HONOLULU POLICE COMMISSION
City and County of Honolulu
State of Hawaii
Minutes of the Regular Meeting
August 7, 2019

CALL TO ORDER
Chair Sheehan called the meeting to order at 2:00 p.m. on
Wednesday, August 7, 2019, in Conference Room A at the
Honolulu Police Department Alapai Headquarters

PRESENT
Loretta A. Sheehan, Chair
Karen Chang, Member
Jerry Gibson, Member
Steven H. Levinson, Member
Carrie K. S. Okinaga, Member
Richard M. Parry, Member

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

EXCUSED
Shannon L. Alivado, Vice-Chair

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 informed commissioners she attended the July 25, 2019 Committee on Public
Safety and Welfare meeting and answered questions from councilmembers concerning HPD’s assistance to the Hawaii County Police Department (Resolution 19-169).

The officer injured in Waianae while attempting to locate a credit card fraud suspect is recovering at home.

There are three separate cases of arson under investigation in District 6 (Waikiki area). All three fires were set at hotels. A CrimeStoppers announcement will be issued this afternoon regarding a person of interest.

The Red Flag Law in Hawaii will go into effect January 1, 2020. The Judiciary is the agency responsible for the development of procedures.

HPD Officer Jennifer Bugarin won the title of Mrs. Hawaii. She will compete in Las Vegas for the Mrs. America title.
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CHIEF OF POLICE REPORT (Continued)
Officer Anson Paiva was recognized during the Honolulu City Council meeting today for the work he has done for the youth in Waipahu.

Chief Ballard made a suggestion concerning the Honolulu Police Commission meetings and the possibility of having public meetings once a month, and the second meeting of the month as an executive session to review complaints. Chair Sheehan thanked Chief Ballard for her suggestion.

Honolulu Police Department Public Website
Chief Ballard introduced Lt. Joel Gonsalves who provided commissioners with a live demonstration of the HPD’s website and the features available on the website, www.honolulupd.org. The website is in the process of being updated in order to be more user friendly.

Lt. Gonsalves informed commissioners the HPD receives approximately 300 per month to the general mailbox and the divisions/districts receive approximately 100 e-mails per month with response times in one to two days. Over the past year, there have been 1.3 million views of the webpage and 386,000 users (83 percent new and 17 percent return).

Chief Ballard informed commissioners the new website will be easier to navigate and have online reporting for certain types of reports.

Commissioners suggested the HPD consider linking or providing information regarding parades and road closures on its public calendar and asked if a person could submit complaints or information on crimes anonymously. Chief Ballard informed commissioners the Honolulu 311 app allows a person to submit information or photos anonymously, and she would ask staff to look into posting the parade and road closures onto the calendar.

Fiscal Year 2019/2020 Budget (July 1, 2019 through June 30, 2020)
Chief Ballard introduced Major Roland Turner of the Finance Division who provided commissioners with a presentation on the FY20 budget. Major Turner provided commissioners with an explanation of the budget process, terminologies, and the difference between the operating budget and the CIP budget.

Chief Ballard reviewed and answered questions from commissioners concerning the creation of new positions, filling of vacant positions, and the use of funds from funded vacant positions. (A copy of the presentation will be attached to the minutes)
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APPROVAL OF MINUTES  
Commissioner Chang made a motion to approve the minutes of the June 19 and July 3, 2019, meetings. Commissioner Levinson seconded the motion.

Discussion: None.

Vote: Commissioners Sheehan, Chang, Gibson, Parry and Levinson voted to approve the minutes of the June 19, 2019 meeting minutes. Commissioner Okinaga abstained from the vote as she was not present at the June 19, 2019 meeting. Commissioners Sheehan, Chang, Gibson, Okinaga, and Levinson voted to approve the minutes of the July 3, 2019 minutes. Commissioner Parry abstained from the vote as he was not present at the July 3, 2019 meeting.

PUBLIC TESTIMONY  
Commissioner Levinson noted he was offended by the actions of a testifier at the previous meeting, and he apologized to Chief Ballard for any embarrassment to her. He also requested the three-minute time limit per testifier be adhered to. Chief Ballard provided her personal opinion that a strict three-minute time limitation would be appropriate.

(Chief Ballard and members of the Command Staff exited the meeting at 3:41 p.m.)

Ms. Francine Guzman  
Ms. Guzman introduced herself and said she was in attendance to update commissioners on her employment situation. She initially wanted to speak with commissioners in executive session, but it was recommended to her that she come forward and speak during the open meeting so she could address the Chief. Ms. Guzman noted Chief Ballard and the members of her staff have stepped out due to potential investigations for continued retaliation.

Ms. Guzman informed commissioners that since 2011 she has applied for 12 positions within the HPD, and she has not been selected for any of the positions. She received her bachelor’s degree in business administration in 2011 and in 2012 she received her master’s in business administration. Ms. Guzman believes her career has been affected by trying to do the right thing by reporting overtime abuse.

Ms. Guzman still receives non-verbal cues from her immediate supervisor, is not included in pertinent information, and is not extended any professional courtesies. She is in the process of going through the Hawaii Labor Relations Board for prohibited employment practice and is retaining another attorney in order to address the retaliation (non-selection for four positions since November). Ms. Guzman feels she will never be given a fair chance of being promoted or transferred.

In November 2018, Ms. Guzman settled with the City for whistleblower retaliation for her reporting abuse of overtime in 2011. In January 2019 she received a letter from the City’s EEO Officer, Denise Tsukayama, that stated there is substantial evidence of retaliation, which was after the settlement agreement.
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Ms. Francine Guzman (Continued)
Chair Sheehan informed Ms. Guzman that the Commission does not get involved in the day-to-
day administrative responsibilities of HPD and that she is free to submit any information to the
Commission she feels is relative during the Chief’s annual evaluation.

Mr. David Dief
Mr. Dief attended the meeting and told commissioners that someone continues to harass,
intimidate, and stalk him. He explained he did move to California, has returned to Honolulu, and
has most recently contacted an attorney for assistance who told him to contact the Police
Commission Chair could assign an investigator to assist him.

Chair Sheehan thanked Mr. Dief for attending the meeting and explained the process for filing a
complaint.

(Chief Ballard and members of the command staff returned to the meeting at 3:45 p.m.)

NEW BUSINESS
Consideration of the Request for Legal Counsel from Officer Joshua Kirito for USDC
Civil No. CV19-00329 DKW-WRP
Commissioner Levinson reviewed the requests for legal counsel submitted by Officer Joshua
Kirito for USDC Civil No. CV19-00329 DKW-WRP. After a review of the complaint and the
memorandum from COR, Commissioner Levinson made a motion to approve legal counsel for
Officer Kirito for USDC Civil No. CV19-00329 DKW-WRP. Commissioner Chang seconded the
motion.

Discussion: None.

Vote: By a unanimous vote, the motion carried.

Report from Chair Sheehan and Vice-Chair Alivado – Meeting with SHOPO Honolulu Chapter
Chair Sheehan reported she and Vice-Chair Alivado attended the Honolulu Chapter’s meeting
on July 12, 2019, which they both enjoyed. There was good discussion and dialogue back and
forth in which questions were asked/answered and mutual concerns were discussed. Board
members shared what their duties were as SHOPO board members and applauded Chief
Ballard for her collaborative style and for turning the department around.

Chair Sheehan encouraged commissioners to attend an upcoming meeting.

Chief Ballard added that there has been a culture change with SHOPO and agreed there is
more open dialogue with the current administration because the Honolulu Chapter wants what is
best for the HPD and community.
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Report from Chair Sheehan and Commissioner Levinson on Meeting with Council Member Menor on City Council Resolution 19-156
Commissioner Levinson reported the meeting with Council Member Menor went well. He and Chair Sheehan spoke as individual members, and did not represent the Commission. They expressed that input from HPD and the Prosecutors Office was important to the City Council because the Commission’s duties are limited and the Commission is prohibited in interfering with the day-to-day administration of HPD.

Executive Officer’s Report
EO Yuen reported as of August 6, 2019, there have been 56 complaints received compared to 42 in 2018, and 54 in 2017. There are 19 cases are pending, 13 cases have been referred to the PSO, two closed by PSR, and two complaints withdrawn. There are two contested case hearings scheduled for August 21, 2019.

The background investigation for the vacant investigator position continues.

EXECUTIVE SESSION
At 3:37 p.m., Commissioner Parry 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 5:17 p.m.

ANNOUNCEMENTS
Chair Sheehan announced the next meeting of the Honolulu Police Commission will be on August 21, 2019.
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ADJOURNMENT
At 5:20 p.m. Chair Sheehan adjourned the meeting.
HPD Budgetary Process

Honolulu Police Commission

Budgetary Process and Terminology
Components of the Budget and Rules
Budget Changes FY2019 & 2020
FY2020 Operating and CIP Budget Details

August 7, 2019
Major Roland Turner
Budget Creation Timeline

- **Fiscal Year (July 1 through June 30)**
- **Preparing the Annual Budget (planning starts 14 months in advance)**
  - In May budget packets are distributed to all elements for the fiscal year that will begin in July of the next year.
  - June and July: the element budget requests are finalized.
  - July and August: Finance Division prepares the entire department request.
  - September: the Police Commission reviews it
  - September: it goes to C&C Budget and Fiscal Services (BFS)
  - October and November: BFS works with the Finance Division on final request submission.
  - December: we meet and review with the Managing Director
  - January: the Mayor and Managing Director review - submit
  - March: City Council presentation followed by review
  - April and May: testify before City Council
  - June: the budget is adopted (to take effect July 1)
    - Two distinct parts: the operating budget and CIP
Operating Expense vs. CIP

- **Operating Expense**
  - Salary
  - Current Expense (fuel, motor allowance, uniform contracts, bicycles, chairs, computers, guns)
  - Equipment (> $5K each and last longer than 1 year)
    - Examples: Traffic Message Boards, SSD Dogs, a Car Lift

- **Capital Improvement Projects (CIP)**
  - Equipment items (things that cost more than $5K and last longer than 5 years)
    - Examples: construction projects, vehicles
Bureau and Element Budgets

- The HPD Operating Expense budget is first divided into the seven parts (called “activities”):
  - Police Commission, Office of the Chief (Chief’s Office, PSO, and IEU), Patrol (both bureaus are combined), Administrative, Investigative, Special Field, and Support Services. Within each “bureau” each element has its own distinct budget.
  - Each element and Bureau budget is divided into four quarters (each distinct).
  - The budgeted funds are then allotted within specific object codes (office supplies, travel, safety supplies, repair and maintenance, etc.)

- There are further rules and restrictions about moving funds between “activities” or designated quarters or “characters of expenditure” (S, CE, E)

- Moving funds requires BFS approval (typically from a later quarter forward)

- A City Council resolution required if more than $100K moved between activities or funds moved between characters of expenditure
### FY2019-2020 Budget Changes

<table>
<thead>
<tr>
<th>Character of Expenditure</th>
<th>FY2019</th>
<th>FY2020</th>
<th>$ Change</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries</td>
<td>$253,384,121</td>
<td>$259,735,810</td>
<td>$6,676,689</td>
<td>2.6%</td>
</tr>
<tr>
<td>Current Expense</td>
<td>$42,595,301</td>
<td>$41,916,495*</td>
<td>&lt;$678,806&gt;</td>
<td>&lt;1.6%&gt;</td>
</tr>
<tr>
<td>Equipment</td>
<td>$1,732,500</td>
<td>$49,000</td>
<td>&lt;$1,683,500&gt;</td>
<td>&lt;97.2%&gt;</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$297,386,922</strong></td>
<td><strong>$301,701,305</strong></td>
<td><strong>$3,814,383</strong></td>
<td><strong>1.5%</strong></td>
</tr>
</tbody>
</table>

*Not including $500K unallotted council add*
## Current Expense Highlights

<table>
<thead>
<tr>
<th>Category</th>
<th>FY2019 Appropriation</th>
<th>FY2020 Budgeted</th>
<th>Difference</th>
<th>Change</th>
<th>Difference</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>2751 (Parts &amp; Access - Comm)</td>
<td>$3,145,000</td>
<td>$2,000,000</td>
<td>$&lt;1,145,000&gt;</td>
<td>$&lt;700,434&gt;</td>
<td>$1,225,388</td>
<td>43.5%</td>
</tr>
<tr>
<td>2902 (Tools &amp; Implements)</td>
<td>$4,112,034</td>
<td>$3,411,600</td>
<td>$&lt;699,434&gt;</td>
<td>$&lt;700,434&gt;</td>
<td>$699,926</td>
<td>95.3%</td>
</tr>
<tr>
<td>3049 (Other Services)</td>
<td>$2,817,462</td>
<td>$4,042,850</td>
<td>$&lt;1,225,388</td>
<td>$1,225,388</td>
<td>$283,200</td>
<td>9.6%</td>
</tr>
<tr>
<td>3212 (Travel)</td>
<td>$153,362</td>
<td>$299,558</td>
<td>$&lt;146,196&gt;</td>
<td>$146,196</td>
<td>$64,000</td>
<td>1,280.0%</td>
</tr>
<tr>
<td>3630 (Rentals - Office Equip)</td>
<td>$2,936,095</td>
<td>$3,265,2,895</td>
<td>$&lt;329,200&gt;</td>
<td>$329,200</td>
<td>$69,000</td>
<td>1,280.0%</td>
</tr>
<tr>
<td>3822 (Parking Fees)</td>
<td>$5,000</td>
<td>$5,000</td>
<td>$0</td>
<td>0</td>
<td>0%</td>
<td>0%</td>
</tr>
</tbody>
</table>
Current Expense Budget Issues

2.0 FTE Metropolitan Police Sergeant
4.0 FTE Metropolitan Police Officer - Motor
4.0 FTE Metropolitan Police Officer
1.0 FTE Police Evidence Custodian II, SR-16
1.0 FTE Police Evidence Custodian I, SR-14
1.0 FTE Accountant II, SR-18
Patrol Mobile Data Device
Hazardous Material Suits for SSD
Operating Budget Equipment

- $27,000 Audio Equipment
- $13,000 Crisis Negotiation Phones
- $9,000 Polygraph Systems
Capital Improvement Projects
Public Safety – HPD Headquarters Improvements
FY 2020 Capital Budget and Program Summary

<table>
<thead>
<tr>
<th>HPD Facility Improvement</th>
<th>Phase</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>HPD Headquarters Improvements – Water infiltration mitigation</td>
<td>P,D,C,I,E</td>
<td>$5,000,000</td>
<td>Improvements to address water infiltration in facility such as construction joints, 3rd floor computer room VMS basement, VMS administration office, and locker rooms.</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>$5,000,000</td>
<td></td>
</tr>
<tr>
<td>HPD Facility Improvement</td>
<td>Phase</td>
<td>Amount</td>
<td>Description</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>--------</td>
<td>---------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>HPD Training Academy - Pavement Improvements</td>
<td>C,I</td>
<td>$1,300,000</td>
<td>Construct and inspect pavement improvements.</td>
</tr>
<tr>
<td>HPD Training Academy – Firing Range Improvement</td>
<td>C</td>
<td>$300,000</td>
<td>Construct firing range improvements.</td>
</tr>
<tr>
<td>Wahiawa Police Station – Automatic Gate</td>
<td>D,C</td>
<td>$125,000</td>
<td>Design and installation of automatic gate.</td>
</tr>
<tr>
<td>Wahiawa Police Station - Locker Room Renovation</td>
<td>D,C,I</td>
<td>$740,000</td>
<td>Design, construct and inspect locker room improvements.</td>
</tr>
<tr>
<td>Unanticipated structural, mechanical, electrical improvements</td>
<td>P,D,C,I,E</td>
<td>$535,000</td>
<td>Plan, design, construct, inspect and provide related equipment for</td>
</tr>
<tr>
<td>Police Stations Buildings, and provide related equipment.</td>
<td></td>
<td></td>
<td>Police facilities.</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$3,000,000</strong></td>
<td></td>
</tr>
</tbody>
</table>
## Public Safety – Upgrade Security Camera Systems
### FY 2020 Capital Budget and Program Summary

<table>
<thead>
<tr>
<th>Program Title</th>
<th>Phase</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upgrade security cameras at various police facilities</td>
<td>D,C,I,E</td>
<td>$450,000</td>
<td>Design, construct, inspect, and provide related equipment to upgrade cameras at police facilities</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td>$450,000</td>
<td></td>
</tr>
</tbody>
</table>
### Public Safety – Police Equipment FY2020 Capital Budget and Program Summary

<table>
<thead>
<tr>
<th>Project Title</th>
<th>Phase</th>
<th>Total Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Honolulu Police Department Equipment Acquisition</td>
<td>E</td>
<td>$1,800,000*</td>
<td>Acquisition of 30 patrol vehicles</td>
</tr>
</tbody>
</table>

*not including $60K unallotted council add
Questions?