CALL TO ORDER  Chair Sheehan called the meeting to order at 2:03 p.m. on Wednesday, January 8, 2020, in Conference Room A at the Honolulu Police Department Alapai Headquarters

PRESENT  Loretta A. Sheehan, Chair
Shannon L. Alivado, Vice-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
Denise W. Wong, Deputy Corporation Counsel
Erin Marie Yamashita, Secretary

ALSO PRESENT  John D. McCarthy, Acting Chief of Police

ASCERTAINMENT OF QUORUM  Counsel Wong ascertained that a quorum was present

CHIEF OF POLICE REPORT  Acting Chief McCarthy informed commissioners Chief Ballard was attending the Major Cities Chiefs Conference in Houston, and provided commissioners with the following dates of interest:

- January 9, 2020, blessing and dedication for the Joint Traffic Management Center at 10 a.m.
- January 9, 2020, beginning of the 35th Citizens Police Academy class
- January 14, 2020, graduation ceremony for the 193rd Recruit Class

There were 13 percent less calls for services related to fireworks than in 2019. There was a 26 percent increase in the number of citations issued, which may be due to the new law in which a homeowner or renter can be cited for illegal fireworks. HPD will track the 11 citations that were issued to homeowners or renters through the court.

There have been three officer-involved shootings since January 1, 2020. No officers were injured in any of the incidents. Commissioners will be provided additional, confidential, information during the executive session.
Questions and Comments from Commissioners
Commissioners wanted to know what the plan for HPD in 2020 would be. Acting Chief McCarthy informed commissioners Chief Ballard, he, and Deputy Chief Ho will be meeting to update the Chief’s five-year plan upon Chief Ballard’s return. Some issues that will be reviewed include overtime, manpower, and response to crime. Acting Chief McCarthy briefly discussed the recent purse snatching and robberies and that many involve persons who have criminal records.

Commissioners asked if the calls for service involved calls for the Fire Department, to which Acting Chief McCarthy responded that fire calls were also less than previous years. There are ongoing discussions on how to address illegal fireworks with outside agencies, specifically ones that deal with shipping. The majority of the firework-related citations issued were by officers observing or stumbling upon an incident.

Commissioners asked if the HONU program was working and wanted to know if persons were being placed in permanent housing. Acting Chief McCarthy reported the program, which began in early December, has been successful at its current location in Waipahu. By the end of December more than 60 persons have placed in housing. Officers have been working on bringing individuals in the surrounding areas/parks to the Waipahu HONU location for service. Acting Chief McCarthy commended the patrol officers for their support of the HONU workers. A report on the placements of persons will be provided to commissioners. The breakdown date for the Waipahu location is March 1, 2020 and the second location has yet to be determined.

Commissioners wanted to know if HPD had a legislative package this year. Acting Chief McCarthy reported that the Hawaii State Law Enforcement legislative package was submitted on Monday by the Attorney General’s Office, he will follow up with commissioners on the providing of the package to the Commission.

Commissioners asked if there was any information Acting Chief McCarthy had with regard to involuntary commitments (MH-1). Acting Chief McCarthy informed commissioners effective January 1, 2020 there is a new procedure for the process. Officers will now call Queen’s, the contractor for the state, for an MH-1 and Queen’s will make the determination on which hospital a person would be taken to. There was brief discussion on the MH-3 and MH-4 process, which requires a petition to the court.

Commissioners wanted to know if the number of employee vacancies at HPD has decreased. Acting Chief McCarthy informed commissioners this year’s retirements was a more than average year of retirements which has affected staffing.

APPROVAL OF MINUTES
Commissioner Okinaga made a motion to approve the minutes of the December 4, 2019, meeting with the modification requested by Commissioner Parry, the addition of Commissioner Gibson’s name as present, and a date correction. Commissioner Chang seconded the motion.

Discussion: None.

Vote: By a unanimous vote, the motion carried.
PUBLIC TESTIMONY
Mr. Robert Lee Perry, Jr., aka Jimbo Perry attended the meeting and stated that he is having issues with the Police Commission and has a complaint about the deputy corporation counsel.

Mr. Perry said he is not getting services in relation to standard police practices and the Professional Standards Office and the Police Commission are not doing a good job. Mr. Perry will be attending every meeting because he has over 100 general complaints, and that he is an African Black American and people that look like the commissioners, who are non-African Black Americans intimidate and harass him and are not doing their jobs properly. He will not tolerate and has spoken with other law enforcement officials in authority. Mr. Perry was arrested, and while under arrest he got sick and was threatened.

Mr. Perry stated it is not illegal for him to call a person a White, Black or Asian racist. He then accused commissioners and their business associates of intimidating, harassing, and threatening his life and civil liberties. He is not a racist but if someone is projecting discrimination or racism toward him he can call them a black racist, Asian racist or white racist because it is not illegal, and that is his issues and problems—that his civil rights are being violated and abuse of authority.

Chair Sheehan informed Mr. Perry he is welcome to go to the Police Commission office and file a complaint. Mr. Perry then argued that he can file a verbal complaint under ADA Law and that he is exercising law currently called Code of Federal Regulations. He also stated that he does not have to do a notarized complaint.

Chair Sheehan asked Mr. Perry if he had a complaint against someone specific, to which Mr. Perry indicated his complaint was against Chair Sheehan and the other commissioners for not doing their job and that he has made thousands of complaints over 40 years.

Chair Sheehan confirmed with Mr. Perry that his complaint was against the Police Commission at large to which Mr. Perry said his complaint was against the Police Commission, Professional Standards Office, and the Chief of Police.

Chair Sheehan informed Mr. Perry his complaint is noted and is now part of the record and will be included in the minutes. She then thanked him for attending the meeting. Mr. Perry requested Chair Sheehan inform other law enforcement people know that he can make an oral complaint and is not required to do a written complaint under ADA law.

NEW BUSINESS
Report on Actions Taken at the Executive Sessions of October 2 and 16, 2019
During the executive session of October 2, 2019, commissioners approved the September 4, 2019, executive session minutes and took action on one complaint involving one complainant and one officer.

HPC No. 19-041 involved one complainant and one officer. The complaints of overbearing conduct and conduct unbecoming an officer were sustained.
Report on Actions Taken at the Executive Sessions of October 2 and 16, 2019 (Continued)

During the executive session of October 16, 2019, commissioners approved the September 18, 2019, executive session minutes and took action on six complaints involving six complainants and eight officers.

HPC No. 19-040 involved one complainant and one officer. The complaint of excessive use of force was not sustained.

HPC No. 19-042 involved one complainant and one officer. The complaint of discourtesy-harassment was not sustained.

HPC No. 19-051 involved one complainant and one officer. The officer was exonerated of the complaints of discourtesy-harsh remarks and discourtesy-intimidate.

HPC No. 19-056 involved one complainant and one officer. The complaints of conduct unbecoming an officer and discourtesy-name/badge number were not sustained.

HPC No. 19-037 involved one complainant and three officers. The complaints of discourtesy-intimidate, excessive use of force and unnecessary use of police authorized equipment were not sustained.

HPC No. 19-043 involved one complainant and one officer. The complaint of discourtesy-harsh remarks was sustained. The complaint of overbearing conduct was not sustained.

Vice-Chair Alivado then made a motion to accept the report. Commissioner Gibson seconded the motion.

Discussion: None.

Vote: By a unanimous vote, the motion carried.

Consideration of the Requests for Legal Counsel
Officer Sheldon V. Watts, Civil No. 1CCV-19-0002086

Commissioner Levinson reviewed the request for legal counsel submitted by Officer Sheldon v. Watts, Civil No. 1CCV-19-0002086. After a review of the complaint and the memorandum from COR, which recommends the granting of legal counsel, Commissioner Levinson stated Officer Watts is being sued for acts done in the performance of duty as a police officer and legal representation should be provided. He then made a motion to grant legal representation to Officer Watts. Commissioner Parry seconded the motion.

Discussion: None.

Vote: By a unanimous vote, the motion carried.
Election of Chair and Vice-Chair for 2020

Chair Sheehan opened the floor for nominations for the position of Chair for 2020. Commissioner Levinson nominated Chair Sheehan, and Commissioner Okinaga nominated Commissioner Alivado.

Commissioner Okinaga requested to and then shared her appreciation to Chair Sheehan and Commissioner Levinson for their efforts in restoring the credibility to the Commission and Department when it was necessary. She then explained why she decided to nominate Commissioner Alivado.

Commissioner Levinson requested each nominee state why they would like to serve as Chair. Each nominee (Chair Sheehan and Vice-Chair Alivado) shared their vision for the future of the Commission and what they would do to improve the Commission’s relationship with the public and the Department.

Chair Sheehan then called for a vote, and asked those voting for Chair Sheehan to remain as Chair raise his or her hand. By a show of hands, Commissioner Levinson and Chair Sheehan voted for Chair Sheehan to remain as Chair. Commissioners Chang, Gibson, Okinaga, Parry, and Alivado voted for Vice-Chair Alivado to serve as Chair for 2020. By a vote of five to two, Vice-Chair Alivado was elected as Chair for 2020.

Chair Sheehan then opened the floor for nominations for the position of Vice-Chair for 2020. Commissioner Levinson then nominated Chair Sheehan. Chair Sheehan thanked Commissioner Levinson for the nomination, but declined the nomination. Commissioner Alivado then nominated Commissioner Gibson for the position of Vice-Chair for 2020. Commissioner Levinson then made a motion to elect Commissioner Gibson by acclamation.

UNFINISHED BUSINESS

Chief of Police Evaluation Process for 2019

Commissioner Parry informed commissioners the information distributed to each commissioner was forwarded to Chief Ballard who is working on putting together her presentation on the five-year plan. Commissioner Parry will meet with Chief Ballard upon her return.

Executive Officer’s Report

Executive Officer Yuen reported there was a total of 117 complaints registered in 2019. Of the 117, 33 remain pending, 26 were referred to the Professional Standards Office, five were closed by PSR, and four complaints were withdrawn. A total of 44 complaints were investigated, of the 44 complaints 12 complaints were sustained and 32 complaints were either not sustained or exonerated.
EXECUTIVE SESSION
At 3:18 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 Parry 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 4:33 p.m.

ANNOUNCEMENTS
Chair Sheehan announced the next meeting of the Honolulu Police Commission will be on January 22, 2020.

ADJOURNMENT
At 4:34 p.m. Commissioner Parry made a motion to adjourn the meeting. Commissioner Levinson seconded the motion.

Discussion: None.

Vote: By a unanimous vote, the motion carried.