

The Police Files

The Cost Of Police Misconduct: Honolulu Spent Over \$18 Million In Legal Settlements

Meanwhile, the officers involved in the cases have faced mixed consequences.

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By Jacob Geanous / June 30, 2022 Reading time: 12 minutes.



The City and County of Honolulu has spent more than \$18 million to settle police-related lawsuits and claims alleging misconduct over the past decade — outpacing numerous mainland cities of similar or larger size.

Meanwhile, consequences for officers named in claims have also been mixed with some fired or given suspensions and others remaining with the department long enough to get fired for unrelated incidents on the island of just over 1 million people.

One officer was reassigned to the Honolulu Police Department's training academy and another appealed a one-day suspension so it was reduced to a written reprimand.

More than \$4 million of that was paid by the city so far this year, according to data obtained by Civil Beat, which also includes smaller payouts related to the police department regarding issues of employment or towing that make up a small fraction of the total spending on claims.

In nearly every case, the city initially denies wrongdoing and, in some cases that result in multimillion dollar settlements, insurance covers a portion of the payouts.



Jonah Kaahu filed a lawsuit after Honolulu police officers violently arrested him on the North Shore in 2012. Valdez allegedly struck Kaahu in the head, rendering him unconscious.

This year's largest HPD-related payout came after the city agreed on \$15 million in settlements to resolve two lawsuits related to a deadly Honolulu police pursuit in January 2019. However, the city only had to pay \$2.9 million for the deductible on its insurance policy, which covered the rest.

The lawsuits were filed after three people were struck and killed by an intoxicated driver, Alins Sumang, as he was being pursued by HPD Officer Sheldon Watts. Watts did not consistently use his siren and created an "unreasonable risk of danger," according to one of the lawsuits filed by Melissa-Iris Lau whose husband, William Lau, was one of the three pedestrians killed.

The lawsuit also noted that department policy instructs HPD supervisors to call off chases if they become too dangerous.

HPD fired Watts last year for failing to follow departmental policy and lying in his police report regarding the deadly pursuit, according to HPD's latest disciplinary report.

Another officer, Lt. Scott Valdez, was reassigned to train new recruits at the department's academy despite having been the subject of a pair of lawsuits that cost the city some \$1.12 million.

That included \$1 million to resolve a wrongful death lawsuit by Cameron Johnson's mother, Muriel Ikeda, who claimed Valdez used excessive force when he fatally shot her son in Malaekahana Beach Park in 2017.

HPD initially said that Valdez shot Johnson after he struck the officer with a vehicle he was driving, but the lawsuit presented a different version of events, citing a witness who claimed to have seen Valdez briefly converse with Johnson before shooting him through the vehicle's driver side window.

The settlement came four years after the city paid \$120,000 to settle a lawsuit claiming Valdez and other officers beat a man unconscious on the North Shore in 2012.

In 2010, Valdez was arrested and charged on suspicion of attacking a teenage driver on the H-1 Freeway. However, the charges were dropped after the jury deadlocked and the case was declared a mistrial.

Valdez was more recently suspended for three days for swearing at a complainant and his passenger, failing to activate his body camera and failing to document the omission during an incident last year, according to the department's latest disciplinary report, which does not go into further detail.

City payouts directly tied to recently disciplined officers include a \$150,000 settlement paid last year to resolve a federal civil rights lawsuit alleging that HPD Officer Kirk Uemura abused his power by detaining and interrogating one of his son's 15-year-old classmates in November 2018 after the boy got into a fight with Uemura's son, who the lawsuit claims was the aggressor in the altercation.

The department disciplined Uemura with a one-day suspension in connection with the incident, but Uemura appealed the decision through the grievance process and his suspension was reduced to a written reprimand, according to HPD spokeswoman Michelle Yu.

Meanwhile, Lianne Wolfram is currently appealing a 10-day suspension she received in connection with a dispute she had with another woman, Kimberly Hollandsworth, over a horse Wolfram was trying to sell in 2017.



Kirk Uemura was named in a lawsuit that accused him of arresting a boy his son had allegedly been bullying.

Hollandsworth later filed a federal lawsuit against Wolfram, the city and other HPD officers claiming that Wolfram gave her the horse only to later return with other HPD officers to take it back, despite HPD policy stating that officers are not authorized to provide assistance in noncriminal matters.

The city paid \$40,000 to settle the case this year. Wolfram's disciplinary case remains pending.

Other officers who were named in misconduct lawsuits remained with the department but were later fired for

other incidents, indicating that accusations of misconduct against officers may be precursors for further impropriety.

For example, Officer Gilbert Lanai was accused of negligence in a 2015 lawsuit that claimed Lanai had been transporting two juvenile runaways in his police vehicle when he struck and killed 44-year-old Thomas Davis in Kalaeloa in September 2014.

The city settled that case with a \$195,000 payout to Davis' family in 2018.

Lanai returned to duty after the case was settled but was later discharged from the department for operating his police vehicle in an unsafe manner, failing to activate his body camera and lying to police investigators in connection with an incident that occurred in September 2019.

Lanai appealed his firing, but the department referred his case to the Honolulu Prosecuting Attorney's Office, which charged Lanai with false reporting to law enforcement agencies in July 2020. He pleaded no contest, was sentenced to six months probation and ordered to pay just over \$400 in fines.



Officer Gilbert Lanai was given a Certificate of Merit in 2016 for resuscitating a child who was not breathing.

Officer Imanueli Kotobalavu is still in the process of appealing his discharge from the department after it found that he provided false information on numerous citations and related documents while working on a federal grant, according to the latest disciplinary report, which did not go into further detail.

The case was referred to the prosecuting attorney's office and is currently marked confidential. Neither the prosecuting attorney's office nor the Hawaii Attorney General's Office commented on the status of the case.

Kotobalavu previously had been accused of assault and battery and negligence in a civil rights lawsuit filed by Jianna Bohm in 2019. The nurse claimed that Kotobalavu used unreasonable force and violated her civil rights during an unwarranted arrest in 2017.

Bohm alleged that Kotobalavu stopped her car and detained her after she previously reported her vehicle stolen but then got it back. Despite her best efforts to convince Kotobalavu that she was the vehicle's owner, she was still forcefully detained and her vehicle was towed, according to the lawsuit that was settled by the city for \$25,000.

Other notable city payouts to resolve claims of police misconduct includes \$2 million paid to Haibo Peng in 2018 after Peng was severely injured in a crash with HPD Officer Jeremy Newman, who struck Peng after he reportedly made an improper U-turn on Kalakaua Avenue near Ala Wai Boulevard in October 2014. The case was settled for \$3 million but insurance covered a third of the payout.

The largest city settlement payment made in the last decade that was related to a claim involving the police was just over \$3 million paid to three HPD Officers Shermon Dowkin, Fredrico Martinez and Cassandra Huijui, who sued the department and 13 HPD employees alleging racial and gender discrimination and retaliation.



The city paid more than \$3 million in 2016 to settle a case alleging discrimination and retaliation.

That case was ultimately closed in 2016 after the city settled the lawsuit for \$4.7 million, although it ended up paying \$3.05 million and the rest was covered by insurance.

As of last week, there were 48 pending claims with the city regarding the police department, according to Honolulu Corporation Counsel, although that number does not solely represent accusations of misconduct because it also includes issues regarding

employment and towing. Of those, 39 are lawsuits and nine are at the claims level, which are legal demands for compensation that come before a lawsuit is filed.

Open cases against the city include claims of police misconduct in the highly publicized back-to-back police killings of Iremamber Sykap and Lindani Myeni last year. In both cases the city has denied wrongdoing.

Three lawsuits also have been filed on behalf of six people who sustained severe injuries in a car crash in Makaha in September following a police chase. All three lawsuits claim officers Joshua Nahulu, Jake Bartolome and Erik Smith ran the vehicle off the road, then left the scene of the crash without providing aid.

The Honolulu Prosecuting Attorney opened an investigation into the incident and the case is expected to go before a grand jury to determine whether charges will be brought.

When compared to other large cities on the mainland, Honolulu's costs to close cases alleging police misconduct over the past decade is relatively high.

Investigations by The Washington Post, as well as The Marshall Project and FiveThirtyEight, offer insight into how Honolulu's settlement payouts over the last decade stack up with other large cities.

Although reporting by the Marshall Project and FiveThirtyEight highlights inconsistent data when it comes to claim settlements across the country, The Washington Post obtained and analyzed settlement data from 25 cities between 2010 and 2020.

Dallas paid \$10 million to resolve claims involving allegations of police misconduct over the course of a decade, the Post reported. The Dallas Police Department has over 3,100 sworn officers according to the department's website while the Honolulu Police Department had 1,828 sworn officers as of last month.

Between 2010 and 2020, Boston paid \$17 million to settle claims involving allegations of police misconduct, according to The Post. According to Boston's open data portal, the city employs approximately 3,000 sworn police officers.

Indianapolis paid \$12 million to settle claims of misconduct over 10 years, according to The Post, and the department has approximately 1,700 sworn offices, according to the [city's website](#).

Jacksonville doled out \$7 million to settle a decade's worth of misconduct claims and the Jacksonville Sheriff's Office has approximately 2,000 sworn officers, according to the [department's website](#).

The island of Oahu, which is covered by HPD and has a population of just over 1 million, may have a higher 10-year price tag for claims of police misconduct than some cities with similar sized departments while others spend significantly more.

According to The Marshall Project and FiveThirtyEight, New York, Los Angeles and Chicago spent a combined \$2.5 billion on police settlements with more than \$1.7 billion of that total being spent in New York over a decade.

Baltimore, Milwaukee and Cleveland also spent more than Honolulu with \$41 million, \$46 million, \$29 million in total payments over a 10 year period respectively, although only Baltimore has more sworn police officers than Honolulu.

While city-to-city comparisons regarding alleged police misconduct settlements are possible, there may be more at play other than which department gets accused of wrongdoing more often, experts say.

Joanna Schwartz, a law professor at UCLA School of Law who studied nearly 1,200 police misconduct cases filed in five federal districts around the country, published a research paper in 2020 that describes the factors she found contribute to a "civil rights ecosystem." Those include community history, government oversight, training and the perspectives of juries and judges.

"You just have to look at all this data with that background context," Schwartz said in an interview, adding that public controversy surrounding a police department could impact settlements even if the case never goes before a jury.

"Settlement negotiations happen against the backdrop of what would happen at trial. So the city's view of their financial exposure in the case is going to be determined by their

sense of risk,” she said.

Schwartz said she believes local governments should analyze claims to mitigate future damage to the community and the city’s bottom line.

“If they’re truly dedicated to reducing liability risk and risk to their communities, they need to learn from these cases and gather and analyze the information from these cases,” Schwartz said.

That job, in part, now falls on Joe Logan who was sworn in as Honolulu’s newest police chief this month.

Logan promised not to turn a blind eye toward allegations of misconduct.

“Under my administration, misconduct by officers will not be condoned or tolerated,” Logan said in a statement. “All allegations will be thoroughly investigated and, if sustained, officers will be held accountable for their actions.”

In a statement, the State of Hawaii Organization of Police Officers President Robert Cavaco pointed to the city’s willingness to settle claims before they go to trial, but said the city should also allocate more resources to police training.

“Often Corporation Counsel’s legal strategy is to settle litigation instead of going to trial where facts are determined and a verdict reached,” Cavaco said. “In cases where an officer’s or the Department’s actions were proven to be true and the cause of the litigation, the City should invest the necessary resources to improve training and correct behavior so those issues are prevented from happening again.”