CALL TO ORDER  Chair Alivado called the meeting to order at 2:01 p.m. on Wednesday, June 3, 2020, in Conference Room A at the Honolulu Police Department Alapai Headquarters and via Webex

PRESENT  Shannon L. Alivado, Chair
         Jerry Gibson, Vice-Chair
         Carrie K. S. Okinaga, Member
         Richard M. Parry, 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  Commissioners ascertained that a quorum was present.

Chair Alivado confirmed the in-person attendance of Commissioners Okinaga, Gibson, Alivado, Parry, Chief Susan Ballard, Deputy Chiefs McCarthy and Ho, Legal Advisor Uyema, and staff for the Honolulu Police Commission James Yuen, Executive Officer, and Erin Yamashita, Secretary.

Chair Alivado announced there was a viewing station for the public at the entrance to the Alapai Headquarters and the meeting was being streamed live on YouTube at the web address provided on today's meeting agenda.

PUBLIC TESTIMONY  Chair Alivado announced the public testimony was agendized prior to the Chief’s report to allow participation by phone, requested 24 hours in advance of the meeting, or via written testimony. As of today, there has not been any request for a telephonic testimony, and no written testimony has been submitted. Chair Alivado then asked if there was anyone watching on the monitor at would like to submit written testimony to provide it to the staff outside.
Prior to Chief Ballard providing her report to commissioners, Chief Ballard offered the following statement:

I want to thank the community for their continued support and for maintaining the spirit of aloha, that is unique to our island, here on Oahu and in Hawaii. The death of George Floyd was quite avoidable. It was criminal, and to me it was personally disturbing. The actions of the Minneapolis police officers are not representative, in any way, of the values of the Honolulu Police Department, and the tactics that were employed by them are not used or condoned by our police department.

The peaceful protests that are taking place right now across our island and across the nation, especially Oahu, should be an example to the entire nation. We’re not perfect and there’s always room for improvement, but I think that our diversity and cultures makes us much more accepting of other races, of all races actually.

Our officers are exhausted. We went from two officers being killed to the pandemic and now into the protests, and the hurricane season is just starting. I just want to say, we are so thankful to live and serve in this land of aloha.

CHIEF OF POLICE REPORT

Chief Ballard reported that HPD has been providing traffic control assistance at the food drives and distributions. She thanked the communities for their patience for those who were lined up in order to receive food. There are two more large food drives that HPD will provide traffic control; additional drives by smaller non-profit organizations will not require HPD support.

There will be a virtual promotion ceremony on June 10, 2020 at 10:30 a.m. at the HPD Alapai Headquarters. Employees being promoted and their families will wait in a designated area in order to accommodate social distancing.

Chief Ballard informed commissioners that HPD is in the process of purchasing a gun shredder. HPD will be able to destroy guns in house rather than having to incur shipping costs in order to send the guns to the Mainland for destruction.

Commissioners were updated on the hiring of Police Services Officers, which are non-law enforcement position. Chief Ballard informed commissioners HPD has received approximately 4,500 interest cards for the 300 positions it would like to fill. Applicants are subject to a background check prior to employment. Funding will initially be through the CARES Act. The goal is for those hired to begin work in July or August. This is a good opportunity for someone who is considering employment in law enforcement to get some exposure.

Chief Ballard reported on persons re-arrested and informed commissioners as of to June 3, 2020, there have been 77 (of the 372 persons released on Oahu) persons re-arrested for some type of criminal violations.
CHIEF OF POLICE REPORT (Continued)
There was discussion on the recent news article about recidivism, and the affect the releasing and re-arresting has on the community. Chief Ballard reiterated her view that the community should not stand for these actions, and the corrections system should be more responsible in assisting those being released as some are released with no place to go. She added another important issue is the concern shown for those released/re-arrested and that the victims of the crimes do not seem to be taken into consideration.

Questions from Commissioners
Vice-Chair Gibson asked Chief Ballard if she knew of an ending date for the release program. Chief Ballard said it was her understanding that the goal was to reduce the prison population to each facility’s designed capacity. She also pointed out that there have been no cases of COVID-19 in any of the prisons on Oahu that she is aware of. He (Vice-Chair Gibson) then commended the patrol officers for their assistance in traffic control during the food drives at Aloha Stadium.

Commissioner Parry wanted to know what the capacity of the gun shredder was and if it was able to destroy rifles. Chief Ballard said it was her understanding that the shredder has the ability to destroy weapons of different sizes. He then asked about the recidivism article and the difference between the numbers of those released and Chief Ballard’s numbers. Chief Ballard said her numbers are specifically for the COVID-19 release and does not cover those released early for parole.

Chair Alivado asked if the statistics are being kept separate—early release from parole. Deputy Chief McCarthy responded that HPD does not have a list combined. HPD has a list of those that went through court because that information is public. He then explained that each public defender filed on behalf of his/her client, the judge did not hold a public hearing and made a decision, and upon release filed a document which is available on eCourtkokua. HPD does not have a list of parolees because the list is not public, and it is his understanding the number of parolees released statewide is approximately 500.

There was discussion on what techniques HPD officers would have used in an arrest like the one in Minnesota. Chief Ballard said she does not have knowledge of the entire incident and provided an explanation of possible procedures officers would follow in Honolulu.

Commissioner Parry asked what type of person the HPD is looking for to fill the Police Services Officer positions and what the salary was. Chief Ballard said they would like to attract applicants who is looking for a career change or may be interested in joining the HPD, and this position would provide exposure to law enforcement. Chief Ballard said pay is approximately $54,000 per year with benefits.

Commissioner Okinaga asked if there have been any arrests of protesters. Chief Ballard informed commissioners a male was arrested because he was marching with a knife on his hip and loaded ammunition pouches. He was arrested for the carrying of ammunitions and the clips carried over 30 rounds. Otherwise the protests have been peaceful.

Commissioners also expressed their appreciation to the officers and their relationships with the communities.
APPROVAL OF MINUTES
Commissioner Okinaga made a motion to approve the minutes of the April 29 and May 6, 2020, meetings. Vice-Chair Gibson seconded the motion.

Discussion: None.

Vote by a roll-call: Commissioners Alivado, Gibson, Okinaga, and Parry voted aye. By a unanimous vote, the motion carried.

NEW BUSINESS
Report on Actions Taken at the Executive Session of April 15, 2020
Commissioner Parry reported during the executive session of April 15, 2020, commissioners approved the February 19, 2020 executive session minutes.

Discussion: None.

Vote by roll-call: Alivado, Gibson, Okinaga, and Parry voted aye. By a unanimous vote, the motion carried.

Discussion on Protocol in Responding to Media Inquiries
Chair Alivado explained that this agenda item relates to responses by commissioners to the media, with respect to meeting protocols and public access to Commission meetings. During previous meetings, commissioners were concerned with public access and it was important for the live streaming of meetings be reliable, secure, and access was readily available.

Chair Alivado then opened the floor for discussion, as there are other issues that commissioners wanted to discuss relating to media inquiries.

Vice-Chair Gibson stated the Commission is like a business organization, and most business organizations the chair serves as the spokesperson. Commissioners Parry and Okinaga agreed with Vice-Chair Gibson that the chair, or chair’s delegate, should serve as the spokesperson for the Commission; however, individual commissioners should have the right to respond to media inquiries. Commissioners should make it clear when responding to a media inquiry that they are expressing a personal opinion and not that of the Commission. Commissioner Okinaga added that there also needs to be clarification that the chair or delegate speaks for the Commission and not the Department (HPD).

Chair Alivado thanked commissioners for their input and said commissioners cannot control how the media portrays comments, and requested a courtesy call from commissioners should they receive a media inquiry. Commissioners agreed it is unfortunate that Commissioners Levinson and Sheehan are not in attendance because they would have provided insight in on the process. Chair Alivado added that she is not sure if a policy would be necessary or if a general understanding among commissioners is enough, but that is an issue that can continue to be explored and discussed with counsel in case there may be a legal aspect to a policy or procedure.
Discussion on Protocol in Responding to Media Inquiries (Continued)
Commissioner Okinaga reminded commissioners that this discussion is happening due to a news headline, and the thought that the Commission was trying to operate in anything other than full transparency during the timeframe when the Governor has asked boards not to meet unless it is absolutely necessary, is wrong. By continuing to having meetings the Commission is being transparent and indicating otherwise is wrong.

Commissioners agreed they would have preferred for the Commission to be more proactive in responding to the allegations mentioned in the news article because there was an allegation that the Commission intentionally held a “secret meeting,” which is far from true. An explanation of the reasons why meetings were conducted and what was being done in order to open meetings to the public. Commissioners were disappointed with comments made to the reporter.

There was discussion on responding to comments made that the current commissioners would be lap dogs to the chief. It is important for commissioners to have a good relationship with Chief Ballard, but commissioners should also provide a level of oversight, which is what commissioners are required to do. Chair Alivado then asked commissioners if something should be put in writing to which commissioners all agreed. Commissioner Parry was tasked with drafting the letter. Staff will circulate the draft to commissioners who should provide their comments back to staff.

UNFINISHED BUSINESS
2019 Chief of Police Evaluation
Chair Alivado confirmed commissioners and Chief Ballard had a copy of the final evaluation. Commissioners and Chief Ballard confirmed they had copies of the final evaluation. With respect to the evaluation Chair Alivado confirmed that everyone had had a chance to review the evaluation in full to which commissioners and Chief Ballard acknowledged.

Chair Alivado then called for a motion to accept the final evaluation of Chief Ballard for 2019 as final. Commissioner Okinaga made a motion to accept the final evaluation of Chief Ballard for 2019 as final. Commissioner Parry seconded the motion.

Discussion: None.

Vote by roll-call: Alivado, Gibson, Okinaga, and Parry voted aye. By a unanimous vote, the motion carried.

Chair Alivado then recognized that the evaluation was conducted as a function of the Honolulu Police Commission pursuant to Section 6-1601 of the Honolulu City Charter, which allows the Commission to provide an evaluation, at least annually, of the performance of duties by the Chief of Police. Commissioners recognize that the performance of duties by Chief Ballard would qualify as a personal evaluation. As such, under HRS 92F-14, Chief Ballard’s evaluation would qualify as a government record as information that has a significant privacy interest to Chief Ballard. Commissioners then conferred with Chief Ballard as to whether she would have any objection to the release of her 2019 evaluation due to her personal privacy interest.

Chief Ballard stated she had no objection.
2019 Chief of Police Evaluation (Continued)
Because Chief Ballard stated she had no objection, there was discussion on Chief Ballard’s
evaluation for 2019. Chair Alivado thanked current commissioners as well as Commissioners
Sheehan and Levinson, and Chief Ballard for their participation in the evaluation and making the
task a priority even with the effects of COVID-19 and canceled meetings.

Chair Alivado informed Chief Ballard that this annual review is a positive evaluation. There has
been exceptional review in leadership, managerial, community relations and communications
and she is recognized as a respected and effective leader and the HPD administration has been
accessible to the public and executing new and out of the box initiatives. The Commission
appreciates Chief Ballard’s willingness to listen to competing, adverse points of view and
encourages continued dialogue and making difficult personnel decisions that may be unpopular.
Commissioners then added their individual comments to Chief Ballard.

Chief Ballard thanked commissioners for the evaluation and is always looking for ways to
improve and make the HPD a better department and could not have done the working without
the employees of HPD.

EXECUTIVE OFFICER’S REPORT
Executive Officer Yuen reported there are 34 registered complaints this year. There are 22
pending investigations, ten complaints have been referred to the HPD’s Professional Standards
Office, 14 complaints have been closed by the Honolulu Police Commission Public Service
report, one complaint was administratively closed and three complaints were withdrawn.

EXECUTIVE SESSION
At 2:45 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 Parry seconded the motion.

Discussion: None.

Vote by roll-call: Alivado, Gibson, Okinaga, and Parry voted aye. By a unanimous vote, the
motion carried.

RETURN TO OPEN SESSION
The Commission returned to the open session at 5:45 p.m.
ANNOUNCEMENTS
Chair Alivado announced the next Police Commission meeting will be held on June 17, 2020 in person at Alapai Station. The HPC will include additional details on meeting access on the next meeting agenda.

ADJOURNMENT
At 5:47 p.m. Commissioner Okinaga made a motion to adjourn the meeting. Commissioner Parry seconded the motion.

Discussion: None.

Vote by roll-call: Alivado, Gibson, Okinaga, and Parry voted aye. By a unanimous vote, the motion carried.