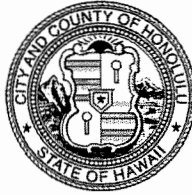


POLICE COMMISSION  
**CITY AND COUNTY OF HONOLULU**

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OUR REFERENCE

April 19, 2022

**TESTIMONY OF HONOLULU POLICE COMMISSION  
REGARDING RESOLUTION NO. 22-29 CHARTER AMENDMENT RELATING TO  
THE POLICE COMMISSION AND ITS MEMBERSHIP**

Mahalo for the opportunity to comment on RESOLUTION 22-29, Charter Amendment Relating to the Police Commission and Its Membership. The Honolulu Police Commission ("Commission") and Honolulu City Council ("Council") share the goal of protecting the safety of the public and our police officers. We also share concerns about the large number of vacancies on our police force and the difficulty in recruiting and retaining new members.

The proposed amendment reflects concerns shared in public testimony before both the Commission and the Council. While we acknowledge the desire to address those concerns using the Council's statutory authority, we also believe that changes to the City Charter ("Charter") require careful study in order to avoid negative or unintended consequences.

In this testimony, we address the proposed amendment in the context of the roles and authority in place under the Charter as it exists. We hope this analysis helps to promote a robust discussion about governance issues and leads to improved performance of the Department and the Commission.

This proposed Charter amendment requires certain characteristics and social backgrounds/experiences of Commissioners and changes the appointment of Commissioners to be made by the Council and the Mayor.

Proposed Characteristics and Social Backgrounds/Experiences of Commissioners

Commissioners are volunteers. Presumably, current and past commissioners have been appointed by the Mayor and confirmed by the Council because they bring relevant knowledge, sound judgment, and sufficient executive or managerial experience from their professional careers to oversee one of the largest and most complex City

departments. Aside from those qualities, during the existing appointment and confirmation processes, each Commissioner must demonstrate a commitment of time and willingness to serve the City and all of the residents of Oahu. As you know, each nominee also meets with individual councilmembers to exchange perspectives on the work ahead. These conversations include concerns expressed by community members and by the police department. Thus, the proposed characteristics – empathy, integrity, and sound judgment – are arguably part of the selection and confirmation process now.

Adding proposed requirements regarding work experience, ironically, might make it more difficult to find qualified volunteers willing to serve on this Commission. For example, as the Mayor experienced last year, appointing a former HPD officer was not well-received by the public. Perhaps the named characteristics and backgrounds can be identified instead as considerations in the appointment and confirmation of Commissioners within an ordinance instead of the Charter. In particular, the term "heavily policed community" is a difficult concept to adjudge and is a term used by advocates to describe certain communities that have a higher percentage of criminal activity as well as higher numbers of police officers being called to respond. Officers do not have a choice whether or not to respond to 911 calls; social and demographic disparities are far beyond HPD 's control alone.

#### Appointment by Mayor and City Council

With respect to the proposed requirement that four Commission members be appointed by the Mayor and confirmed by the Council, with three members being appointed directly by the Council, we would respectfully advise caution in constituting the Police Commission this way. The only City commission that has Council and Mayoral appointees, and now Legislative appointees, is the HART Board, and the advantages and disadvantages of such a deviation should be seriously considered.

#### **CONCLUSION**

In terms of timing and messaging of this proposed Charter amendment, please note that in addition to the large number of vacancies of sworn personnel, the decrease in applications, and the ongoing recruitment of what we hope to be the best Chief possible, the City Auditor is currently auditing the HPC. We are hopeful that the audit will provide further insight and include a considered analysis of best practices.

In general, please note we agreed to serve on the Commission and pledged to adhere to the current Charter provisions and governance structure. If that governance framework changes, we may not be the ones serving on the Police Commission in the future, and so we understand that our testimony may be of limited value to you in that regard.

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The Commission thanks the Council for this opportunity to have a conversation about improving the Department, for the betterment of the Department and to promote public safety.