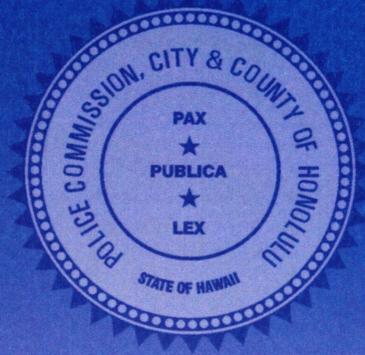


Honolulu Police Commission
2019 Annual Report



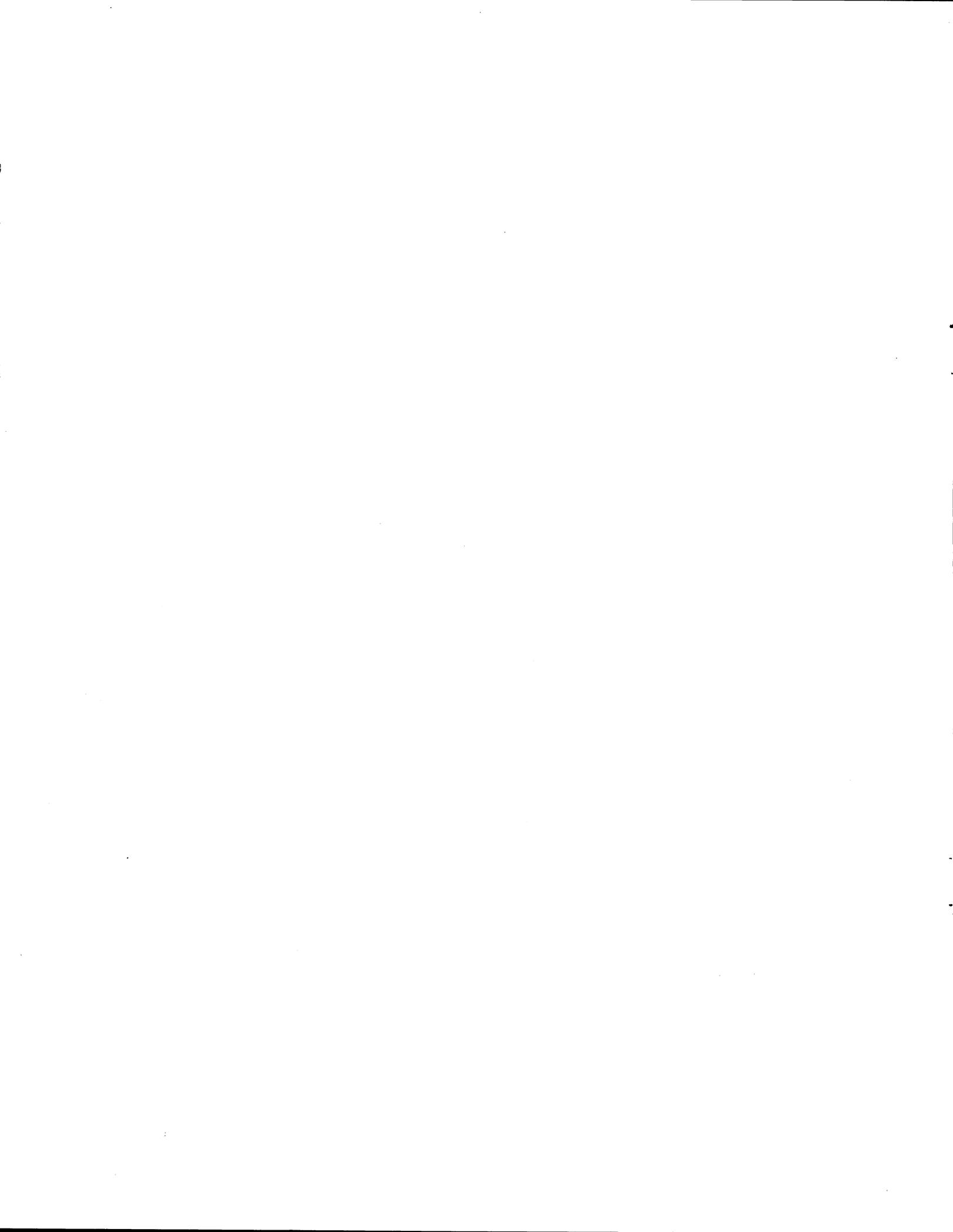


TABLE OF CONTENTS



Mission Statement of the Honolulu Police Commission.....	1
Mayor's Message.....	2
Organization Chart.....	3
Commissioner's Message.....	4
Honolulu Police Commissioners	5
Meeting and Commissioner Attendance.....	7
Powers, Duties, and Functions	8
Complaint Registration Procedure and Investigation.....	10
Complaint Classification Guidelines	11
Activities.....	14
Summary of Complaints Registered By District and Division.....	21
Summary of Charges Alleged from Complaints Registered.....	22
Summary of the Manner Registered Complaints Were Addressed.....	23
Comparison of Complaints Registered Annually.....	24
Summary of Decisions Rendered by the the Honolulu Police Commission.....	25
Decisions Rendered by the Honolulu Police Commission by Specific Charge.....	26
Summary of Requests for Legal Counsel by Police Officers.....	27

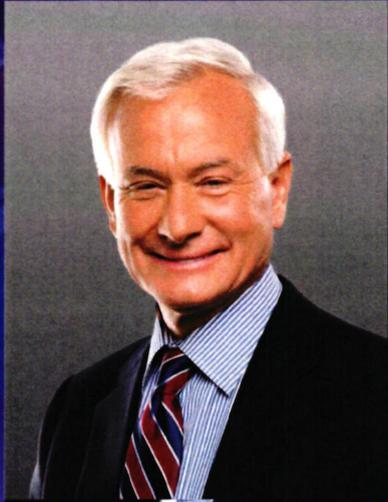


MISSION STATEMENT OF THE HONOLULU POLICE COMMISSION

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

I am pleased to congratulate the Honolulu Police Commission on publishing its 2019 Annual Report.

The report provides an overview of the commission's actions performed within the scope of its mandated responsibilities, such as reviewing the budget and department's rules and regulations. In addition, the commission is enhancing public confidence and promoting mutual respect between the police and O'ahu residents by addressing problems regarding conduct and other matters.

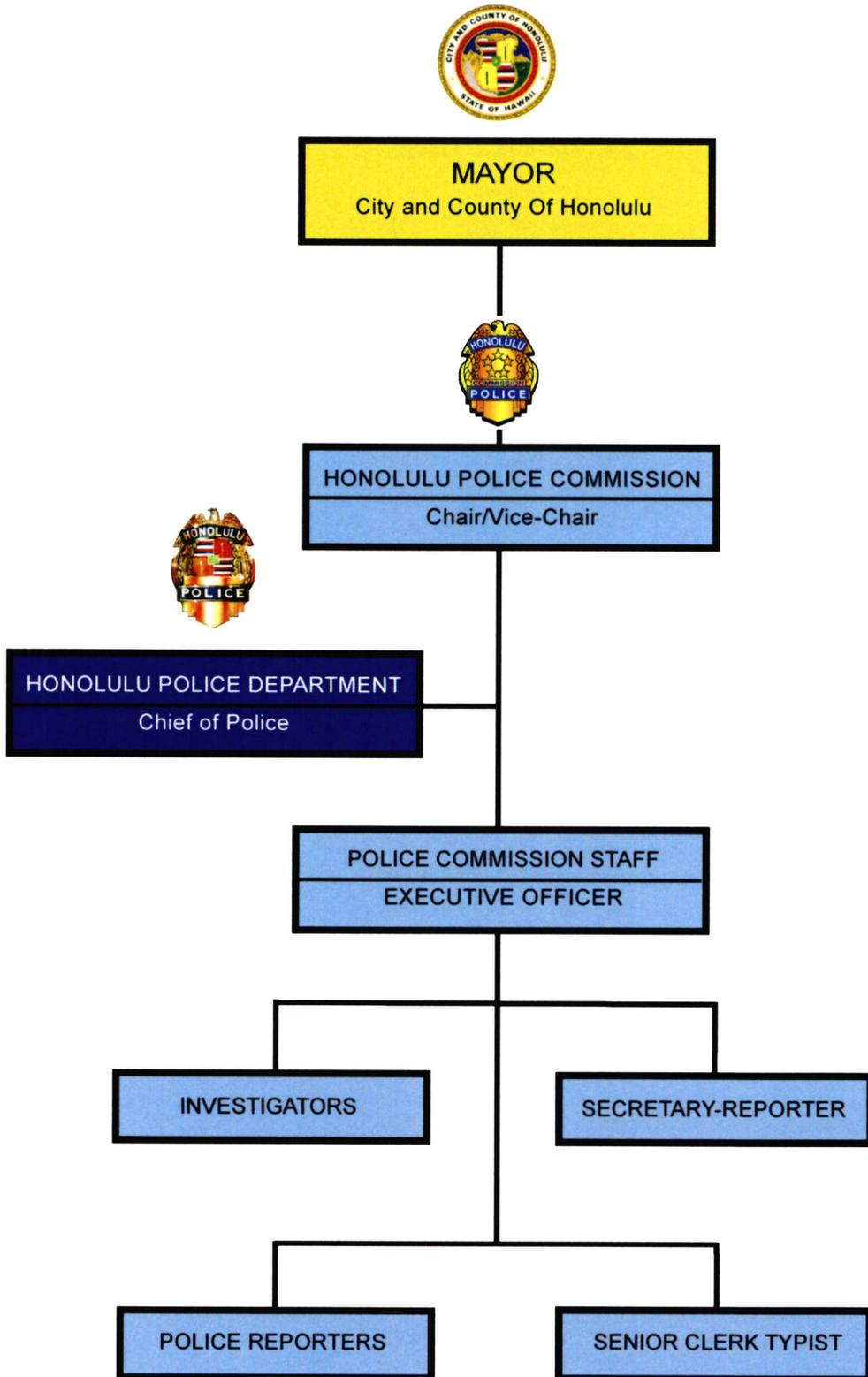
We are grateful for the commission's support of the Honolulu Police Department. Their commitment ensures that officers are trained, equipped and prepared to function with the highest degree of efficiency and integrity.

On behalf of the people of the City and County of Honolulu, I thank the commissioners and staff, and the men and women of the Honolulu Police Department for their outstanding service.

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

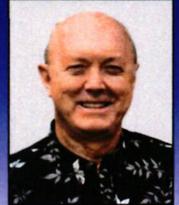
KIRK CALDWELL
Mayor of Honolulu

ORGANIZATION CHART





Commissioner's Message



It has been our privilege and honor to serve as commissioners. This year we had the privilege of hosting the 2019 State of Hawaii Police Commissioners' Conference. Commissioners statewide were able to come together and discuss common issues among commissions and listen to presentations on the Law Enforcement Officer Independent Review Board, how to improve media relations, and how Honolulu is responding to housing challenges with programs such as HELP.

The Honolulu Police Commission recognizes the challenges that law enforcement and communities are facing nationwide and are grateful for the commitment of the Honolulu Police Department in continuing to serve the community with hard work and dedication, and striving to meet the rightful expectations of the community for transparency and accountability.

HONOLULU POLICE COMMISSIONERS



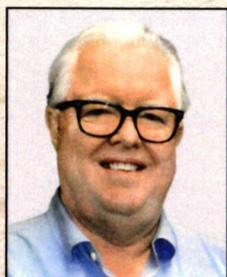
Loretta A. Sheehan, Chair
Term: June 3, 2016 – December 31, 2019



Shannon L. Alivado, Vice-Chair
Term: December 17, 2017 – December 31, 2022



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



Jerry Gibson, Commissioner
Term: February 28, 2019 – December 31, 2023

HONOLULU POLICE COMMISSIONERS



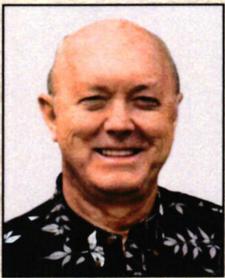
Richard Grimm, Commissioner
Term: November 3, 2017 – January 30, 2019



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



Carrie K. S. Okinaga, Commissioner
Term: July 16, 2018 – December 31, 2020



Richard M. Parry, Commissioner
Term: March 20, 2019 – December 31, 2022

MEETINGS AND COMMISSIONER ATTENDANCE



The Honolulu Police Commission meetings are held the first and third Wednesday of each month. In 2019, twenty-three (23) meetings were 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 Alivado	19	4
Commissioner Chang	17	6
Commissioner Gibson	16	7
Commissioner Grimm*	2	0
Commissioner Levinson	23	0
Commissioner Okinaga	18	5
Commissioner Parry**	11	4
Commissioner Sheehan	21	2

* Term ended January 31, 2019

** Term began March 20, 2019

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 Commission members.

ADMINISTRATIVE STAFF

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

BUDGET HIGHLIGHTS

	<i>Expended 2017-2018</i>	<i>Budgeted 2018-2019</i>
SALARIES	\$426,449	\$386,075
CURRENT EXPENSES	\$115,423	\$170,705
EQUIPMENT	0	0
TOTAL	\$541,872	\$556,780

The Current Expenses include lease rental, electricity, contested case hearings, 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



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.



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



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.



**The 2019 Annual Police Commissioner's Conference
Hilton Hawaiian Village Waikiki Beach Resort
Honolulu, Hawaii
April 22 to 23, 2019.**

The Conference was well attended with representatives from each of the county's police commission, police department, and other federal and state stakeholders. The Conference focus was on education, community resilience and updates to new laws and regulations.

The conference was initiated by remarks from the Mayor of Honolulu, Kirk Caldwell and Honolulu Chief of Police Susan Ballard – they both reinforced the importance of the Police Commissioners' conference as a way for all counties to share ideas, get updates and learn from each other.

The conference featured a speaker from the newly formed State of Hawaii Law Enforcement Officer Independent Review Board who provided an update on the ongoing work in reviewing conduct involving officer's involved in shootings. The Board is responsible for reviewing criminal investigations of incidents of officer-involved deaths conducted by law enforcement agencies. The Board evaluates the fairness of investigations and determines whether criminal prosecution or further investigation is warranted.

The Honolulu Police Department's Alternative Call Servicing Unit was featured and shared its new online reporting system which registered approximately 15,865 cases in 2019, which is about 1,322 each month. ACS is proving to be a useful mechanism for generating cases and providing patrol officers more time to handle higher risk calls for service. Conferees were exposed to a special panel on "Improving Media Relations" where representatives from three major news outlets from Hawaii provided insight on what their expectations may be from law enforcement if it involves a case with heightened public interest.

The Annual Police Commissioner Conference provides an opportunity for law enforcement and lay Commissioner's the opportunity to discuss hard issues affecting their communities. Each county provides insight as to how the department is responding to issues and attendees are able to understand and dissect how a response can be improved or adopted. Overall the conference was a success and Honolulu Police Commission was excited to host and looks forward to Maui Police Commission hosting the conference in 2020.



**66th Annual Hawaii State Law Enforcement Officials Association Conference
"21st Century Policing: Culture Change"
Ritz Carlton Kapalua
Kapalua, Hawaii
September 18 - 20, 2019**

The 66th Annual Hawaii State Law Enforcement Officers Association (HSLEOA) Conference held at Kapalua, Maui from September 18-20, 2019. The conference theme was 21st Century Policing: Culture Change – this year's host was the Maui Police Department. Attendees included all 4 county Chiefs or their Deputy Chiefs, federal and state law enforcement agencies and representatives from each county's Police Commission.

The theme of the conference focused on how policing in the 21st century is different, how laws are enforced, how the public responds to law enforcement and how public venues could be used by perpetrators to cause mass casualties. Three main ideas that were captured at the conference included (1) officer wellness is important to an officer's success and ability to perform his or her duties; (2) technological tools can help and sometimes hinder every day policing; and (3) building partnerships among peers and partners within the law enforcement community is necessary for a safe and law-abiding community. The HSLEOA Conference provides an opportunity for law enforcement to share tools and information that can assist in day to day operations; and on the flip side the Conference helps non-law enforcement community members better understand the daily challenges faced by our first responders, not only while on the job, but in their personal lives due to dealing with post traumatic symptoms. In making policy decisions these matters affecting officers must be taken into consideration and not overshadowed by post incident evaluations that lack the perspective of an officer in very unique and precarious situations.

Overall the conference was a success and culminated with recognition of the recognition of an Officer of the Year named for each county and participating federal agency.

POLICE COMMISSION ACTIVITIES-RECRUIT CLASS GRADUATIONS



POLICE COMMISSION ACTIVITIES-RECRUIT CLASS GRADUATIONS



POLICE COMMISSION ACTIVITIES-RECRUIT CLASS GRADUATIONS



POLICE COMMISSION ACTIVITIES



POLICE COMMISSION ACTIVITIES





SUMMARY OF COMPLAINTS REGISTERED BY DISTRICT AND DIVISION

Within the year 2019, a total of 117 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	12.8	11%
District 2	3.3	3%
District 3	9	8%
District 4	11.8	10%
District 5	7	6%
District 6	9	8%
District 7	10	8%
District 8	18	15%
Central Receiving Division	4	3%
Criminal Investigation Division	2	2%
Professional Standards Office	1	1%
Traffic Division	6	5%
Unidentified District or Division	23	20%

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 139 charges identified from the allegations in complaints registered:

HPC Complaint Charges for 2019

Abusive/Insulting Remarks	1
Conduct Unbecoming an Officer	17
Disparaging Remarks (Discourtesy)	3
Disparaging/Harsh Remarks (Discourtesy)	1
Excessive Use of Force	18
Harassment (Discourtesy)	2
Harassment/Intimidate (Discourtesy)	2
Harsh Remarks (Discourtesy)	9
Insulting Remarks (Discourtesy)	2
Intimidation (Discourtesy)	6
Malicious Use of Force	5
Mistreatment of a Prisoner	5
Name/Badge (Discourtesy)	9
Overbearing Conduct	16
Partiality	7
Profanity (Discourtesy)	3
Theft of Property	4
Threatening	3
Unnecessary Use of Force	10
Unnecessary Use of Oleoresin Capsicum	5
Unnecessary Use of Police Authorized Equipment	11
Total Allegations	139



SUMMARY OF THE MANNER REGISTERED COMPLAINTS WERE ADDRESSED

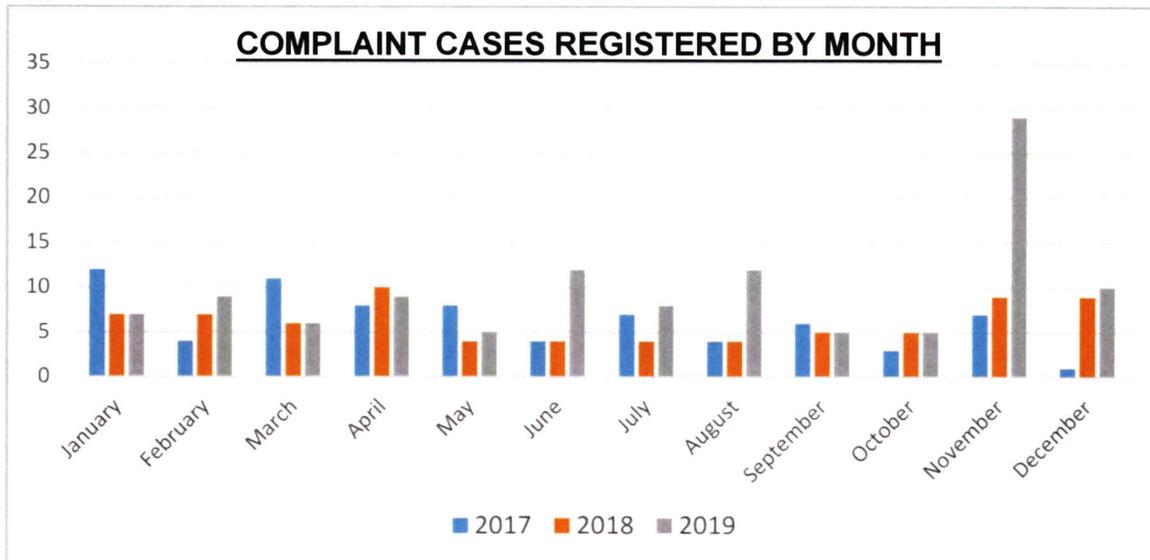
The 117 complaints registered with the Honolulu Police Commission during 2019 were addressed as follows:

SUMMARY OF THE MANNER REGISTERED COMPLAINTS WERE ADDRESSED	
INVESTIGATED BY THE HONOLULU POLICE COMMISSION	52
RESOLVED WITH PUBLIC SERVICE REPORT	4
REFERRED TO THE HPD'S PROFESSIONAL STANDARDS OFFICE	28
WITHDRAWN BY COMPLAINANT	5
PENDING	28
TOTAL	117

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 269 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



	2017		2018		2019	
JANUARY	12	12	7	7	7	
FEBRUARY	4	16	7	14	9	16
MARCH	11	27	6	20	6	22
APRIL	8	35	10	30	9	31
MAY	8	43	4	34	5	36
JUNE	4	47	4	38	12	48
JULY	7	54	4	42	8	56
AUGUST	4	58	4	46	12	68
SEPTEMBER	6	64	5	51	5	73
OCTOBER	3	67	5	56	5	78
NOVEMBER	7	74	9	65	29	107
DECEMBER	1	75	9	74	10	117
TOTAL	75		74		117	



SUMMARY OF DECISIONS RENDERED BY THE HONOLULU POLICE COMMISSION

During 2019 the Honolulu Police Commission reviewed and made determinations regarding 67 registered complaints. The following reflects the Commission's decisions for 2019 compared with previous years:

	2017 COMPLAINTS		2018 COMPLAINTS		2019 COMPLAINTS	
SUSTAINED	15	25%	4	10%	18	27%
NOT SUSTAINED	32	54%	24	62%	36	54%
EXONERATED	1	2%	11	28%	9	13%
UNFOUNDED	1	2%	0		0	
SERVICED BY PSR (Public Service Report)	10	17%	0		4	6%
TOTAL	59		39		67	



DECISIONS RENDERED BY THE HONOLULU POLICE COMMISSION BY SPECIFIC CHARGE

The following reflects the Commission's findings regarding each charge identified in the 63 complaint investigations reviewed:

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

COMPLAINT	S	NS	EX	UF
Abusive/Insulting Remarks (Discourtesy)		1		
Conduct Unbecoming an Officer	4	11	3	
Disparaging Remarks (Discourtesy)	1	1	1	
Disparaging/Harsh Remarks (Discourtesy)		1		
Excessive Use of Force	3	11	1	
Harassment (Discourtesy)		1		
Harassment/Intimidate (Discourtesy)		2		
Harsh Remarks (Discourtesy)		3	2	
Intimidate (Discourtesy)	3	3	1	
Insulting Remarks (Discourtesy)		4	2	
Malicious Use of Force		5		
Mistreatment of a Prisoner		4		
Name/Badge (Discourtesy)	7	8	1	
Overbearing Conduct	3	11		
Partiality	1	10	2	
Profanity (Discourtesy)	2	1		
Threatening	1	2		
Unnecessary Use of Force		4	1	
Unnecessary Use of Police Authorized Equipment		5		

TOTAL CHARGES REVIEWED BY THE COMMISSION: 127



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	1				
FEBRUARY					
MARCH	5	1			
APRIL	9	3			
MAY	5	4			
JUNE	3	7			
JULY	2	2			
AUGUST	7	3	1		
SEPTEMBER	1	3			
OCTOBER	3	3			
NOVEMBER	2	1			
DECEMBER	2	3			
TOTAL	40	30	1		



