HONOLULU POLICE COMMISSION  
City and County of Honolulu  
State of Hawaii  
Minutes of the Regular Meeting  
November 20, 2019

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

PRESENT  
Loretta A. Sheehan, Chair  
Shannon L. Alivado, Vice-Chair  
Karen Chang, Member  
Steven H. Levinson, Member  
Carrie K. S. Okinaga, Member  
Richard M. Parry, Member

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

EXCUSED  
Jerry Gibson, Member

ALSO PRESENT  
Susan Ballard, Chief of Police (entered at 2:04 p.m.)  
Lisa A. Mann, Acting Deputy Chief of Police

ASCERTAINMENT  
OF QUORUM  
Counsel Wong ascertained that a quorum was present

CHIEF OF POLICE REPORT  
Acting Deputy Chief Mann informed commissioners Chief Ballard is delayed due to a previous  
engagement and reported that Chief Ballard and members of the command staff will be  
participating in various holiday parades and Chief Ballard will have pictures with employees  
again this year.

The lateral transfer program target date is June 2020 for the first class of lateral transfers.

The Lift program, now known as HONU (Homeless Outreach Navigation for Unsheltered  
Persons' program) will begin next month, December 2019.

The last delivery in the AES convoy project was completed last night (November 19, 2019).

Questions and Comments from Commissioners  
Commissioners asked if the first location for the HONU project would be in Waipahu, to which  
Acting Deputy Chief Mann confirmed the location would be in Waipahu.

Commissioners also asked if the lateral program was intended for police officers from other  
jurisdictions who would be transferring to HPD, which Acting Deputy Chief Mann confirmed, and  
informed commissioners the criteria is still being set.
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Questions and Comments from Commissioners (Continued)
Commissioners asked if the police presence would remain in the Kapolei and Kahuku areas or if staffing would return to normal. Acting Deputy Chief Mann said that there would be no reason for the presence.

APPROVAL OF MINUTES
Commissioner Okinaga made a motion to approve the minutes of the open session of October 2, 2019. Commissioner Levinson seconded the motion.

Discussion: None.

Vote: Commissioners Alivado, Levinson, Okinaga and Chang voted to approve the minutes. Chair Sheehan and Commissioner Parry abstained, as they were excused from the October 2, 2019 meeting.

Commissioner Okinaga then made a motion to approve the minutes of October 16, 2019. Commissioner Levinson seconded the motion.

Discussion: None.

Vote: Commissioners Sheehan, Alivado, Levinson, Okinaga and Chang voted to approve the minutes. Commissioner Parry abstained, as he was excused from the October 16, 2019 meeting.

PUBLIC TESTIMONY
Chantelle Matagi
Ms. Matagi introduced herself and informed commissioners she was present and injured during the AES protest on Thursday evening in Kalaeloa and Friday morning in Kahuku. She provided commissioners with an overview of where protesters and police officers were located and that the perimeter of where protesters and bicycle officers were was too small to accommodate the large crowd of approximately 300 to 400 people.

She explained that police told protesters to move back but there was not enough room. Officers briefly congregated and a coordinated movement began in which protesters whose arms were interlocked and engaged in prayer were pushed. Due to the pushing in a confined space, Ms. Matagi was injured by a police bicycle handle that pressed on her rib cage and knocked the air out of her when the police officer pushed forward. She was in pain and continuously asked the officer to stop. The officer was discourteous to Ms. Matagi and also used profanity when addressing her and her nephew.

Chair Sheehan thanked Ms. Matagi for her testimony and explained the Commission's complaint process. She also explained that the requests for transportation permits were out of the Commission's purview, and appreciated Ms. Matagi's suggestion of cultural training. Commissioner Levinson reviewed the Commission's responsibility per the City Charter and explained the complaint process.
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PUBLIC TESTIMONY (Continued)
Isaiah Walker
Mr. Walker introduced himself and informed commissioners he was one of the protesters that sat on the road in protest. His son is the nephew Ms. Matagi mentioned during her testimony, and he (Walker's son) was arrested that night for harassment on a police officer, which has been hard on the family. Mr. Walker also explained that the attitude/body language of officers at their location was different from previous nights and they used profanity and aggressive body language/bullying tactics towards protesters.

Mr. Walker, who has attended community meetings over the years concerning the wind turbine project, shared his personal views on how the governor, mayor, and large corporations try to look tough to voters by bullying small communities, which is a sign of weakness.

Chair Sheehan thanked Mr. Walker for his testimony and appreciated his attending the meeting and providing testimony.

Kyssa Stevenson
Ms. Stevenson introduced herself and said her testimony echoes those before her. She expressed her frustration on the permitting process for the wind turbine project, and that the process has not been transparent.

Ms. Stevenson provided commissioners with a description of an incident on Sunday at Kalaeloa when the transport of equipment began. Two persons attached themselves to a water-filled barricade and it took over two hours for police officers to saw through the barricade to remove the first person. While the second person was still attached to the barricade, officers surrounded her, like a human shield, as the equipment drove past. Ms. Stevenson said the action was unsafe for all persons and raised the tension between officers and protesters. She then asked what the proper procedures would be in handling a situation when a person refuses to move.

Chair Sheehan thanked Ms. Stevenson for her testimony and explained she did not have an answer for her at this time and that there are many policies concerning the sanctioned use of force.

Al Medeiros
Mr. Medeiros introduced himself and shared his understanding of the incidents on Thursday involving protesters and police officers. He said the officers assigned on Thursday were new officers who riled up people, used profanity, and threatened persons with the use of pepper spray and arrest. Mr. Medeiros suggested officers receive training in dealing with persons who are protesting peacefully. There was also misunderstanding concerning the bail cost.

Mr. Medeiros appreciates the efforts of Chief Ballard and said she should have come to the protest locations instead of Deputy Chief McCarthy who was stating the protesters were the aggressors which is not the case.

Chair Sheehan explained that there is a bail schedule that is applied when a person is arrested. She thanked Mr. Medeiros for attending the meeting and sharing his concerns.
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PUBLIC TESTIMONY (Continued)
Mr. Tom Schmidt
Mr. Schmidt attended the meeting and explained his attendance was to inform commissioners that the HPD Criminal Investigation Division is understaffed when it comes to the investigation of white collar crime. He is the victim of an attorney who he considers to be a serial embezzler and has stolen from him. Mr. Schmidt has reported incidents to HPD and they have not acted on his case, and the statute of limitations is approaching. He is unhappy that the police are not doing their job.

Chair Sheehan explained to Mr. Schmidt that he can go directly to the Department of the Prosecuting Attorney (DPA) and present the case to the victim witness staff and request an investigation. Mr. Schmidt said he did meet with the DPA and they referred him back to the HPD. He has tried to contact the detective assigned but she is not responsive.

Chair Sheehan understands Mr. Schmidt’s frustration and thanked Mr. Schmidt for attending the meeting.

Mr. Cody Easterbrook
Mr. Easterbrook introduced himself and stated that he is disheartened after listening to previous testimony. He spoke with Mr. Yuen (HPC’s Executive Officer) earlier today because he has concerns about HPD, and that there is no discussion going on and everyone is being told to file complaints.

It was his (Mr. Easterbrook’s) thinking that the Police Commission policed the police, and said that after hearing previous testimony and discussion that is not the case. Commissioner Levinson explained to Mr. Easterbrook that there has been a misunderstanding as to the authority of the Police Commission and explained the duties of the Commission as provided by the City Charter.

Mr. Easterbrook then suggested commissioners reconsider the process for filing a complaint with the Police Commission because it is a burden on the taxpaying citizen. He also said the meeting time of the Police Commission is a burden and suggested evening meetings. Chair Sheehan explained that commissioners are volunteers and she understands the process of filing a complaint is cumbersome, but the purpose is to prevent frivolous complaints. She also explained that the complaint process is an ongoing conversation among commissioners.

Mr. Paul Gallagher
Mr. Gallagher introduced himself and said he will be filing a complaint with the Commission. He would also like to be able to take his concerns about supervisors directly to Chief Ballard because officers are putting themselves in a position of misconduct due to the instruction of a supervisor. There is also a feeling of institutional racism from HPD and there has been targeting in this one-sided matter.

Chair Sheehan thanked Mr. Paul for attending the meeting, looks forward to future discussion, understands the community would like their voices heard, and would like a dialogue with the HPD in order to know why certain actions were taken.
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NEW BUSINESS
Items scheduled for discussion were deferred to the December 4, 2019 Commission meeting.

UNFINISHED BUSINESS
Items scheduled for discussion were deferred to the December 4, 2019 Commission meeting.

EXECUTIVE SESSION
At 3:11 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 3:33 p.m. and Chief Ballard exited the meeting.

HRS 52D-8 ADJUDICATION(S), CONTESTED CASE HEARING
Captain Thomas Taflinger, Civil No. 19-1-0649 JPC
The contested case hearing for Captain Thomas Taflinger began at 3:38 p.m. and ended at 4:20 p.m. Refer to transcript for further details.

RETURN TO EXECUTIVE SESSION
At 4:30 commissioners returned to the executive session in order to deliberate on the request for legal counsel and to complete executive session business.

RETURN TO OPEN SESSION
The commission returned to the open session at 5:08 p.m.

ANNOUNCEMENTS
Chair Sheehan announced the next meeting of the Honolulu Police Commission will be on December 4, 2019.
ADJOURNMENT
At 5:10 p.m. Chair Sheehan adjourned the meeting.