



HONOLULU POLICE COMMISSION  
2017 ANNUAL REPORT



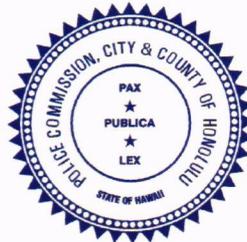
*Cover photo by Mr. Michael McReynolds.  
Interior photos by Mr. Duane Ikeda.*

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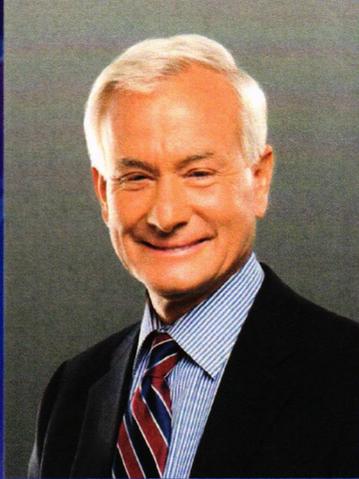


## **MISSION STATEMENT OF THE HONOLULU POLICE COMMISSION**

ESTABLISH A SYSTEM OF LAW ENFORCEMENT BASED ON DUE REGARD FOR THE CONSTITUTIONAL RIGHTS OF ALL PERSONS, WHICH SHALL PROMOTE THE HIGHEST DEGREE OF MUTUAL RESPECT BETWEEN POLICE OFFICERS AND THE PUBLIC AND WHICH SHALL PROVIDE FOR THE EXPEDITIOUS APPREHENSION OF THOSE WHO VIOLATE THE LAW.

MAINTAIN A MEANINGFUL, FAIR AND EFFECTIVE SYSTEM OF COMPLAINT PROCEDURE WHEREBY COMPLAINTS AGAINST THE CONDUCT OF THE POLICE DEPARTMENT OR ANY OF ITS OFFICERS AND EMPLOYEES ARE RECEIVED, CONSIDERED, INVESTIGATED AND RESOLVED.

ENHANCE THE PUBLIC CONFIDENCE, TRUST AND SUPPORT IN THE INTEGRITY, FAIRNESS AND RESPECT OF THE POLICE DEPARTMENT, ITS OFFICERS AND EMPLOYEES.



*A message from the Mayor*  
*Mayor Kirk Caldwell*

Aloha.

2017 was a year of change for the men and women of the Honolulu Police Department as Susan Ballard was named the eleventh police chief in HPD's proud 85-year history, and the first woman to lead the force.

Chief Ballard has made it a point to build trust within O'ahu's many diverse communities, and that effort begins with each of the more than 2,500 officers and civilian personnel who are guided by HPD's Mission Statement of Integrity, Respect and Fairness.

As a department charged with providing safety and security to O'ahu's nearly one million residents and the many travelers who visit our beautiful island home, HPD is an essential part of Honolulu's identity as a place that welcomes everyone, and it's up to each individual officer and employee to be the guardian of this well-deserved reputation.

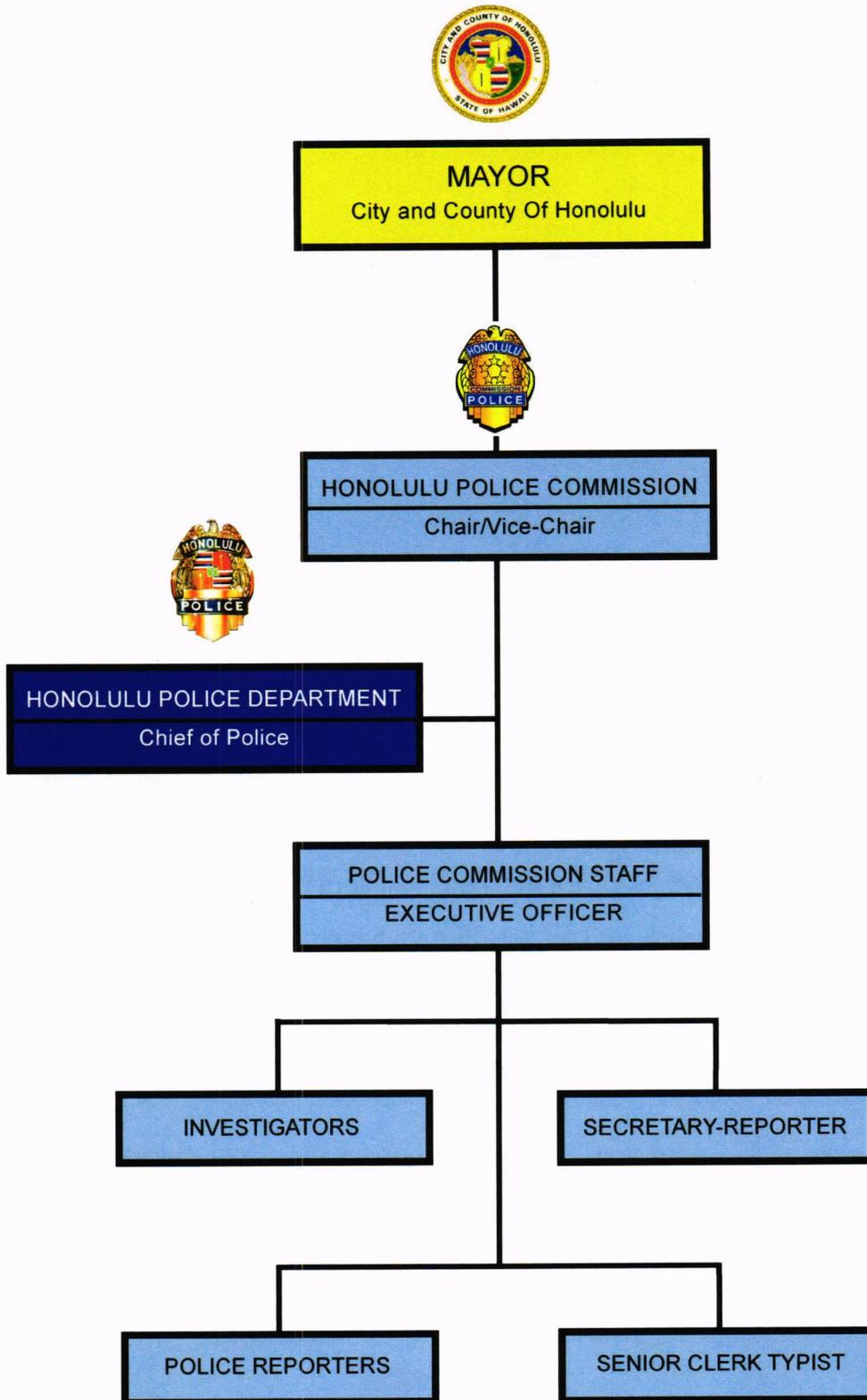
Our world is ever-changing, and as new threats have developed both here and abroad, HPD has been able to adapt and stay ahead of the curve. In the coming year the Commission on Accreditation for Law Enforcement Agencies will be reaching out to the public as HPD seeks to once again secure accreditation, and I have no doubt that CALEA will find a vibrant and robust department that continually strives for excellence through self-examination and review.

I could not be more proud of the work being done by the men and women of the Honolulu Police Department each and every day, and I am honored and privileged to serve as mayor of this beautiful place.

A handwritten signature in black ink, appearing to read "Kirk Caldwell".

KIRK CALDWELL  
Mayor of Honolulu

# ORGANIZATION CHART





## *Chair's Message*

### *Chair Max J. Sword*

It was a privilege and honor to serve as the chair of the Honolulu Police Commission in 2017. It was probably the most challenging year in the Commission's history, and a difficult one for the Honolulu Police Department. My fellow Commissioners and I give full credit and thanks to the men and women of our police department for continuing to keep our City and County safe and running smoothly despite the many adversities we faced.

While the Commission continued to fulfill our regular duties, we found ourselves under constant media attention and public scrutiny due to unprecedented circumstances, as we had to make crucial decisions involving a sitting police chief and his removal, and the appointment of a new chief. While some of our decisions, after much discussion and debate, were controversial, we voted for what we believed was best for the department and the community. It was time to move forward and not delay the process of finding a new police chief, and time for a new beginning for the Honolulu Police Department.

The search for the new chief had its own challenges as well, and took longer than anticipated, but we had to follow proper procurement protocol and also wanted to assure the residents of the City and County of Honolulu, as well as the members of the Honolulu Police Department, that we had the right person for the job. We were fortunate to have an excellent list of very strong candidates to choose from, and in the end, we selected Susan Ballard as our new Chief of Police, the first female chief in Honolulu Police Department history.

The Honolulu Police Commission would, again, like to thank the men and women of the Honolulu Police Department for their dedication throughout this very arduous journey.

As we move into 2018, the Honolulu Police Commission is committed to continuing to serve the community and the Honolulu Police Department with hard work and dedication, and striving to meet the rightful expectations of the community for transparency and accountability.

Mahalo to everyone for their support during my tenure as Chair of the Police Commission in 2017. I look forward to serve as a contributing member in 2018.

Max J. Sword  
Chair

# HONOLULU POLICE COMMISSIONERS

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**Max J. Sword, Chair**  
Term: January 12, 2009 – December 31, 2020



**Charlene "Cha" Thompson, Vice Chair**  
Term: January 3, 2013 – December 31, 2017



**Eddie Flores, Commissioner**  
Term: December 31, 2012 – November 30, 2017



**Marc C. Tilker, Commissioner**  
Term: December 11, 2013 – May 12, 2017



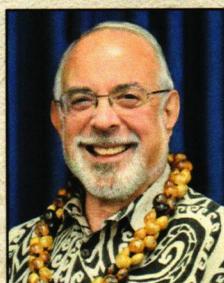
**Luella T. Costales, Commissioner**  
Term: February 15, 2012 – September 20, 2017

# HONOLULU POLICE COMMISSIONERS

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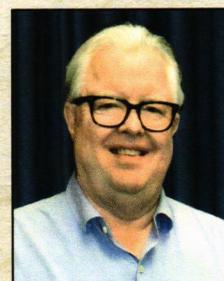
**Loretta A. Sheehan, Commissioner**  
Term: June 3, 2016 – December 31, 2019



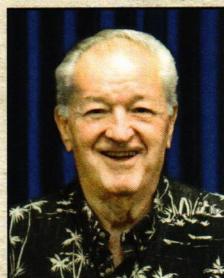
**Steven H. Levinson, Commissioner**  
Term: October 17, 2016 – December 31, 2020



**Karen Chang, Commissioner**  
Term: October 17, 2017 – December 31, 2021



**Jerry Gibson, Commissioner**  
Term: October 17, 2017 – December 31, 2018



**Richard Grimm, Commissioner**  
Term: November 3, 2017 – December 31, 2020

# MEETINGS AND COMMISSIONER ATTENDANCE



The Honolulu Police Commission meetings are held the first and third Wednesday of each month. In 2017, twenty-six (26) meetings were scheduled. The members of the Commission serve without compensation and devote an average of 25 hours of their own time each month.

	<i><b>Meetings Attended</b></i>	<i><b>Absence(s)</b></i>
Commissioner Chang*	3	0
Commissioner Costales**	12	5
Commissioner Flores***	19	5
Commissioner Gibson****	3	0
Commissioner Levinson	26	0
Commissioner Sheehan	23	3
Commissioner Sword	24	2
Commissioner Tilker*****	6	3
Commissioner Thompson	21	5

\* Term began October 17, 2017

\*\* Term ended September 20, 2017

\*\*\* Term ended November 30, 2017

\*\*\*\* Term began October 17, 2017

\*\*\*\*\* Term ended May 12, 2017

# POWERS, DUTIES, AND FUNCTIONS

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## MEMBERSHIP

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The commissioners are appointed by the Mayor and confirmed by the City Council for staggered terms of five years. A Chair and Vice-Chair are elected annually by the Commission members.

## ADMINISTRATIVE STAFF

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The Honolulu Police Commission administrative staff consists of an executive officer/investigator, three investigators, a secretary-reporter, two police reporters and a senior clerk typist.

## BUDGET HIGHLIGHTS

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	<i>Expended 2015-2016</i>	<i>Budgeted 2016-2017</i>
SALARIES	\$415,428	\$444,868
CURRENT EXPENSES	144,097	131,550
EQUIPMENT	0	0
<b>TOTAL</b>	<b>\$559,525</b>	<b>\$576,418</b>

The Current Expenses include lease rental, electricity, parking and other related expenses to maintain the Honolulu Police Commission Office located in the Ali'i Place Building, 1060 Richards Street, Suite 170, Honolulu, Hawaii 96813.

# POWERS, DUTIES, AND FUNCTIONS

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## REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU, 1973 (2000 Edition)

### **Section 6-1605, Police Commission**

There shall be a Police Commission which shall consist of seven members. The Commission may appoint such staff and engage consultants as is necessary to assist it in the performance of its duties. The Commission shall be governed by the provisions of Section 13-103, Boards and Commissions, of this charter.

### **Section 6-1606. Powers, duties, and functions**

The Police Commission shall:

- (a) Adopt such rules as it may consider necessary for the conduct of its business and review rules and regulations for the administration of the department.
- (b) Review the annual budget prepared by the Chief of Police and may make recommendations thereon to the Mayor.
- (c) Submit an annual report to the Mayor and the City Council.
- (d) Receive, consider and investigate charges brought by the public against the conduct of the department or any of its members and submit a written report of its findings to the Chief of Police. A summary of the charges filed and their disposition shall be included in the annual report of the Commission.
- (e) Review and, if deemed necessary, make recommendations on the five-year plan and any update of goals and objectives for the police department which is submitted by the Chief of Police. The Commission shall not have the power to approve, modify, or reject the plan or any update.
- (f) Compare at least annually the actual achievements of the police department against the goals and objectives in the five-year plan or latest update submitted by the Chief.
- (g) Evaluate at least annually the performance of duties by the Chief of Police.

Except for purposes of inquiry or as otherwise provided in this charter, neither the Commission nor its members shall interfere in any way with the administrative affairs of the department.

*Charter amended on November 8, 2016, per General Election Charter Amendment Question No. 1. See page 14.*



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## **COMPLAINT REGISTRATION PROCEDURE AND INVESTIGATION**

A citizen may register a formal complaint at the Commission office between the hours of 7:45 a.m. and 4:30 p.m., Monday through Friday. If the complainant is unable to register his/her complaint at the Commission office, the citizen may call the office to make alternate arrangements through the outreach program.

Complaints must be filed within 60 days from the date of the incident to ensure the availability of accurate investigative information. Past experience has shown that waiting more than 60 days may result in unclear recall by witnesses, an inability on the part of the investigators to locate witnesses, or general confusion and distortion of the facts by all parties involved. The Commission, however, may permit the filing of a complaint after the 60-day period for the following reasons: 1) excusable neglect; 2) newly discovered evidence which by reasonable diligence could not have been discovered in time; or 3) any other reason justifying relief from the 60-day limitation.

The aggrieved citizen gives a statement of the incident to an investigator or police reporter. Upon completion of the final typed statement, the citizen has the opportunity to make any corrections. The complainant signs the statement attesting to its accuracy, and the statement is notarized.

A Police Commission investigator (a non-law enforcement, civil service employee) begins the investigation by contacting as many witnesses as possible and gathering all available facts.

Once a case is filed with the Commission office, efforts are made to complete the investigation within 60 days to preserve the timeliness of investigations and any resultant disciplinary action.

This information is compiled in an objective report and presented to the Commission members for review.

Each Police Commissioner carefully reads the report and renders a recommendation to uphold or deny the allegations of the complaint. This is recorded at an Executive Session. A majority opinion, consisting of four or more votes, determines the disposition of each case. If more information is needed or if a majority vote is lacking, the case is deferred.

# COMPLAINT CLASSIFICATION GUIDELINES

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## HPC 1. CONDUCT TOWARDS THE PUBLIC

### A. Partiality

Officers and employees shall not display favoritism or partiality or discriminate against a person because of race, nationality, sex, religion, influence, political persuasion or office, sexual orientation or preference, age or disability.

### B. Discourtesy

1. Officers and employees shall be courteous towards the public and shall not use harsh, abusive, disparaging or insulting remarks.
2. Officers shall courteously furnish their names and badge numbers upon request, either orally or in writing.
3. Officers and employees shall not use profanity towards the public or within hearing range of the public.
4. Officers and employees shall not harass, intimidate or badger the public.

### C. Overbearing Conduct

Officers and employees shall not be arrogant, overbearing or oppressive towards the public while acting under the color of police authority.

### D. Solicitation

Officers and employees shall not use their office or position to solicit anything of value, including but not limited to gifts, gratuities, loans, fees, favors, rewards, sexual favors or dates from the public.

### E. Conduct Unbecoming an Officer

Officers and employees shall not engage in any unprofessional, improper or inappropriate conduct towards the public.

### F. Damaging Private Property

Officers and employees shall not maliciously destroy or damage private property without justification.

### G. Theft of Private Property

Officers and employees shall not take any property from the public without justification.

# COMPLAINT CLASSIFICATION GUIDELINES

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## HPC 1. CONDUCT TOWARDS THE PUBLIC *(Continued)*

### H. Threatening

Officers and employees shall not threaten or intimidate the public with personal injury or arrest without justification.

## HPC 2. DERELICTION OF DUTY

Officers and employees shall render assistance to another officer, an employee or to the public during an incident that may result in personal injury, property damage or loss. Officers and employees shall not disregard another officer's attempt to discourage or stop the misconduct during an incident.

## HPC 3. USE OF PHYSICAL FORCE

The use of physical force shall be prohibited except to the extent reasonably necessary to accomplish a valid police objective.

### A. Unnecessary Use of Force

Officers and employees shall not use unnecessary physical force or contact.

### B. Excessive Use of Force

Officers and employees shall not use force beyond permissible limits.

### C. Malicious Use of Force

Officers and employees shall not maliciously use physical force or any device that can cause personal injury.

### D. Unnecessary Use of Authorized Police Issued Equipment

#### 1. Firearms

Officers shall not unnecessarily display, brandish or manipulate their firearms towards the public.

#### 2. Oleoresin Capsicum (Pepper Spray)

Officers shall not unnecessarily use Oleoresin Capsicum (Pepper Spray) to threaten the public or inflict personal injury.

# COMPLAINT CLASSIFICATION GUIDELINES

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## HPC 3. USE OF PHYSICAL FORCE *(Continued)*

### D. Unnecessary Use of Authorized Police Issued Equipment (continued)

#### 3. Police Baton

Officers shall not unnecessarily use their baton to threaten the public or to inflict personal injury.

#### 4. Taser Gun

Officers shall not unnecessarily use their taser gun to threaten the public or to inflict personal injury.

#### 5. Other Equipment

Officers shall not unnecessarily use any authorized police issued equipment to threaten the public or to inflict personal injury, i.e., flashlight, handcuffs, portable police radio.

## HPC 4. MISTREATMENT OF PRISONERS

Officers and employees shall not physically or mentally abuse prisoners and shall provide them with the necessary care and/or assistance if injured while in their custody.

## ACTIVITIES

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**State of Hawaii Police Commissioner's Conference**  
**"Building Bridges Between Police Departments and Communities"**  
**Kauai Marriott Resort Spa and Beach Club**  
**Lihue, Hawaii**  
**May 11-12, 2017**

The Honolulu Police Commission was represented by Commissioners Max Sword, Loretta Sheehan, Steven Levinson, and Executive Officer Dan Lawrence. Commissioners from Hawaii, Maui, and Kauai and the chief of police and/or members of their staff from each of the four Hawaii police departments were in attendance.

The presentations and discussions during the conference focused on building relationships and the challenges facing each commission. Commissioners were provided with a presentation on use of force and were updated on Kauai Police Commission v. Carvalho. The Kauai Police Department also provided an update on their body-worn camera and crime scene programs.

Of most importance was the annual round table discussion by commissioners, which provides an opportunity for commissioners to meet and discuss common challenges and responsibilities of each commission. The conference continues to provide opportunities for the independently operating commissions and police officials to share experiences and ideas to improve service to their communities.



**22nd Annual Conference  
National Association for Civilian Oversight of Law Enforcement  
“Civilian Oversight in a Changing Landscape”  
Spokane, Washington  
September 10-14, 2017**

The Honolulu Police Commission was represented by Commission Chair Max Sword and Executive Officer Dan Lawrence at the 2017 National Association for Civilian Oversight of Law Enforcement Conference held in Spokane, Washington. The theme of the conference was “Civilian Oversight in a Changing Landscape.”

Members of the Commission routinely attend this annual conference as it has proven to provide insight regarding developments, trends, and solutions in civilian oversight of law enforcement. The 2017 conference was no different and attendees brought back new perspectives regarding various topics. Commission Chair Max Sword participated as a panel member for the Transforming Civilian Oversight at the Ballot Box session and was able to share and discuss the amendments affecting the Honolulu Police Commission due to recent amendments to the Revised Charter of the City and County of Honolulu.

The unique nature of participants and models of oversight provided for valuable discussion of best practices and the Commission plans to continue to be an active participant in future conferences and bring to Honolulu the best practices identified.

**POLICE COMMISSION ACTIVITIES-RECRUIT CLASS GRADUATIONS**



**186th Recruit Class**



**185th Recruit Class**

# POLICE COMMISSION ACTIVITIES-RECRUIT CLASS GRADUATIONS

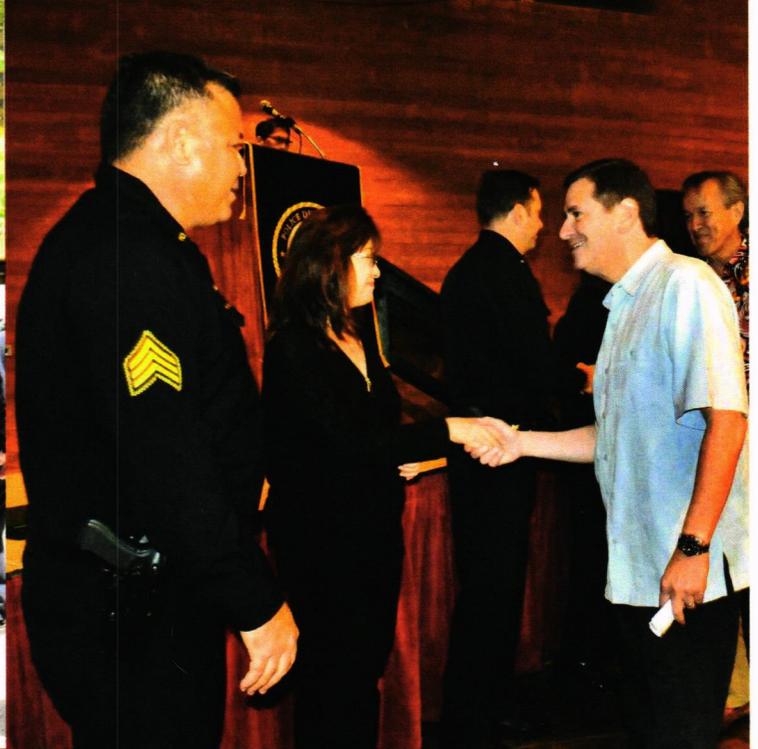
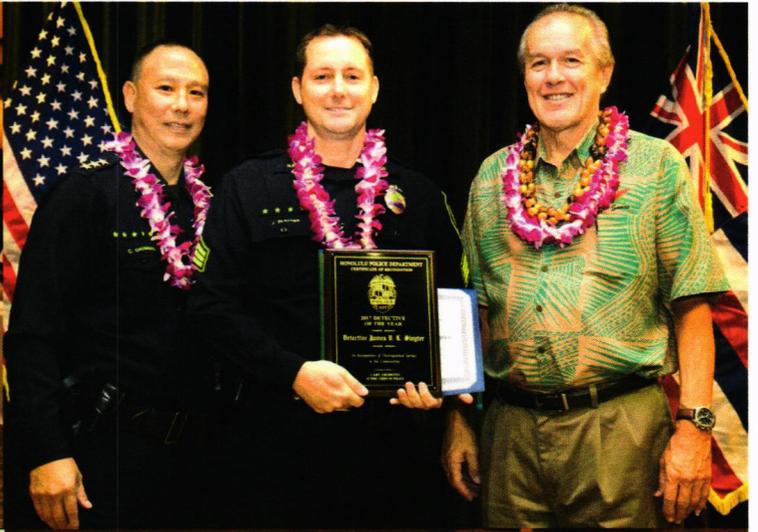


**184th Recruit Class**

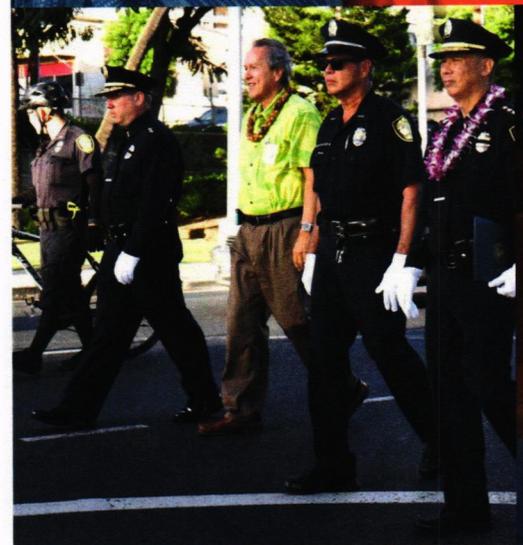


**Recruit Graduations**

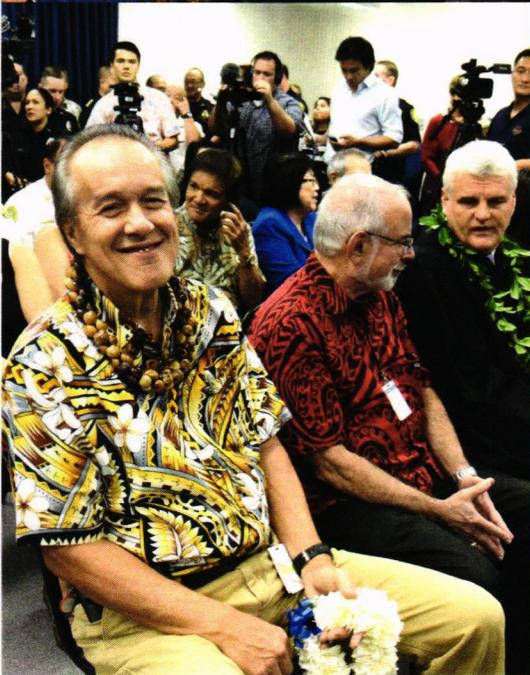
# POLICE COMMISSION ACTIVITIES-AWARDS



# POLICE COMMISSION ACTIVITIES



**POLICE COMMISSION ACTIVITIES**





## SUMMARY OF COMPLAINTS REGISTERED BY DISTRICT AND DIVISION

Within the year 2017, a total of 75 complaints were registered by the public with the Honolulu Police Commission alleging misconduct by officers from the following Honolulu Police Department Districts and Divisions:

District/Division	Number of Complaints	Percentage
District 1	5	6.67%
District 2	2	2.67%
District 3	7.83	10.44%
District 4	8.5	11.33%
District 5	3	4.00%
District 6	7.83	10.44%
District 7	7.33	9.77%
District 8	4.5	6.00%
Central Receiving Division	1.83	2.44%
Community Affairs Division	1.33	1.77%
Criminal Investigation Division	1.5	2.00%
Major Events Division	.33	.44%
Traffic Division	12.33	16.44%
Training Division	1	1.33%
Unidentified District or Division	10.66	14.21%

### District Area Descriptions

District 1 - Central Honolulu (Punahou to Liliha Street)

District 2 - Mililani, north to Haleiwa, and west to Kaena Point

District 3 - Aiea, Pearl City, and Waipahu

District 4 - Makapuu Point to Haleiwa (Waimanalo, Kailua, Kaneohe, Kahuku)

District 5 - Liliha Street to Aiea

District 6 - Waikiki (Ala Wai to Diamond Head)

District 7 - East Honolulu (Punahou to Makapuu Point)

District 8 - West of Kunia Road to Kaena Point (Ewa to Makaha)

*\*Fractional complaints result from officers assigned to different districts or divisions being named in the same complaint.*



## SUMMARY OF CHARGES ALLEGED FROM COMPLAINTS REGISTERED

The Honolulu Police Commission investigated the following 91 charges identified from the allegations in complaints registered:

### HPC Complaint Charges for 2017

Conduct Unbecoming an Officer	17
Excessive Use of Force	10
Harassment (Discourtesy)	4
Harsh Remarks (Discourtesy)	6
Insulting Remarks (Discourtesy)	2
Malicious Use of Force	1
Name/Badge (Discourtesy)	4
Overbearing Conduct	11
Partiality	8
Profanity (Discourtesy)	11
Threatening	12
Unnecessary Use of Force	5
<b>Total Allegations</b>	<b>91</b>



## SUMMARY OF THE MANNER REGISTERED COMPLAINTS WERE ADDRESSED

The 75 complaints registered with the Honolulu Police Commission during 2017 were addressed as follows:

<b>INVESTIGATED BY THE HONOLULU POLICE COMMISSION</b>	<b>42</b>
<b>RESOLVED WITH PUBLIC SERVICE REPORT</b>	<b>10</b>
<b>REFERRED TO THE HPD'S PROFESSIONAL STANDARDS OFFICE</b>	<b>20</b>
<b>WITHDRAWN BY COMPLAINANT</b>	<b>1</b>
<b>ADMINISTRATIVELY CLOSED</b>	<b>2</b>
<b>TOTAL</b>	<b>75</b>

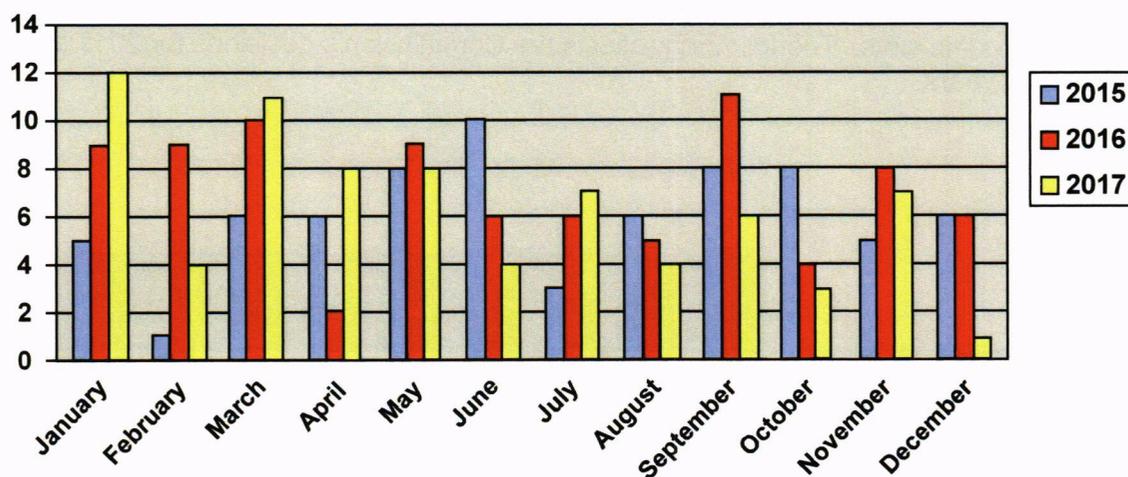
The Public Service Report is a procedure established to document complaints brought to the Honolulu Police Commission determined to not meet the criteria to initiate a full investigation.

The Honolulu Police Commission investigators also completed 319 Public Contact Reports (PCR). A PCR documents contacts with the public on matters outside the jurisdiction of the HPC. Investigators may provide assistance to members of the public, such as directing them to the appropriate agency or answering questions within the knowledge of the investigators, in order to provide the best public service possible.



## COMPARISON OF COMPLAINTS REGISTERED ANNUALLY COMPLAINT CASES REGISTERED BY MONTH

Years 2015, 2016, 2017



	2015		2016		2017	
JANUARY	5	5	9	9	12	12
FEBRUARY	1	6	9	18	4	16
MARCH	6	12	10	28	11	27
APRIL	6	18	2	30	8	35
MAY	8	26	9	39	8	43
JUNE	10	36	6	45	4	47
JULY	3	39	6	51	7	54
AUGUST	6	45	5	56	4	58
SEPTEMBER	8	53	11	67	6	64
OCTOBER	8	61	4	71	3	67
NOVEMBER	5	66	8	79	7	74
DECEMBER	6	72	6	85	1	75
<b>TOTAL</b>	<b>72</b>		<b>85</b>		<b>75</b>	



## SUMMARY OF DECISIONS RENDERED BY THE HONOLULU POLICE COMMISSION

During 2017 the Honolulu Police Commission reviewed and made determinations regarding 59 registered complaints. The following reflects the Commission's decisions for 2017 compared with previous years:

	2015 COMPLAINTS		2016 COMPLAINTS		2017 COMPLAINTS	
<b>SUSTAINED</b>	16	22%	5	9%	15	25%
<b>NOT SUSTAINED</b>	38	45%	41	73%	32	54%
<b>EXONERATED</b>	5	25%	3	4%	1	2%
<b>UNFOUNDED</b>	0	0%	0	0%	1	2%
<b>SERVICED BY PSR</b> (Public Service Report)	6	11%	7	13%	10	17%
<b>TOTAL</b>	<b>55</b>		<b>56</b>		<b>59</b>	



**DECISIONS RENDERED BY THE  
HONOLULU POLICE COMMISSION BY SPECIFIC CHARGE**

The following reflects the Commission's findings regarding each charge identified in the 59 complaint investigations reviewed:

*Key: S=Sustained, NS=Not Sustained, EX=Exonerated, UF=Unfounded*

COMPLAINT	S	NS	EX	UF
Conduct Unbecoming an Officer	10	15		
Excessive Use of Force		16		
Harassment (Discourtesy)		4		
Harsh Remarks (Discourtesy)	1	5		
Harsh/Insulting Remarks (Discourtesy)		2		
Malicious Use of Force		1		
Mistreatment of a Prisoner		6		
Name/Badge (Discourtesy)	3	4		
Overbearing Conduct	5	4	1	
Partiality		9		
Profanity (Discourtesy)	1	9	1	
Threatening		6	1	2
Unnecessary Use of Force	1	5		

**TOTAL CHARGES REVIEWED BY THE COMMISSION: 112**



## SUMMARY OF REQUESTS FOR LEGAL COUNSEL BY POLICE OFFICERS

The Honolulu Police Commission reviews and approves or denies requests for legal counsel upon an officer's submission. Officers may request legal counsel in matters when they face prosecution for a crime or a civil suit for acts done in the performance of duty.

Prior to a decision, the Commission requests a recommendation by the Department of the Corporation Counsel. In some cases, a contested case hearing may be required in order to determine the approval or denial of a request.

	RECEIVED	APPROVED	DENIED	WITHDRAWN	OTHER
JANUARY	5				2
FEBRUARY		4			
MARCH	6	1			1
APRIL	1	1			
MAY		2			
JUNE	2				
JULY			1		
AUGUST					
SEPTEMBER					
OCTOBER	5				
NOVEMBER	2			1	
DECEMBER	1				
<b>TOTAL</b>	<b>22</b>	<b>8</b>	<b>1</b>	<b>1</b>	<b>3</b>

