

NOTICE TO REQUESTER

TO: request+5emyd553zr@foi.uipa.org
(Requester's name)

FROM: JAMES K. S. YUEN, EXECUTIVE OFFICER
Honolulu Police Commission, Ph. (808) 723-7581



DATE THAT THE RECORD REQUEST WAS RECEIVED BY AGENCY: January 18, 2022

DATE OF THIS NOTICE: January 27, 2022

GOVERNMENT RECORDS YOU REQUESTED (attach copy of request or provide brief description below):

1. Testimonies that were submitted for the Honolulu Police Commission's January 4, 6, and 18, 2017 meetings
- 2.
- 3.
- 4.

THIS NOTICE IS TO INFORM YOU THAT YOUR RECORD REQUEST:

Will be granted in its entirety.

Cannot be granted. Agency is unable to disclose the requested records for the following reason:

- Agency does not maintain the records. (HRS § 92F-3)
Other agency that is believed to maintain records: _____
- Agency needs further clarification or description of the records requested. Please contact the agency and provide the following information: _____
- Request requires agency to create a summary or compilation from records, but requested information is not readily retrievable. (HRS § 92F-11(c))

Will be granted in part and denied in part, OR Is denied in its entirety

Although the agency maintains the requested records, it is not disclosing all or part of them based on the exemptions provided in HRS § 92F-13 and/or § 92F-22 or other laws cited below.

(Describe the portions of records that the agency will not disclose.)

RECORDS OR
INFORMATION WITHHELD

APPLICABLE
STATUTES

AGENCY
JUSTIFICATION

REQUESTER'S RESPONSIBILITIES:

You are required to (1) pay any lawful fees and costs assessed; (2) make any necessary arrangements with the agency to inspect, copy or receive copies as instructed below; and (3) provide the agency any additional information requested. If you do not comply with the requirements set forth in this notice within 20 business days after the postmark date of this notice or the date the agency makes the records available, you will be presumed to have abandoned your request and the agency shall have no further duty to process your request. Once the agency begins to process your request, you may be liable for any fees and costs incurred. If you wish to cancel or modify your request, you must advise the agency upon receipt of this notice.

METHOD & TIMING OF DISCLOSURE:

Records available for public access in their entireties must be disclosed within a reasonable time, not to exceed 10 business days from the date the request was received, or after receipt of any prepayment required. Records not available in their entireties must be disclosed within 5 business days after this notice or after receipt of any prepayment required. HAR § 2-71-13(c). If incremental disclosure is authorized by HAR § 2-71-15, the first increment must be disclosed within 5 business days of this notice or after receipt of any prepayment required.

Method of Disclosure:

- Inspection at the following location: _____
- As requested, a copy of the record(s) will be provided in the following manner:
 - Available for pick-up at the following location: _____
 - Will be mailed to you.
 - Will be transmitted to you by other means requested: email to: request+5emyd553zr@foi.uipa.org

Timing of Disclosure: All records, or the first increment if applicable, will be made available or provided to you:

- On _____, 20____.
- After prepayment of 50% of fees and 100% of costs, as estimated below.

For incremental disclosures, each subsequent increment will be disclosed within 20 business days after:

- The prior increment (if one prepayment of fees is required and received), or
- Receipt of each incremental prepayment, if prepayment for each increment is required.

Records will be disclosed in increments because the records are voluminous and the following extenuating circumstances exist:

- Agency must consult with another person to determine whether the record is exempt from disclosure under HRS chapter 92F.
- Request requires extensive agency efforts to search, review, or segregate the records or otherwise prepare the records for inspection or copying.
- Agency requires additional time to respond to the request in order to avoid an unreasonable interference with its other statutory duties and functions.
- A natural disaster or other situation beyond agency's control prevents agency from responding to the request within 10 business days.

ESTIMATED FEES & COSTS AND PAYMENT:

FEES: For personal record requests under Part III of chapter 92F, HRS, the agency may charge you for its costs only, and fee waivers do not apply.

For public record requests under Part II of chapter 92F, HRS, the agency is authorized to charge you fees to search for, review, and segregate your request (even if a record is subsequently found to not exist or will not be disclosed in its entirety). The agency must waive the first \$30 in fees assessed for general requesters, OR in the alternative, the first \$60 in fees when the agency finds that the request is made in the public interest. Only one waiver is provided for each request. See HAR §§ 2-71-19, -31 and -32.

COSTS: For either personal or public record requests, the agency may charge you for the costs of copying and delivering records in response to your request, and other lawful fees and costs.

PREPAYMENT: The agency may require prepayment of 50% of the total estimated fees and 100% of the total estimated costs prior to processing your request. If a prepayment is required, the agency may wait to start any search for or review of the records until the prepayment is received by the agency. Additionally, if you have outstanding fees or costs

from previous requests, including abandoned requests, the agency may require prepayment of 100% of the unpaid balance from prior requests before it begins any search or review for the records you are now seeking.

The following is an itemization of what you must pay, based on the estimated fees and costs that the agency will charge you and the applicable waiver amount that will be deducted:

For public record requests only:

Fees: Search	Estimate of time to be spent: <u>.25</u> hours	\$ <u>2.50</u>
	(\$2.50 for each 15-minute period)	
Review & segregation	Estimate of time to be spent: _____ hours	\$
	(\$5.00 for each 15-minute period)	
Fees waived	<input checked="" type="checkbox"/> general (\$30), OR <input type="checkbox"/> public interest (\$60)	<\$ _____>
	(Only one waiver per request)	
Other	_____	\$
	(Pursuant to HAR §§ 2-71-19 & 2-71-31)	
Total Estimated Fees:		\$ <u>-0-</u>

For public or personal record requests:

Costs: Copying	Estimate of # of pages to be copied: _____	\$
	@ \$ _____ per page, pursuant to HRS § 92-21)	
Delivery	Postage	\$
Other	_____	\$
Total Estimated Costs:		\$

TOTAL ESTIMATED FEES AND COSTS from above: \$ -0-

The estimated fees and costs above are for the first incremental disclosure only. Additional fees and costs, and no further fee waivers, will apply to future incremental disclosures.

PREPAYMENT IS REQUIRED (50% of fees + 100% of costs, as estimated above) \$

UNPAID BALANCE FROM PRIOR REQUESTS (100% must be paid before work begins) \$

TOTAL AMOUNT DUE AT THIS TIME \$

Payment may be made by: cash
 personal check payable to _____
 other _____

For questions about this notice or the records being sought, please contact the agency person named at the beginning of this form. Please note that the Office of Information Practices (OIP) does not maintain the records of other agencies, and a requester must seek records directly from the agency it believes maintains the records. If the agency denies or fails to respond to your written request for records or if you have other questions regarding compliance with the UIPA, then you may contact OIP at (808) 586-1400, oiip@hawaii.gov, or 250 South Hotel Street, Suite 107, Honolulu, Hawaii 96813.

REQUEST TO ACCESS A GOVERNMENT RECORD

This is a model form that may be used by a Requester to provide sufficient information for an agency to process a record request. Although the Requester is not required to use this form or to provide any personal information, the agency needs enough information to contact the Requester with questions about this request or to provide its response. This request may not be processed if the agency has insufficient information or is unable to contact the Requester.

DATE: 01-17-2022

TO: **Honolulu Police Commission**
Agency that Maintains the Government Record

policecommission@honolulu.gov
Agency's Contact Information

FROM: request+5emyd553zr@foi.uipa.org
Requester's Name or Alias

request+5emyd553zr@foi.uipa.org
Requester's Contact Information

2022 JAN 18 AM 8:30
POLICE COMMISSION
52001 HANALEI

AS THE REQUESTER, I WOULD LIKE THE FOLLOWING GOVERNMENT RECORD:

Describe the government record as specifically as possible so that it can be located. Try to provide a record name, subject matter, date, location, purpose, or names of persons to whom the record refers, or other information that could help the agency identify the record. A complete and accurate description of the requested government record will prevent delays in locating the record. Attach additional pages if needed.

Testimonies that were submitted for the Honolulu Police Commission's January 4, 6 and 18 meetings.
2017

I WOULD LIKE: (Please check one or more of the options below, as applicable)

- To inspect the government record
- A copy of the government record:** (Please check only one of the options below.) See the next page for information about fees and costs that you may be required to pay for agency services to process your record request. Note: Copying and transmission charges may also apply to certain options.

- Pick up at agency (date and time): _____
- Mail (address): _____
- E-mail (address): request+5emyd553zr@foi.uipa.org
- Fax (toll free and only if available; provide fax number): _____
- Other, if available (please specify): _____

- If the agency maintains the records in a form other than paper, please advise in which **format you would prefer to have the record.**

Electronic Audio Other (please specify): _____

[] Check this box if you are attaching a request for waiver of fees in the public interest
(See waiver information on next page).

FEES FOR PROCESSING PUBLIC RECORD REQUESTS

You may be charged fees for the services that the agency must perform when processing your request for public records, including fees for making photocopies and other lawful fees. **The first \$30 of fees charged for searching for a record, reviewing, and segregating will not be charged to you. Any amount over \$30 will be charged to you.** Fees are as follows:

Search for a Record	\$2.50 for 15 minutes
Review and Segregation of a Record	\$5.00 for 15 minutes

Generally, no search, review, and segregation fees may be charged if you are making a request for personal records that are about you.

WAIVER OF FEES IN THE PUBLIC INTEREST

As an alternative to the \$30 fee waiver (not in addition to), the agency may waive the first \$60 of fees for searching for, reviewing and segregating records when the waiver would serve the public interest. If you wish to apply for a waiver of fees in the public interest, you must attach to this request a statement of facts, including your identity as the requester, to show how the waiver of fees would serve the public interest. The criteria for this waiver, found at section 2-71-32, Hawaii Administrative Rules, are

- (1) The requested record pertains to the operations or activities of an agency;
- (2) The record is not readily available in the public domain; and
- (3) The requester has the primary intention and the actual ability to widely disseminate information from the government record to the public at large.

COSTS

The Agency may charge you any other lawful fees and the costs to copy and deliver your personal or public record request.

AGENCY RESPONSE TO YOUR REQUEST FOR ACCESS

The agency to which you addressed your request must respond within a set time period. The agency will normally respond to you within 10 business days from the date it receives your request; however, in *extenuating circumstances*, the agency must respond within 20 business days from the date of your request. If you have questions about the response time or the records being sought, you should first contact the agency and request to consult with the agency's UIPA contact person.

Please note that the Office of Information Practices (OIP) does not maintain the records of other agencies and a requester must seek records directly from the agency. If the agency denies or fails to respond to your written request for records or if you have other questions regarding compliance with the UIPA, then you may contact OIP at 808-586-1400, oip@hawaii.gov, or 250 South Hotel Street, Suite 107, Honolulu, Hawaii 96813.

REQUESTER'S RESPONSIBILITIES

You have certain responsibilities under section 2-71-16, Hawaii Administrative Rules, which include making arrangements to inspect and copy records, providing further clarification or description of the requested record as instructed by the agency's notice, and making a prepayment of fees and costs, if assessed. The rules and additional training materials are available online at oip.hawaii.gov or from OIP.

Public Testimony
for
January 4, 2017

**Before the Honolulu Police
Commission**

**Wednesday, January 4, 2017
2:00pm**

**Honolulu Police Department, Alapai Station
Conference Room A**

**In consideration of
AGENDA ITEM VI: Public Testimony
RELATING TO VII (F) Status of Chief of Police**

**2017 JAN 3 4 AM 11:41
POLICE COMMISSION
C&C OF HONOLULU**

Thank you Commission Chair Sword, Commissioners, and distinguished guests,

My name is Aaron Hunger, and I am an ex-police officer who has served for more than 25 years within law enforcement education, research, and as an actual federal and county authorized law enforcement official. My current research being conducted through the University of Hawaii is focused on accountability systems of the Honolulu Police Department, and perceived problems with officer generated violent encounters directed at women and the mentally ill. I have appeared in the local media, on Hawaii Public Radio, Hawaiian televised PBS, and within Civil beat addressing Honolulu Police reform and accountability in an effort to bring understanding and attention to the issue. I have testified on numerous occasions in front of both state and county legislatures about what types of reform policy best address the issues facing the Honolulu Police Department and Chief Kealoha.

A large part of my research and analysis has involved Chief Kealoha's leadership and its influence on subcultural normative behavior's displayed by Honolulu Police rank-and-file officers. Having just conducted a sociological study through UH that focused on this, I am in a position to testify as to how the Chief's unique style of leadership and values have impacted on rank-and-file conduct involving officer related domestic violence, violence against women, and mishandling of citizens with disabilities which resulted in police generated homicides. My research into this has been ongoing since 2010, and has paralleled the work of other UH Criminologists who have been studying aspects of Chief Kealoha's maladministration including Dr.'s Nicholas Chagnon, Dr. Meda Chesney-Lind, and Dr. David Johnson, all of whom have published on this subject.

Until this point, and based on the previous unwillingness of this body to address what has been publicly known for over a year about federal investigations into the Chief's actions, I have remained absent in an attempt allow you to reach this moment on your own accord. Now that the Commission appears willing to acknowledge the reality of the dilemma that we find ourselves in as residents, I am compelled to offer all of you testimony surrounding my methodology and conclusions.

I would like to begin by congratulating Commissioner Sword on his decision to accept Chief Kealoha's stepping down from daily decision making and removing himself as a daily distraction during the federal

grand-jury's inquiry into his abuse of police powers. Based on my research, I would say you have a strong voter based mandate to stand upon in your decision to remove the Chief.

Having analyzed, and partially observed, the interactions between this body and the office of the Honolulu Police Chief dating back to 1998, I believe I have developed valuable insight and information that may assist this Commission in solving its current issues with police leadership and organizational accountability. I fully acknowledge the legal mandate surrounding the Chief's presumptive innocence and would like to just point out that there is also a Charter driven mandate placing public faith and legal responsibility into this body's hands to protect residents from decisions made by someone who you granted powers to, and who is being accused of abuse of public office.

As has been reported and is well understood, the moment that the Chief is criminally indicted surrounding charges involving abuse of policing powers, there is a public safety issue that compel this Commission to act, and by which proof of maladministration would be clearly present. However, may I please point out that based upon the results of the most recent elections putting faith in this Commission's decision making, that waiting for that moment may add to skeptic's faith in this institution's capabilities and political interconnectivity.

While it is true that a federal conviction proving an abuse of power against the Chief would provide definitive proof of maladministration and an easy political out for this commission, the choice to wait until that point places voters in harm's way if police whistle-blower's testimony about vindictive use of police power to solve family grudges is true. Voting results would tend to indicate that this Commission has a mandate from which to act far before reaching a conclusion to upcoming federal trials, however. The Honolulu Corporate Council has suggested that the Chief Kealoha should be grandfathered around recent revisions in the charter, however I would point out that several employment and civil rights lawyers have publically stated they believe this position to be wrong, and that this Commission is legally and politically fully justified in using its new power and authority.

May I also say that having worked with the most recent Charter Commission to demonstrate how current police leadership problems would best be addressed through this body having an '*at will employment conditions*', and which appears to be supported by a majority of Honolulu residents, to not even attempt to use this power that voters fought hard to achieve may further erode public trust in police services. I say hard fought, as I should emphasize how throughout the efforts to replace accountability power into this institution, SHOPO fought the idea spending time and resources into obstructing and advocating against our efforts.

As this Commission may or may-not be aware, there has been an increase in reported incidents of police brutality and misconduct beginning in 2009, and which I would be happy detail at a later time at the Commission's convenience. To give a small indication of the size of the problem that now exists under Chief Kealoha's administration may I point to a few of the cases I am analyzing which include gender violence including Lt. Kawabata, Officer Silva, and Captain Ward in 2010; Officer Goo, Cappo, Tsunozumi, Masaqatani, Kobayashi, Aoki, and Sgt. Cachola in 2014; Ofc. Kimura, Ahn, Harrison, Faumi, and Brandt in 2015; and those involving officer related violence of mentally ill residents ending in homicides including

Gregory Gordon, Richard Nelson, James Pickard Jr, Sheldon Haleck, and Pernell Aio. These are only a few of the numerous offenses committed by rank-and-file officers that have contributed to 335 allegations of misconduct that make up the 16% of all officers having been involved in misconduct complaints.

The totality of these acts of police misconduct have been characterized by residents and investigative journalists as being indicative of a problematic subcultural norm in the rank-and-file due to weak leadership. Based off of evidence that I have analyzed involving these acts, may I say there is ample evidence to support their conclusions and is most likely due to Chief Kealoha's investment in *Loyalty* as the most important characteristic in his officers. The Chief testified as much in front of the Honolulu Board of Supervisors following the Cachola incident. If it is this Commission's will, I would be happy to show where in police management models, *loyalty* has been demonstrated to have problematic qualities within policing which has resulted in rank-and-file conduct characterized both as a '*blue-wall of silence surrounding domestic violence*', and a *culture of corruption* surrounding policy adherence by the rank-and-file and chain-of-command within Honolulu Police.

I am aware that in a short while you will all retire into private conference to most likely hear the Chief, or one of his publicly funded lawyers, attempt to sway you into deciding against dismissing him and instead allowing him to retain his ROPA'd status within the department on leave. We, the public, also understand that if the Chief is allowed to continue in this position that tax payers remain legally responsibility to provide legal defense for his mounting legal issues.

These legal issues now include the federal civil lawsuit involving the death of Sheldon Haleck, the civil action between the Chief and the County Ethics Commission, the Chief's federal civil lawsuit involving the alleged violation of Mr. Puana's civil rights, the Chief's pending federal criminal trial relating to those same civil rights violations, and now the Chief's legal defense challenge of this board's authority. These taxpayer costs do not include recent legal settlements made over the past 4 years for similar police power and authority violations as he's alleged to have taken, wherein he and other officers are accused of misconduct and which the Mayor and Board of Supervisors legally settled at taxpayer cost of more than \$6 million dollars. It clear that evidence exists that provide legal, political, bureaucratic, and common sense justifications for acting on the voter's mandate given to you and outlined by the Charter Amendment revisions allowing at will termination of the current Chief.

If, however, this body ignores residents and legal experts and instead chooses to listen to the County Council's advice that maladministration must be proved in a legal hearing as outlined by HRS 92-5(a)(2), then let me be the first to ask that my share of county taxes go to this body's hiring of legal counsel to prove maladministration and carry out voters will, rather than to those defending the Chiefs conduct. If it helps, I would also be happy to return and testify to this body as to what evidence exists surrounding maladministration of the department between 2009- 2016. I will point out that my expertise has been used (and recognized) as aiding in police reform policy development and legislation that is now Hawaiian law.

I would like to conclude my testimony with this thought about the importance of this moment. With the new charter revisions that reverse the 1972 changes to this Commission's authority over the police chief, you now have the power and mandate to allow residents, the rank-and-file, and others to begin moving forward instead of being stuck with the current debacle. Residents and taxpayers appear ready to begin seeking new professional and ethical leadership for the department, whose focus should be on restoring public trust in individual and organizational accountability.

What you also may or may-not know is how historic all of your decisions are. It sounds silly until you realize that the Honolulu Police Commission is the longest continuous functioning civilian-led police accountability mechanism in the United States. No other civilian-led police accountability body has been in constant operation since 1932. This makes both your decision and the Commission itself of historic importance. As this becomes better known through my work and amongst my academic peers, many may want to come and study your successes. I would hate to think that history characterizes this body as having an had the opportunity to address public trust at this important moment, but continued to choose the path of inaction; or even worse, to give justification to police skeptics by continuing to place confidence in the current chief by not demonstrating your awareness of his maladministration.

Thank you for your time.

THE CIVIL BEAT
LAW CENTER FOR THE PUBLIC INTEREST

700 Bishop Street, Suite 1701
Honolulu, HI 96813

Office: (808) 531-4000
Fax: (808) 380-3580
info@civilbeatlawcenter.org

Honolulu Police Commission
Max J. Sword, Chair
Cha Thompson, Vice Chair

RE: Testimony Concerning Executive Session for Status of Chief of Police
Hearing: January 4, 2017 at 2:00 p.m., Agenda VII.F

Dear Chair and Members of the Commission:

My name is Brian Black. I am the Executive Director of the Civil Beat Law Center for the Public Interest, a nonprofit organization whose primary mission concerns solutions that promote government transparency. Thank you for the opportunity to submit testimony.

The status of the Chief of Police should not be discussed behind closed doors. When it comes to the fate of the person charged with maintaining public safety, law, and order on the island, everyone deserves to know what is happening. This Commission is the only government authority with the power to remove the Chief of Police. Transparency is critical to maintaining that public trust; the people must know the Commission carefully weighs the exercise of that authority for the good of the City & County of Honolulu. Backroom discussions are unacceptable.

And a blanket executive session violates the Sunshine Law. Evaluation of the Chief of Police must be exercised consistent with State policy "that the formation and conduct of public policy – the discussions, deliberations, decisions, and actions of governmental agencies – shall be conducted as openly as possible." HRS § 92-1. The exceptions to the Sunshine Law are "strictly construed against closed meetings." *Id.*

A board may hold a closed meeting for personnel evaluations "where consideration of matters affecting privacy will be involved." HRS § 92-5(a)(2). Privacy concerns under the Sunshine Law, however, must be balanced against the public interest in disclosure. OIP Op. No. 06-07 at 4 n.8 (matters protected by Sunshine section 92-5(a)(2) are the same as those protected by the privacy standard of Hawaii's public records law, *see* HRS §§ 92F-13(1), -14(a)). Thus, a government official's personnel evaluation is not private *if there is a significant public interest in that official's position.* OIP Op. No. 04-07 (UH President's personnel evaluation is public).

In Opinion 04-07, OIP held that the Board of Regents' evaluation of the University of Hawai'i President was publicly accessible.¹ Although the UH President had a significant privacy interest in his Board evaluation, the public interest in disclosure outweighed the privacy concerns. OIP emphasized that access to the evaluations provided the public critical information to assess both whether the Board of Regents is adequately monitoring the UH President and whether the President is doing his job. *Id.* at 12. It did not matter that disclosure of the information "may affect [the President's] reputation and may be embarrassing to [the President]." *Id.* at 13.

In 2009, OIP extended its rationale in Opinion 04-07 to address whether the Honolulu Chief of Police has a privacy interest in his evaluations. It held that "[t]he Honolulu Police Chief's position is of similar prominence and public importance to that of the UH President, given the Police Chief's responsibility for public safety affecting Oahu's approximately 900,000 residents and millions of visitors per year." OIP U Memo. No. 09-07 at 2. Thus, OIP concluded that the public interest in disclosure outweighed the Chief's privacy interest in performance evaluations.

As acknowledged in Chair Sword's December 20, 2016 letter to Chief Kealoha, it is well-known that Chief Kealoha received an FBI Target Letter. How the Police Commission addresses this issue goes to the heart of the public interest. Is the Commission adequately monitoring the Chief of Police and has the Chief of Police been doing his job? The Chief of Police—no matter who holds that position—is a person too critical to the fabric of our community for these discussions to occur outside public view.²

The Commission started this process in the right direction by publishing the December 20 letter in recognition of the need to "keep the public fully informed." We would ask that you continue that spirit of open government by deliberating publicly on January 4.

Thank you for your consideration.

¹ Opinions of the State of Hawai'i Office of Information Practices are "precedent" in any action to enforce the Sunshine Law, unless declared "palpably erroneous" by the court. HRS § 92-12(d).

² The Sunshine Law does not require the Police Commission to discuss all matters related to the Chief's evaluation in open session. Highly personal and intimate information, *e.g.*, medical concerns, may be divulged in closed session. *E.g.*, OIP Op. No. 04-07 at 6 n.11. And to the extent Commissioners have legal questions concerning the Commission's powers and duties, those could be asked in executive session—although the Commission is not required to do so. But such an executive session must be kept short and focused solely on receiving the specific information "directly related to the purpose[]" of the applicable open meeting exemption (*e.g.*, medical information or legal advice). HRS § 92-5(b); OIP Op. No. 05-11 at 5-6 ("A board, thus, must reconvene in an open meeting to make or deliberate toward a decision to the extent it may do so without defeating the lawful purpose for which the executive meeting may be held."):

BOARD: Honolulu Police Commission
ADDRESS: 1060 Richards St. 17D, Honolulu HI 96813
WEBSITE: www.honoluluapt.org/hpc E-MAIL: policecommission@honolulu.gov
TELEPHONE: 808 723 7580 FAX: 808 723 7583

NOTICE OF CONTINUANCE OF MEETING
ORIGINALLY CONVENED ON Jan 4, 2017 AT 2:00 P.M.
See attached agenda for original meeting

TO BE CONTINUED TO:

DATE: Jan 6
TIME: 11:30 A.M.
PLACE: Honolulu Police Station, Mapai
Conference Room A

Public testimony will be allowed in the manner described and on the items shown on the attached agenda as being continued.

Public testimony has concluded and no further testimony will be allowed on the items described in the attached agenda. The board will discuss, deliberate, decide, and/or act upon the items described in the attached agenda.

Item VII.F

This notice has been physically posted at the following location(s):

- Board Office
 Meeting Site

(Optional) This notice has been electronically posted at honoluluapt.org/hpc/agenda.p

(This notice is not subject to the filing requirements of HRS Sec. 92-7.)

HONOLULU POLICE COMMISSION
City and County of Honolulu
State of Hawaii
Regular Meeting
January 4, 2017

TIME: Wednesday, January 4, 2017, 2:00 p.m.
PLACE: Honolulu Police Department, Alapai Station
Conference Room A
801 South Beretania Street, First Floor
Honolulu, Hawaii 96813

AGENDA

- I. CALL TO ORDER
- II. ASCERTAINMENT OF QUORUM
- III. CHIEF OF POLICE REPORT
 1. Events
 2. Highlights
- IV. APPROVAL OF MINUTES FOR THE OPEN SESSION OF NOVEMBER 16, 2016
- V. NEW BUSINESS
 1. Report on actions taken at the November 16, 2016, executive session
- VI. PUBLIC TESTIMONY
 1. Agenda Items
- VII. EXECUTIVE SESSION (Closed to the public)

The following agenda items will be reviewed in executive session pursuant to: HRS 92-5(a), subsections (2), (4), (5), (6) and (8): to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; to consult with its attorneys on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities; to investigate proceedings regarding criminal misconduct; to consider sensitive matters related to public safety or security; to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to state or federal law, or a court order.

2016 DEC 28 PM 3:10

RECEIVED
CITY CLERK
C & C OF HONOLULU

VII. EXECUTIVE SESSION (Continued)

- A. Chief of Police report regarding sensitive matters relating to public safety or security
- B. Approval of the executive session minutes of November 16, 2016
- C. Executive Officer's Report
 - 1. Status of Investigations
 - 2. Office status/personnel report
- D. Complaints
 - 1. HPC No. 16-053, filed on August 25, 2016, complaint alleging discourtesy-name/badge number, discourtesy-profanity, and conduct unbecoming an officer
 - 2. HPC No. 16-065, filed on September 23, 2016, complaint alleging discourtesy-profanity and overbearing conduct
- E. Requests for Legal Counsel
- F. Status of Chief of Police. Executive Session pursuant Subsections 92-5(a)(4) (to consult with its attorneys on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities), and 92-5(a)(2) (to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved)

VIII. RETURN TO OPEN SESSION FOR ANNOUNCEMENTS AND ADJOURNMENT

IX. ANNOUNCEMENTS

- 1. The next meeting of the Honolulu Police Commission will be on January 18, 2017, at 2 p.m.

X. ADJOURNMENT

Note: For those wishing to present written testimony, please submit your testimony to the Honolulu Police Commission, 1060 Richards Street, Suite 170, Honolulu, Hawaii 96813 by January 3, 2017. For those wishing to present oral testimony, please register thirty (30) minutes before the scheduled meeting. Persons not registered to speak on an agenda item should raise their hands at the time public testimony is invited (Item VI of the agenda) and they will be given an opportunity to speak following oral testimony by any registered speakers. Speaking time will be limited to three minutes.

Public
Testimony for
Jan. 18, 2017
Commission Meeting

From: Marjorie Morgan [mmorgan17@hawaii.rr.com]
Sent: Thursday, January 12, 2017 5:50 AM
To: HPD Police Commission
Subject: Monetary Settlement for Police Chief Louis Kealoha

Good Morning,

I am writing to the Honolulu Police Commission in regards to the possibility of a monetary settlement to Police Chief Louis Kealoha. I was happy to hear he finally went to Merchant Street, ERS, it was about time...then I hear his lawyer is pushing for a monetary settlement are you kidding me! He didn't even earn his money when he was at work! If the Commission settles, this will set a precedent like the UH Football Coaches on the gravy train....let's do a lousy job and we'll be paid off...without any consequences! What a rip off to the taxpayers!

I am opposed to a monetary settlement because he has been a civil servant for 25+years, and will have a very nice retirement package. He has been a large embarrassment for the HPD for years, and it's about time he retires and go away!

I worked under Chief Kealoha as a civilian employee in the Human Resources Division (HRD) before retiring in 2011 with a pittance of a retirement. When he became Chief he talked about Aloha and Pono...what a joke! He is a Big Black mark for the HPD and he should not have been given another five years! Working under him for 1 1/2 years, prior to my retirement, was so disappointing because he didn't rule with Aloha and Pono. He has no loyalty to his people and is always willing to throw anyone under the bus to save his own skin. Under his leadership so many great and smart high ranking HPD Officers left quietly because there was no hope of being promoted or heard. He only promoted "Yes" men who had no foresight into the future of the HPD. He didn't want smart efficient people to assist him in leading the HPD into the future, he was only interested in being the Chief...never wanted to be questioned. Do as I say or you will pay heavily, and if you do as I say and we get caught, you are going to be blamed!

It just upsets me so much when he, and his 4th floor entourage, encouraged many others to retire or else! Did he offer them a payout plus retirement...No...they went quietly like many others before them and retired without any extra payouts!

As a former HPD employee and a Taxpayer, I am pleading with the Police Commission not to settle! What happened to his Aloha and Pono...ha...he never had it...and never will...he is a fraud and an embarrassment the HPD and the community!!!

Thank you,

Marjorie Morgan
Retired
Personnel Assistant
HRD

From: kevinczane@aol.com
Sent: Wednesday, January 18, 2017 8:11 AM
To: HPD Police Commission
Subject: release of police chief

just saw hawaiiinewsnew report on the current options the commission has at its disposal to remove the police chief.

i'm just adding my 2 cents -- the cheapest and least painful. the city should not spent any more taxpayers \$\$\$ then necessary. PLEASE MAKE YOUR DECISION CAREFULLY!!! LETS ACT AS IF THE FUNDS ARE COMING OUT OF YOUR OWN POCKET; DON'T ACT LIKE THERE'S A MONEY TREE GROWING @ THE BOTANICAL GARDENS...

LIVE ALOHA

KEVIN ZANE
729-4177

From: Sen. Will Espero [senespero@capitol.hawaii.gov]
Sent: Tuesday, January 17, 2017 2:45 PM
To: Lawrence, Dan
Subject: PLZ forward to Police Commission
Attachments: Pretrial Statement.pdf; Settlement.pdf

January 17, 2017

Aloha Chair Sword and Members of the Police Commission,

I am writing to ask you to NOT give Chief Kealoha a settlement for his retirement. I have spoken with many residents and constituents and the majority do not support some type of severance pay. On social media, the feeling is the same that the chief should not get an additional buyout for retirement.

I and others feel that if necessary, allow him to stay on leave with or without pay until his case is resolved. I understand the Police Commission may want to put this episode behind it and hire a new chief to start anew. However, the Police Commission has been silent on this matter for over 16 months and to act so quickly at this point in time does not seem to be in the best interest of the City and County of Honolulu.

One police officer has already pled guilty of federal conspiracy charges. This increases the odds that others will be indicted and face prosecution. Since the chief appears to be a target of this federal investigation, one would think it is not in the best interest of tax payers to give the chief a bonus for the situation he is in. Many people feel if he should retire, let him have his pension which he earned and no more.

I personally feel there is evidence to question his leadership and management of the department if you have to go down that road. The attached material above is eye-opening and disturbing. This case led to the largest settlement in the history of HPD. It did not start with Chief Kealoha but it continued under his regime.

Other issues which could be looked at and evaluated include: Non-processing of rape kits, Destruction of rape kits, Police Academy Scandal, Delay in Crime stats to AG for FBI database, Delay in identifying violent crimes for crime-mapping, handling of domestic violence cases, increase in HPD officers terminated, \$5 million cost for Dowset lawsuit, Proposed Borges promotion.

I realize a court case could go on for months if not longer. But I feel the public response to an early buyout is negative and you need to know this. A person is innocent until proven guilty. We have courts to find the truth. Let the truth come out and then make your decision.

Thank you for the time to express my thoughts and the opinions of many Oahu residents.

Respectfully
Will Espero
State Senator

1/17/2017

From: digger [digger1@hawaii.rr.com]
Sent: Friday, January 13, 2017 3:24 PM
To: HPD Police Commission
Subject: my property taxes

aloha:

i'm doing my best to try to figure out just how the police commission can give an employee who is retiring more than they have earned through the city employee retirement system. apparently you are allowing the chief to retire with full properly earned benefits. however, that's not enough for you. you now want to give him a golden parachute of extra money even though he is retiring. also, as i understand it you may decide whatever numbers of millions of dollars you want to give him according to the mayor as he has no role. you must all feel very proud that you are now a taxing authority and can vote to increase my property taxes with no one having anything to say to you. how can you negotiate my property taxes? and, this is what the retired supreme court justice has taught you? you are absurd.

thank you
digger