HONOLULU POLICE COMMISSION
City and County of Honolulu
State of Hawaii
Minutes of the Regular Meeting
May 6, 2020

CALL TO ORDER
Chair Alivado called the meeting to order at 2:05 p.m. on Wednesday, May 6, 2020, in Conference Room A at the Honolulu Police Department Alapai Headquarters and via Webex

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

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

ALSO PRESENT
Susan Ballard, Chief of Police
John D. McCarthy, Deputy Chief of Police
Clyde K. Ho, Deputy Chief of Police
Lynne Uyema, Legal Advisor

ASCERTAINMENT OF QUORUM
Counsel Wong ascertained that a quorum was present.

Chair Alivado announced there was a viewing station for the public at the entrance to the Alapai Headquarters. She then announced the meeting was being held virtually and confirmed virtual attendees participation. Chief Ballard, Deputy Chiefs McCarthy and Ho, and Legal Advisor Uyema participated virtually as well as Commissioner Sheehan and by phone, Deputy Corporation Counsel Denise Wong. Commissioners Alivado, Gibson, Levinson, Parry and Okinaga and staff members Yuen and Yamashita were present, in person, at the meeting location.

Chair Alivado thanked Chief Ballard and staff from the Information Technology Division for their assistance in setting up the virtual meeting.

Chair Alivado then explained there was guidance from the Governor's Seventh Supplementary Proclamation which included a roll call vote to ensure a vote is recorded correctly, she also reminded those participating virtually to identify themselves before speaking.

CHIEF OF POLICE REPORT
Chief Ballard reported that 50 officers have been tested for COVID-19, three tested positive, 47 negative, and the three officers who tested positive have returned to work. She then reported on the POST program participants—phase one 19 participants, phase two 11 participants, phase three 16 participants, and phase four 10 participants. The Blue Zone, which is a transition zone from POST has 13 participants. In addition eight persons have been placed in shelters and three persons into detox.
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CHIEF OF POLICE REPORT (Continued)  
Since tracking the prisoner release due to COVID-19, there have been 13 re-arrests for crimes such as identity theft, stolen vehicles, car jacking, probation revocation, warrants, and harassment.

The COVID Cares Act has provided an opportunity for HPD to purchase items to assist in sanitizing police cars, areas in the police station, hazard pay for officers, retrofitting cells for infectious persons, and personal protective equipment.

The HPD has supported the food distribution sites.

Questions from Commissioners  
Commissioner Okinaga asked Chief Ballard if she had a total dollar amount used from the Cares Act. Chief Ballard informed commissioners the City received approximately $383 million, of that HPD received approximately $56 million. She then explained that the funds have to be expended by December 31, 2020 and that nationally agencies are purchasing the same things, and items have to be paid which can make spending difficult.

Chair Alivado asked if persons participating in POST are provided with meals so they do not go off site. Chief Ballard responded that it is not necessary for a person remain because the program is optional, so each POST area is sectioned off with fencing and there are areas designated for exercising/walking and smoking; however, if a person leaves the designated area they will have to begin the 14-day quarantine again.

APPROVAL OF MINUTES  
Commissioner Parry made a motion to approve the minutes of the March 4, 2020, meeting. Vice-Chair Gibson seconded the motion.

Discussion: None.

Vote of Aye: Alivado, Gibson, Okinaga, Levinson, Parry and Sheehan. By a unanimous vote, the motion carried.

PUBLIC TESTIMONY  
No written testimony has been received for the meeting.
NEW BUSINESS
Report on Actions Taken at the Executive Session of February 19, 2020
Commissioner Okinaga reported during the executive session of February 19, 2020, commissioners approved the January 22, 2020 executive session minutes and took action on three cases involving seven officers.

HPC 19-060 involved one complainant and four officers.

The Conduct Unbecoming an Officer complaint against an officer was sustained. The Theft of Property, Unnecessary Use of Force, Excessive Use of Force, and Unnecessary Use of Oleoresin Capsicum complaints against the officer were Not Sustained.

The Conduct Unbecoming an Officer, Unnecessary Use of Force, and Excessive Use of Force complaints against an officer were sustained. The Theft of Property and Unnecessary Use of Oleoresin Capsicum complaints against the officer were not sustained.

The Conduct Unbecoming an Officer complaint against an officer was sustained. The Theft of Property, Unnecessary Use of Force, Excessive Use of Force, and Unnecessary Use of Oleoresin Capsicum complaints against the officer were Not Sustained.

The Conduct Unbecoming an Officer, Unnecessary Use of Force, and Excessive Use of Force complaints against an officer were sustained. The Theft of Property and Unnecessary Use of Oleoresin Capsicum complaints against the officer were Not Sustained.

HPC No. 19-077 involved one complainant and two officers. The complaints of Unnecessary Use of Force, Discourtesy-Harsh Remarks and Conduct Unbecoming an officer were not sustained.

HPC No. 19-079 involved one complainant and one officer. The complaint of Discourtesy-Name/Badge Number was not sustained. The complaints of Discourtesy-Intimidate and Conduct Unbecoming an Officer were sustained.

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

Discussion: None.

Vote of Aye: Alivado, Gibson, Okinaga, Levinson, Parry and Sheehan. By a unanimous vote, the motion carried.

EXECUTIVE OFFICER’S REPORT
Executive Officer Yuen reported there are 22 registered complaints this year.
EXECUTIVE SESSION
At 2:19 p.m., Commissioner Levinson 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 of Aye: Alivado, Gibson, Okinaga, Levinson, Parry and Sheehan. By a unanimous vote, the motion carried.

RETURN TO OPEN SESSION
The Commission returned to the open session at 5:26 p.m.

ANNOUNCEMENTS
Chair Alivado announced the next Police Commission meeting will be held on May 20, 2020 in person at Alapai Station and via Webex. HPC continues to explore options for live streaming of meeting in light of COVID-19 restrictions and will include additional details in any future agenda.

ADJOURNMENT
At 5:30 p.m. Commissioner Levinson made a motion to adjourn the meeting. Commissioner Sheehan seconded the motion.

Discussion: None.

Vote: By a unanimous vote, the motion carried.