



2011 ANNUAL REPORT

Honolulu Police Commission

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MUNICIPAL REFERENCE CENTER
City & County of Honolulu
558 South King Street
Honolulu, Hawaii 96813

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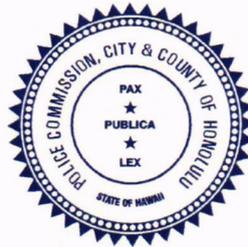
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MISSION STATEMENT OF THE HONOLULU POLICE COMMISSION

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 Peter B. Carlisle

It gives me great pleasure to congratulate the Honolulu Police Commission on another outstanding year of service to the community and for publishing its 2011 Annual Report.

The Commission's diligent oversight of the conduct and matters involving the Honolulu Police Department is greatly appreciated. Its committed efforts have ensured accountability and integrity, protected the rights of residents, and enhanced respect for officers in the community.

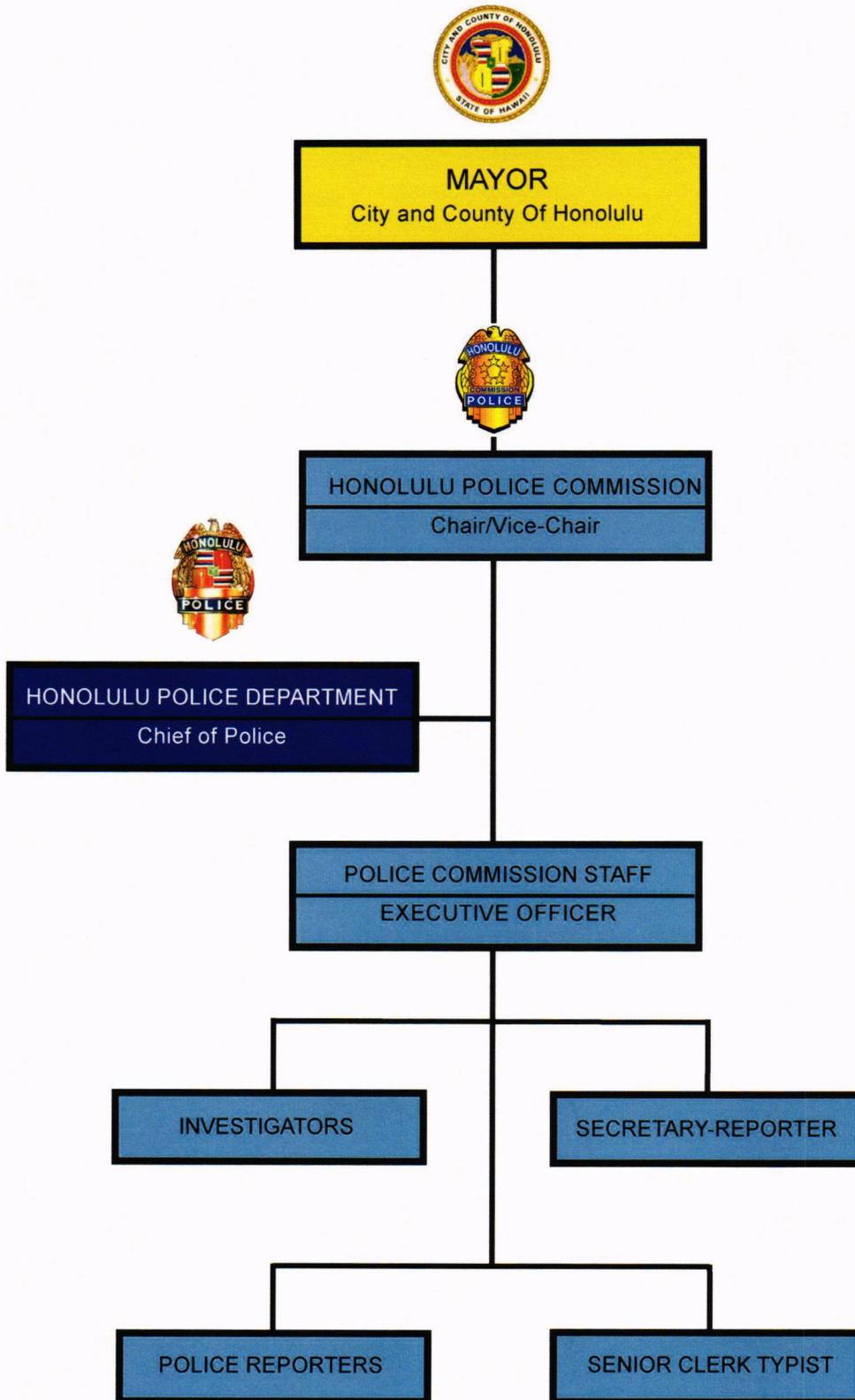
Honolulu residents are grateful for your invaluable support of this city's outstanding police department. I commend your efforts in ensuring that our hardworking force is trained, equipped and prepared to handle the myriad challenges they face daily. I deeply appreciate your commitment in monitoring the department and overseeing the conduct and internal affairs of its members.

On behalf of the people of the City and County of Honolulu, I thank the police commission for a job well done.

A handwritten signature in black ink that reads "Peter B. Carlisle". The signature is written in a cursive, flowing style.

PETER B. CARLISLE
Mayor of Honolulu

ORGANIZATION CHART





Chair's Message

Chair Marc C. Tilker

2011 has been a bittersweet year for this great city. Collectively we dealt with the tragic loss of a brave police officer, Eric Fontes, who lost his life in the line of duty. This fallen hero will always be remembered in our hearts for his last full measure of dedication to our community.

I continue to enjoy the challenges of the Honolulu Police Commission. I am proud to work with the dedicated professional and citizen volunteers striving to constantly improve our city.

My goal as Chair of the Honolulu Police Commission is to maintain the public trust of the Honolulu Police Department in the eyes and hearts of every citizen and visitor of Honolulu. The Honolulu Police Department does an exceptional job. It has been a privilege to witness their daily efforts, many of the sacrifices made, risks that are taken, and expertise that is called upon in many instances as they strive to maintain order on our streets and in our communities.

Within our Charter responsibilities, the major focus of this commission has been to receive, consider, and investigate charges brought by the public against the conduct of the department or any of its members. This accountability is the basis for the Police Commission. Our staff of civilian investigators and support personnel makes certain that each and every complaint gets the necessary due diligence that it deserves. It is the system of checks and balances that ensures accountability within the rank and file of the Honolulu Police Department and transparency within our government functions.

I support the efforts of Chief Louis Kealoha and the team he has put together to form the command staff as they continue to shape our police department into one of the finest and most dedicated law enforcement departments in the nation.

Finally, I want to express my gratitude to my fellow Commissioners for their dedication and commitment. With their help, this commission has been able to carry out the responsibilities entrusted to us by the citizens of the City and County of Honolulu.

A handwritten signature in black ink that reads "Marc C. Tilker". The signature is fluid and cursive.

Marc C. Tilker
Chair

HONOLULU POLICE COMMISSIONERS



The following conscientious and dedicated volunteer citizens comprise the present Honolulu Police Commission, whose objective is to serve the public to the best of its ability.



Marc C. Tilker, Chair
President and CEO
Marathon Group, LLC
Term: Feb. 26, 2009 - Dec. 31, 2013

Graduate of Villanova University with a Bachelor of Science in Accountancy.



Craig Y. Watase, Vice-Chair
President
Mark Development, Inc.
Term: Mar. 5, 2008 – Dec. 31, 2012

Graduated from Saint Louis High School, received a Bachelor of Science in Business Administration from Drake University.



Helen H. Hamada, Commissioner
Graphic Designer
University of Hawaii, Kapiolani Community College
Term: Oct. 1, 2008 – Dec. 31, 2014

Graduated from Kaimuki High School, received a Bachelor of Fine Arts from the University of Hawaii at Manoa.



Max J. Sword, Commissioner
Vice-President Industry Affairs
Outrigger Enterprises Group
Term: Mar. 4, 2009 - Dec. 31, 2015

Graduate of Punahou School, attended Peru State College.

HONOLULU POLICE COMMISSIONERS



Corlis J. Chang, Commissioner

Graduated from Sacred Hearts Academy
Received an A.B. from Harvard University, magna cum laude
in Economics
Received J.D. from Northwestern University School of Law
Term: May 27, 2010 – Dec. 31, 2011

Currently a Partner at Goodwill Anderson Quinn & Stifel, a Limited
Liability Law Partnership LLP.



Eddie Flores, Jr., Commissioner

President and CEO of L & L Hawaiian Barbecue
Graduated from Balboa High School in San Francisco
Jan. 12, 2010 – Dec. 31, 2012

Bachelor of Business Administration from University of Hawaii,
and Master of Liberal Studies from University of Oklahoma.



Ronald I. Taketa, Commissioner

Executive Secretary-Treasurer
Hawaii Regional Council of Carpenters
Term: Feb. 23, 2011 – Dec. 31, 2015

Graduated from Roosevelt High School.
Bachelors in Education from the University of Hawaii at Manoa

MEETING AND ATTENDANCE



Commission meetings are held the first and third Wednesday of each month. In 2011 there were 24 meetings scheduled. The members of the Commission serve without compensation and devote an average of 25 hours of their own time each month.

	<u><i>Meetings Attended</i></u>	<u><i>Absence(s)</i></u>
Commissioner Chang	20	4
Commissioner Flores	19	5
Commissioner Hamada	21	3
Commissioner Saguibo*	4	0
Commissioner Sword	18	6
Commissioner Taketa**	22	2
Commissioner Tilker	22	2
Commissioner Watase	19	5

*Term ended on February 23, 2011

**Appointed on January 12, 2012

POWERS, DUTIES, AND FUNCTIONS



MEMBERSHIP

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 members.

ADMINISTRATIVE STAFF

The 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

	<i>Expended 2010-2011</i>	<i>Budgeted 2011-2012</i>
SALARIES	\$345,488	\$385,016
CURRENT EXPENSES	132,143	110,320
EQUIPMENT	0	0
TOTAL	\$477,631	\$495,336

The Current Expenses include lease rental, electricity, parking and other related expenses for the Commission's office located in the Ali'i Place Building (1060 Richards Street, Suite 170).

POWERS, DUTIES, AND FUNCTIONS



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.

COMPLAINT PROCEDURE



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



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



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



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.



17th Annual National Association for Civilian Oversight of Law Enforcement Conference September 11-15, 2011

The City of New Orleans Police Department Office of Independent Police Monitor hosted the 17th Annual National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference from September 11-15, 2011, at the Astor Crowne Plaza in Downtown New Orleans.

“Making Lasting Reforms” was the theme of the conference. The conference provided an opportunity for citizens, civilian oversight organizations, and law enforcement professionals to exchange valuable information about civilian oversight of law enforcement, share experiences, and form partnerships for continuing collaboration.

The conference was very informative, and discussions included police accountability, off-duty misconduct, workplace retaliation, use of force, criminal investigations, budget issues, and emerging trends in the oversight of federal law enforcement.

Benefits of attending the 17th Annual NACOLE Conference included the ability to obtain topical educational and organizational materials related to civilian oversight, assist communities to establish and refine oversight agencies, enhance knowledge about the various oversight models, receive certification in the civilian oversight profession. The conference provided an opportunity to network with the various oversight practitioners, citizens and law enforcement officials and to learn about their success and problem areas.

ACTIVITIES



2011 STATE OF HAWAII POLICE COMMISSIONERS' CONFERENCE May 26-27, 2011

The Honolulu Police Commission hosted the 2011 State of Hawaii Police Commissioners' Conference at the Sheraton Waikiki Hotel on May 26-27, 2011, with a conference theme of how the Asia-Pacific Economic Cooperation will affect Oahu and the neighbor islands.

This conference was attended by the Mayors of all four counties. The conference began with the presentation of colors by the HPD color guard and Danny Kaleikini singing the national and state anthems with former Mayor Mufi Hannemann serving as the emcee.

Marc C. Tilker, Chair of the Honolulu Police Commission, provided the opening remarks and stressed the importance of communication and collaboration in the area of public safety.

County Mayors spoke of current challenges and successes experienced in their respective counties as well as their commitment to improving the quality of life in the Hawaii.

The keynote speech was provided by Peter S. Ho, Chairman, President and CEO of Bank of Hawaii and the Chair of the APEC 2011 Hawaii Host Committee. Mr. Ho spoke of the economic impacts and opportunities as the APEC conference was hosted by the State of Hawaii for the first time.

Honolulu Police Chief Louis M. Kealoha spoke of how the Honolulu Police Department maintains organizational integrity and the principles of maintaining a professional law enforcement agency.

SHOPO President Tenari R. Maafala gave a passionate presentation on the use of force and officer involved shootings, providing personal examples of how these incidents impact the community and the officers involved.

University of Hawaii Men's Basketball Head Coach Gib Arnold was the luncheon speaker. Coach Arnold provided a humorous and humble presentation on his concepts of teamwork using his personal experiences.

The conference concluded with a round-table discussion of the Police Commissioners. The discussion served as a forum for commissioners to share ideas, thoughts, and concerns involving their respective commissions

Police Commission Activities

Honolulu Police Department's Recruit Class Graduations



166th Recruit Class



167th Recruit Class



168th Recruit Class

Police Commission Activities



Police Commission Activities



COMPLAINT CASES



There were 122 registered citizen complaints during 2011. The following is a breakdown of the cases by districts/divisions:

DISTRICT/DIVISION CASE OCCURRED	NUMBER OF CASES	PERCENTAGE OF 122 CASES
District 1	26	21.31%
District 2	1	0.82%
District 3	10	8.20%
District 4	8.5	6.97%
District 5	10.5	8.61%
District 6	19.5	15.98%
District 7	10.5	8.61%
District 8	16.5	13.52%
Traffic Division	7.5	6.15%
Criminal Investigation Division	1	.82%
Central Receiving Division	1	.82%
Narcotics/Vice Division	1	.82%
Professional Standards Office	3	2.46%
Chief's Office	1	.82%
Criminal Intelligence Unit	1	.82%
Unidentified Division(s)	4	3.28%

TOTAL: 122 CASES 100.00%

- District 1 - Central Honolulu (Punahou to Liliha Street)
- District 2 - Mililani, north to Haleiwa, and west to Kaena Point
- District 3 - Aiea, Pearl City, 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)

Of the total complaints accepted, 20* were referred to the Professional Standards Office of the HPD, 11 were administratively closed or closed by public service report, and five were withdrawn by the complainant.

*Four complaints referred to the Professional Standards Office of the HPD did not have case numbers assigned.

SUMMARY OF COMPLAINTS



The following is a breakdown of the complaints that the Commission took action on at its meeting from January through December 2011:

COMPLAINT	S	NS	EX	UF
Conduct Unbecoming an Officer	8	15	14	2
Dereliction of Duty	1	0	0	0
Excessive Use of Force	0	4	3	0
Harassment	3	16	7	0
Harsh Remarks	0	3	6	1
Insulting Remarks	0	2	0	0
Intimidation	0	1	0	0
Malicious Use of Force	0	2	0	0
Mistreatment of a Prisoner	0	1	3	0
Name/Badge Number	1	5	5	1
Overbearing Conduct	9	34	23	2
Partiality	0	6	9	1
Profanity	3	9	2	0
Solicitation	1	0	0	0
Threatening	0	17	9	1
Unnecessary Use of Firearm	0	2	0	0
Unnecessary Use of Force	0	8	10	0
Unnecessary Use of Oleoresin Capsicum	0	0	1	0
TOTALS	26	125	92	8

TOTAL ALLEGATIONS:.....251

Key: S=Sustained, NS=Not Sustained, EX=Exonerated, UF=Unfounded, W/D=Withdrawn

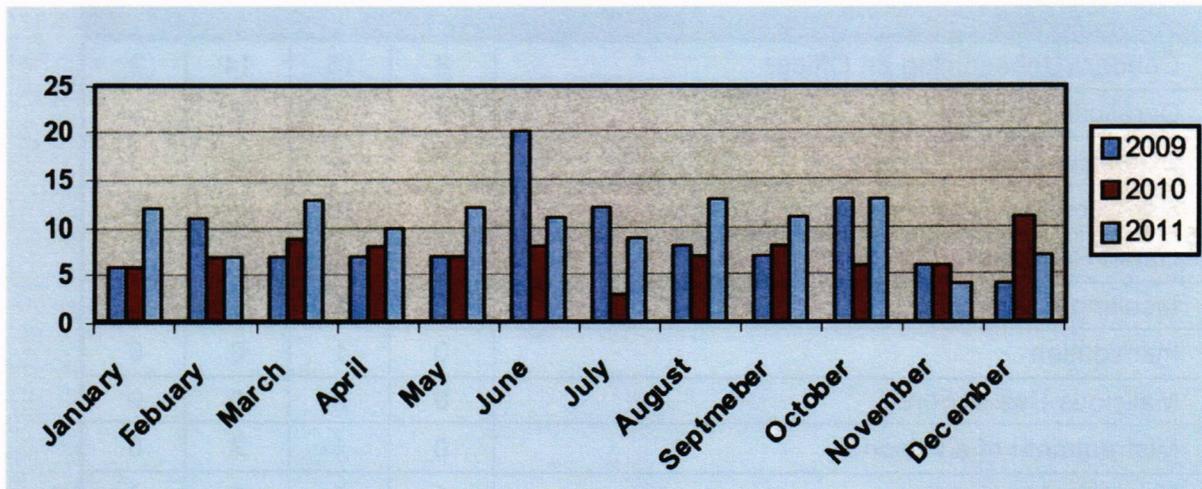
By the end of the year, the Commission made decisions on 94 cases and sustained 26 of the total 251 allegations. The number of allegations includes 23 cases carried over from 2010.

SUMMARY OF COMPLAINTS



COMPLAINT CASES REGISTERED BY MONTH

Years 2009, 2010, 2011



COMPLAINT CASE REGISTRATION-COMPARATIVE FIGURES

	2009		2010		2011	
JANUARY	6	6	6	6	12	12
FEBRUARY	11	17	7	13	7	19
MARCH	7	24	9	22	13	32
APRIL	7	31	8	30	10	42
MAY	7	38	7	37	12	54
JUNE	20	58	8	45	11	65
JULY	12	70	3	48	9	74
AUGUST	8	78	7	55	13	87
SEPTEMBER	7	85	8	63	11	98
OCTOBER	13	98	6	69	13	111
NOVEMBER	6	104	6	75	4	115
DECEMBER	4	108	11	86	7	122
TOTAL	108		86		122	

The shaded column is a running total for each year.

SUMMARY OF COMPLAINTS



COMPLAINT DECISIONS

	2009 COMPLAINTS		2010 COMPLAINTS		2011 COMPLAINTS	
SUSTAINED	10	8.93%	15	18.75%	16	14.41%
NOT SUSTAINED	36	32.14%	29	36.25%	38	34.23%
EXONERATED	62	55.36%	28	35.00%	40	36.04%
UNFOUNDED	0	0.00%	0	0%	1	0.90%
WITHDRAWN	1	.89%	3	3.75%	5	4.50%
ADMIN. CLOSED	3	2.68%	5	6.25%	11	9.91%
TOTAL	112		80		111	

2009: Does not include 26 referrals to HPD Professional Standards Office, 16 held over and three administratively closed

2010: Does not include 19 referrals to HPD Professional Standards Office, 23 held over, and five administratively closed

2011: Does not include 19 held over, 20 referrals to the HPD Professional Standards Office, cases administratively closed, closed via the public service report or withdrawn

SUMMARY OF COMPLAINTS



REQUESTS FOR LEGAL COUNSEL BY POLICE OFFICERS

The Police Commission reviews and approves or denies a request for legal counsel after an officer has submitted a request. Incidents included prosecution for a crime or an officer being sued in a civil suit for acts done in the performance of duty.

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 the request.

	RECEIVED	APPROVED	DENIED	WITHDRAWN
JANUARY	1	2	2	
FEBRUARY	4	1	1	
MARCH	1	4		
APRIL	2	2	1	
MAY	4	4		
JUNE	3	2		
JULY	8	5		
AUGUST	2	1		
SEPTEMBER	8	5		1
OCTOBER	2	6		
NOVEMBER	2	1		
DECEMBER	4	4		
TOTAL	41	34	4	

Requests reviewed include requests submitted in 2010 and reviewed in 2011

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