

# HONOLULU POLICE COMMISSION

## 2012 ANNUAL REPORT



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

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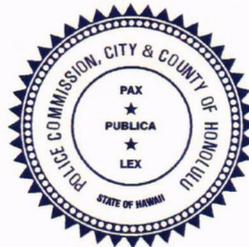
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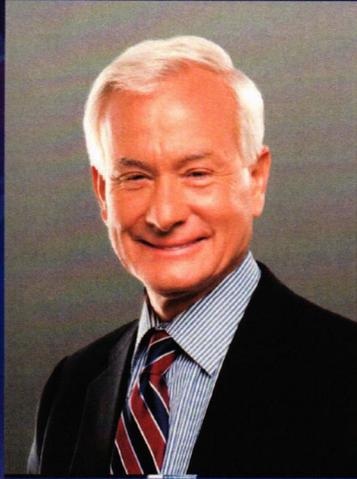
## MISSION STATEMENT OF THE HONOLULU POLICE COMMISSION

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.

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



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

I am delighted to present the Honolulu Police Commission's 2012 Annual Report and to congratulate the Department and Commission for another year of noteworthy accomplishments.

Our residents and visitors are grateful for your invaluable support of Honolulu's police department. I commend your efforts to ensure that our force is trained, equipped, and prepared to handle the many challenges they face.

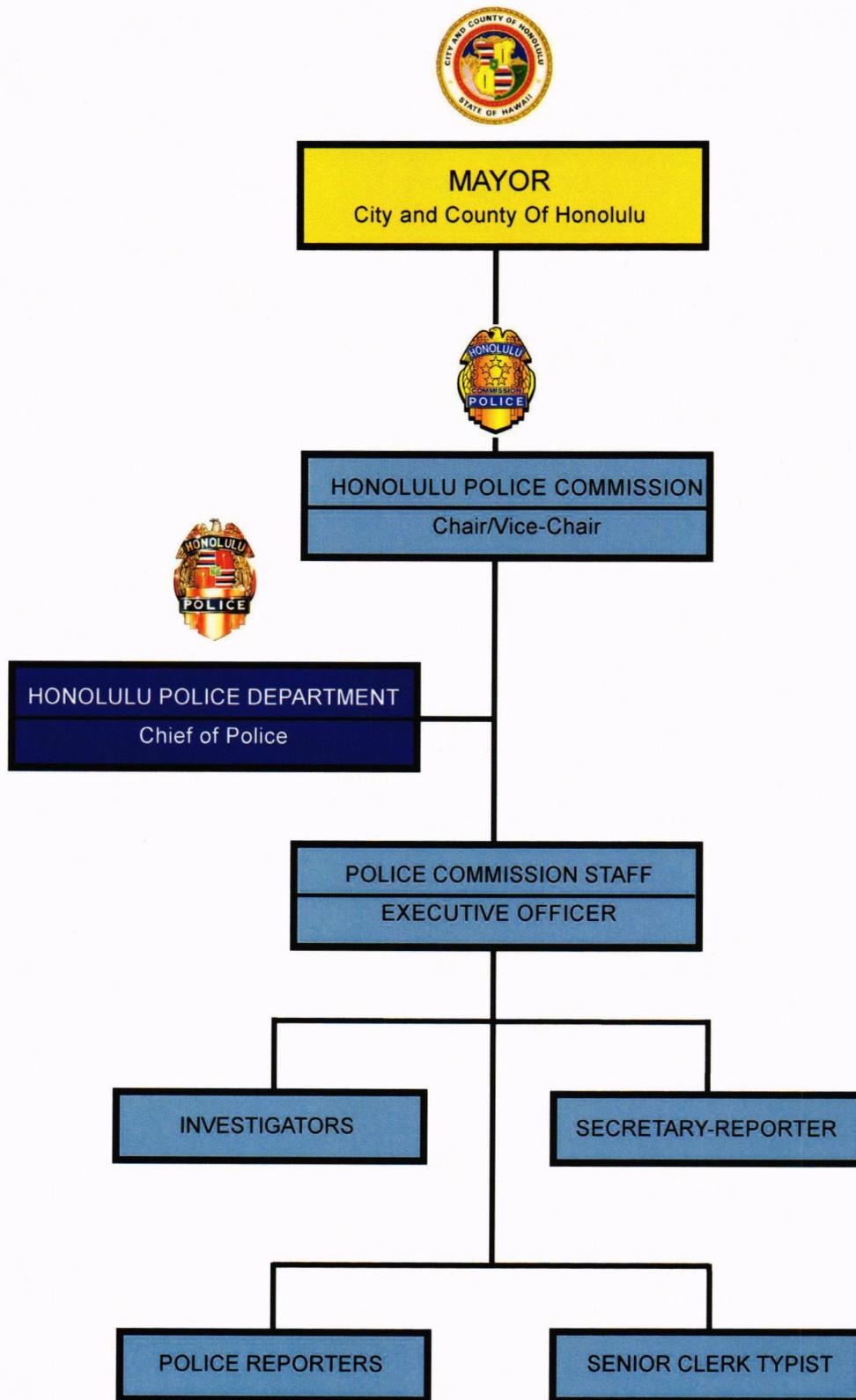
I deeply appreciate your effort in monitoring the Department and overseeing the conduct of its members.

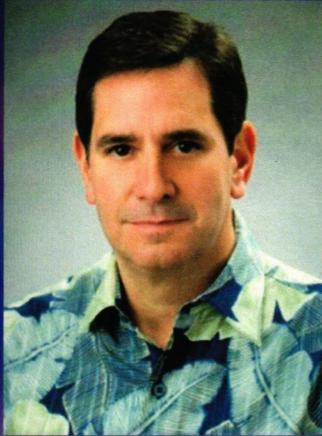
Mahalo to Honolulu's Police Chief, Louis Kealoha, who leads a highly-trained and effective department. On behalf of the people of the City and County of Honolulu, I thank the Police Commission for a job well done.

A handwritten signature in black ink, appearing to read "Kirk Caldwell". The signature is fluid and cursive, with a long horizontal stroke at the end.

KIRK CALDWELL  
Mayor of Honolulu

# ORGANIZATION CHART





## *Chair's Message*

### *Chair Marc C. Tilker*

As the Honolulu Police Commission looks back to review the year 2012, our thoughts and respect focus on the tragic loss of two officers. Officers Garret C. Davis and Chad M. Morimoto both lost their lives in the line of duty, and they both will be remembered as professionals who died in the service of their community. Their dedication is admired and their spirit will be carried on by their comrades within the Honolulu Police Department.

It continues to be my privilege to serve as the Chair of the Honolulu Police Commission, and I very much appreciate the commitment of my fellow commissioners who volunteer their services to represent the public in ensuring the best possible public service and professionalism from our Police Department. The time and effort required by each commissioner is significant. The Honolulu Police Commission and the community are fortunate to have members from a wide variety of the public sectors who all meet together for a common cause.

The focus of this commission is to hold officers accountable for their actions that are contrary to our principles. This accountability is the basis for our commission. Our staff of civilian investigators and support personnel makes certain that each and every complaint gets the due diligence it deserves. It is this system of checks and balances that ensures accountability within the rank and file of the Honolulu Police Department and transparency within our government functions.

The effectiveness of Chief Louis Kealoha and his command staff has been apparent throughout 2012. They strove to address their mission of providing excellent service through partners that build trust, reduce crime, create a safe environment, and enhance the quality of life in our community. Chief Kealoha has shown vision with the development of his strategic plan that takes us through the year 2015, the plan describing strategies designed to ensure our community is truly one of the safest in the nation.

The Honolulu Police Commission will remain vigilant to its important responsibility to protect the interest of the public, and we look forward to the continued work and coordination with the Honolulu Police Department ensuring positive development within the department.

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

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**Corlis J. Chang, Commissioner**

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

Term: May 27, 2012 – Feb. 15, 2012

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



**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



**Luella T. Costales, Commissioner**

Area Sales Manager

Hawaii Kai Retirement & Assisted Living

Term: Feb. 15, 2012 – Dec. 31, 2016

Graduated from St. Mary's Academy,  
Bachelor of Arts Degree in Communication/Visual Arts with minors in Sociology and Writing from the University of California, San Diego.

## MEETING AND ATTENDANCE

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Commission meetings are held the first and third Wednesday of each month. In 2012 there were 22 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*	3	0
Commissioner Costales**	17	2
Commissioner Flores	18	4
Commissioner Hamada	20	2
Commissioner Sword	18	4
Commissioner Taketa	21	1
Commissioner Tilker	21	1
Commissioner Watase	17	5

\*Term ended on February 15, 2012

\*\*Term began on February 15, 2012

# 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 members.

## ADMINISTRATIVE STAFF

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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

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	<i>Expended 2011-2012</i>	<i>Budgeted 2012-2013</i>
SALARIES	\$385,016	\$271,744
CURRENT EXPENSES	110,320	110,220
EQUIPMENT	0	0
<b>TOTAL</b>	<b>\$495,336</b>	<b>\$381,964</b>

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

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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.

## COMPLAINT PROCEDURE

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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.



**18th Annual National Association of Civilian Oversight of Law  
Enforcement Conference  
"Building Community Trust"  
San Diego, California  
October 14-18, 2012**

The Honolulu Police Commission, represented by Commissioner Helen Hamada, was among the 285 attendees at the 18th Annual National Association of Civilian Oversight of Law Enforcement Conference held in San Diego.

The theme of the conference was "Building Community Trust" and attendees were from over 29 different states, Puerto Rico, the District of Columbia, and six foreign countries. The Honolulu Police Commission's participation in these types of events ensures the continued commitment to maintain awareness of developing issues concerning civilian oversight of law enforcement. Commissioner Hamada provided a briefing regarding the conference topics to the entire Honolulu Police Commission upon her return.

Among the numerous training sessions, the conference featured presentations regarding the rights of those injured by police abuse and misconduct and the significant reform that has occurred to increase professionalism within the Los Angeles Police Department. The networking available and the opportunity to share insight amongst those involved in civilian oversight of law enforcement, both nationally and internationally, is a primary benefit of attending the conference annually.

The Honolulu Police Commission plans to continue to be an active participant in the annual National Association of Civilian Oversight of Law Enforcement conferences and bring to Honolulu the applicable best practices developed by other agencies for review and consideration. The next conference is scheduled for September 2013, in Salt Lake City, Utah.



**State of Hawaii Police Commissioner's Conference  
"Civilian Oversight: A national and Local Perspective"  
May 24-25, 2012  
Lahaina, Maui**

The Honolulu Police Commission was represented at the annual State of Hawaii Police Commissioner's Conference held at Lahaina, Maui on May 24 and 25, 2012, by Commission Vice-Chair Craig Watase, Commissioner Helen Hamada, and Acting Executive Officer George Ashak.

The theme and title of the conference was "Civilian Oversight: A National and Local Perspective." The discussion sessions and working groups comprised of representatives of all Hawaii police commissions and departments provided a venue for all to share local perspectives with their counterparts from other islands. The keynote speaker was Ms. Kathryn Olson, who provided insight on the national perspective of civilian oversight based on her observations as President of the National Association for Civilian Oversight on Law Enforcement (NACOLE).

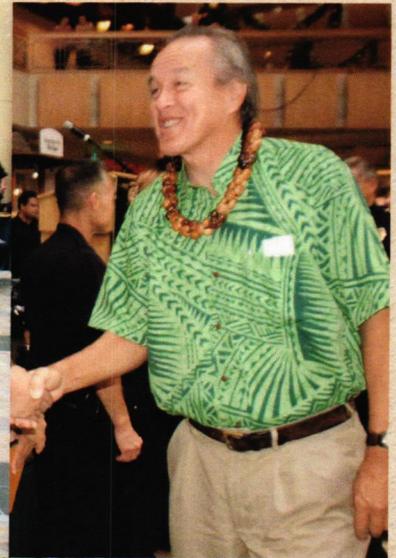
As complexities of oversight of law enforcement agencies increase both locally and nationally, the opportunity for the various Hawaii police commissions to meet and discuss developing issues is essential. The Honolulu Police Commission expects to continue its liaison with other commissions through participation at future State of Hawaii and NACOLE conferences.

# Police Commission Activities

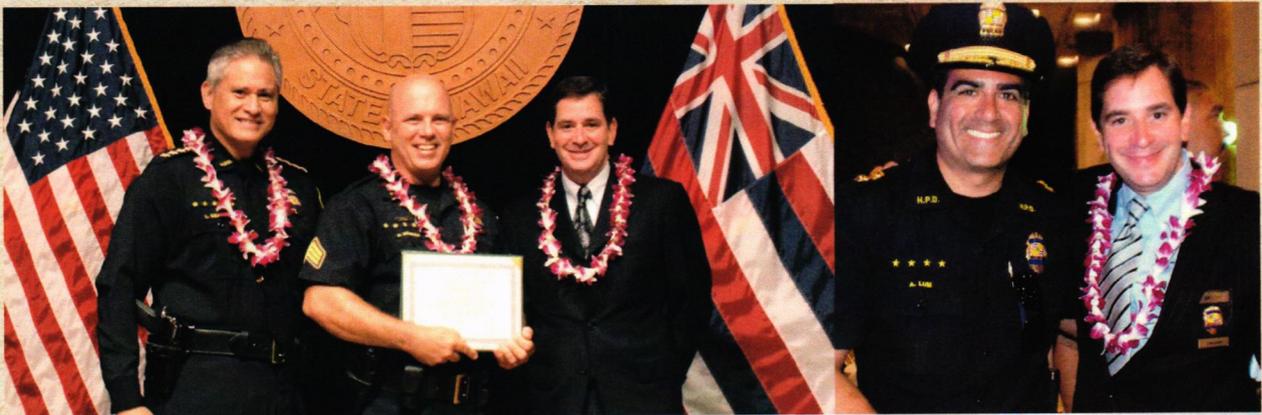
## Honolulu Police Department's Recruit Class Graduations



## Police Commission Activities



## Police Commission Activities



# COMPLAINTS BY DISTRICT



DISTRICT/DIVISION	2012	PERCENTAGE
District 1	19.3	17.50%
District 2	3	2.73%
District 3	4	3.63%
District 4	8	7.27%
District 5	4	3.63%
District 6	6.6	6.05%
District 7	5.6	5.14%
District 8	8	7.27%
Traffic Division	6	5.45%
Central Receiving Division	3.5	3.18%
Cases Serviced with Public Service Report	10	9.08%
Cases Withdrawn	3	2.73%
Cases Administratively Closed	1	0.91%
Cases Referred to HPD Professional Standards Office	27	24.53%
Other	3	0.91%

**TOTAL: 112      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)

## SUMMARY OF COMPLAINTS



The following is a breakdown of the allegations within the complaints that the Commission made determinations on during the period of January through December 2012.

COMPLAINT	S	NS	EX	UF
Conduct Unbecoming an Officer	26	17	14	2
Damaging Private Property	0	1	0	0
Dereliction of Duty	0	2	0	0
Excessive Use of Force	2	1	0	0
Harassment (Discourtesy)	1	5	2	0
Harsh Remarks (Discourtesy)	4	4	2	0
Mistreatment of a Prisoner	0	0	2	0
Name/Badge (Discourtesy)	0	4	2	0
Overbearing Conduct	2	22	29	0
Partiality	0	2	11	0
Profanity (Discourtesy)	3	3	3	0
Threatening	0	4	7	0
Unnecessary Use of Force	2	3	9	0
Unnecessary Use of Oleoresin Capsicum	0	1	2	0
Solicitation	0	1	0	0
<b>TOTALS</b>	<b>40</b>	<b>70</b>	<b>83</b>	<b>0</b>

**TOTAL ALLEGATIONS:.....193**

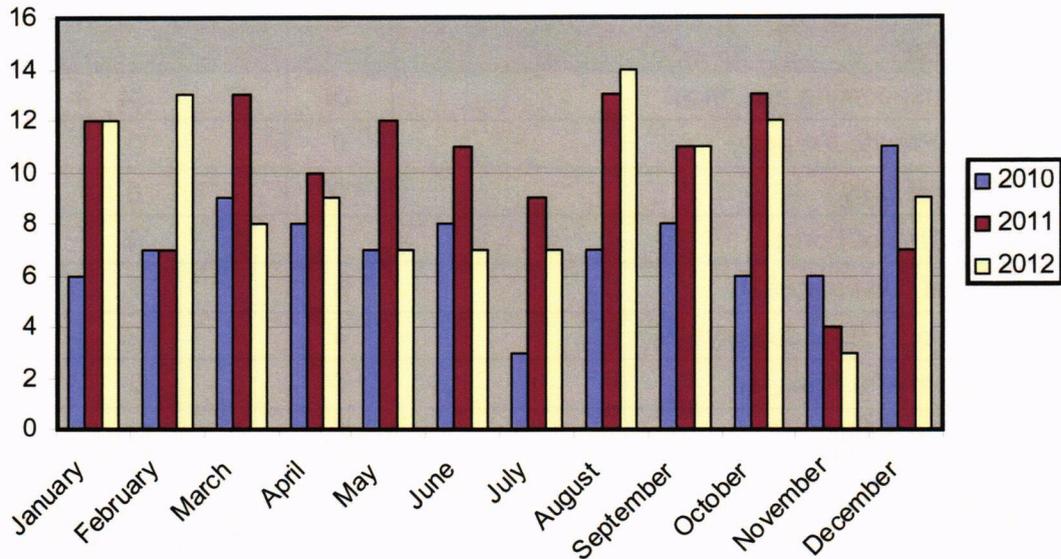
*Key: S=Sustained, NS=Not Sustained, EX=Exonerated, UF=Unfounded*

By the end of the year, the Commission made decisions on 77 cases and sustained 40 of the total 193 allegations. The number of allegations includes 19 cases carried over from 2011.

# SUMMARY OF COMPLAINTS



## COMPLAINT CASES REGISTERED BY MONTH Years 2010, 2011, 2012



## COMPLAINT CASE REGISTRATION-COMPARATIVE FIGURES

	2010		2011		2012	
JANUARY	6	6	12	12	12	12
FEBRUARY	7	13	7	19	13	25
MARCH	9	22	13	32	8	33
APRIL	8	30	10	42	9	42
MAY	7	37	12	54	7	49
JUNE	8	45	11	65	7	56
JULY	3	48	9	74	7	63
AUGUST	7	55	13	87	14	77
SEPTEMBER	8	63	11	98	11	88
OCTOBER	6	69	13	111	12	100
NOVEMBER	6	75	4	115	3	103
DECEMBER	11	86	7	122	9	112
<b>TOTAL</b>	<b>86</b>		<b>122</b>		<b>112</b>	

The shaded column is a running total for each year.

# SUMMARY OF COMPLAINTS



## COMPLAINT DECISIONS

	2010 COMPLAINTS		2011 COMPLAINTS		2012 COMPLAINTS	
<b>SUSTAINED</b>	15	20.00%	16	16.00%	13	12.62%
<b>NOT SUSTAINED</b>	29	38.67%	38	38.00%	41	39.81%
<b>EXONERATED</b>	28	37.33%	40	40.00%	34	33.01%
<b>UNFOUNDED</b>	0	0.00%	1	1.00%	0	0.00%
<b>WITHDRAWN</b>	3	4.00%	5	5.00%	3	2.91%
<b>SERVICED WITH PUBLIC SERVICE REPORT (PSR)</b>					12	11.65%
<b>TOTAL</b>	<b>75</b>	<b>100.00%</b>	<b>100</b>	<b>100.00%</b>	<b>103</b>	<b>100.00%</b>

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

2011: Does not include 20 referrals to the HPD Professional Standards Office, 19 held over from the previous year, and cases administratively closed.

2012: Does not include 27 referrals to the HPD Professional Standards Office, 9 held over from the previous year, and one administratively closed.



## 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	NO ACTION
JANUARY	4	1			
FEBRUARY	1	4			
MARCH	0	0	1		
APRIL	2	1			
MAY	0	1			
JUNE	6	0		1	
JULY	8	10			
AUGUST	4	3			
SEPTEMBER	3	7			
OCTOBER	2	0			
NOVEMBER	4	2			1
DECEMBER	0	4			
<b>TOTAL</b>	<b>34</b>	<b>33</b>	<b>1</b>	<b>1</b>	<b>1</b>

Requests reviewed include requests submitted in 2011 and reviewed in 2012

