

REVIEW OF COMPLAINTS 2020



JULY 2021

HONOLULU POLICE DEPARTMENT
City and County of Honolulu

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Executive Summary

The purpose of this report is to provide a documented, annual review and analysis of the Honolulu Police Department's complaints and make recommendations based on objective standards to help prevent officer misconduct and improve its overall complaint process, including enhanced employee training. These identified, actionable areas for improvement will help the department to further develop its employees to uphold and promote the department's mission statement of "Serving and Protecting with Aloha."

Introduction

The Honolulu Police Department (HPD) is committed to improving community trust, building legitimacy, and addressing complaints from the public through unbiased investigations of complaints and allegations. One way to effectively accomplish these goals is to frequently collect and critically analyze complaint data and identify patterns, if available.

This review will help the department have a better understanding with regards to officer conduct, policies, training, and how it ties into enhancements in training and the disciplinary process. As the trends are examined, the data will also be used to improve accountability when misconduct allegations are sustained.

This report includes complaints received by the HPD for the time period of January 1 to December 31, 2020. We will also take a look back at previous years' complaint data to further ascertain if there are identifiable patterns and/or trends. For the purposes of consistency in reporting, the findings will only represent the data available as of February 2021.

The report will focus on the following areas: complaints received, the administrative and criminal investigation process, officer demographics, and the disposition of complaint investigations within the reported year. This is the inaugural report of complaints for the HPD and will be used as the baseline for successive reports.

The department has already identified areas that require enhancement to its processes in order to be able to gather additional, valuable data and to be able to make the appropriate changes when necessary. One example is that more documentation is needed regarding the initial nature of the officer/citizen contact that leads to the investigation. To aid with the collection of this data, a data field will be added to the department's Records Management System to better track officers' gender, ethnicity, and age information. Furthermore, the HPD has reached out to the software vendor used for internal investigations to evaluate whether creating customizable form fields are possible to aid in data collection.

As subsequent reports are produced, the formatting of this report may change over time to highlight, if available, developing trends and provide clarity to identifiable patterns. Items such as visual aids and graphics could be used in later renditions to ease with the review of the analysis as more data becomes available.

Background

The HPD serves as the primary law enforcement agency for the island of Oahu. The department's jurisdiction is the City and County of Honolulu. It has a circumference of about 137 miles and an area of approximately 596 square miles. The estimated resident population is 980,080, which includes military personnel but not tourists.

For police operations, the island is divided into eight patrol districts. Each patrol district is further subdivided into sectors and beats. The department's headquarters is located at 801 South Beretania Street in Honolulu, Hawaii. District stations can be found in Kalihi, Kaneohe, Kapolei, Pearl City, and Wahiawa. As of December 2020, the HPD had a personnel strength of 2,421 (1,959 sworn officers and 462 civilian employees).

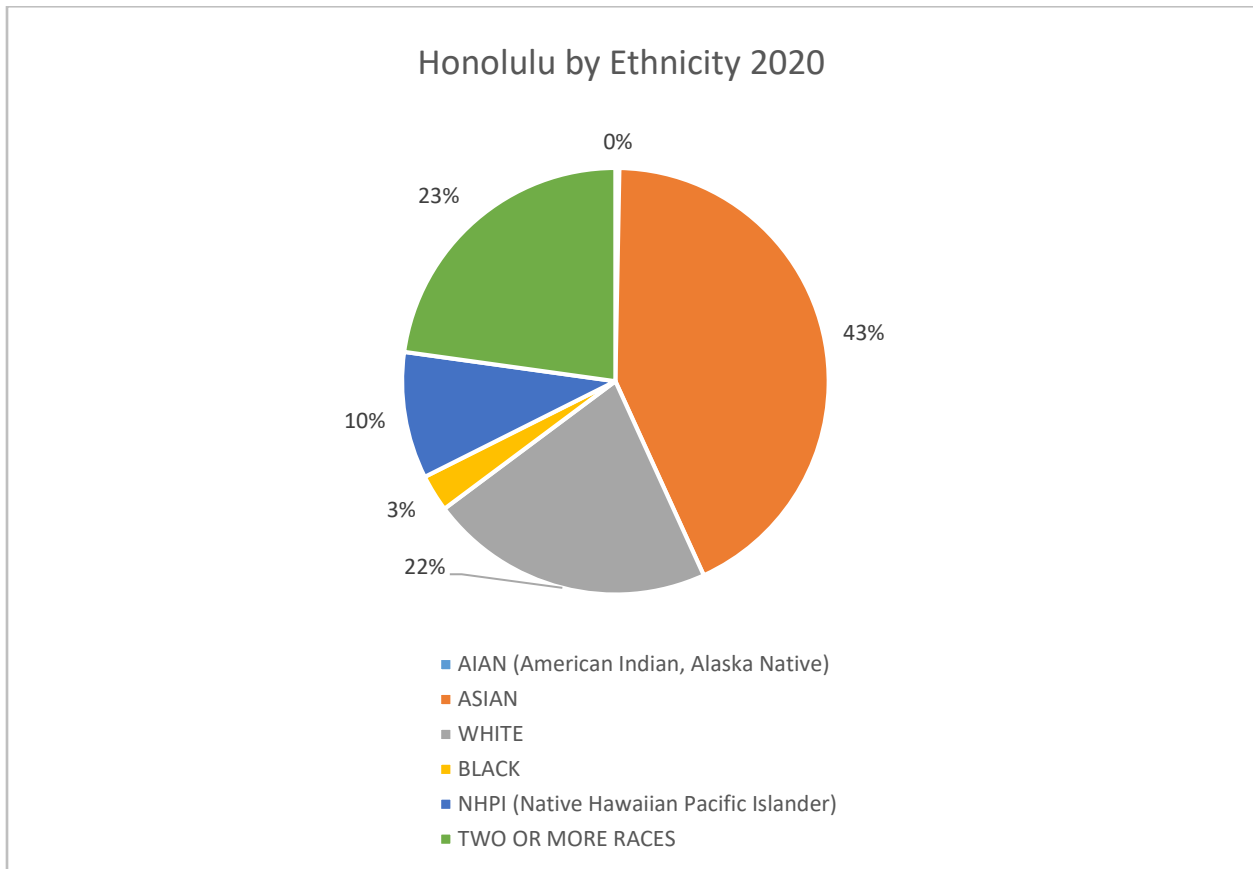


The Professional Standards Office (PSO) is charged with ensuring the integrity of the department by conducting fair and impartial investigations into allegations of police misconduct. For the purposes of this report, the data and findings will be as a result of administrative and criminal complaints received during the calendar year. Departmental Policy 5.01, COMPLAINTS AND INTERNAL INVESTIGATIONS¹, provides the guidance for which complaints are handled by the HPD. Misconduct is defined in the policy as, "the violation of any section of the Standards of Conduct or civil service rules."

¹ Honolulu Police Department Website (<https://www.honolulupd.org/wp-content/uploads/2020/08/HPD-Policy-501-reviewed-by-Legal-12-9-2020.pdf>)

Questions have been posed to the HPD regarding the ethnicity of our departmental personnel as it relates to the population we serve and whether there are distinct inequities. Currently, the department does not have a formal mechanism in place nor asks for complainant ethnicity as a part of the complaint process. However, there is information available from the United States Census Bureau². The chart below illustrates the ethnicity share breakdown by race for the city of Honolulu. It depicts that Asians and Two or More Races make up 66 percent of the population share of the City and County of Honolulu; Asians with 43 percent and Two or More Races with 23 percent.

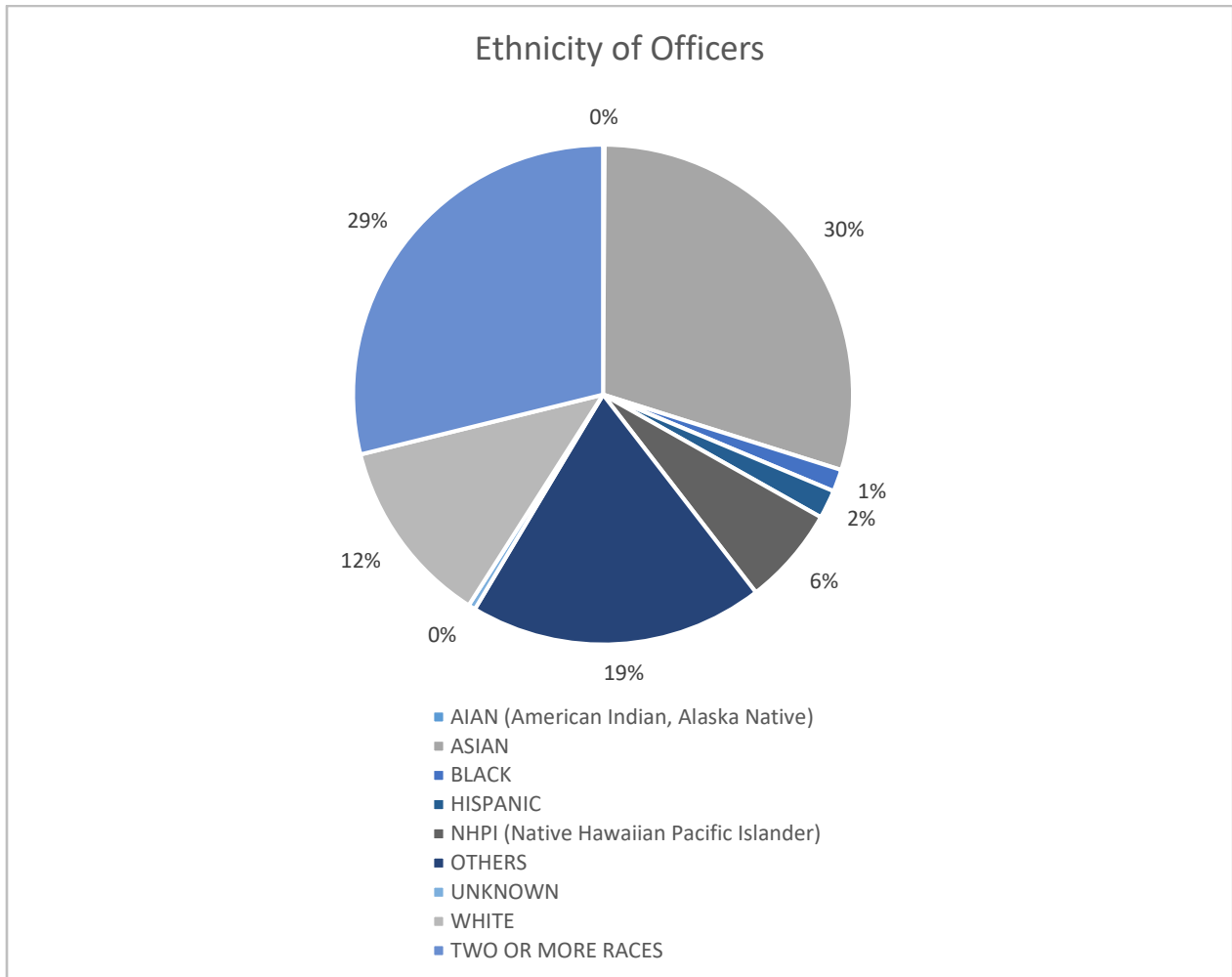
Exhibit 1: Population Share by Ethnicity for the City and County of Honolulu



² United States Census Bureau QuickFacts: Honolulu County, Hawaii (<https://www.census.gov/quickfacts/fact/table/honolulucountyhawaii,US/PST045219>)

The ethnicity of the HPD's officers are shown in the chart below. Asians and Two or More Races make up the largest segment of the department's police force at nearly 59 percent; Asians making up 30 percent and Two or More Races making up 29 percent. This is similar and reflective of the population share for the City and County of Honolulu.

EXHIBIT 2: Ethnicity of HPD Officers



The Complaint Process

Complaints, both external and internal, are received by the Honolulu Police Commission (HPC) and the PSO. The HPC receives, processes, and handles complaints from the public. 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.

The PSO is responsible for handling complaints and investigations, both external and internal and administrative and criminal in nature. In addition, it conducts staff and general inspections for all departmental elements to ensure that equipment and procedures are suitable for the operation of the department. The PSO is not directly involved with the disciplinary process. Its primary function is to provide the Administrative Review Board (ARB) with a complete, thorough, and fair investigation and in a timely manner. The ARB is the governing body whereby its members decide and make recommendations and present them to the Chief of Police.

All complaints handled by the department are investigated expeditiously. Each investigation shall be completed within 60 days of receipt of the initial complaint, unless exceptional circumstances prevent completion and an extension is granted by the commander of the PSO.

For sworn officers, misconduct could happen both in and outside the performance of official police actions. HPD officers are subject to the department's Standards of Conduct³, as well as departmental directives, orders, and procedures of the HPD at all ti

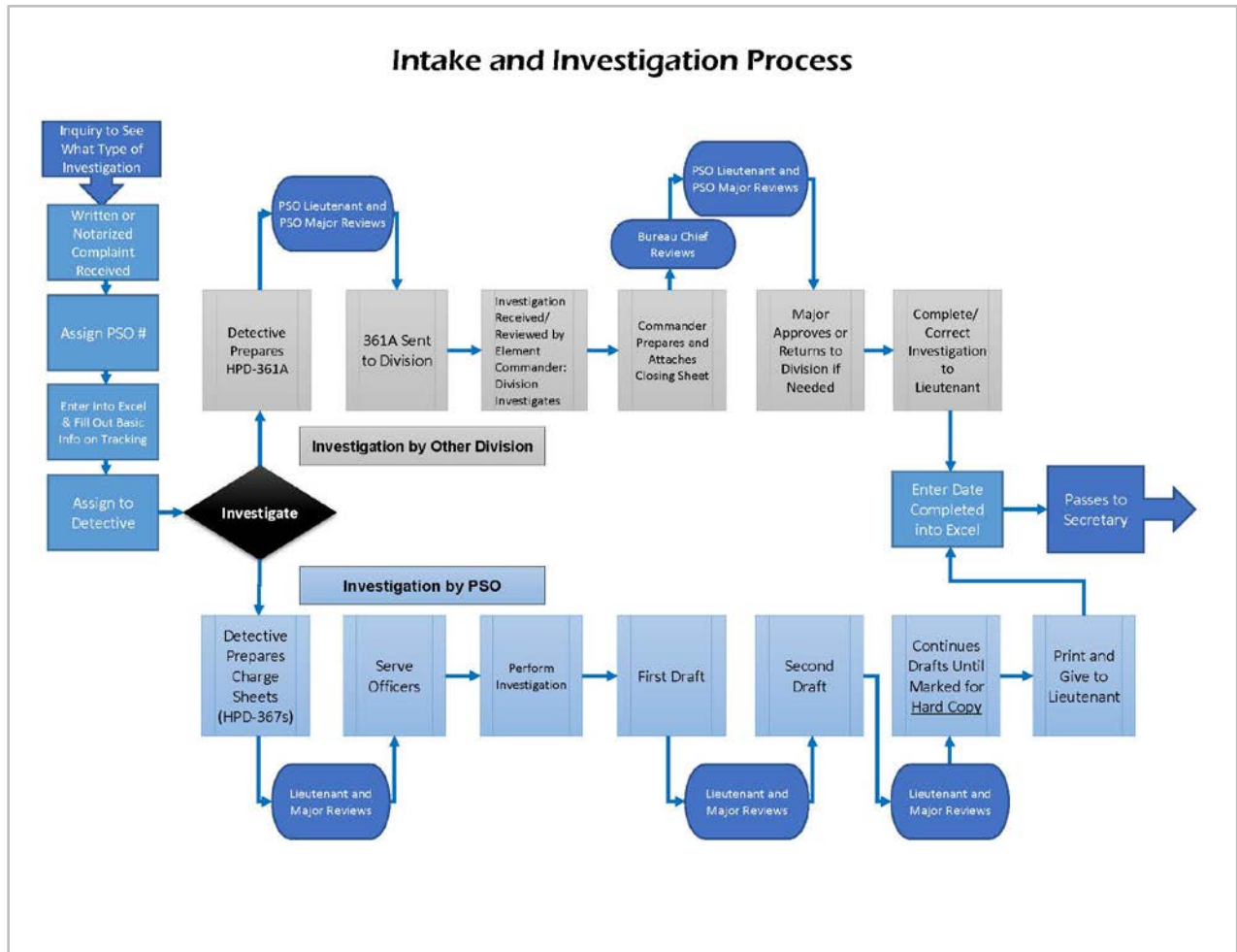
Throughout the investigation process, departmental personnel are advised of their rights. For any misconduct investigation, it is the duty and responsibility of each employee to provide truthful, complete, and direct answers to any and all questions regarding his or her duties and actions as an employee of the HPD.

It is important to note that the investigation conducted by the CIS is a criminal proceeding and not administrative in nature. The administrative and criminal investigation of the same incident are conducted independently by the CIS and AIS. The administrative complaint process determines whether there is/are violation(s) of departmental policies, orders, and procedures and, if warranted, appropriate corrective action to address and prevent problematic behavior.

³ Honolulu Police Department Website (<https://www.honolulu.org/wp-content/uploads/2020/01/StandardsofConduct-03-21-2017-20-10-41.pdf>)

After considering all pertinent reports and testimony, the ARB shall assign one classification to each complaint. When a complaint is sustained, the ARB's findings shall include a recommendation to the Chief of Police for disciplinary or non-disciplinary action. A diagram of the HPD's complaint process is outlined below.

Exhibit 3: The Complaint Process



Citizens and HPD personnel are encouraged to report police misconduct in an effort to address public concern, correct inappropriate behavior, and uphold the public's trust in the police department. The HPD's mission statement of "Serving and Protecting with Aloha" holds true for all levels and areas of the department.

Understanding the Data

The HPD's PSO utilizes IPro™, a software application, to manage and track investigations, as well as those that result from complaints, both external and internal sources. The data gathered for this report is generated from this software and sorted for the purposes of this report.

Results

For 2020, 518 complaints were received by the HPD. Of those complaints, 296 (approximately 57 percent) were sustained, meaning there was sufficient evidence and a determination was made that a preponderance of the evidence proves that the misconduct or failure to perform a duty complained of did occur. In comparison, the previous year's complaints were sustained at 63 percent.

Additionally, of the 518 complaints, 82 (16 percent) were either unfounded, officer exonerated, or not sustained; 14 percent were pending final disposition; and 13 percent of the complaints were documented for records only.

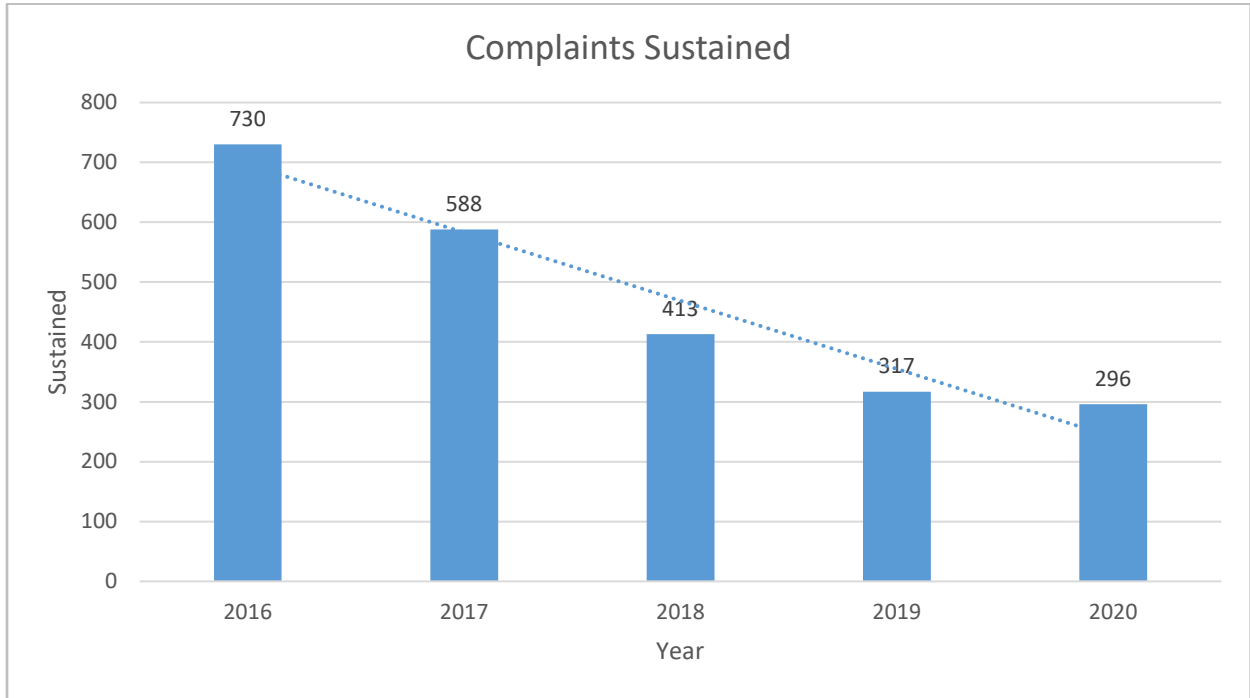
Exhibit 4: Complaints Received 2016 - 2020

	2016	2017	2018	2019	2020	% Change Over 5yr Period
SUSTAINED (sufficient evidence to justify disciplinary action against the officer[s])	730	588	413	317	296	-59%
OTHER	159	106	122	75	82	-48%
Unfounded	53	16	17	11	16	-70%
Exonerated	17	15	18	4	13	-24%
Not Sustained	89	75	87	60	53	-40%
Records Only	71	69	86	94	66	-7%
PENDING (Final disposition of the allegation has not been made)	1	1	2	17	74	
TOTAL	961	764	623	503	518	-46%
% of Cases Sustained	76%	77%	66%	63%	57%	
% of Cases Unfounded, Exonerated, or Not Sustained	17%	14%	20%	15%	16%	

From 2016 to 2020, the percentage of total complaints went down by 46 percent overall, from 961 in 2016 to 518 in 2020. During the same period, complaints in the Other category, which includes all of the complaints that were in the subcategories of Unfounded, Exonerated, and Not Sustained, decreased by 48 percent.

The sustained complaints also went down by 59 percent from 730 in 2016 to 296 in 2020. Due to the reduction of complaints over the five-year period, the number of sustained complaints went down as well. Refer to the following graph representing the total sustained HPD complaints from 2016 to 2020.

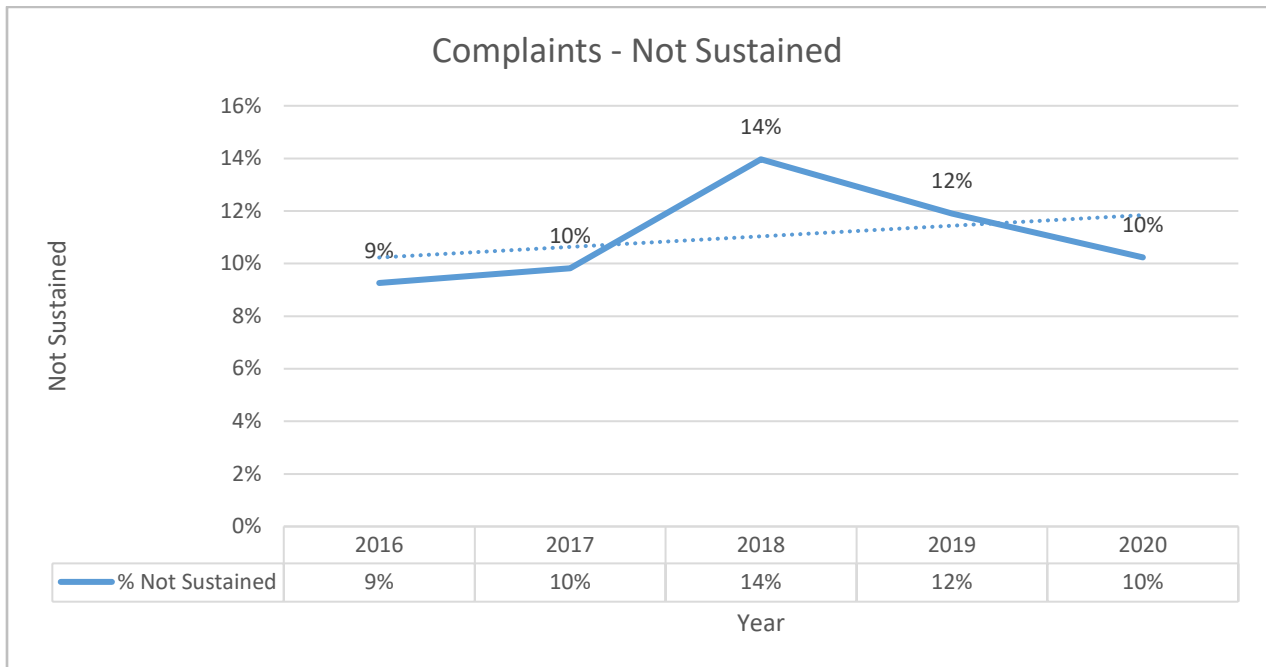
Exhibit 5: Complaints Sustained 2016 - 2020



From 2016 to 2020, the total number of Not Sustained complaints remained fairly consistent. However, in looking at the complaints that were Not Sustained from year to year, the percentage of those complaints compared to the total went from 9 percent in 2016 to 10 percent in 2020.

A complaint deemed Not Sustained means the investigation failed to disclose sufficient evidence to prove or disprove the allegations made in the complaint. There has been a steady increase in the percentage of complaints every year that were Not Sustained over the five-year period.

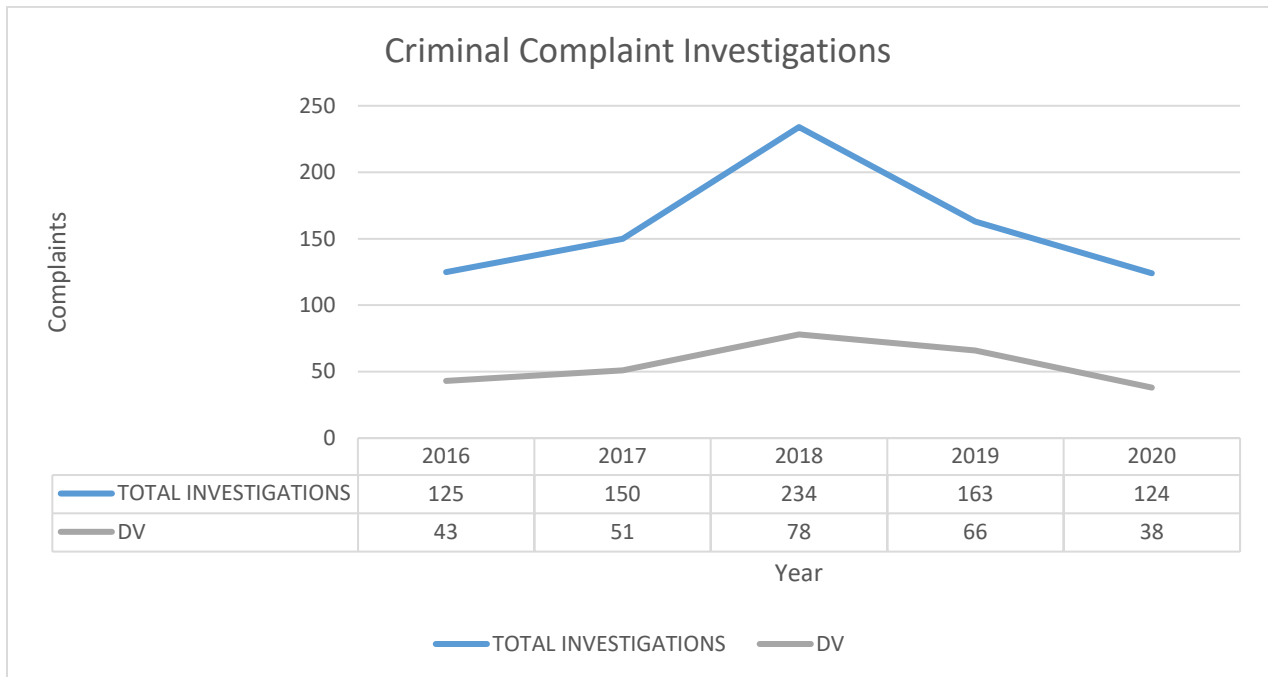
Exhibit 6: Complaints Not Sustained 2016 - 2020



Having a criminal complaint investigated does not automatically deem the employee suspended or dismissed. For this section of the report, we will review the complaints that were categorized as criminal law offenses by the PSO. These are investigations that may include the involvement of departmental employees, police commissioners, and police commission staff members. Misconduct in this context means the violation of any section of the Standards of Conduct or civil service rules.

The following graph shows the criminal law investigations conducted by the PSO from 2016 to 2020.

Exhibit 7: Criminal Complaint Investigations



There were 124 criminal complaint investigations in 2020. There was a spike in the number of total criminal law complaints in 2018 with 234 investigations. Some of that increase can be attributed to the investigations of two officers, with the majority of cases for Abuse of a Family or Household Member and Tampering with a Government Record.

Overall, the results reveal that criminal complaint investigations have gone down by one percent from 125 in 2016 to 124 in 2020. DV-related complaint investigations average 35 percent from 2016 to 2020. Additionally, there was a reduction of 12 percent for DV-related complaints. The HPD's increased emphasis on DV has led to the increased awareness of this even within the HPD. Refer to the chart below.

Exhibit 8: Criminal Complaint Investigations

CRIMINAL INVESTIGATIONS	2016	2017	2018	2019	2020	Total	Change Over 5-Yr Period
TOTAL CRIMINAL INVESTIGATIONS	125	150	234	163	124	796	-1%
DV	43	51	78	66	38	276	-12%
% DV	34%	34%	33%	40%	31%	35%	

Exhibit 9: Most Common Criminal Complaints Investigated by the PSO

	2016	2017	2018	2019	2020	Total	Change Over 5-Yr Period
CRIMINAL INVESTIGATIONS							
Domestic Argument*	0	0	22	19	19	60	N/A
Theft 4	6	6	32	9	6	59	0%
Tampering with a Government Record	8	4	39	2	2	55	-75%
Miscellaneous Public (Fact Finding)	6	15	8	8	16	53	167%
Assault 3	6	14	10	13	8	51	33%
Miscellaneous Public (Domestic Argument)*	23	27	0	0	0	50	-100%
Abuse of Family or Household Member (Misdemeanor)*	2	6	25	9	3	45	50%
Miscellaneous Public (Firearm Discharge)	7	4	12	12	5	40	-28%
TOTAL MOST COMMON	58	76	148	21	59	413	
TOTAL CRIMINAL INVESTIGATIONS	125	150	234	163	124	796	
Most Common Crimes Account for Total Investigations	46%	51%	63%	13%	48%	52%	
Most Common Crimes Investigated, DV Related	20%	22%	20%	17%	18%	19%	

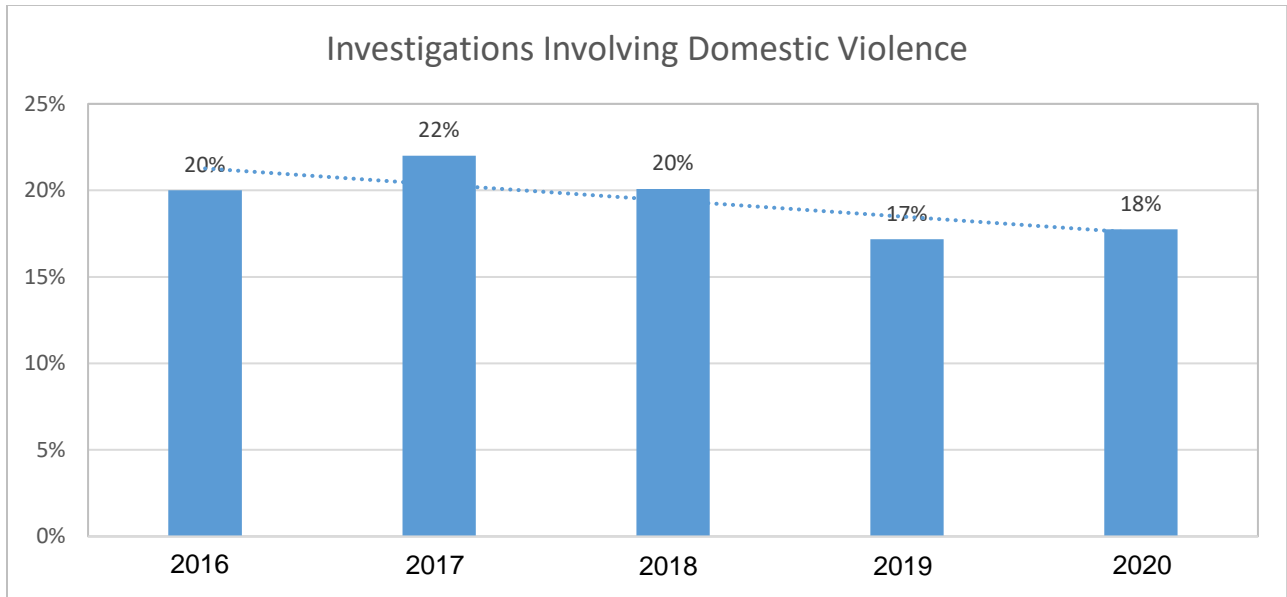
*DV Related

The most significant change was for Miscellaneous Public-(Fact Finding) type cases. These are the cases where the PSO needs to obtain more information regarding a case. As such, these cases are deemed "fact finding" by the PSO and have increased over the five-year period by 167 percent from 6 in 2016 to 16 in 2020.

Due to the implementation of the Case Report System (formerly the HPD's Records Management System back in November 2016), the Domestic Argument case type was added thus revising the way the department categorized domestic arguments. Therefore, Miscellaneous Public (Domestic Argument) was replaced by Domestic Argument for 2018 as a case type and the department began counts to that case type moving forward. Nevertheless for the five-year period from 2016 to 2020, the general category of domestic arguments (Domestic Argument, Miscellaneous Public – Domestic Argument) went down by approximately 17 percent.

During the same time, Abuse of Family or Household Member (Misdemeanor), including all other domestic violence-related crimes, declined from 20 percent of criminal complaints in 2016 to 18 percent in 2020. Refer to Attachments 4a and 4b for the complete list.

Exhibit 10: Investigations Involving Domestic Violence



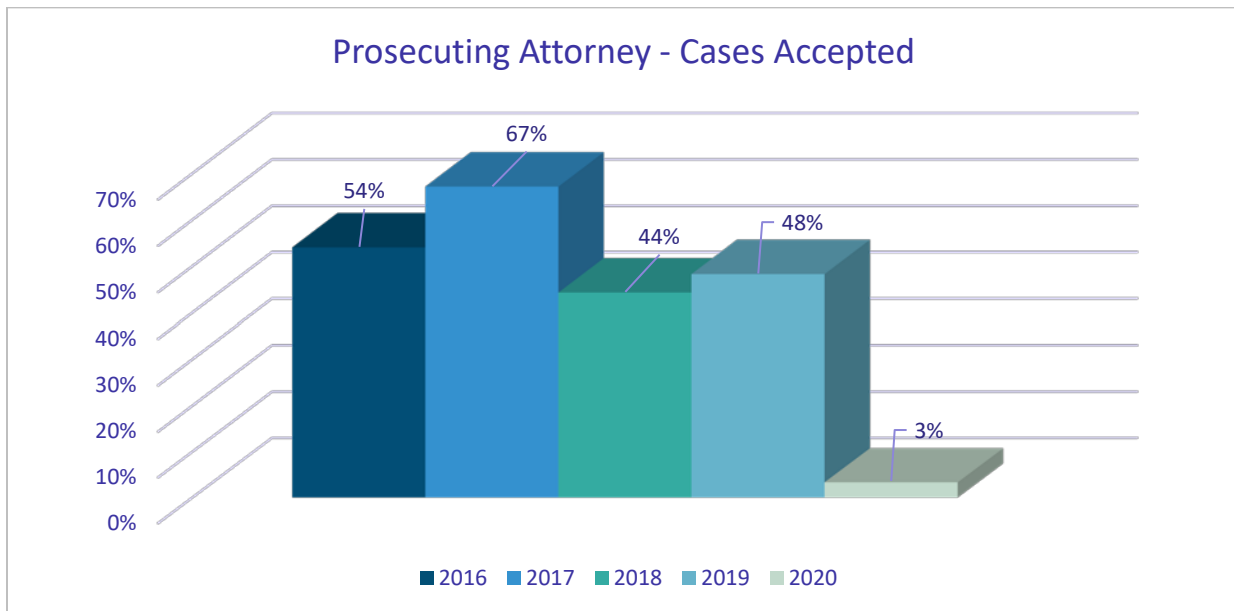
When the PSO has completed its investigation of a complaint and has determined there was a criminal law violation, the HPD will refer or confer the case to the Department of the Prosecuting Attorney for the City and County of Honolulu for further investigation and subsequent prosecution. The Prosecuting Attorney’s office represents the people of the state of Hawaii in criminal proceedings.

Exhibit 11: Investigations Referred to Prosecuting Attorney

	Referred	Accepted	Acceptance Rate
2016	37	20	54%
2017	67	45	67%
2018	70	31	44%
2019	58	28	48%
2020	30	1	3%
Total	262	125	48%

The cases referred and accepted for prosecution to the Prosecuting Attorney’s office by the HPD averaged 48 percent from 2016 to 2020. Due to the amount of coordination and time it takes for information to be gathered and investigations completed, most cases take years to prepare for referral to the Prosecuting Attorney’s office.

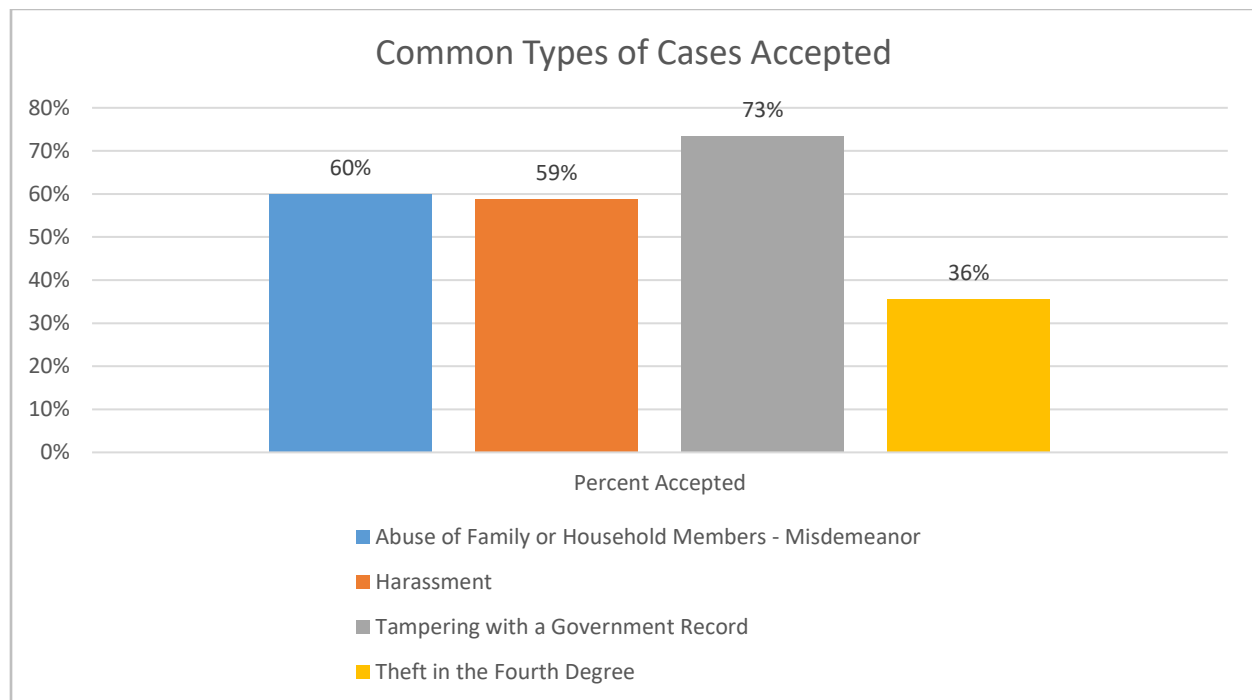
Exhibit 12: Cases Accepted by the Prosecuting Attorney



The above chart depicts the percentage of cases accepted by year for the Prosecuting Attorney's office from 2016 to 2020. It has been noted that there was a low amount of cases accepted by the Prosecuting Attorney's office in 2020 due to many city and state offices being closed and services dramatically decreased caused by the COVID-19 pandemic.

There are four types of complaints that accounted for a majority of the cases accepted by the Prosecuting Attorney's office from 2016 to 2020: Abuse of Family or Household Members – Misdemeanor, Harassment, Tampering with a Government Record, and Theft in the Fourth Degree.

Exhibit 13: Most Common Types of Cases Accepted by the Prosecuting Attorney's Office 2016 - 2020



An example of Tampering with a Government Record would be when officers' alter any type of citation, tag tally, and/or police report; also known as governmental records. These records also could include employee timekeeping sheets, leave of absence requests, or any other forms associated with the operations of a government agency.

When this report refers to complaints, it is also those that are categorized as administrative and forwarded to the PSO's Administrative Investigation Section (AIS). A criminal complaint usually contains elements of an administrative violation, thus a separate and independent administrative investigation is conducted by the PSO AIS. An administrative investigation may be initiated at any point during the criminal investigation process. Regardless of the status of the administrative investigation, the criminal investigation and process continues independently.

The administrative investigation process provides information to determine the recommendation to the ARB for discipline, suspension, or dismissal. This is a separate and impartial investigation from a criminal investigation. As mentioned before, a criminal investigation does not necessarily result in an automatic recommendation for suspension or dismissal from the department. Therefore, a criminal investigation is a separate investigation from the investigation conducted by the PSO's AIS.

The results of the PSO's AIS investigation is then forwarded to the ARB. Officers and civilian personnel are employed by the City and County of Honolulu and, therefore, have certain employee rights. These rights are exercised by the employee's respective collective bargaining agreement (CBA).

Per the State of Hawaii Organization of Police Officers (SHOPO) CBA, "if the employee about to be interrogated is under arrest, or is suspected of committing a crime, the employee shall be completely informed of all the employee's Constitutional Rights prior to the commencement of any criminal interrogation. The employee shall not be disciplined, dismissed, nor discriminated against solely because the employee exercised said Constitutional Rights during a criminal investigation." The SHOPO CBA covers police officers employed by the City and County of Honolulu, State of Hawaii, and the counties of Hawaii (Big Island), Maui, and Kauai.

Grievance, as defined by the SHOPO CBA means, "a complaint filed by a bargaining unit employee or by the Union individually or on an employee's behalf, alleging a violation, misinterpretation or misapplication of a provision," of the CBA. Employee grievances arise as a result of alleged violation, misinterpretation, or misapplication of the employee's actions or behavior.

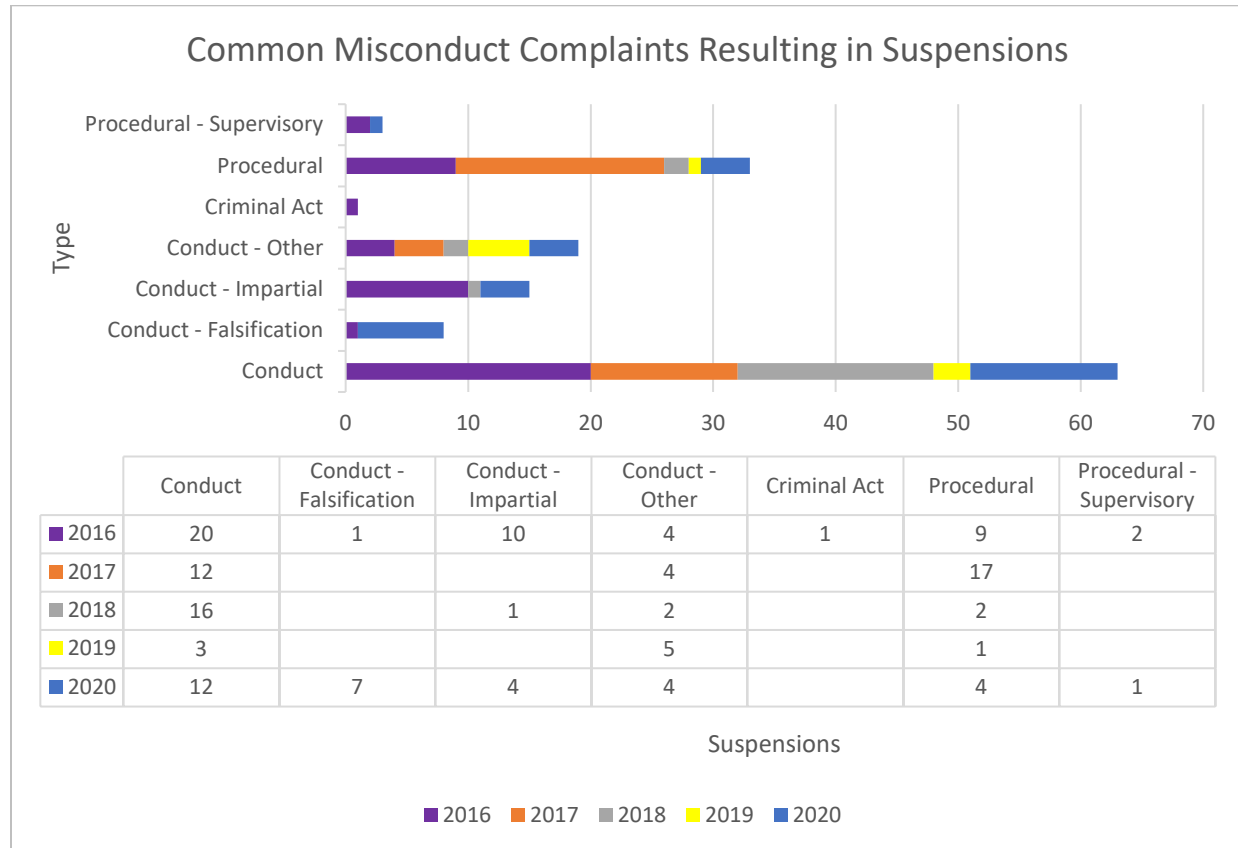
This section will focus on the results of the PSO's AIS complaints resulting in recommendations for suspensions and dismissals for 2020. Most administrative complaint investigations take years to completely process due to grievances.

These complaints of misconduct for these administrative investigations are separated into the following conduct-related categories. Refer to Attachment 5a for the complete list.

- Conduct
- Conduct – Falsification
- Conduct – Impartial Attitude
- Conduct – Other
- Criminal Act
- Procedural
- Procedural - Supervisory

Suspensions

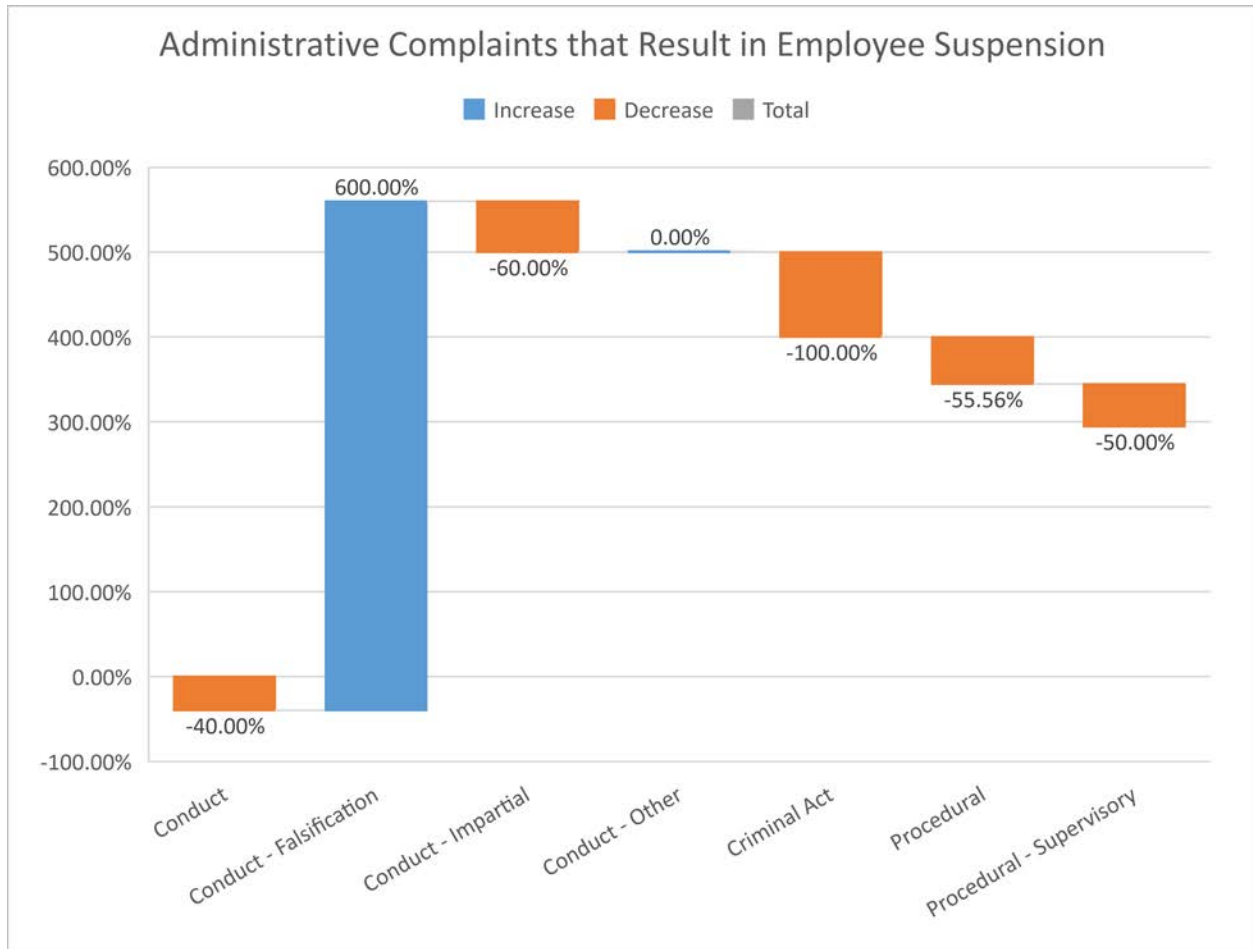
Exhibit 14: Administrative Complaints Resulting in Employee Suspensions
2016 - 2020



In 2020, 32 administrative complaints resulted in a recommendation for employee suspension; of those, 12 were for conduct-related complaints. From 2016 to 2020, the highest number of suspensions were a result of conduct-related complaints (63). Conduct-related complaints are further separated into the categories listed above. Refer to Attachments 5a and 5b for the complete list.

The administrative complaint with the highest percentage increase was Conduct Falsification with 600 percent. However, the increase was due to the rise in number of this complaint type from one in 2016 to seven in 2020. For the rest of the conduct types, there was a consistent decrease from 2016 to 2020. This would be consistent with the overall decrease in complaints for the same period.

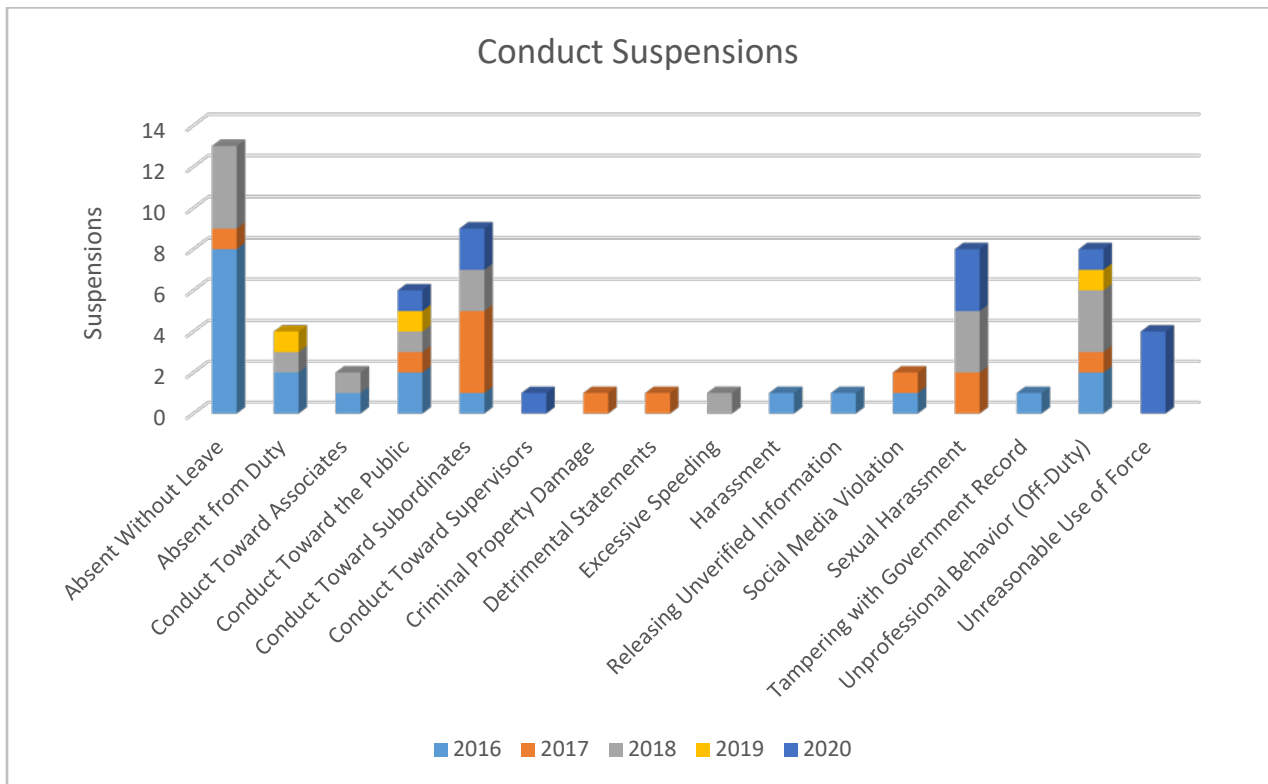
Exhibit 15: Conduct Complaints that Result in Suspension 2016 - 2020



An example of misconduct for falsification would be for when an officer or civilian employee tampers with an official government record, such as a work attendance timesheet or an official HPD form.

The charts on the next page illustrate the complaints in the Conduct category in total from 2016 to 2020. The highest number for Conduct-related suspensions was for Absent Without Leave, with a total of 13 investigations. An example of this type would be when an employee calls in sick and he or she does not have enough leave or if that person does not return back to their post or office from a meal break and/or does not come back or check back in at all.

Exhibit 16: Conduct-Related Suspensions 2016 - 2020



CONDUCT	2016	2017	2018	2019	2020	Total
Absent Without Leave	8	1	4			13
Absent from Duty	2		1	1		4
Conduct Toward Associates	1		1			2
Conduct Toward the Public	2	1	1	1	1	6
Conduct Toward Subordinates	1	4	2		2	9
Conduct Toward Supervisors					1	1
Criminal Property Damage		1				1
Detrimental Statements		1				1
Excessive Speeding			1			1
Harassment	1					1
Releasing Unverified Information	1					1
Social Media Violation	1	1				2
Sexual Harassment		2	3		3	8
Tampering with Government Record	1					1
Unprofessional Behavior (Off-Duty)	2	1	3	1	1	8
Unreasonable Use of Force					4	4
TOTAL	20	12	16	3	12	63

In some cases, the total number of complaints in a particular category could stem from one incident. An example of this would be in 2016 for Impartial Attitude investigations (10); these complaints all stemmed from the same incident.

Exhibit 17: Most Common Complaints that Result in Employee Suspension

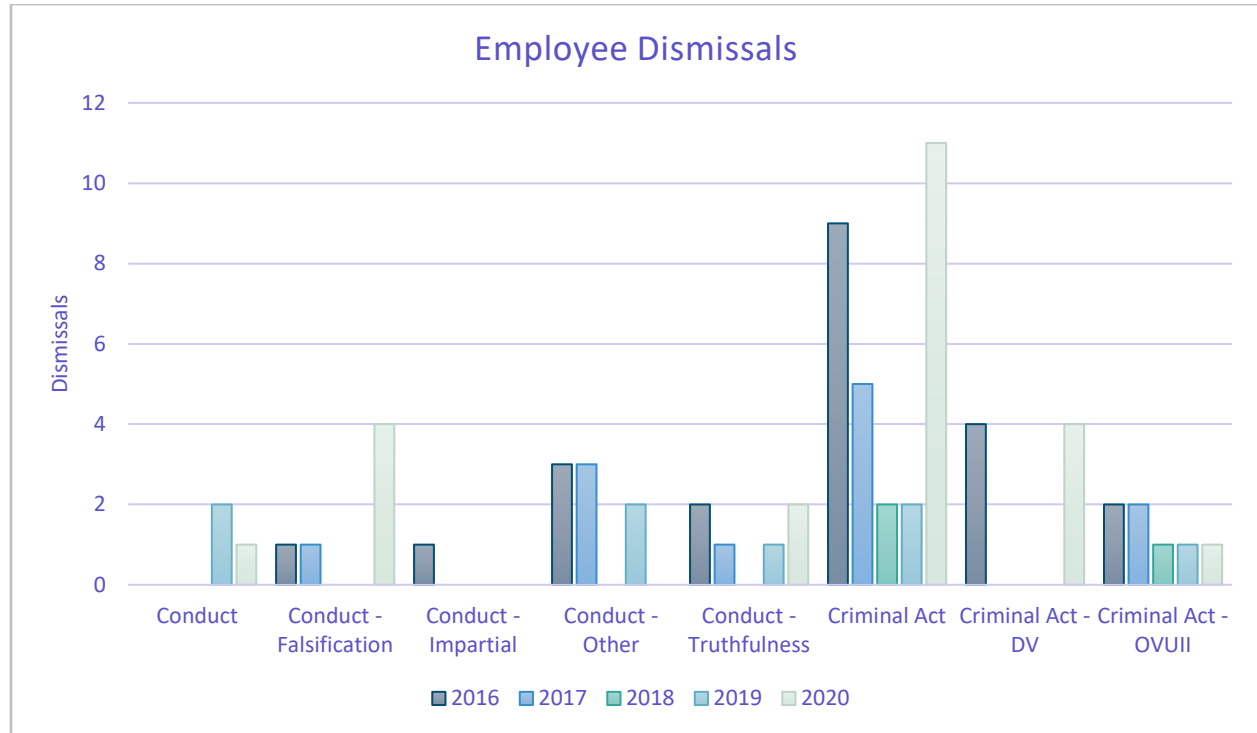
Suspension - Types	2016	2017	2018	2019	2020	Total	% of Total
Impartial Attitude	10	0	1	0	4	15	11%
Absent Without Leave	8	1	4	0	0	13	9%
Conduct Toward Subordinates	1	4	2	0	2	9	6%
Sexual Harassment	0	2	3	0	3	8	6%
Unprofessional Behavior (Off-Duty)	2	1	3	1	1	8	6%

In the five-year period from 2016 to 2020, the most common types of complaints were for Impartial Attitude, Absent Without Leave, Conduct Toward Subordinates, Sexual Harassment, and Unprofessional Behavior (Off-Duty). Refer to Attachments 5a and 5b for the complete list.

Dismissals

Although each complaint of misconduct has its own set of facts and circumstances involved, the investigations reveal similar types of recommendation reasons for dismissal. For 2020, there were 23 Conduct-related complaints that resulted in employee dismissal. Refer to Attachment 6 for the complete list.

Exhibit 18: Administrative Complaints that Result in Dismissal



CONDUCT	2016	2017	2018	2019	2020	TOTAL
Conduct				2	1	3
Conduct - Falsification	1	1			4	6
Conduct - Impartial Attitude	1					1
Conduct - Other	3	3		2		8
Conduct - Truthfulness	2	1		1	2	6
Criminal Act	9	5	2	2	11	29
Criminal Act - DV	4				4	8
Criminal Act - OVUII	2	2	1	1	1	7
TOTAL	22	12	3	8	23	68

Over the five-year period, the most common administrative complaint and investigation which resulted in dismissal, was for Operating a Vehicle Under the Influence of an Intoxicant (OVUII) at 10 percent.

Exhibit 19: Most Common Administrative Complaint Types for Dismissals

Dismissal - Types	2016	2017	2018	2019	2020	Total	% of Total
Abuse of Family or Household Member (AFHM)	3	0	0	0	3	6	9%
Assault	2	1	0	0	2	5	7%
Falsification	1	1	0	0	4	6	9%
Harassment	1	0	1	2	1	5	7%
OVUII	2	2	1	1	1	7	10%

Types	2016	2017	2018	2019	2020	TOTAL
AFHM	3				3	6
Assault	2	1			2	5
Bribery		1				1
Cheating	2					2
Conspiracy					3	3
Extortion	1					1
Failed Drug Test		2		1		3
Falsification	1	1			4	6
Harassment	1		1	2	1	5
Hazardous Driving	1					1
Impartial Attitude	1					1
Insurance Fraud				1		1
Malicious Use of Force					1	1
Malingering				1		1
OVUII	2	2	1	1	1	7
Possession of Illicit Drugs					1	1
Security of Departmental Business	1			1		2
Sexual Assault	2	1	1			4
Tampering with Government Record					4	4
Tax Evasion/Failure to Submit Firearms					1	1
Theft	2	2		1		5
Truthfulness	2	1			2	5
Use of Narcotics	1					1
Workplace Violence		1				1
TOTAL	22	12	3	8	23	68

The complaint data in this report may help to bring about an awareness to certain types of conditions and circumstances where employees may need some extra assistance in order to help curb or avoid problematic behavior. One solution may be to further develop and guide the success of the HPD’s Employee Early Recognition System (EERS) which has been lacking in recent years.

The EERS is a departmental program to help supervisors recognize and intercede with the intervention to identify employees who have behavioral problems that may interfere in their ability to successfully complete their job.

An essential element of any effective employee management system is the early identification of potential problem employees. This early intervention may be in the form of behavioral, medical, or other problems that are likely to adversely affect an employee’s ability to carry out their duties in accordance with departmental rules, regulations, directives, or practices.

In 2020, the department completed three EERS reviews. Two were for sworn behavior issues: one for personal relationship and one for conduct and anger issues. The third was a review for a civilian performance-related issue, specifically related to work attendance.

For the period 2016 to 2019, the EERS reviews performed were for similar issues: behavior (i.e., conduct toward subordinates and anger concerns) and performance as it relates to work attendance. These EERS reviews were performed for both sworn and civilian employees.

Exhibit 20: EERS Reviews 2016 - 2020

	2016	2017	2018	2019	2020
Sworn Behavior	1	0	1	2	2
Sworn Performance	0	0	0	0	0
Civilian Behavior	0	0	1	0	0
Civilian Performance	0	0	0	0	1
TOTAL	1	0	2	2	3

The primary responsibility for notification and monitoring of employee conduct is the employee’s division-level commander or supervisor. A recommendation would be to retrain supervisors on properly implementing the EERS to improve employee performance and to possibly reduce the number of complaints from the public. Furthermore, the recognition of supervisor deficiencies regarding problematic officer performance is an area the HPD will provide additional training to ensure the success of the EERS.

In subsequent years, patterns or trends could be identified earlier for both sworn officers and civilian employees with certain behaviors so that potential problematic behaviors can be addressed. These employees may be addressed, counseled, and assisted to change the deficient behaviors, actions, and provided appropriate intervention.

Areas of Greatest Achievement

In 2020, the HPD had already taken steps to identify areas that require enhancement to its processes in order to be able to gather additional, valuable data and to be able to make the appropriate changes when necessary in hopes to minimize complaints.

The HPD's Training Division has already begun to improve its training and curriculum available for both recruits and incumbent officers as well as civilian employees. Below are some of the training classes offered in 2020, as it relates to the areas identified for improvement:

- Family Violence;
- Offenses Against Family and Incompetents;
- Peer Intervention Unit;
- Standards of Conduct;
- Implicit Bias;
- Citywide Ethics;
- Sexual Harassment Prevention;
- Responding to First Amendment: Protected Events - The Role of State and Local Law Enforcement Officers;
- Ethical Police is Courageous; and
- Preventing Violence Against Law Enforcement Officers and Ensuring Officer Resilience and Survivability - Crisis Intervention.

In December 2020, the HPD began offering the Ethical Police is Courageous (EPIC) training curriculum to all of its sworn officers to help reduce officer misconduct. The training is based on a national standard with an emphasis on preventative peer intervention to reduce officer misconduct. The program was first developed by the New Orleans Police Department in collaboration with its community partners. EPIC is a peer intervention program that educates and empowers police officers to promote a culture of high-quality and ethical policing and teaches its officers how to intervene to stop a wrongful action before it occurs.

The HPD also offered the Officer Robert Wilson III Preventing Violence Against Law Enforcement Officers and Ensuring Officer Resilience and Survivability (VALOR) Initiative, Crisis Intervention Training in 2020, in an effort by the Bureau of Justice Assistance to improve the immediate and long-term safety, wellness, and resilience of our nation's law enforcement officers. The VALOR Initiative supports law enforcement through its programs that address the following topics: Comprehensive officer safety and wellness; law enforcement resilience; law enforcement suicide prevention; roadway safety for law enforcement; officer safety and wellness research; and strengthening partnerships.

Furthermore, the HPD has taken steps to further build on its existing relationships with neighborhood and community domestic violence organizations, including the Domestic Violence Action Center. A part of the HPD's Strategic Plan⁴ has been to prevent and solve crime by an increased emphasis on prevention of domestic violence (DV). The department has been actively working with these DV advocacy groups and service providers to improve communication and outreach. However due to the COVID-19 pandemic, the meetings and interaction with these groups have been conducted virtually versus in-person. Once restrictions are lessened and the virus has subsided, the HPD is committed to continuing these relationships.

The HPD is committed to restoring community and organizational trust by providing customer service training to all its employees (sworn and civilian). All police recruits and incumbents receive training in Customer Services in Law Enforcement and Courtesy and Demeanor every year. The training curriculum is continually updated and attempts to address current themes and scenarios involving courtesy and demeanor.

⁴ Honolulu Police Department - HPD Moving Forward
(<http://hpdintranet/programs/document/pdfs/StrategicPlanTracking2020CalendarYearUpdate-02-19-2021-12-04-07.pdf>)

Lessons Learned

The HPD is taking a proactive approach to minimizing and addressing the amount and type of complaints it receives. To extend the HPD's Mission Statement of "Serving and Protecting with Aloha," the HPD is continuously examining and evaluating its processes to ensure the level and service to the public and its employees are with aloha. The following areas have already been identified and will be further modified during the year:

The department recognizes that the reporting and monitoring of complaints is a continuous process. The HPD will monitor the complaints received and types of complaints on an ongoing basis. The HPD will further develop its EERS, as there was complacency within the department regarding the program and its effectiveness;

For 2021, all departmental supervisors will receive training regarding the EERS in order to apply it effectively and to identify sworn officers as well as civilian employees with behavioral and/or work productivity concerns. Furthermore, the training will include understanding the standards and criteria for the EERS, procedures for proper documentation, and the responsibilities of the supervisor in the process. Reports to management will be generated on a regular basis by element supervisors regarding EERS performance information in the areas they manage, such as:

- Those identified for behavioral reviews;
- The behaviors that need to be remediated;
- The interventions necessary for the reviews conducted;
- The kinds of interventions recommended;
- Are the interventions effective in returning the employee to productivity;
- The fitness-for-duty status of the identified officers;
- The monitoring system in place; and
- The identified potentially problematic behavior or risks involved.

Likewise, amendments to departmental policies have been proposed to help better inform departmental personnel regarding how to handle certain types of situations, to enhance the department's officer training, and for the reporting and tracking of external complaints and internal investigations.

In 2020, the following policies were proposed for amendment:

- Policy 1.04, USE OF FORCE⁵, was proposed for amendment in 2020 to include a section for "duty to intervene." Duty to intervene in this context would mean an officer who witnesses an unlawful use of force by another officer or believes that it is occurring would immediately have a duty to intervene in the situation. The amendment further defines that compliance with laws that govern use of force is everyone's responsibility. Included with this amendment is a section regarding non-retaliation so that any retaliation or discriminatory action shall be reported by the victim and shall be dealt with promptly and severely by management. Any employee found to have retaliated shall be disciplined;
- Policy 5.01, COMPLAINTS AND INTERNAL INVESTIGATIONS⁶, was amended in December 2020 to incorporate an annual review of complaints by the department to better understand the types of complaints received as well as be able to identify actionable areas for improvement; and
- Policy 3.12, EMPLOYEE EARLY RECOGNITION SYSTEM⁷, will be amended in 2021 to require division-level commanders to review monthly Employee Early Recognition (EER) reports distributed by the PSO. These EER reports would contain any information regarding the element's employees, if applicable, and if there is any recommended action(s).

Although corrective action is responded to immediately by the department, the reason for unresolved or delayed corrective discipline is that suspension and discharge recommendations are grieved by the police officer. The grievance process cannot be initiated by the officer until a corrective or adverse action is applied. This is in accordance with the SHOPO CBA and union representing the police officers.

The SHOPO CBA provides a progressive process for officers to address their grievance concerns, some ending in binding arbitration. Due to this process, many disciplinary actions are overturned because they are compared to previous cases, precedent, and past practice. This makes it very difficult for the HPD to respond to societal and socioeconomic changes in the community. Furthermore, this process makes it difficult to ascertain the final dispositions for cases as the grievance process could take years to complete.

⁵ Honolulu Police Department Website (<https://www.honolulu.org/wp-content/uploads/2020/01/UseofForce-06-19-2020-15-49-57.pdf>)

⁶ Honolulu Police Department Website (<https://www.honolulu.org/wp-content/uploads/2020/08/HPD-Policy-501-reviewed-by-Legal-12-9-2020.pdf>)

⁷ Honolulu Police Department Website (<https://www.honolulu.org/wp-content/uploads/2020/01/EmployeeEarlyRecognitionSystem-05-06-2016-08-47-55.pdf>)

In Summary

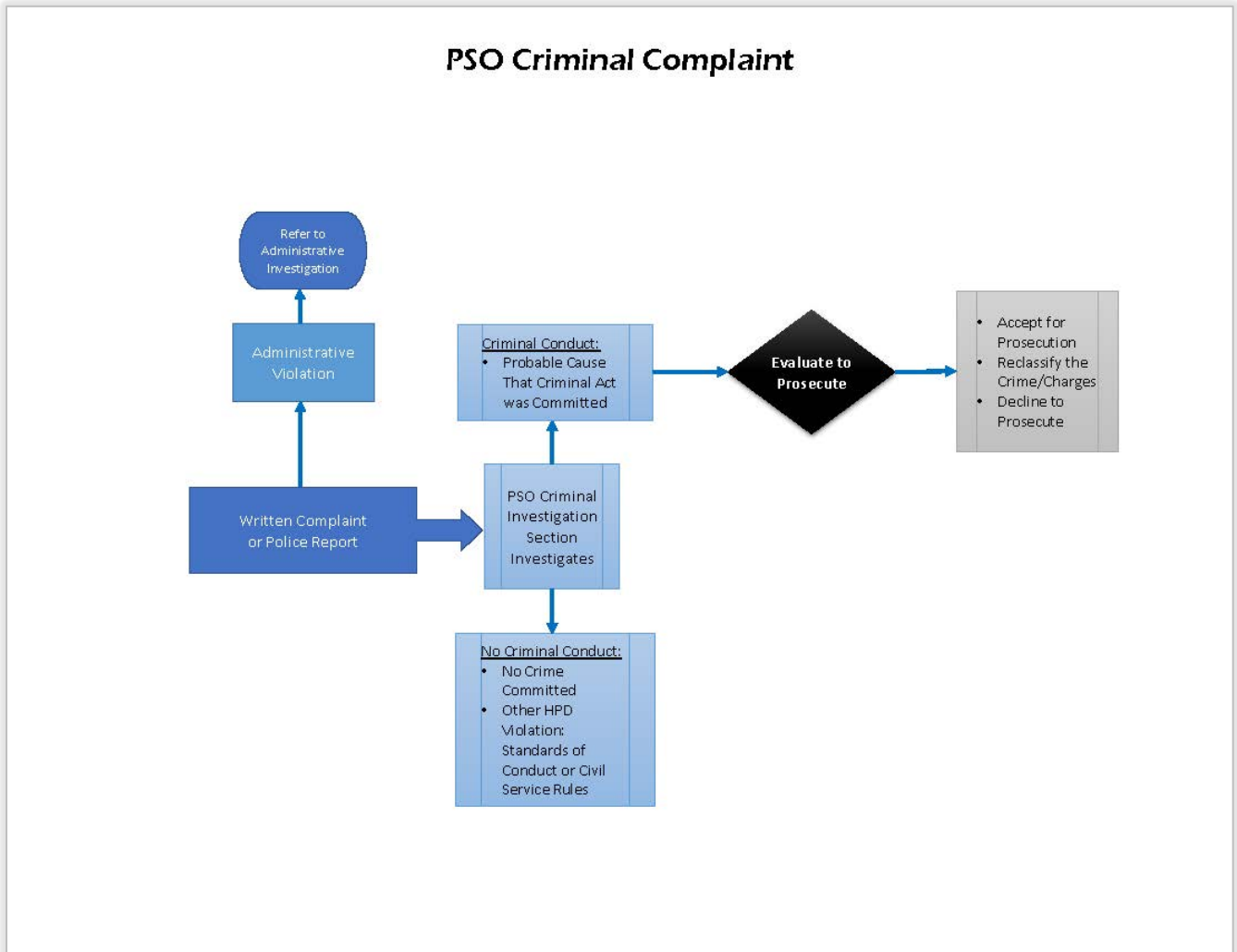
This report provides a glimpse into the types of complaints that are received by the HPD and also the cases that are then investigated and processed to determine the final outcome. The HPD understands that change within the department is a work in progress and takes time to implement and realize. Furthermore, any complaints received regarding officer misconduct can be received by any police personnel, including the HPC, HRD, or PSO. It takes working collaboratively to ensure that HPD employees, both sworn and civilian personnel are afforded the opportunity for a fair and impartial complaint investigation.

In general, police officers are held to a higher standard of personal and professional conduct and integrity. This is reflected in the HPD's professional responsibilities, Standards of Conduct, and the Code of Ethics. From 2016 to 2020, the total number of misconduct complaints reduced by 46 percent. The data also showed that the HPD must put a greater emphasis on its frontline managers to guide, direct, and supervise their officers and employees to avoid problematic behaviors not limited to assault, domestic violence, falsification, and harassment.

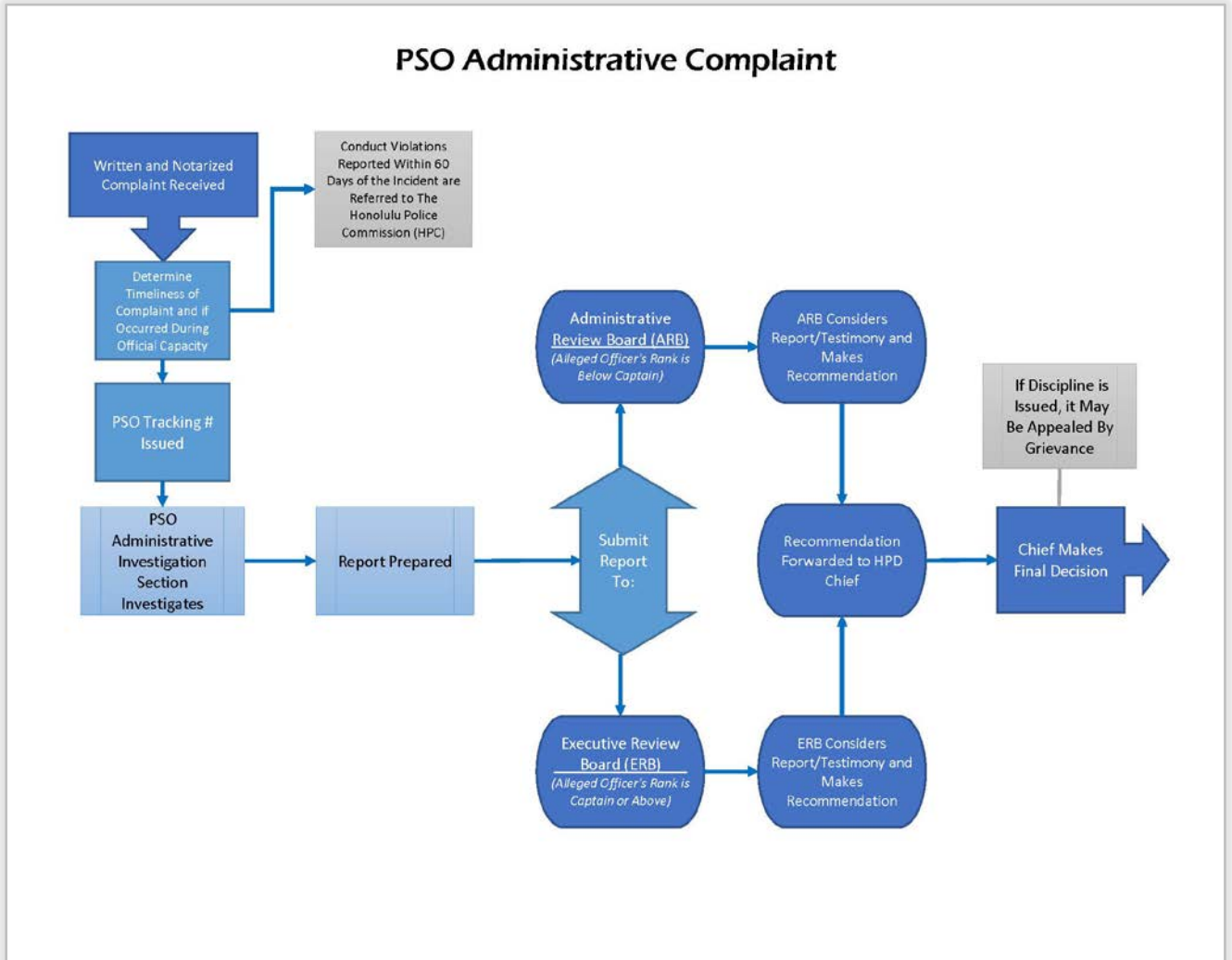
The goal of this review of complaints was to determine and identify trends or patterns of officer misconduct and what the department can do better with the resources that are available. The department is committed to work with all levels of its organization to build and uphold the public's trust and commitment to serve. The HPD will regularly monitor and respond to any complaints and will continue "Serving and Protecting with Aloha."

Attachments

Attachment 1: PSO Criminal Complaint Process

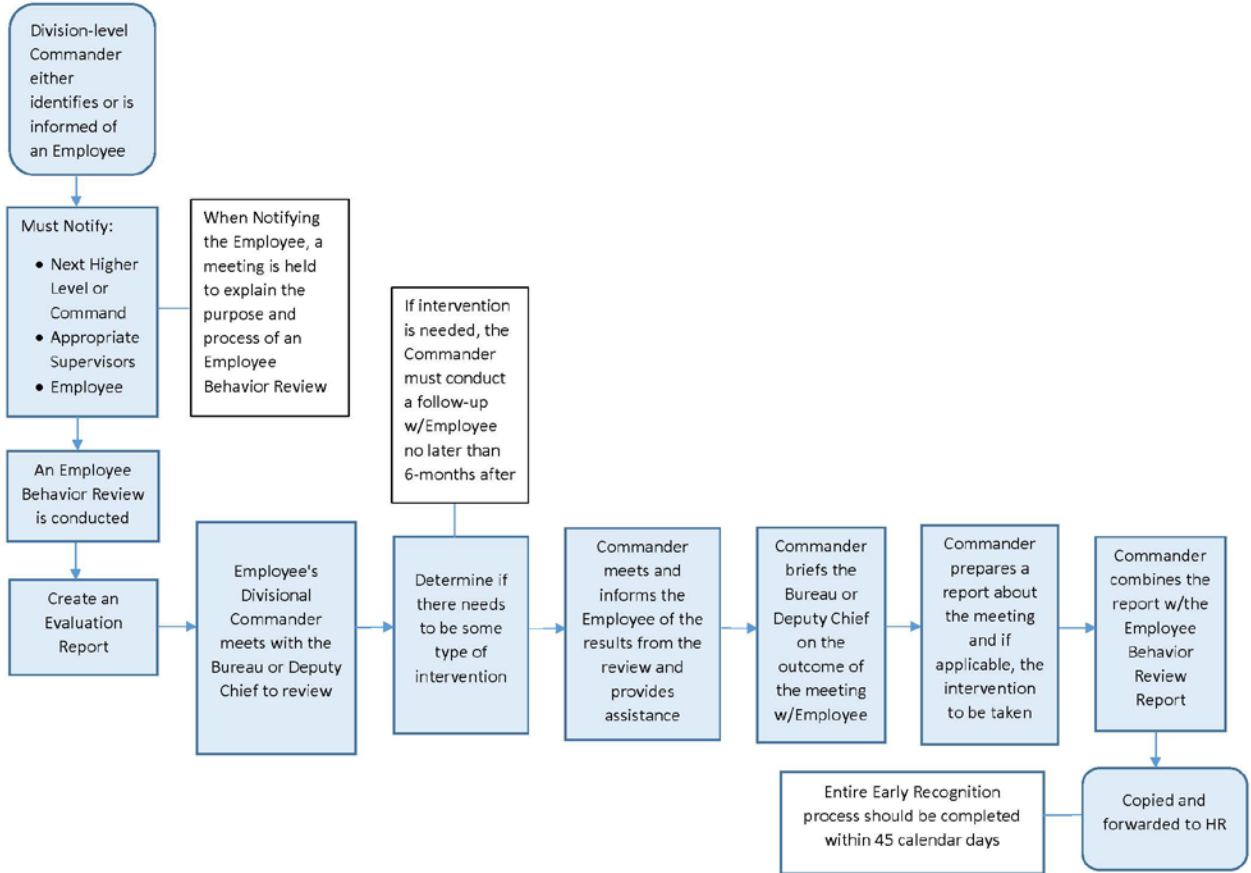


Attachment 2: PSO Administrative Complaint Process



Attachment 3: Employee Early Recognition System Process

Employee Early Recognition System



Attachment 4a: Criminal Investigation Complaints, 2016 - 2020 (Page 1)

HPD Professional Standards Office
Criminal Complaint Investigations
2016 to 2020

CRIMINAL INVESTIGATION SECTION	2016	2017	2018	2019	2020	Total
Abuse of Family or Household Member (Felony)	2	3	3	4		12
Abuse of Family or Household Member (Misdemeanor)	2	6	25	9	3	45
Abuse of Family or Household Member (Parental Discipline)					1	1
Accidents Involving Damage to Vehicle or Property	2	1	1			4
Duty Upon Striking Unattended Vehicle or Other Property	2					2
Assault 2		2		1	1	4
Assault 2 (DV)					1	1
Assault 3	6	14	10	13	8	51
CPD 2		1				1
CPD 3		2	1	1		4
CPD 3 (DV)				1		1
CPD 4			1	2	1	4
Criminal Contempt of Court					1	1
Cruelty to Animals 1&2			1			1
Custodial Interference 1	1				2	3
Custodial Interference 2	1	1	1	11	5	19
Dangerous Dog				1		1
Domestic Argument			22	19	19	60
Endang the Welfare of a Minor 2			4			4
Extortion 1 or 2			1			1
False Reporting to LE Authorities				1		1
False Swearing		2		1		3
Firearms Offenses					2	2
Forgery 1			1			1
Forgery 2		1				1
Fraudulent Use of Credit Card		2				2
Harrassment	4	10	3	5	5	27
Harrassment (DV)	2	1	4	4	2	13
Harassment by Stalking	1					1
Identity Theft 3			24			24
Interference with Reporting an Emergency or Crime			1		1	2
Kidnapping				1		1
Miscellaneous Crime		5				5
Miscellaneous Public (Non-Family Argument)	3	2	2			7
Miscellaneous Public (Critical Incident)	5	5	1	10	7	28
Miscellaneous Public (Domestic Argument)	23	27				50
Miscellaneous Public (Fact Finding)	3	15	8	8	16	50
Miscellaneous Public (Firearm Discharge)	7	4	12	12	5	40

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Attachment 4b: Criminal Investigation Complaints, 2016 - 2020 (Page 2)

HPD Professional Standards Office
Criminal Complaint Investigations
2016 to 2020

CRIMINAL INVESTIGATION SECTION	2016	2017	2018	2019	2020	Total
Miscellaneous Public (Other)	5	5	4	3	1	18
Miscellaneous Public (Other DV)	4	6	9	6	1	26
Motor Vehicle Collision				1		1
Negligent Injury 1	1					1
Negligent Injury 2	1					1
Operating a Vehicle Under the Influence of an Intoxicant	7	3		2	3	15
Ownership or Possession of Firearm Prohibited			1	2		3
Promoting a Dangerous Drug 3			1		2	3
Promoting a Detrimental Drug 1			1			1
Promoting a Harmful Drug 4	1					1
Reckless Endangering 2			2			2
Rules and Orders Violation (COVID-19)					20	20
Sexual Assault 1	3	2		2		7
Sexual Assault 2				1		1
Sexual Assault 3				2		2
Sexual Assault 4	6			6		12
Sex Assault 1 (DV)	4		2	2		8
Sex Assault 3 (DV)	2					2
Sex Assault 4 (DV)			1			1
Sex Trafficking					1	1
Tampering with a Government Record	5	4	39	2	2	52
Terroristic Threatening 1	1					1
Terroristic Threatening 2	2	1	3	3	3	12
Terroristic Threatening 1 (DV)		4	1	1		6
Terroristic Threatening 2 (DV)	1	1	3			5
Ticket Fixing				1		1
Theft 2	1	3	2	4		10
Theft 3	2	2	5	2	2	13
Theft 4	6	6	32	9	6	59
Theft 4 (DV)				1		1
TRO/Protective Order Violation			1	7	2	10
UEMV 1	1	1	1	1		4
UEMV (DV)	1	1				2
UEMV 2					1	1
Unauthorized Computer Access 1	1					1
Unauthorized Computer Access 2		1				1
Unauthorized Computer Access 3				1		1
Unauthorized Possession of Confidential Personal Information		1				1
Other Offenses	6	5				11
TOTAL	125	150	234	163	124	796

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Attachment 5a: Administrative Investigations, Suspensions 2016 - 2020
(Page 1)

HPD PSO Administrative Complaint Investigations
Suspensions 2016 to 2020

CONDUCT	2016	2017	2018	2019	2020	Total
Absent Without Leave	8	1	4			13
Absent from Duty	2		1	1		4
Conduct Toward Associates	1		1			2
Conduct Toward the Public	2	1	1	1	1	6
Conduct Toward Subordinates	1	4	2		2	9
Conduct Toward Supervisors					1	1
Criminal Property Damage		1				1
Detrimental Statements		1				1
Excessive Speeding			1			1
Harassment	1					1
Releasing Unverified Information	1					1
Social Media Violation	1	1				2
Sexual Harassment		2	3		3	8
Tampering with Government Record	1					1
Unprofessional Behavior (Off-Duty)	2	1	3	1	1	8
Unreasonable Use of Force					4	4
TOTAL	20	12	16	3	12	63

CONDUCT - FALSIFICATION	2016	2017	2018	2019	2020	Total
Falsification	1				7	8
TOTAL	1	0	0	0	7	8

CONDUCT - IMPARTIAL	2016	2017	2018	2019	2020	Total
Impartial Attitude	10		1		4	15
TOTAL	10	0	1	0	4	15

CONDUCT - OTHER	2016	2017	2018	2019	2020	Total
Conducting Personal Business	1				1	2
Security of Departmental Business	3	2			1	6
Consumption of Intoxicants		1			1	2
Malingering		1				1
MVC (Progressive Action)			1	1		2
Failure to Obey Lawful Order			1			1
Failure to Intervene				2		2
Failed Drug Test				2		2
Improper Use of Departmental Records					1	1
TOTAL	4	4	2	5	4	19

CRIMINAL ACT	2016	2017	2018	2019	2020	Total
Assault	1					1
TOTAL	1	0	0	0	0	1

February 2021

Attachment 5b: Administrative Investigations, Suspensions 2016 - 2020
(Page 2)

HPD PSO Administrative Complaint Investigations
Suspensions 2016 to 2020

PROCEDURAL	2016	2017	2018	2019	2020	Total
Accidental Firearm Discharge		1				1
Arrest Procedures	1					1
Failure to Attend Court		4				4
Failure to Conduct Proper Investigation	4	2				6
Failure to Declare Pursuit	1	1			2	4
Failure to Report MVC		1		1		2
Failure to Report Critical Incident					1	1
Failure to Submit Reports	1	5			1	7
Improper Search and Seizure		3				3
Overtime Violation	1					1
Request for Leave Procedures			2			2
Telephone Procedures	1					1
TOTAL	9	17	2	1	4	33

PROCEDURAL - SUPERVISORY	2016	2017	2018	2019	2020	Total
Failure to Lead/Direct	2				1	3
TOTAL	2	0	0	0	1	3

Attachment 6: Administrative Investigations, Dismissals 2016 to 2020

HPD PSO Administrative Complaint Investigations Dismissals 2016 to 2020

Types	2016	2017	2018	2019	2020	TOTAL
AFHM	3				3	6
Assault	2	1			2	5
Bribery		1				1
Cheating	2					2
Conspiracy					3	3
Extortion	1					1
Failed Drug Test		2		1		3
Falsification	1	1			4	6
Harassment	1		1	2	1	5
Hazardous Driving	1					1
Impartial (attitude)	1					1
Insurance Fraud				1		1
Malicious Use of Force					1	1
Malingering				1		1
OVUII	2	2	1	1	1	7
Possession of Illicit Drugs					1	1
Security of Departmental Business	1			1		2
Sexual Assault	2	1	1			4
Tampering with Government Record					4	4
Tax Evasion/Failure to Submit Firearms					1	1
Theft	2	2		1		5
Truthfulness	2	1			2	5
Use of Narcotics	1					1
Workplace Violence		1				1
TOTAL	22	12	3	8	23	68

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