

POLICE DEPARTMENT **DEPT. COMM. NO. 340**
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR



SUSAN BALLARD
CHIEF

JOHN D. McCARTHY
JONATHAN GREMS
DEPUTY CHIEFS

OUR REFERENCE **ATY-MM**

January 30, 2018

The Honorable Ronald D. Kouchi
President
State Senate
State Capitol, Room 409
415 South Beretania Street
Honolulu, Hawaii 96813

Dear President Kouchi:

Pursuant to Section 52D-3.5 of the Hawaii Revised Statutes, Reports to the Legislature, we are submitting our 2017 annual report to the Legislature.

The report includes a summary of the facts, the nature of the misconduct for each incident that resulted in the suspension or discharge of a police officer, and the disciplinary action imposed. The report also indicates the number of police officers suspended and discharged during 2017 under the following categories of our department's Standards of Conduct:

1. Malicious Use of Physical Force
2. Mistreatment of Prisoners
3. Use of Drugs and Narcotics
4. Cowardice

It should be noted that the enclosed summary covers each individual incident for which discipline was meted out by the department. Out of that total number, an officer may have been involved in more than one incident and disciplined more than once.

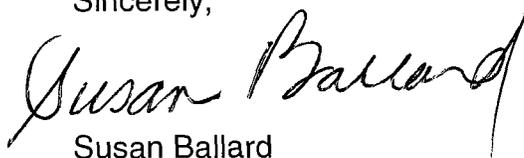
It should also be noted that the discipline meted out in a case is dependent upon the past disciplinary record of the officer. For example, discipline for an officer who has been disciplined recently for the same or similar violation would be more severe than for an officer who has a spotless disciplinary record.

The Honorable Ronald D. Kouchi
January 30, 2018
Page 2

For the reporting period, 43 officers were disciplined for 36 incidents.

Should there be any questions, Acting Major Aaron Takasaki-Young of the Professional Standards Office may be contacted at 723-3775.

Sincerely,

A handwritten signature in black ink that reads "Susan Ballard". The signature is written in a cursive style with a large, prominent "S" at the beginning.

Susan Ballard
Chief of Police

Enclosures
cc: Honolulu Police Commission

Honolulu Police Department Legislative Disciplinary Report Reporting Year: 2017

Reference No.	Summary / Findings	PAT Notified	Disciplinary Action	Status	Ref. No. with Same Officer
14-031	Tried to pursue a personal friendship and initiated inappropriate communications with another officer. Violated the sexual harassment policy by continuing to send unwanted text messages to the officer.	No	3 days	F	
15-001	Operated an HPD vehicle in a negligent manner. Failed to use his seat belt. Criminal Conduct Initiated: Negligent Injury in the First Degree *Unable to locate complainant.	*No	1 day	F	17-019
15-032	Committed criminal acts of a sexual nature against the victim. Criminal Conduct Initiated: Kidnapping Sexual Assault in the First Degree *Pursuant to the grievance process, arbitrator ordered discharge vacated and officer reinstated. While the arbitrator noted procedural and technical flaws, the gravamen of his decision was focused on the allegation of commission of a criminal act. Notwithstanding the evidence presented at the hearing, which included the testimony of the victim, the arbitrator found, <i>inter alia</i> , that "clear and convincing evidence" on the issue of consent was not presented to support the decision to terminate the officer. Because the issue of consent was material to HPD's decision to terminate the officer, the arbitrator ordered the officer to be reinstated without penalty and otherwise made whole.	Yes	*No action	F	
15-037	Was involved in a motor vehicle collision with an unattended parked vehicle, fled the scene, and failed to initiate a police report. Was untruthful during the administrative investigation. Operated a vehicle with an expired tax registration and safety check. Criminal Conduct Initiated: Fled Scene - Duty Upon Striking Unattended Vehicle or Other Property (Traffic Violation)	Yes	15 days	A	

F = Final

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**Honolulu Police Department
Legislative Disciplinary Report
Reporting Year: 2017**

Reference No.	Summary / Findings	PAT Notified	Disciplinary Action	Status	Ref. No. with Same Officer
15-042	Used unreasonable force by striking the suspect multiple times with his baton, causing serious bodily injury. Criminal Conduct Initiated: Assault in the Second Degree	Yes	3 days	A	
15-045	Failed to submit evidence in a criminal case.	No	5 days	A	
15-054	Yelled and swore at his girlfriend. While intoxicated, failed to leave a restaurant when asked to do so. Was observed on video engaged in physical altercations with his girlfriend. Criminal Conduct Initiated: Abuse of Family or Household Member	Yes	Discharged	A	
15-055	Failed to lead, train, and direct his personnel. Failed to notify a supervisor to respond to a crime scene involving another officer. Failed to ensure that a proper investigation was conducted and properly documented. Failed to ensure that the proper reports were initiated and forwarded.	No	20 days	A	15-059
15-059	Failed to ensure that his subordinates conducted a thorough Motor Vehicle Collision investigation involving another officer.	No	10 days	A	15-055
15-062	Reported late for duty and left before his shift was over. Falsified his time sheet.	No	3 days	F	
15-063	Handcuffed the individual and drove him to a location where he threatened him. Damaged the individual's property. Did not submit appropriate incident reports to document his actions during the incident. Criminal Conduct Initiated: Kidnapping Theft in the Third Degree *Complainant did not want to prosecute.	*No	Discharged	F	

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**Honolulu Police Department
Legislative Disciplinary Report
Reporting Year: 2017**

Reference No.	Summary / Findings	PAT Notified	Disciplinary Action	Status	Ref. No. with Same Officer
16-006	Swore at the complainant and her passengers in an aggressive and condescending manner. Was unprofessional and overbearing. Ordered the complainant's passengers to exit the vehicle and walk home. Criminal Conduct Initiated: Harassment	Yes	20 days	A	
16-008	Committed multiple criminal acts of sexual assault against a relative who was a minor. Criminal Conduct Initiated: Sexual Assault in the First Degree Sexual Assault in the Third Degree	Yes	Discharged	A	
16-010	Failed to report an off-duty shooting incident and failed to participate in the investigation. Provided false statements during the course of the investigation. *Pursuant to the grievance process, discharge reduced to 20-day suspension.	No	*20 days	F	
16-011	Failed to report an off-duty shooting incident and failed to participate in the investigation. Provided false statements during the course of the investigation. *Pursuant to the grievance process, discharge reduced to 20-day suspension.	No	*20 days	F	
16-012	Failed to properly supervise his subordinates at the scene of an off-duty shooting incident. *Pursuant to the grievance process, 10-day suspension was rescinded. After conducting a hearing, the Civil Service Commission found that there was insufficient evidence to justify the imposition of a 10-day suspension. The Commission found that the officer's explanation for his actions and decisions were credible and that there was insufficient evidence to support the allegation that the officer failed to lead and direct his subordinates to conduct a complete investigation into an incident involving an off-duty police officer.	No	*No Action	F	

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**Honolulu Police Department
Legislative Disciplinary Report
Reporting Year: 2017**

Reference No.	Summary / Findings	PAT Notified	Disciplinary Action	Status	Ref. No. with Same Officer
16-013	Failed to properly supervise his subordinates at the scene of an off-duty shooting incident.	No	10 days	A	
16-014	Failed to properly supervise his subordinates at the scene of an off-duty shooting incident.	No	10 days	A	17-032
16-015	Failed to properly supervise his subordinates at the scene of an off-duty shooting incident.	No	10 days	A	
16-016	Failed to properly investigate an off-duty shooting incident.	No	10 days	A	
16-017	Failed to properly investigate an off-duty shooting incident.	No	5 days	A	
16-018	Failed to properly investigate an off-duty shooting incident.	No	3 days	A	
16-019	Failed to properly investigate an off-duty shooting incident.	No	3 days	F	
16-021	<p>Provided an unredacted copy of a police report to the news media. Failed to report for duty at the scheduled start time. Attended court for personal reasons while on duty. Was untruthful to a superior officer.</p> <p>*Pursuant to the grievance process, suspension reduced from 10 days to 5 days.</p>	No	*5 days	F	
16-022	Provided a confidential document to an unauthorized recipient.	No	3 days	F	
16-023	Provided a confidential document to an unauthorized recipient.	No	3 days	F	
16-026	<p>Sent the complainant an unwanted and harassing text message. Left a paper bag at the complainant's residence with a harassing message. Conducted personal business while on duty.</p> <p>Criminal Conduct Initiated: Harassment</p> <p>*Unable to meet the burden of proof beyond a reasonable doubt.</p>	*No	5 days	A	
16-029	Did not generate a police report for the complainant.	No	1 day	A	
16-030	Did not generate a police report for the complainant. Sent an unprofessional message on his mobile data computer to another officer.	No	3 days	A	

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**Honolulu Police Department
Legislative Disciplinary Report
Reporting Year: 2017**

Reference No.	Summary / Findings	PAT Notified	Disciplinary Action	Status	Ref. No. with Same Officer
16-034	Physically assaulted his wife during an argument. Was in possession of illegal narcotics and drug paraphernalia. Criminal Conduct Determined: Abuse of Family or Household Member Drug Paraphernalia Promoting a Dangerous Drug in the Third Degree	Yes	Discharged	F	
16-036	Failed to remain impartial when he contacted another officer and told him not to attend court so that an Operating a Vehicle Under the Influence of an Intoxicant case would be dismissed.	No	10 days	A	
16-037	Failed to remain impartial during a Motor Vehicle Collision investigation. Misclassified a Motor Vehicle Collision report and failed to indicate that it was alcohol related.	No	3 days	A	
16-040	Slapped and kicked his girlfriend during an argument. Criminal Conduct Initiated: Abuse of Family or Household Member	Yes	Discharged	A	
16-041	Was involved in a verbal and physical altercation with the complainant after a motor vehicle collision. Was disrespectful toward a superior officer. Criminal Conduct Initiated: Assault in the Third Degree Criminal Property Damage in the Second Degree Terroristic Threatening in the Second Degree Unauthorized Entry Into Motor Vehicle in the First Degree	Yes	Discharged	A	

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**Honolulu Police Department
Legislative Disciplinary Report
Reporting Year: 2017**

Reference No.	Summary / Findings	PAT Notified	Disciplinary Action	Status	Ref. No. with Same Officer
16-044	<p>Concealed items and exited a store without paying for them on two separate occasions.</p> <p>Criminal Conduct Initiated: Theft in the Fourth Degree</p> <p>*Complainant did not want to prosecute.</p>	*No	Discharged	A	17-020
16-046	<p>While off duty, collided into a center median guardrail. Did not stop, and failed to inform police dispatch. Operated his subsidized vehicle while under the influence of an intoxicant. Was untruthful during the investigation. Was not in possession of his driver's license. Refused to submit to a breath, blood, or urine test.</p> <p>Criminal Conduct Initiated: Operating a Vehicle Under the Influence of an Intoxicant</p>	Yes	Discharged	A	17-003
16-048	<p>Failed to immediately investigate a motor vehicle collision involving another officer. Failed to remain impartial when the officer had a strong odor of an alcoholic beverage on his breath and displayed signs of impairment. Instructed another officer to transport the impaired officer home without approval from a supervisor.</p>	No	10 days	A	
16-049	<p>Was involved in a physical altercation with his ex-wife, causing numerous injuries. The incident occurred in the presence of a minor less than 14 years of age.</p> <p>Criminal Conduct Initiated: Abuse of Family or Household Member</p>	Yes	Discharged	A	17-017
16-052	<p>While off duty, rear-ended another vehicle and caused damage and bodily injury. Failed to stop and render aid or report the incident. Operated his vehicle while under the influence of an intoxicant. Refused to submit to a breath, blood, or urine test and a mandatory blood draw.</p> <p>Criminal Conduct Initiated: Fled Scene - Accidents Involving Bodily Injury Operating a Vehicle Under the Influence of an Intoxicant</p>	Yes	Discharged	P	

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**Honolulu Police Department
Legislative Disciplinary Report
Reporting Year: 2017**

Reference No.	Summary / Findings	PAT Notified	Disciplinary Action	Status	Ref. No. with Same Officer
16-053	While off duty, had his blue light mounted on his vehicle in violation of departmental policy. Did not immediately declare a motor vehicle pursuit. Failed to notify and update police dispatch. Did not continuously utilize his flashing blue lights and siren during the pursuit. Did not prepare and submit a To/From report for the pursuit. Did not prepare and submit police reports regarding the performance of his duties.	No	20 days	F	
16-054	Visited multiple physicians/practitioners and provided false information in order to obtain multiple prescriptions for the same/similar controlled substances. Filled every prescription, illegally possessing large quantities of those controlled substances. Criminal Conduct Initiated: *DPS investigation	*No	Discharged	F	
16-057	Was verbally abusive and used coarse language and excessive profanity toward his wife. Threatened his wife and made unwanted phone calls and sent unwanted text messages. Criminal Conduct Initiated: Harassment	Yes	Discharged	F	
17-001	Failed to submit a police report as required by policy (third similar violation within 12 months).	No	1 day	F	17-040
17-002	Posted an unprofessional and offensive caption on social media.	No	1 day	A	
17-003	Admitted to being the driver of a vehicle that was operating in a hazardous manner on a public roadway. Operated a vehicle with a revoked driver's license. *Unable to meet the burden of proof beyond a reasonable doubt.	*No	Discharged	P	16-046
17-004	After being sent by dispatch, failed to make an appropriate check for a hazardous driver and did not investigate the call pursuant to departmental policy.	No	1 day	F	
17-005	As a supervisor, retaliated against a subordinate officer by speaking to the subordinate officer in an unprofessional manner.	No	1 day	P	
17-006	Tested positive during a mandatory drug urinalysis test.	No	Discharged	P	
17-007	Did not accurately record his on-duty police mileage and submitted mileage for days when he was not on duty. Failed to respond to these allegations.	No	10 days	F	

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**Honolulu Police Department
Legislative Disciplinary Report
Reporting Year: 2017**

Reference No.	Summary / Findings	PAT Notified	Disciplinary Action	Status	Ref. No. with Same Officer
17-008	Offered to use police powers to help a female suspect in exchange for sexual favors. Failed to remain impartial. Used the departmental computer and provided confidential information to the female suspect. Devised a scheme to defraud and deprive through bribery. Criminal Conduct Initiated: *Department of the Attorney General investigation.	*No	Discharged	F	
17-009	Was involved in a motor vehicle collision while on duty and failed to report it. Violated departmental policy by offering to pay for the damages instead of reporting the collision, which resulted in a delay of the initiation and submittal of a police report about the incident.	No	3 days	F	
17-010	Failed to stop and report being involved in a motor vehicle collision with his subsidized vehicle. Operated a vehicle while under the influence of an intoxicant. Was untruthful and provided contradictory statements during the investigation. Was untruthful and left his assignment without authorization or without being properly relieved to attend a family gathering. Consumed alcoholic beverages at the gathering while still on duty. Falsified information on the Daily Attendance Report. Criminal Conduct Initiated: Accidents Involving Damage to Vehicle or Property Operating a Vehicle While Under the Influence of an Intoxicant	Yes	Discharged	P	
17-011	Reported to work while displaying signs of alcohol consumption.	No	4 days	F	
17-012	As a supervisor, sent an unprofessional and disparaging e-mail to a subordinate officer.	No	1 day	F	
17-013	Failed to appear in court for a subpoena and failed to make proper notification of his absence (second similar violation within 12 months).	No	1 day	F	17-041

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**Honolulu Police Department
Legislative Disciplinary Report
Reporting Year: 2017**

Reference No.	Summary / Findings	PAT Notified	Disciplinary Action	Status	Ref. No. with Same Officer
17-014	Entered a van without permission and maliciously used physical force against the occupant. Used overbearing and oppressive conduct while under the color of his police authority. Failed to initiate and submit a police report to document his actions. Used his HPD-issued electric gun in an unlawful and unreasonable manner and failed to notify a supervisor. Criminal Conduct Initiated: Unauthorized Entry Into Motor Vehicle in the First Degree *Unable to locate complainant.	*No	Discharged	F	
17-015	Failed to document or articulate in a police report the reasons why an individual was handcuffed and detained in a police vehicle for 15 minutes and then released without arrest.	No	1 day	A	
17-016	Failed to document or articulate in a police report the reasons why an individual was handcuffed and detained in a police vehicle for 15 minutes and then released without arrest.	No	1 day	A	
17-017	Failed to document or articulate in a police report the reasons why an individual was handcuffed and detained in a police vehicle for 15 minutes and then released without arrest.	No	1 day	F	16-049
17-018	Violated policy by entering a residence without permission to question a suspect. Acted in a disrespectful manner toward a supervisor who was questioning the justification for the entry.	No	3 days	F	17-029
17-019	As a cover officer, violated policy by entering a residence without permission or a search warrant.	No	1 day	P	15-001
17-020	Tested positive during a mandatory drug urinalysis test.	No	Discharged	P	16-044
17-021	Failed to obtain an appointment with and a medical evaluation from the city and county physician for clearance to return to duty. Failed to return to duty after being cleared to do so. Despite being cleared to return, remained out of work on leave.	No	5 days	F	
17-022	As a supervisor, sent an e-mail that contained material of a sexual nature to a subordinate female officer.	No	5 days	P	

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**Honolulu Police Department
Legislative Disciplinary Report
Reporting Year: 2017**

Reference No.	Summary / Findings	PAT Notified	Disciplinary Action	Status	Ref. No. with Same Officer
17-023	As a supervisor, made repeated unwelcomed and unwanted advances toward a female employee that were inappropriate and in violation of the department's sexual harassment policy. Violated the confidentiality and non-retaliation agreement by initiating a conversation regarding this issue while the investigation was ongoing.	No	20 days	F	
17-024	Failed to submit an assigned police report in a timely manner, which curtailed the investigation.	No	1 day	F	
17-025	Did not properly investigate a trespassing incident. Released the suspect prior to meeting with the complainant and obtaining all the facts of the incident resulting in a failure to issue a trespass warning to the suspect.	No	1 day	P	
17-026	Did not properly investigate a trespassing incident. Released the suspect prior to meeting with the complainant and obtaining all the facts of the incident resulting in a failure to issue a trespass warning to the suspect. *Pursuant to the grievance process, 1-day suspension reduced to written reprimand.	No	Written Reprimand	F	
17-027	Failed to notify dispatch or enter into his mobile data computer his attempt to conduct a traffic stop. Failed to initiate a Motor Vehicle Collision report or any other appropriate police report.	No	1 day	P	
17-028	Failed to notify dispatch or enter into his mobile data computer his attempt to conduct a traffic stop. Failed to declare a pursuit pursuant to departmental policy. Failed to provide dispatch with information about the pursuit and did not assess the risks involved. Failed to initiate a Motor Vehicle Collision report or any other appropriate police report.	No	1 day	P	
17-029	Was duly subpoenaed to attend court and did not show up (third similar violation within 12 months).	No	1 day	F	17-018
17-030	Was duly subpoenaed to attend court and did not show up (third similar violation within 12 months).	No	1 day	F	
17-031	Was unprofessional and made inappropriate comments when posting a video on social media.	No	5 days	P	

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**Honolulu Police Department
Legislative Disciplinary Report
Reporting Year: 2017**

Reference No.	Summary / Findings	PAT Notified	Disciplinary Action	Status	Ref. No. with Same Officer
17-032	Operated a subsidized vehicle while under the influence of an intoxicant and got into a motor vehicle collision. Made untruthful statements to investigators at the scene of the motor vehicle collision and throughout the subsequent investigation. Criminal Conduct Initiated: Operating a Vehicle Under the Influence of an Intoxicant Inattention to Driving	Yes	Discharged	P	16-014
17-033	As a supervisor, failed to lead and direct a thorough investigation at the scene of a motor vehicle collision involving an HPD officer. Failed to recognize the event as one that required supervisor presence and failed to immediately initiate the departmental notification procedure.	No	10 days	P	
17-034	As a supervisor, failed to lead and direct a thorough investigation at the scene of a motor vehicle collision involving an HPD officer. Failed to remain impartial and did not conduct a thorough investigation. Failed to have evidence located, preserved, or recovered at the scene. Failed to provide the Traffic Division with accurate information about injuries to the officer involved in the motor vehicle collision at the scene. Failed to ensure that proper and thorough investigative reports were completed.	No	20 days	P	
17-035	Failed to remain impartial and did not conduct a thorough investigation of a motor vehicle collision involving an HPD officer. Provided contradictory statements and reports. Failed to have evidence located, preserved, or recovered at the scene. Failed to provide a supervisor with information about injuries to the officer involved in the motor vehicle collision at the scene.	No	10 days	P	
17-036	Failed to remain impartial and did not conduct a thorough investigation of a motor vehicle collision involving an HPD officer. Provided contradictory statements and reports. Failed to have evidence located, preserved, or recovered at the scene. Failed to provide a supervisor with information about injuries to the officer involved in the motor vehicle collision at the scene.	No	10 days	P	
17-037	Used unprofessional language and conduct toward a superior officer. Raised his voice and used unprofessional language, which included profanity, implied threats of violence, and expressions of insubordination.	No	3 days	P	

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Legislative Disciplinary Report
Reporting Year: 2017**

Reference No.	Summary / Findings	PAT Notified	Disciplinary Action	Status	Ref. No. with Same Officer
17-038	Provided police reports of active investigations to an attorney without authorization and in violation of departmental policy.	No	5 days	P	
17-039	While off duty, went to an event while attired in his police uniform and driving a police vehicle in violation of departmental policy. Was unprofessional when interacting with a former family member who also attended the event.	No	5 days	P	
17-040	Failed to conduct a complete investigation, failed to submit a police report, and acted unprofessionally toward the victim.	No	2 days	P	17-001
17-041	Was duly subpoenaed to attend court and did not show up (third similar violation within 12 months).	No	2 days	F	17-013
17-042	While off duty, made unwanted sexual advances toward a female, including remarks and physical contact of a sexual nature. Criminal Conduct Initiated: Sexual Assault in the Fourth Degree	Yes	Discharged	F	
17-043	Concealed items and did not pay for them prior to exiting a retail establishment. Used a credit card in another person's name without permission. Criminal Conduct Initiated: Forgery in the Second Degree Fraudulent Use of Credit Card Identify Theft in the Third Degree Theft, Forgery, Etc., of Credit Cards Theft in the Second Degree Unauthorized Possession of Confidential Personal Information.	Yes	Discharged	F	
17-044	Used profanity and unprofessional language when interacting with a supervisor. Made derogatory and unprofessional comments about several other supervisors. Called a suspect and made misleading statements about the Honolulu Police Department.	No	3 days	P	
17-045	Following a traffic incident, requested and obtained an address using resources available for law enforcement purposes and shared the address with unauthorized persons in violation of departmental policy.	No	5 days	P	

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Legislative Disciplinary Report
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Reference No.	Summary / Findings	PAT Notified	Disciplinary Action	Status	Ref. No. with Same Officer
17-046	<p>Recovered drugs and drug paraphernalia and failed to generate a police report or submit the items into evidence. Did not conduct a thorough investigation. Was untruthful and/or falsified and omitted information in his submitted reports.</p> <p>Criminal Conduct Initiated: Theft in the Fourth Degree</p>	Yes	Discharged	P	

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Legislative Disciplinary Report
Reporting Year: 2017**

Suspended	Discharged	Standard of Conduct
0	1	Malicious Use of Physical Force
0	0	Mistreatment of Prisoners
0	2	Use of Drugs and Narcotics
0	0	Cowardice

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