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

PRESENT
Shannon L. Alivado, Vice-Chair
Jerry Gibson, Member
Steven H. Levinson, Member
Carrie K. S. Okinaga, Member
James K. S. Yuen, Executive Officer
Denise W. Wong, Deputy Corporation Counsel
Erin Marie Yamashita, Secretary

EXCUSED
Loretta A. Sheehan, Chair
Karen Chang, Member
Richard M. Parry, 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 introduced Sergeant James Shyer of the Traffic Division. Sergeant Shyer provided commissioners with an overview of the EPIC (Ethical Police Is Courageous) training program, developed by the New Orleans Police Department in collaboration with its community partners. The program is a peer intervention program that educates and empowers police officers to promote a culture of high-quality and ethical policing, and teaches officers how to intervene to stop a wrongful action before it occurs.

Sergeant Shyer is a certified EPIC trainer and reported HPD has already trained approximately 60 recruits and veteran officers will receive the two-hour training during the Annual Recall Training program. He encouraged commissioners to view EPIC’s website: www.epic.nola.gov for more information.

Commissioner Levinson said he was glad HPD had made a commitment to adopt the EPIC program and mentioned a recent guilty plea in a criminal prosecution of the officers, and that the problem seems to be a cultural one with HPD as well as other police departments.
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CHIEF OF POLICE REPORT (Continued)

Chief Ballard informed commissioners that prior to the adoption of the EPIC training, and after the
incident, mentioned by Commissioner Levinson, she emphasized to officers and supervisors
that officers should be each other’s wingman and to help each other out, even though there may
be a co-worker or friendship hardship as a result.

Chief Ballard reported the arrests of protesters in Waimanalo were professional and arrestees
were treated with dignity. It is her hopes participants and the City will be meet again and find
resolution.

Chief Ballard has completed her three-week National Executive Institute at the FBI. The last
training provided attendees with information on PTSD, keeping officers healthy (physically and
mentally), and making sure officers are provided with assistance when needed. Chief Ballard
also shared her appreciation for a speaker, Mr. Billy Ballegos, who was a hostage in Iran in
1999 while serving in the military and later became an officer with the Denver Police
Department.

Chief Ballard introduced Captain David Chang who presented the HPD’s Git Up Challenge
video. Youth participants were from the Kapolei Middle School, Ewa School, and PAL Boxing
Program.

City Council Resolution 19-156

Acting Chair Alivado requested Chief Ballard provide commissioners with feedback on the
September 24, 2019 Executive Matters and Legal Affairs committee meeting and Resolution 19-
156. Acting Chair Alivado said there was mention of HPD submitting testimony and that the
resolution has changed.

Chief Ballard informed commissioners HPD supports the idea of the resolution and suggested
an audit be conducted for certain agencies.

Commissioner Levinson said the resolution was amended, there was discussion and public
testimony, and the EMLA Committee Chair, Councilmember Menor, recommended deferring the
resolution. He also asked Chief Ballard if she had any concerns about the language of the
resolution pertaining to the Commission and operational policies and procedures of the
Commission governing employee supervision and/or evaluation.

Chief Ballard responded that HPD was concentrating on HPD’s portion of the resolution, but did
notice the reference to the Commission. She said the City Council may not understand the
duties of the Police Commission and thought that the Commission may have more oversight
over policies and procedures. Commissioner Levinson agreed and indicated that may be a
reason why the resolution was deferred.

Acting Chair Alivado said that she distributed the video of the meeting to commissioners so they
could view and listen to Chair Sheehan’s testimony and the discussion.
APPROVAL OF MINUTES
Commissioner Gibson made a motion to approve the minutes of the September 4, 2019, meeting. Commissioner Levinson seconded the motion.

Discussion: None.

Vote: By a unanimous vote, the motion carried.

PUBLIC TESTIMONY
Mr. Devin Stats
Mr. Stats attended the meeting, and informed commissioners of his current situation involving his towing business, Affordable Towing Service, and another towing company, Pinky Tows. Mr. Stats requested clarification on what HPD’s procedure would be in addressing his problem because he has received mixed information from police officer acquaintances on how they would address the situation. Mr. Stats informed commissioners he did work for Pinky Tows without a signed contract, and he was presented with a $480,000 equipment storage charge for seven months. He has seven pieces of equipment, which he has ownership of, in the tow yard that he would like returned to him.

Acting Chair Alivado informed Mr. Stats that the Commission is unable to give him any legal advice, appreciates his sharing his concerns, and explained the process of filing a misconduct complaint if that is one of his concerns. It was also explained to Mr. Stats that if he has a crime to report, with regard to the holding of his assets, that is something he could report to the HPD.

Ms. Tracy Ryan
Ms. Ryan is the Executive Director of Harm Reduction Hawaii, an organization that has years of first-hand experience dealing with homelessness, sex industry workers, and drug addiction. Her organization and other related groups have been working with the police to develop the law-enforcement assisted diversion program. She has a very good working relationship with HPD through Captain Lambert and the officers who attended the 2018 Deconstructing Sex Work and Sex Trafficking.

Ms. Ryan would like to make a presentation to the Commission in the future in order to address a presentation made by Ms. Khara Jabola-Carolus of the Hawaii State Commission on the Status of Women, which has been criticized for its lack of facts and data.

Acting Chair Alivado thanked Ms. Ryan and will make Chair Sheehan aware of Ms. Ryan’s request and the presentation will be scheduled though the Commission staff.

(Chief Ballard and Deputy Chiefs McCarthy and Grems and Legal Advisor Uyema exited the meeting at 2:49 p.m.)
NEW BUSINESS

Requests for Legal Counsel from Officer Scott U. Nielson, Civil No. CV19-00418 ACK-WRP
Commissioner Levinson discussed his review of the request for legal counsel submitted by
Officer Nielson for Civil No. CV19-00418 ACK-WRP. After a review of the complaint and the
memorandum from COR, Commissioner Levinson made a motion to approve legal counsel for
Officer Nielson. Commissioner Gibson seconded the motion.

Discussion: None.

Vote: By a unanimous vote, the motion carried.

Requests for Legal Counsel from Chief of Police Susan Ballard, Civil No. 19-1-1321-08 DEO
Commissioner Levinson discussed his review of the request for legal counsel submitted by
Chief Ballard for Civil No. 19-1-1321-08 DEO. After a review of the complaint and the
memorandum from COR, Commissioner Levinson made a motion to approve legal counsel for
Chief Ballard. Commissioner Gibson seconded the motion.

Discussion: None.

Vote: By a unanimous vote, the motion carried.

Requests for Legal Counsel from Officer Janghoon Cho, Civil No. CV19-00320 DKW-JKM
Commissioner Levinson discussed his review of the request for legal counsel submitted by
Officer Cho for Civil No. CV19-00320DKW-KJM. After a review of the complaint and the
memorandum from COR, Commissioner Levinson made a motion to approve legal counsel for
Officer Cho. Commissioner Gibson seconded the motion.

Discussion: None.

Vote: By a unanimous vote, the motion carried.

Report on Actions Taken at the Executive Session of August 7, 2019
Commissioner Okinaga reported at the executive session of August 7, 2019, commissioners
approved the June 19 and July 3, 2019, executive session meeting minutes, and took action on
eight cases involving eight officers.

The following is a breakdown of actions taken:

HPC No. 19-022 involved one officer and one complainant. The complaint of discourtesy-
disparaging remarks was not sustained.

HPC No. 19-025 involved two officers and one complainant. The discourtesy-harsh remarks
complaint against one officer was sustained. The complaints of discourtesy-intimidation,
discourtesy-profanity, and overbearing conduct were not sustained.

HPC No. 19-026 involved one officer and one complainant. The complaints of partiality and
discourtesy-insulting remarks were not sustained.
Report on Actions Taken at the Executive Session of August 7, 2019 (Continued)

HPC No. 19-027 involved one officer and one complainant. The complaint of discourtesy-abusive/insulting remarks was not sustained.

HPC No. 19-029 involved one officer and one complainant. The complaint of discourtesy-harassment/intimidate was not sustained.

HPC No. 19-012 involved one officer and one complainant. The officer was exonerated of the conduct unbecoming an officer charge.

HPC No. 19-024 involved one officer and one complainant. The unnecessary use of force charge was not sustained.

HPC No. 19-028 involved one officer and one complainant. The conduct unbecoming an officer complaint was not sustained.

Commissioner Gibson seconded the motion.

Discussion: Because Commissioner Gibson was not present at the August 21, 2019 meeting, Commissioner Levinson requested to amend Commissioner Okinaga’s motion and the actions of the August 21, 2019 meeting be deferred to the October 16, 2019 Commission meeting.

Vote: By a unanimous vote, the report on actions during the August 7, 2019 meeting were approved, and the report on actions for the August 21, 2019 meeting were deferred to the October 16, 2019 meeting.

Report on the 2019 Hawaii State Law Enforcement Officials Association (HSLEOA) Conference

Acting Chair Alivado attended this year’s HSLEOA conference and noted that discussions and presentations were similar to what Chief Ballard spoke on previously during her training at the FBI National Executives Training. Topics focused on officer wellness issues such as brain wellness and identifying stresses that could affect officers during work. The Kauai Police Chief, Todd Raybuck, spoke about the shooting in Las Vegas last year and the changes made as a result of the incident.

City Council Resolution 19-156

Acting Chair Alivado asked if there was any additional discussion on the resolution. Commissioner Levinson mentioned Commission Rule 3 that enumerates the powers, duties, and functions of the Commission and compared it to Section 6-1606 of the City Charter, which enumerates the Commission’s powers, duties, and functions. After a comparison HPC rule 3 only tracks A through D in the charter and does not address E through H. Commissioner Levinson suggested a revision to the Commission’s Rule 3 in order to update the powers, duties, and functions that are set in the Charter.

Acting Chair Alivado requested a follow up on discussion at the next meeting. Commissioner Okinaga recommended to look at all of the rules for possible updating. Commissioner Levinson said he would review the rules and that he previously pledged to do so but was discouraged after the last revision (Rule 11).
Executive Officer’s Report
EO Yuen reported as of October 1, 2019, there have been 72 complaints received compared to 51 in 2018, and 64 in 2017.

EXECUTIVE SESSION
At 3:10 p.m., Commissioner Okinaga 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 3:47 p.m.

ANNOUNCEMENTS
Acting Chair Alivado announced the next meeting of the Honolulu Police Commission will be on October 16, 2019.

ADJOURNMENT
At 3:48 p.m. Acting Chair Alivado adjourned the meeting.