Identified and contacted victims from multiple sources

• Explored the experiences of girls and women who have been sex trafficked in Hawai‘i

• 22 participants from two islands
Findings

Grooming and Sex Trafficking:

- Avg. age of 1st trafficking: 14.7 years old
- 81.8% children when 1st trafficked
- Use of rape or gang rape
- Taken to the continent
- Sex buyers
Findings

Relationship with Traffickers:

- **Boyfriend**: 72.2%
- **Drug Dealer**: 16.6%
- **Cousin**: 5.5%
- ** Stranger**: 5.5%
Findings

Childhood Experiences:

- Child Maltreatment
- Sexual Abuse
- School Challenges
- Child Welfare Involvement
- Running away
Findings

The victims were sold in multiple venues, including:

- Street prostitution (68%)
- Bar (45%)
- Website (36%)
- Hotels (31%)
- Brothel
- Pornography (22%)
- Massage parlor
- Escort company
- Business office
- Strip club (50%)
- House party (36%)
- Flop/drug house
- Telephone call girl
- Game room
- Hostess bar (18%)
- Webcam
- Car show
Findings

Systems:

Victim

Schools

Medical

Criminal Justice

Child Welfare
Implications

• Sex trafficking is real and happening today in Hawaii
• Hawai‘i victims/survivors of sex trafficking have had very disruptive childhoods
• Resilience of survivors is extraordinary
• Law enforcement officials throughout the criminal justice system have not been effective addressing sex trafficking and even complicit in sex trafficking
Implications

- Health care professionals have routinely failed to identify sex trafficking victims
- School personnel, particularly Special Education, missed identifying the victims
- Lack of services for all types of violence
- Geographic and cultural factors
- Overrepresentation of Native Hawaiian women and girls
- Harms of prostituting did not end when victim turned 18 or when she consented to unwelcome + undesired sex
Highlights

• Pervasive abuse during childhood
• All of the participants were lured into sex trafficking in intricate and intimate ways
• Intense violence during trafficking experience
• Sex buyers are dangerous
• Challenges of the exiting and healing process
  • Corruption
  • Gaps in services
Sex Trafficking Survivor Quotes

“I do not trust cops. They were the customers.”

“I was dating an undercover cop in Vice who would give me a head’s up when there was going to be a sting at my strip club or wherever I was working. He would tell me about all the things he could do to people and never get in trouble.”

“Law enforcement were customers. Would let me out of 7 or 8 stings. Tell me to ‘get out’ and let me go.”

“Two of my friends, they have met two other police officers on many occasions. Like I wait in her car while they pick her up like for literally just gas money and cigarettes for a blow job."
Sex Trafficking Survivor Quotes

“It’s really easy to sell sex in Hawaii and it’s like they don’t care because cops date. COPS DATE...the one cop had his freaking gun, his badge and his hat sitting right there. And he’s like, let’s go.” It is all the time. Prosecutors too. So the same people, the same fucking people who are charging you for doing the shit you get into trouble for doing are the same people who are going to turn around and pay that money.”
“Police are part of the trafficking. I saw them. I know their cars.”

“Cops were involved in the trafficking. They saw it and they know it is happening...Cops are dirty, they are around and know what is going on. Pick and choose what they pay attention to. The traffickers give them money to look away.”

Law enforcement had their own prostitution ring. She was forced to make sex videos with more than one officer in exchange for not getting busted. One recently turned off the video when she was caught with possession of drugs and said that he would drop the charges if she slept with him.
Sex Trafficking Survivor Testimony

She was driving home one night and she was pulled over by a police officer. He made her get out of her car and he raped her. He told her because she was a druggie that no one would ever believe her.
A family member of a minor called the VICE unit with details of the sex trafficking including address and circumstances and did not receive any response for nearly two months.
Recommendations

Recommendations from the research team include:
• Addressing police and other judicial officials who participate in prostitution and sex trafficking
• Development of a statewide training program
• Development of a centralized data collection and statewide database
• Allocate funding for prevention and early intervention.
• Allocate funding for the position of a statewide coordinator
Mahalo.

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