HONOLULU POLICE COMMISSION  
City and County of Honolulu  
State of Hawaii  
Minutes of the Regular Meeting  
June 17, 2020  

CALL TO ORDER  
Chair Alivado called the meeting to order at 2:05 p.m. on Wednesday, June 17, 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  
Counsel Wong ascertained a quorum was present.

Chair Alivado announced that access to the meeting room was restricted due to social distancing requirements under Governor Ige’s emergency order No. 20-11 and Mayor Caldwell’s May 13, 2020 executive order, however accommodations for accepting in person testimony have been made in accordance with instructions on the agenda.

PUBLIC TESTIMONY  
There was no requested telephone testimony and no in-person testimony.

CHIEF OF POLICE REPORT  
Chief Ballard informed commissioners that a committee comprised of the HPD’s Professional Standards Office, Training Division, Information Technology Division, and the Legal Advisor will review HPD’s entire Use of Force Policy. Chief Ballard also extended an invitation to the Commission in providing a representative to the committee. The review should take approximately three months to review. Chief Ballard reminded commissioners that the usage of the vascular neck restraint has been suspended until the review of the Use of Force Policy is complete.

Chief Ballard informed commissioners Captain Lambert is working on a pilot program that would allow social service workers to ride along with officers when responding to cases in which a person could benefit from the availability of a social worker.
CHIEF OF POLICE REPORT (Continued)

Chief Ballard then reviewed the use of force report as a result of the article in Civil Beat. She explained the use of force report is an annual report that reports statistics from a previous year. Upon review it was found the information in the report was not easy to understand. Chief Ballard referenced the current CRS – spell out first program, which was created in house, and the difficulty in the return of the statistics using the current system. As mentioned in previous meetings, Chief Ballard reminded commissioners that upon her appointment as chief, a priority was to procure a new Computer Aided Dispatching System (CADS) and Records Management System (RMS), which is the backbone of dispatch and records for HPD. The new system was purchased with HPD’s Asset Forfeiture Funds because it was critical to HPD’s operation as a major police department. The CADS should be online some time later this year and the implementation of the new RMS is about a year and a half out.

In the meantime, reports will have to be broken down using basic/core information in order for information and statistics to be reliable. The PSO and Training Division use the report to identify areas that require policy and recruit instruction improvement.

Chief Ballard has postponed the publishing of the 2019 use of force report until information is understandable and accurate. The report will also be available on the HPD’s website.

Chief Ballard shared the following with commissioners related to training:

- The Training Division is now training officers in different methods for handcuffing an individual instead of using a prone position. The prone position may be used if necessary; however, an individual will be cuffed quickly and placed in an appropriate position.
- Training will be increased for plain-clothes units with a focus on de-escalation. The providing of an intermediate weapons is also being considered because plain-clothes officers carry only their firearm, which places a limit on force options for them.
- De-escalation training has been successful for patrol officers and is taught during recruit school.
- A two-day implicit bias training was postponed due to the COVID-19. As soon as restrictions are lifted training will be scheduled.
- Chief Ballard explained the difference between a choke hold and vascular neck restraint (VNR). A choke hold, which has always been banned by HPD, restricts the airway and the VNR restricts blood flow.
- Officers have been trained to provide a warning before shooting and policy also instructs officers to not shoot at a moving vehicle unless a person’s life is in immediate danger.
- HPD has always had a use of force continuum.
- Officers have been trained/taught to intervene if a fellow officer is doing something inappropriate.
- Two use of force simulators have been ordered for continued training and will be available at the Alapai Headquarters and at the Training Division.
CHIEF OF POLICE REPORT (Continued)
Chief Ballard expressed her appreciation for the peaceful protests in Honolulu. The protests in Hawaii should be an example for the nation—especially the way the HPD and the protesters interact with one another.

Questions from Commissioners
Vice-Chair Gibson asked if the new CAD program will be able to access records in the old system. Chief Ballard informed commissioners the two programs will be integrated, which will streamline the availability of information from one source.

Vice-Chair Gibson asked Chief Ballard to provide an example of what an intermediary weapon. Chief Ballard said an intermediary weapon would be a Taser, pepper spray, or a baton. HPD will be researching the use of the BoloWrap, a device that encircles a person’s legs to restrict movement, as an intermediary weapon for officers.

Chief Ballard briefly explained that an officer takes into consideration the type of situation and the force necessary where he/she can control a situation. Once the situation is under control, the officer should de-escalate to a less amount of force.

Commissioner Parry asked how long the review of the use of force policy would take, what changes to the policy would be based upon, how long it would take to train officers, and if there was a standard to follow. Chief Ballard indicated it would be about three months before the policy would be updated and that best practices and consultation other departments in the network of the Major Cities Chiefs Organizations are considered. It takes approximately one year to complete training for all officers through the HPD’s Annual Recall Training Program, which is a training all officers attend each year. HPD is able to conduct specialized group training if necessary and is currently exploring training with an expert trainer in use of force. There is no specific standard across the board on use of force; however, there are similar policies depending on the tools officers are equipped with.

Commissioner Parry asked if the inclusion of a social service worker riding along with an officer was done before and if so, was it successful. Chief Ballard informed commissioners HPD had a similar program that involved domestic violence service providers; however, the worker was not allowed to ride along with the officer. The pilot program would allow the social worker to ride in the car with an officer and then exit the car once the scene was safe in order to officer services.

Commissioner Parry asked how old the CRS (Case Reporting System) was. Chief Ballard estimated the CRS was about five years old, was created by two officers, and replaced an antiquated system.

Commissioner Okinaga asked, notwithstanding the recent increase in violent crimes, if use of force tends to be lower in Honolulu when an officer makes an arrest. Chief Ballard said the use of force tends to be lower in general and informed commissioners last year there were approximately 2,000 incidents involving use of force. Of the 2,000 incidents the majority (95%) were either at touch or escort type of use of force and clarified that officers are required to fill out the use of force form any time they touch someone outside of handcuffing they fill out the use of force a form even if it is a light touch or escort.
Questions from Commissioners (Continued)

Chief Ballard further explained that HPD has approximately 40,000 arrests per year and of the 40,000 arrests 95 percent of the arrests do not involve use of force. Of the five percent of force used, approximately 95 percent are light touch, escort, or a leg strike. Anything higher is a half of one percent was use of oleoresin capsicum (pepper spray) and one-fourth of one percent was Taser.

Chief Ballard explained that there are reporting standards and provided an example that a justified homicide it is not reported as a fatality while in police custody when using the FBI statistics so due to reporting standards numbers may differ.

Commissioners asked if use of force is reviewed by a supervisor. Chief Ballard informed commissioners the sergeants review reports it is their responsibility to make sure the use of force report is filled out and that whatever is in the report is what actually happened.

Chair Alivado asked for clarification on the use of force simulator, if prior training was conducted person to person, and which type of training (person to person or simulator) is better. Chief Ballard informed commissioners that recruits are exposed to scenario-based training during recruit school, veteran officers receive additional training during Annual Recall Training and the simulator is a virtual-reality type of training device.

Chair Alivado asked Chief Ballard to explain implicit bias-based training. Chief Ballard explained that the implicit bias training will help a person that has not recognized his/her particular bias, and that HPD currently has biased-based training for employees.

Chair Alivado also recognized the HPD as already having a lot of the suggested implementations mentioned in President Trump’s executive order and the by 8 Can't Wait organization as HPD is accredited by CALEA, prohibits choke holds, and the mental health and homeless assistance programs have already been implemented by HPD.

APPROVAL OF MINUTES

Commissioner Okinaga made a motion to approve the minutes of the May 20, 2020, meeting. 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 May 6, 2020

Commissioner Okinaga reported during the executive session of May 6, 2020, commissioners approved the March 4, 2020 executive session minutes.
Report on Actions Taken at the Executive Session of May 6, 2020 (Continued)
Commissioners also accepted the recommendation of the Executive Officer and closed HPC Nos. 19-084, 19-085, 19-091, 19-093, 19-095, 19-096, 19-097, 19-099, 19-100, 19-101, and 19-102 the following complaints without further investigation pursuant to Honolulu Police Commission Rule 9-1 (c), as the complaints are not within the jurisdiction of the Commission.

Commissioner Parry 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.

HPC Editorial Commentary to Media
Chair Alivado made the following statement due to frustration felt by commissioners about perception provided in the media:

I want to take time to acknowledge that on the Commission we take our roles very seriously and each of us, individually, brings life experiences to this body that is unique to one another. We are all taking the situation happening around the country very seriously and it is an opportune time for our community to have thoughtful dialogue, not only on police reforms, but on personal reforms starting within our own homes.

It is very important for the public to know that each of us, and not speaking on behalf of anyone except herself, take their roles very seriously and that requests for change must be thought out methodically and with the best interest of the public’s health and safety in mind.

The media perpetuating inaccuracies about the current Commission, for example Mr. Shapiro’s claim that this Commission gave former Chief glowing reviews is inaccurate. If Mr. Shapiro did his research, he would know that none of the current commissioners were around for the former chief’s glowing reviews.

The media’s inaccuracies is causing unnecessary angst within the community that is inaccurate, false, and unnecessary. As commissioners, it is not only in times like this that we step up and not run away but at every moment as a sitting commissioner it’s imperative that we are diligent in all we do in looking at citizen complaints, any impropriety by HPD personnel, or anything that doesn’t pass a basic smell test. HPC staff and independent investigators provide us with the resources we need to understand a citizen’s complaint about an officer’s conduct.

Each of us volunteer to sit on the Commission knowing that the Department could never let what happened three years ago ever be repeated. It’s imperative for each of us to help build that trust in the Department and ensure that any oversight is genuine and accountable. Accountability is what Chief Ballard and the Commission has been successful in bringing forth. We, as a collective body, work together not as single “watch dogs” but as a collective body and the focus of this Commission is to continue doing its job by asking tough questions, engaging with the communities, listening to their concerns and working with the Chief to improve the Department.
Comments by Commissioners
Vice-Chair Gibson thanked Chair Alivado for her words and expressed his frustration with the inaccurate statements in the news and the lack of investigation by reporters prior to publishing an article. The commissioners all work well together and take their job seriously, are proud to serve on the Commission, and spend many hours doing so.

Commissioner Parry echoed Vice-Chair Gibson’s comments and asked if there was a reason why the op-ed submitted to the Star Advertiser was not published. Vice-Chair Gibson shared his experience with publishing letters like the one submitted by the Commission may take a week.

Commissioner Okinaga also appreciated Chair Alivado’s comments and that the work of the Commission is important and looking forward it is important to be focused on the welfare of the HPD and encourage the best police department possible.

HPD’s Use of Force
Chair Alivado explained this discussion was added to the agenda as Chief Ballard mentioned HPD is initiating a committee and has extended an invitation to the Commission to participate. She then asked commissioners if anyone would like to volunteer to serve on the committee and update commissioners on the policy.

Commissioner Parry asked Chief Ballard if there was any certain expertise she would prefer. Chief Ballard indicated this would be a good opportunity to provide civilian input and it would serve as an opportunity for commissioners to understand the process officers are required to follow. Chair Alivado asked Chief Ballard if it would be appropriate for the Commission to accept comments/suggestions from the community and forward comments to the committee. Chief Ballard had no objections.

Commissioner Parry said he would represent the Commission if there were no objections. There were no objections by commissioners. Vice-Chair Gibson was also interested and said he would attended if Commissioner Parry was not available.

HB285 (2019). Relating to Public Safety
Chief Ballard stated the passing of HB285 is inevitable and said HPD will follow whatever is passed by the Legislature. She shared that one of the recommendations by HPD was to consider narrowing the elements required for reporting because procedure violations and excessive force type violations are different. Chief Ballard provided examples of procedure-type violations as not submitting a mileage slip, over drawing gas, or reporting to work late.

Chief Ballard requested the annual report to the legislature be discontinued if the bill passes because the information would be duplicated in both reports, and that the bill include state law enforcement agencies as well.
Questions from Commissioners
Commissioner Parry asked Chief Ballard if she worried about backlash from officers. Chief Ballard said initially there may be some backlash and officers may hesitate when acting/reacting to situations in which police service has been requested because it is not worth getting in trouble over. She also mentioned the editorial by SHOPO and that SHOPO’s concerns are the same as HPD with regard to suspension for procedure violations.

Commissioner Okinaga asked if there was a different way to address discipline for procedure violations because suspension/discharge information is the same for other (City) employees. Chief Ballard explained that HPD follows progressive disciplinary action and if an officer is suspended for a procedure violation, they have prior violations.

There was discussion on comparing HPD with other large metropolitan police department and statistics of use of force and officer-involved shootings as well as due process for a police officer. Chief Ballard acknowledged that HPD is not perfect and there are set policies in place to address discipline or to assist officers and are ahead of the curve on many issues.

E-Mail Correspondence from Corporal Denny Santiago
Chief Ballard requested discussion on this agenda item take place in executive session because personnel matters are involved. Chair Alivado asked Counsel Wong if this was permissible, Chair Alivado then asked commissioners if there were objections to discussion in executive session. There were no objections.

Commissioner Parry commented that the e-mail(s) are public because copies have been sent to members of the City Council and media, and the Commission has responsibility to respond in the open session. Chief Ballard informed commissioners that people are under investigation and she could not discuss the matter further in the open session. Commissioner Parry thanked Chief Ballard for responding that investigations are underway because commissioners should not be sweeping things under the carpet, especially if the issue is an important one and the public should be notified of any action that is being taken. Chief Ballard assured commissioners that the e-mail is the opinion of the writer, is incorrect, and issues have been resolved.

Chair Alivado, for the record, announced the e-mail being discussed is part of the board packet and if anyone would like a copy they can request it through the Commission office.

Chair Alivado requested a motion to amend the agenda and add discussion of the e-mail from Corporal Denny Santiago to the executive session portion of the meeting. Commission Okinaga then made the motion to amend the agenda and add discussion of the e-mail from Corporal Santiago to the executive session. Commissioner Parry 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.
EXECUTIVE OFFICER’S REPORT
Executive Officer Yuen reported as of June 16, 2020 there are 46 registered complaints this year. There are 25 pending investigations, 17 complaints have been referred to the HPD’s Professional Standards Office, 6 complaints have been closed by the Honolulu Police Commission Public Service report, two complaints were administratively closed and three complaints were withdrawn.

EXECUTIVE SESSION
At 3:02 p.m., Vice-Chair Gibson 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 Okinaga 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 4:39 p.m.

ANNOUNCEMENTS
Chair Alivado announced the next Police Commission meeting will be held on July 1, 2020 in person at Alapai Station. The HPC will include additional details on meeting access on the next meeting agenda.
ADJOURNMENT
At 4:40 p.m. Commissioner Parry made a motion to adjourn the meeting. Vice-Chair Gibson seconded the motion.

Discussion: None.

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