

TO: SUSAN BALLARD, CHIEF OF POLICE

VIA: CLYDE K. HO, DEPUTY CHIEF, ADMINISTRATIVE OPERATIONS  
RADE K. VANIC, MAJOR, PROFESSIONAL STANDARDS OFFICE  
RAYNOR IKEHARA, CAPTAIN, PROFESSIONAL STANDARDS OFFICE  
RYAN T. HIRONAKA, LIEUTENANT, PROFESSIONAL STANDARDS  
OFFICE, ADMINISTRATIVE INVESTIGATION SECTION

FROM: ROGER WONG, DETECTIVE, PROFESSIONAL STANDARDS OFFICE,  
QUALITY ASSURANCE SECTION

SUBJECT: ADMINISTRATIVE INVESTIGATION INVOLVING SERGEANT  
JEFFEREY POHAKU AND CORPORAL MARK MONTEZ

*PI 1/13/2020*  
*[Signature]*  
*1/13/20*  
*1/13-2020*

**PSO NUMBER**

19-0462

**ASSIGNMENT**

On September 13, 2019, I was assigned this case by then Professional Standards Office (PSO) – Administrative Investigation Section (AIS) Lieutenant Glenn IWASAKI.

**SYNOPSIS**

During the month of August 2019, [REDACTED] reported to the PSO – Criminal Investigation Section (CIS) that [REDACTED], Sergeant Jefferey POHAKU, was hired to provide security for [REDACTED], [REDACTED], while attired in his Honolulu Police Department (HPD) uniform. The alleged dates he worked were during the months of February and March 2019.

PSO-CIS Lieutenant Brandon NAKASONE conducted an inquiry of Sergeant POHAKU's special duty employment for those months, and he determined that Sergeant POHAKU was not assigned to any special duty jobs during that time.

An Unscheduled Inspection (UI) was then sent to District 4, where Sergeant POHAKU was then assigned. During District 4's initial investigation, it was determined that Sergeant POHAKU and District 1 Corporal Mark MONTEZ were employed by [REDACTED]. It was also determined that they had worked parts of the unauthorized assignment during their HPD on-duty hours. District 4 Lieutenant Michael KURODA initiated a Theft in the Third Degree (19-341860) against Sergeant POHAKU and a Theft in the Second Degree (19-3418620) against Corporal MONTEZ.

**Note:** *Sergeant POHAKU is currently assigned to District 1 on injured leave. Corporal MONTEZ is currently assigned to District 7 but is on special assignment to the Central Receiving Division.*

District 4 Captain Brian LYNCH then submitted a memorandum to Major HORIKAWA requesting that the UI investigation be returned to the PSO for a much broader investigation.

### **DISPOSITION OF CRIMINAL CASES**

The Theft in the Third Degree case (18-341860) against Sergeant POHAKU and Theft in the Second Degree case (18-341862) against Corporal MONTEZ were further investigated by the PSO – CIS; however, [REDACTED] was not willing to participate in the investigations. As a result, then CIS Detective Sandi FUJITANI AWAYA was unable to sufficiently establish elements for the theft cases.

On September 30, 2019, Lieutenant NAKASONE was apprised of the facts and circumstances of the aforementioned criminal cases and recommended the cases be deferred pending further developments (PFD).

### **COMPLAINANT**

Name: Brandon NAKASONE  
Rank: Lieutenant  
Division: PSO

### **ACCUSED OFFICER #1**

Name: Jefferey POHAKU  
ID: 706550  
Rank: Sergeant  
Division: District 1  
Appointment Date: January 19, 1987

**Note:** *Sergeant POHAKU was assigned to District 4 at the time of the alleged incidents. As of November 17, 2019, he was assigned to District 1.*

### **ACCUSED OFFICER #1 – ALLEGED VIOLATIONS**

The following are the alleged violations of the HPD Standards of Conduct:

1. Article VII, Section C, Subsection 1 (Knowledge of Laws and Regulations)
2. Article VII, Section C, Subsection 2 (Obedience to Laws and Regulations)
3. Article VII, Section C, Subsection 10 (Performance)

4. Article VII, Section C, Subsection 12 (Conduct)
5. Article VII, Section C, Subsection 19 (Commission of any Criminal Act)
6. Article VIII, Section D, Subsection D4 (Conducting Personal Business)
7. Article VIII, Section E, Subsection E11 (Directives), to wit:
  - HPD Policy 3.19 (Outside Employment)
  - HPD Policy 3.20 (Special Duty and Voluntary Police Service)

#### **ACCUSED OFFICER #1 – INFORMED**

On February 28, 2020, Sergeant POHAKU was served the following documents which he read, understood, and signed:

- Internal Complaint form (HPD-367)
- Internal Investigation form (HPD-367B)
- Garrity Rights form (HPD-367D)
- Honesty Considerations form (HPD-367E)

I served Sergeant POHAKU at his residence because he was on injured leave. He elected to waive his right to provide a written response in writing and indicated that he would give an oral response. On March 9, 2020, I obtained Sergeant POHAKU's recorded response via telephone.

#### **ACCUSED OFFICER #1 – INFORMED AMENDMENT**

On June 19, 2020, Sergeant POHAKU was served the Internal Complaint form (HPD-367) Amendment which he read, understood, and signed:

I served Sergeant POHAKU at his residence because he was on injured leave. He elected to waive his right to provide a written response in writing and indicated that he would give an oral response. On June 19, 2020, I obtained Sergeant POHAKU's recorded response.

#### **ACCUSED OFFICER #1 – INFORMED AMENDMENT #2**

On July 6, 2020, at his residence, Sergeant POHAKU was served the Internal Complaint form (HPD-367) Amendment #2, which he read, understood, and signed. Amendment #2 was to amend the verbiage of Policy 3.19, Outside Employment, to the version in effect at the time of the incidents. Amendment #2 also removed several dates that were beyond the statute of limitations for administrative investigations.

Sergeant POHAKU related that he had nothing to add in response to the allegation.

### **ACCUSED OFFICER #1 – DUTY STATUS**

A review of the District 4's Third Watch Duty Roster and Daily Attendance Report (HPD-25) for the following dates indicated that Sergeant POHAKU was on-duty during some of the alleged incidents. For additional information, refer to the aforementioned Daily Attendance Reports (HPD-25) and Duty Rosters.

### **ACCUSED OFFICER #2**

Name: Mark MONTEZ  
ID: 101698  
Rank: Corporal  
Division: District 7  
Appointment Date: December 1, 2003

**Note:** *Corporal MONTEZ was assigned to District 1 at the time of the incident. As of March 22, 2020, he was assigned to District 7.*

### **ACCUSED OFFICER #2 – ALLEGED VIOLATIONS**

The following are the alleged violations of the HPD Standards of Conduct:

1. Article VII, Section C, Subsection 1 (Knowledge of Laws and Regulations)
2. Article VII, Section C, Subsection 2 (Obedience to Laws and Regulations)
3. Article VII, Section C, Subsection 10 (Performance)
4. Article VII, Section C, Subsection 12 (Conduct)
5. Article VII, Section C, Subsection 19 (Commission of any Criminal Act)
6. Article VIII, Section D, Subsection D4 (Conducting Personal Business)
7. Article VIII, Section E, Subsection E11 (Directives), to wit:

HPD Policy 3.19 (Outside Employment)

HPD Policy 3.20 (Special Duty and Voluntary Police Service)

### **ACCUSED OFFICER #2 – INFORMED**

On March 17, 2020, Corporal MONTEZ was served the following documents at the PSO, which he read, understood, and signed:

- Internal Complaint form (HPD-367)
- Internal Investigation form (HPD-367B)

- Garrity Rights form (HPD-367D)
- Honesty Considerations form (HPD-367E)

Corporal MONTEZ was instructed to respond to the allegations via a To/From report. His written response was received on March 30, 2020.

### **ACCUSED OFFICER #2 – INFORMED AMENDMENT**

On June 17, 2020, at the PSO, Corporal MONTEZ was served the Internal Complaint form (HPD-367) Amendment which he read, understood, and signed.

Corporal MONTEZ elected to respond to the allegations via a To/From report. His written response was received on June 22, 2020.

### **ACCUSED OFFICER #2 – INFORMED AMENDMENT #2**

On July 6, 2020, at the PSO, Corporal MONTEZ was served the Internal Complaint form (HPD-367) Amendment #2 which he read, understood, and signed. Amendment #2 was to amend the verbiage of Policy 3.19, Outside Employment, and the pertinent allegation, to the version in effect at the time of the incidents.

Corporal MONTEZ related that he had nothing to add in response to the allegation.

### **ACCUSED OFFICER #2 – DUTY STATUS**

A review of District 1's Third Watch Duty Roster and Daily Attendance Report (HPD-25) for the following dates indicated that Corporal MONTEZ was on-duty during some of the alleged incidents. For additional information, refer to the aforementioned Daily Attendance Reports (HPD-25) and Duty Rosters.

### **SCENE / TIME ELEMENT**

The alleged incident occurred at [REDACTED], located at [REDACTED]. The alleged incidents occurred at various hours during the months of June 2018 to January 2019.

### **REFERENCES**

1. PSO #19-0462 UI report addressed to District 4, dated August 26, 2019.
2. To/From report from Lieutenant Bryan LYNCH to Major HORIKAWA, dated September 6, 2019.
3. Printouts from the special duty website for Sergeant POHAKU, and requests for outside employment by Corporal MONTEZ.

4. District 4 Third Watch Daily Attendance Report (HPD-25) and Duty Roster for the following dates:

- June 15, 2018
- June 16, 2018
- June 17, 2018
- June 18, 2018
- June 19, 2018
- June 20, 2018
- June 21, 2018
- June 22, 2018
- September 6, 2018
- September 7, 2018
- September 8, 2018
- September 9, 2018
- September 10, 2018
- September 11, 2018
- September 12, 2018
- September 13, 2018
- September 14, 2018
- September 15, 2018
- September 16, 2018
- September 17, 2018
- September 18, 2018
- September 19, 2018
- September 20, 2018
- September 21, 2018
- September 22, 2018
- September 23, 2018
- September 24, 2018
- September 25, 2018
- September 27, 2018

5. District 1 Third Watch Daily Attendance Report (HPD-25) and Duty Roster for the following dates:

- September 5, 2018
- September 6, 2018
- September 11, 2018
- September 12, 2018
- September 13, 2018
- September 15, 2018
- September 20, 2018
- September 21, 2018

- September 22, 2018
  - September 23, 2018
  - September 27, 2018
6. HPD Incident report number 18-341860 (Theft 3<sup>rd</sup>)
  7. HPD Incident report number 18-341862 (Theft 2<sup>nd</sup>)
  8. HPD Policy 3.19 (Outside Employment)
  9. HPD Policy 3.20 (Special Duty and Voluntary Police Service)

### **ACCUSED OFFICER #1 – ALLEGATIONS**

The following are the allegations against Sergeant POHAKU:

- For the below listed dates and times:
  - June 15, 2018, from 0830 to 1730 hours (Tour of duty start 1400 hours);
  - June 16, 2018, from 0800 to 1300 hours (Tour of duty start 1230 hours);
  - June 17, 2018, from 0800 to 1300 hours (Tour of duty start 1230 hours);
  - June 19, 2018, from 0730 to 1330 hours (Tour of duty start 1300 hours);
  - June 22, 2018, from 0730 to 1530 hours (Tour of duty start 1400 hours);
  - September 11, 2018, from 0730 to 1400 hours (Tour of duty start 1400 hours);
  - September 12, 2018, from 0730 to 1430 hours (Tour of duty start 1400 hours);
  - September 13, 2018, from 0730 to 1430 hours (Tour of duty start 1400 hours);
  - September 19, 2018, from 0730 to 1730 hours (Tour of duty start 1400 hours);
  - September 20, 2018, from 0730 to 1400 hours (Tour of duty start 1400 hours);
  - September 21, 2018, from 0730 to 1400 hours (Tour of duty start 1400 hours);
  - September 22, 2018, from 0730 to 1530 hours (Tour of duty start 1300 hours);
  - September 23, 2018, from 0730 to 1400 hours (Tour of duty start 1400 hours).
- He worked an unauthorized outside employment and/or unauthorized special duty job at [REDACTED]; and/or
- It conflicted with work shift on that date; and/or

- 
- He conducted personal business by working a special duty assignment during his on-duty hours; and/or
  - He committed a criminal act by receiving monetary compensation for services not fully rendered to [REDACTED]
- For the below listed dates and times:
    - September 6, 2018, between 0700 to 1330 hours;
    - September 7, 2018, between 0800 to 1800 hours;
    - September 8, 2018, between 0800 to 1730 hours;
    - September 9, 2018, between 0800 to 1730 hours;
    - September 10, 2018, between 0800 to 1800 hours;
    - September 14, 2018, between 0730 to 1730 hours;
    - September 15, 2018, between 0800 to 1330 hours;
    - September 16, 2018, between 0730 to 1730 hours;
    - September 17, 2018, between 0730 to 1730 hours;
    - September 18, 2018, between 0730 to 1730 hours;
    - September 24, 2018, between 0800 to 1700 hours;
    - September 25, 2018, between 0800 to 1700 hours;
    - January 27, 2019, between unknown seven (7) hours time period.
  - He worked an unauthorized outside employment and/or unauthorized special duty job at [REDACTED]
- For the week of September 2, 2018 (Sunday) to September 8, 2018 (Saturday), he worked a total of (26) hours of unauthorized special duty, which was in excess of the (24) hour weekly limit for special duty.
  - For the week of September 9, 2018 (Sunday) to September 15, 2018 (Saturday), he worked a total of (55.5) hours of unauthorized special duty, which was in excess of the (24) hour weekly limit for special duty.
  - For the week of September 16, 2018 (Sunday) to September 22, 2018 (Saturday), he worked a total of (61) hours of unauthorized special duty, which was in excess of the (24) hour weekly limit for special duty.
  - For the week of September 23, 2018 (Sunday) to September 29, 2018 (Saturday), he worked a total of (24.5) hours of unauthorized special duty, which was in excess of the (24) hour weekly limit for special duty.

- For the week of January 27, 2019 (Sunday) to February 2, 2019, (Saturday), he worked (7) hours of unauthorized special duty and (22.5) hours of authorized special duty, which was in excess of the (24) hour weekly limit for special duty.

**Note:** *At the time Sergeant POHAKU worked the jobs, he believed they were considered to be "special duty."*

### **ACCUSED OFFICER #2 – ALLEGATIONS**

The following are the allegations against Corporal MONTEZ:

- For the below listed dates and times:
  - September 5, 2018, between 1330 to 1800 hours;
  - September 6, 2018, between 1330 to 1800 hours;
  - September 11, 2018, between 1400 to 1730 hours;
  - September 12, 2018, between 1430 to 1730 hours;
  - September 13, 2018, between 1430 to 1800 hours;
  - September 20, 2018, between 1400 to 1700 hours;
  - September 21, 2018, between 1400 to 1700 hours;
  - September 22, 2018, between 1530 to 1730 hours;
  - September 23, 2018, between 1400 to 1700 hours.
  - He worked an unauthorized outside employment and/or unauthorized special duty job at [REDACTED]; and/or
  - It conflicted with work shift on that day as his tour of duty started at 1400 hours; and/or
  - He conducted personal business by working a special duty assignment during his on-duty hours; and/or
  - He committed a criminal act by receiving monetary compensation for services not fully rendered to [REDACTED]
- For the below listed dates and times:
  - September 15, 2018, between 1130 to 1330 hours;
  - January 27, 2019, four (4) hours between unknown hours.
  - He worked an unauthorized outside employment and/or unauthorized special duty job at [REDACTED]
- While working in an outside employment capacity, he was attired in his class A uniform and/or carried a firearm.

- He did not submit an Outside Employment Request e-form at least five business days prior to starting the employment.

**Note:** *At the time Corporal MONTEZ worked the jobs, he believed they were considered to be "outside employment."*

### **COMPLAINANT – MEMORANDUM**

On August 19, 2019, Lieutenant NAKASONE submitted a To/From report to Lieutenant IWASAKI, who was the Acting Major of the PSO. The following is a summary of that To/From report:

1. Lieutenant NAKASONE submitted the To/From report to notify the PSO command of alleged violations of Policy Number 3.20 (Special Duty and Voluntary Police Service) by then Sergeant POHAKU.
2. On August 15, 2019, [REDACTED] reported the following:
  - a. During the months of February and March 2019, [REDACTED], Sergeant POHAKU, was hired to provide security for [REDACTED].
  - b. Sergeant POHAKU was attired in his HPD uniform while he provided security services for [REDACTED] from 0700 to 1330 hours, five or more days per week.
3. A check of Sergeant POHAKU's special duty employment history for February and March 2019 revealed that Sergeant POHAKU was not assigned any special duty jobs requested by [REDACTED].
4. Lieutenant NAKASONE requested that appropriate action be taken.
5. Attached to the To/From report was a printout of Sergeant POHAKU's special duty employment history which indicated that Sergeant POHAKU did not work any special duty job requested by [REDACTED].

For additional information, refer to the aforementioned To/From report.

### **REVIEW OF UNSCHEDULED INSPECTION REPORT**

On August 26, 2019, PSO – QAS Detective Ross TADAKI completed an Unscheduled Inspection (UI) report which requested an investigation of the alleged misconduct by Sergeant POHAKU. Attached to the UI report was Lieutenant NAKASONE's memorandum and Sergeant POHAKU's special duty employment history printout.

For additional information, refer to the aforementioned UI report and its attachments.

**WITNESS OFFICER #1**

Name: Michael KURODA  
Rank: Lieutenant  
Division: District 4

**WITNESS OFFICER #1 – HPD INCIDENT REPORT / 19-341860**

A review of Lieutenant KURODA's initial report submitted under HPD Incident report number 19-341860, indicated the following pertinent information:

1. Sergeant POHAKU was listed as the suspect in this Theft 3<sup>rd</sup> case.
2. On September 3, 2019, he was assigned to investigate a UI, under the PSO number 19-0462, by Acting Captain Brian LYNCH.
3. During his investigation, he contacted [REDACTED] and spoke to an [REDACTED], via phone. [REDACTED] indicated that [REDACTED] did recall having HPD officers working for [REDACTED] in the past and that the officers were hired to address a security threat involving a disgruntled former employee; however, [REDACTED] would have to refer his inquiry to corporate management due to confidentiality concerns.
4. On September 3, 2019, Lieutenant KURODA received an email from a [REDACTED], who identified [REDACTED] as an attorney representing [REDACTED]. Lieutenant KURODA contacted [REDACTED], via phone, and requested information regarding the HPD personnel who had been working for [REDACTED].
5. On September 5, 2019, [REDACTED] emailed him a response in which [REDACTED] indicated that [REDACTED] was one of the people who explored hiring a security company to provide security for the office. [REDACTED] checked with Sergeant POHAKU, who informed [REDACTED] that he could get an officer for coverage. Sergeant POHAKU and Corporal MONTEZ provided security for [REDACTED] occasionally. They were paid as independent contractors, and "hung out" while in uniform to provide a presence and peace of mind.
6. Within [REDACTED] email was the dates and times that Sergeant POHAKU and Corporal MONTEZ worked for [REDACTED].
7. According to the information provided, Sergeant POHAKU worked numerous shifts for [REDACTED] from June 15, 2018, to January 27, 2019; and Corporal MONTEZ worked shifts from September 5, 2018, to January 27, 2019.
8. During the mentioned time spans, Sergeant POHAKU was assigned to District 4's Third Watch, and Corporal MONTEZ was assigned to District 1's Third Watch.

9. Lieutenant KURODA was unable to verify from [REDACTED] email if Sergeant POHAKU worked for [REDACTED] during February and March of 2019 as reported in the initial complaint by [REDACTED].
10. A check of respective district rosters indicated that on numerous occasions Sergeant POHAKU and Corporal MONTEZ were on "on-duty" status working for the HPD, while also working for [REDACTED] during the same time.
11. Duty times provided by [REDACTED] and HPD rosters indicated that Sergeant POHAKU worked approximately (13) hours for [REDACTED] which overlapped with HPD duty time.
12. Corporal MONTEZ worked approximately (29) hours for [REDACTED] which overlapped with HPD duty time.
13. At Sergeant POHAKU's pay rate, (13) hours of work equated to approximately [REDACTED]. At Corporal MONTEZ's pay rate, (29) hours of work equated to approximately [REDACTED].
14. Upon discovering that a possible theft had occurred, Lieutenant KURODA reported his findings to Acting Captain LYNCH, who instructed him to initiate the theft case and to refer the investigation to the PSO.
15. CIS Lieutenant NAKASONE was contacted and briefed on his findings.

For additional information, refer to the aforementioned HPD Incident report.

**WITNESS OFFICER #1 – HPD INCIDENT REPORT 19-341862**

A review of Lieutenant KURODA's initial report, submitted under HPD Incident report number 19-341862, indicated that Corporal MONTEZ was listed as the suspect in this Theft 2<sup>nd</sup> case, and it contained no additional pertinent information.

For additional information, refer to the aforementioned HPD Incident report.

**WITNESS OFFICER #1 – TO/FROM REPORT**

On April 13, 2020, I met with Lieutenant KURODA at the Kaneohe Station and provided him with copies of District 4, 3rd Watch, Daily Attendance Report (HPD-25) and Duty Roster from June 15, 2018, to June 22, 2018, and September 5, 2018, to September 25, 2018. He was also provided a list of days that Sergeant POHAKU allegedly overlapped with his District 4 Patrol duties. Lieutenant KURODA was asked if he witnessed or could remember any discrepancies regarding Sergeant POHAKU's District 4, 3rd Watch, Daily Attendance Report (HPD-25), and Duty Rosters. A review of his To/From report revealed the following:

1. At no time was he aware that Sergeant POHAKU may have been engaging in any unauthorized special duty or other outside employment. Sergeant POHAKU did not inform or ask him for any type of authorization to do so.
2. He did recall several occasions where Sergeant POHAKU had notified him that he was picking up his car from the shop and maybe a few minutes late for work. He would not be able to recall if any of those instances occurred on any of the dates in question.

For more information, refer to Lieutenant KURODA's To/From report.

**WITNESS OFFICER #2**

Name: Sandi FUJITANI AWAYA  
Rank: Lieutenant  
Division: District 4

**Note:** *At the time of the investigation, she was a detective at the PSO – CIS. For the remainder of this report, Lieutenant FUJITANI AWAYA will be referred to as Detective FUJITANI AWAYA.*

**WITNESS OFFICER #2 – HPD INCIDENT REPORT 19-341860**

A review of Detective FUJITANI AWAYA's CIS Follow-up report submitted under HPD Incident report number 19-341860, indicated the following pertinent information:

1. On September 12, 2019, she received the District 4 timesheets (HPD-25) and daily rosters for June 2018, September 2018, and January 2019 from Senior Clerk Typist Jorene HEWETT.
2. On September 12, 2019, she received the District 1 timesheets (HPD-25) and daily rosters for September 2018 and January 2019 from Secretary Shana FERMAHIN.
3. On September 18, 2019, Detective FUJITANI AWAYA called [REDACTED] who confirmed that [REDACTED] was the authorized representative for [REDACTED], was aware of the investigation, and had previously spoken with Lieutenant KURODA.
4. [REDACTED] explained that to further the investigation, [REDACTED] would need additional information from [REDACTED] asked that she document [REDACTED] request in an email, which she subsequently forwarded to [REDACTED] on the same date. [REDACTED] related that [REDACTED] would consult with [REDACTED], and get back to her with a decision.
5. On September 19, 2019, Detective FUJITANI AWAYA made a check of the HPD CADS to determine if there were any cases that Sergeant POHAKU and Officer

MONTEZ may have handled during the dates in conflict. No reports or cases were located for Sergeant POHAKU.

6. Detective FUJITANI AWAYA attached a printout of cases that she located that Officer MONTEZ handled.
7. On September 26, 2019, she sent a follow-up email to [REDACTED] to confirm whether or not a decision had been made by [REDACTED].
8. On September 27, 2019, at 1503 hours, she received an email from [REDACTED] stating that [REDACTED] was not interested in assisting with the investigation or prosecuting the officers.
9. After reviewing the HPD-25 forms from District 1 and District 4, it appeared that Sergeant POHAKU and Corporal MONTEZ were on-duty with HPD while collecting pay from [REDACTED]; however, [REDACTED] was not willing to participate in the investigation, and she was unable to sufficiently establish elements for the theft cases.
10. On September 30, 2019, she apprised Lieutenant NAKASONE of the facts and circumstances of the theft cases and recommended that the cases be deferred pending further developments.

For additional information, refer to Detective FUJITANI AWAYA's follow-up report.

**CHECKS OF SERGEANT POHAKU AND CORPORAL MONTEZ FOR SPECIAL DUTY AND OUTSIDE EMPLOYMENT**

Checks were made with the Human Resources Division (HRD) and there was no record of Sergeant POHAKU or Corporal MONTEZ requesting for outside employment with [REDACTED] during the time elements.

Checks were made with the authorized special duty website and there was no record of Sergeant POHAKU or Corporal MONTEZ signing up for special duty jobs at [REDACTED] during the time elements.

For additional information, refer to special duty printouts and outside employment requests.

**REVIEW OF CADS INQUIRY FOR THEFT 2<sup>nd</sup> 19-341862**

9/1/2018 - 9/30/2018

Sort by Report\_Number, Asc

Report Number	Disp	Incident Type	Address	Location	Beat	Sub beat	Create Time	Closed Time	Primary Officer ID#	Primary Officer Name	Event Number
18336896	RPT	MVA	[REDACTED]	KUKUI PLAZA	152	040G	09/04/2018 17:11	09/04/2018 17:39	101698	MMONTEZ	LHP180904001463
18336969	RPT	ALARM CALL	[REDACTED]	CENTRAL MS	156	042A	09/04/2018 18:00	09/04/2018 18:26	101698	MMONTEZ	LHP180904001561
18340852	RPT	MISC PUB	[REDACTED]		174	052B	09/07/2018 14:52	09/07/2018 15:16	101698	MMONTEZ	LHP180907001118
18349018	RPT	THEFT	[REDACTED]		152	041C	09/13/2018 15:36	09/13/2018 16:07	101698	MMONTEZ	LHP180913001160
18349162	RPT	MVA	[REDACTED]		171	059B	09/13/2018 17:34	09/13/2018 19:36	101698	MMONTEZ	LHP180913001386
18357379	RPT	MVA	[REDACTED]	LILHA SQ	150	039B	09/19/2018 16:47	09/19/2018 17:32	101698	MMONTEZ	LHP180919001327
18359073	RPT	MVA	[REDACTED]	HIW PALI OFF	160	045Z	09/20/2018 21:23	09/20/2018 21:54	101698	MMONTEZ	LHP180920001805
18359968	RPT	THEFT	[REDACTED]	AMSC + AERIE	180	058E	09/21/2018 14:18	09/21/2018 15:16	101698	MMONTEZ	LHP180921001091
18361754	RPT	DRUGS/NARCOTICS	[REDACTED]	MAGIC ISLAND	172	059F	09/22/2018 19:05	09/22/2018 19:28	101698	MMONTEZ	LHP180922001461
18362756	RPT	BURGLARY	[REDACTED]		169	051B	09/23/2018 13:49	09/23/2018 14:42	101698	MMONTEZ	LHP180923000816
18362994	RPT	FIRE CALL	[REDACTED]		168	059C	09/23/2018 17:35	09/23/2018 20:53	101698	MMONTEZ	LHP180923001178
18366919	RPT	MVA	[REDACTED]		170	046F	09/26/2018 14:26	09/26/2018 14:47	101698	MMONTEZ	LHP180926001012
18367267	RPT	FOUND PROPERTY	[REDACTED]	ALA MOANA BCH PK	172	059F	09/26/2018 18:42	09/26/2018 18:54	101698	MMONTEZ	LHP180926001521
18369385	RPT	WARN TRESPASS	[REDACTED]	WALMART FORT ST MALL	154	041C	09/27/2018 13:55	09/27/2018 14:36	101698	MMONTEZ	LHP180927001061

I verified this report via the CADS Information Central Database it shows that Corporal MONTEZ initiated the listed cases while still working at [REDACTED]

NOTE: The same search did not show any cases that were initiated by Sergeant POHAKU.

Refer to attached CADS Incident summary.

**[REDACTED] WORK SCHEDULES**

[REDACTED] provided a work schedule for Sergeant POHAKU and Corporal MONTEZ, which were submitted under incident number 19-341860. I utilized the information on the provided work schedule to construct a table that depicted the hours worked at [REDACTED] as compared to the work hours of their on-duty assignment.

**Sergeant POHAKU assigned to District 4, Third Watch Patrol.**

	Jeff Pohaku	Start Time	End Time	HPD STATUS	On-Duty Overlap	Hours
6/15/2018	Field	8:30 AM	5:30 PM	On-Duty 3rd Watch	1400-1730	3.5
6/16/2018	KN Desk	8:00 AM	1:00 PM	On-Duty 3rd Watch	1230-1300	0.5
6/17/2018	KN Desk	8:00 AM	1:00 PM	On-Duty 3rd Watch	1230-1300	0.5
6/18/2018		7:30 AM	5:30 PM	Off-Duty		

6/19/2018	KI Desk	7:30 AM	1:30 PM	On-Duty 3rd Watch	1300-1330	.5
6/20/2018		7:30 AM	1:30 PM	Off-Duty		
6/21/2018		7:30 AM	1:30 PM	Off-Duty		
6/22/2018	KN Field	7:30 AM	3:30 PM	On-Duty 3rd Watch	1400-1530	1.5
9/6/2018	Field	7:00 AM	1:30 PM	On-Duty 3rd Watch		
9/7/2018		8:00 AM	6:00 PM	PL 3rd Watch		
9/8/2018		8:00 AM	5:30 PM	Off-Duty		
9/9/2018		8:00 AM	5:30 PM	Off-Duty		
9/10/2018		8:00 AM	6:00 PM	Off-Duty		
9/11/2018	Field	7:30 AM	2:00 PM	On-Duty 3rd Watch		
9/12/2018	Field	7:30 AM	2:30 PM	On-Duty 3rd Watch	1400-1430	0.5
9/13/2018	Field	7:30 AM	2:30 PM	On-Duty 3rd Watch	1400-1430	0.5
9/14/2018		7:30 AM	5:30 PM	PL 3rd Watch		
9/15/2018		8:00 AM	11:30 AM			
		1:30 PM	5:30 PM	PL 3rd Watch		
9/16/2018		7:30 AM	5:30 PM	Off-Duty		
9/17/2018		7:30 AM	5:30 PM	Off-Duty		
9/18/2018		7:30 AM	5:30 PM	Off-Duty		
9/19/2018	Field	7:30 AM	5:30 PM	On-Duty 3rd Watch	1400-1730	3.5
9/20/2018	Field	7:30 AM	2:00 PM	On-Duty 3rd Watch		
9/21/2018	Field	7:00 AM	2:00 PM	On-Duty 3rd Watch		
9/22/2018	KI Desk	7:30 AM	3:30 PM	On-Duty 3rd Watch	1300-1530	2.5
9/23/2018	Field	7:30 AM	2:00 PM	On-Duty 3rd Watch		
9/24/2018		8:00 AM	5:00 PM	Off-Duty		
9/25/2018		8:00 AM	5:00 PM	Off-Duty		
						Total:13.5
1/27/2019	Field	No time record	7 hours worked	On-Duty 3rd Watch		

Total overlap of on-duty patrol was (13.5) hours.

**Corporal MONTEZ assigned to District 1, Third Watch Patrol.**

	Mark Montez	Start Time	End Time	HPD STATUS	On-Duty Over Lap	Hours
9/5/2018		1:30 PM	6:00 PM	On-duty 3rd Watch	1400-1800	4
9/6/2018		1:30 PM	6:00 PM	On-duty 3rd Watch	1400-1800	4
9/11/2018		2:00 PM	5:30 PM	On-Duty 3rd Watch	1400-1730	3.5
9/12/2018		2:30 PM	5:30 PM	On-Duty 3rd Watch	1430-1730	3
9/13/2018		2:30 PM	6:00 PM	On-Duty 3rd Watch	1430-1800	3.5
9/15/2018		11:30 AM	1:30 PM	Sick 3rd Watch		
9/20/2018		2:00 PM	5:00 PM	On-Duty 3rd Watch	1400-1700	3
9/21/2018		2:00 PM	5:00 PM	On-Duty 3rd Watch	1400-1700	3
9/22/2018		3:30 PM	5:30 PM	On-Duty 3rd Watch	1530-1730	2
9/23/2018		2:00 PM	5:00 PM	On-Duty 3rd Watch	1400-1700	3
						Total: 29
1/27/2019		No time record	4 hours worked	On-Duty 3rd Watch		

Total overlap of on-duty patrol was (29) hours.

**WITNESS #1**

Name: [REDACTED]  
 Date of Birth: [REDACTED]  
 Occupation: [REDACTED]  
 Contact #: [REDACTED]

**WITNESS #1 – VERBAL STATEMENT TO AIS**

On October 31, 2019, I called [REDACTED] and left a voice message to call back the PSO regarding [REDACTED] participation in this Administrative Investigation.

On November 6, 2019, [REDACTED] called the PSO and I spoke with [REDACTED]. [REDACTED] related that on behalf of the [REDACTED], [REDACTED] did not want to participate in any police

investigation. [REDACTED] also indicated that [REDACTED] had informed Detective FUJITANI AWAYA of the same.

[REDACTED] final remarks were that the officers did what they were hired to do. [REDACTED] indicated that Sergeant POHAKU and Corporal MONTEZ were in uniform and "hung out" to provide a presence and peace of mind.

**Note:** *The aforementioned conversation with [REDACTED] was not recorded.*

### **ACCUSED OFFICER #1 – 1ST AIS INTERVIEW**

On March 9, 2020, I conducted a telephonic interview with Sergeant POHAKU. The following is a summary of that interview:

1. He admitted to working [for [REDACTED]] on the dates listed on the HPD-367.
2. [REDACTED] needed an officer to stay in the downstairs parking lot and watch the vehicles that came into the lot.
3. [REDACTED] had an issue with a [former] employee who had threatened to sue them and allegedly had an issue with narcotics while working there.
4. [REDACTED] was concerned that this person would come to that location with a weapon.
5. Their main purpose was to stay at the entrance to provide a uniformed presence in case that person came, as [REDACTED] wanted to keep their employees safe from that former employee.
6. When working security there, they would park just right of the entrance with their blue lights illuminated on their vehicles. He would also be attired in his Class A uniform.
7. He confirmed being paid the standard special duty rate of [REDACTED] an hour. He informed [REDACTED] of that rate, and [REDACTED] supervisor requested two police officers to work this security detail.
8. He would work [at [REDACTED]] in the morning, and then when he left, the other person would come in. He would leave there an hour early so he could show up to work [for the HPD] on time.
9. He was paid for all the hours he worked at [REDACTED] with one check. He was not sure where the check was.

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10. Up until then, he was not aware that some of the dates he worked for [REDACTED] [REDACTED] conflicted with his HPD work schedule. [REDACTED] was supposed to take care of all the special duty notifications and the amount that they made.
  11. He told [REDACTED] that [REDACTED] could not give them extra time if they had to be at work and that he told [REDACTED] to end his time early enough to where he would be able to make it to work. The agreement they had was that he needed to have at least one hour before his [HPD] work shift so he could get all his stuff ready.
  12. When questioned about Policy Number 3.20 (Special Duty and Voluntary Police Service), Sergeant POHAKU indicated that he made the arrangements with [REDACTED], who was the person in charge.
  13. He informed [REDACTED] that whatever he and Corporal MONTEZ made was fine. He also told [REDACTED] not to give them extra [pay] because if they went over it would be documented, and they would have to go back and explain how they were able to get off working [security] and make it to work [with the HPD].
  14. Sergeant POHAKU felt that at the time, he did not think that the job was an unauthorized special duty job; however, as he looked back and reassessed on the way it was done, he had mixed feelings about it.
  15. Sergeant POHAKU felt that maybe he should have called to validate the job, and if it was determined they shouldn't be there, he could tell the company that they had to call [for authorization].
  16. Because the job was never officially called in by [REDACTED], he now believed that the job was an outside employment, and he did not follow up to check if they were allowed to work it.
  17. [REDACTED] was the one in charge, and [REDACTED] documented the pay.
  18. [REDACTED] was his [REDACTED]. [REDACTED] informed him of a problem they were having with a [REDACTED] who use to work for [REDACTED]. The [REDACTED] believed that [REDACTED] was still owed money by [REDACTED].
  19. [REDACTED] wanted them to keep the [REDACTED] away, and to have the [REDACTED] trespassed if [REDACTED] did not want to leave.
  20. They saw the [REDACTED] once or twice before [REDACTED] stopped coming by; however, from what [REDACTED] understood, the [REDACTED] had called [REDACTED] a couple of times.
  21. [REDACTED] did have a role in getting him these assignments. They did not try to encourage or solicit anything for themselves.

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22. They were doing the company a favor because the bosses were good people. He told them not to worry about it and to let them know when they needed them.
  23. [REDACTED] basically acted as the vendor. [REDACTED] was supposed to take care of all the paperwork to authorize it as a special duty job.
  24. When asked if he started work on time with the HPD as indicated on the sign-in sheets, or if he remained at [REDACTED] [as indicated in their records], he related that he would leave [REDACTED] one hour prior to the start of his HPD work shift because he needed to give the line-up and that he was the one that they waited for, so he had to be there [at the station].
  25. He told [REDACTED] to end their time when they stopped; if they put "other stuff", he would have to explain it. Sergeant POHAKU indicated that he did not want to be questioned on his side if it ever came up and that he assumed that [REDACTED] took care of it.
  26. He denied ever returning to [REDACTED] [to complete his shift there] after he started his HPD work shift.
  27. Sergeant POHAKU indicated that he always notified [REDACTED] when he would be leaving, so that if they needed assistance, they would know to call 911. He would let [REDACTED] and the bosses know, and they understood and appreciated them being there.
  28. He always showed up at [REDACTED] to do the assigned work on the alleged date and times.
  29. On the alleged week periods where he went over the 24-hour special duty limit, he indicated that it was because he wasn't paying attention, and didn't realize that [REDACTED] was "juicing everything up" because he never saw the check until a while later.
  30. When asked why he stopped working at [REDACTED], Sergeant POHAKU indicated that he was told by [REDACTED] and the bosses that [REDACTED] had made contact with the [REDACTED] and decided to settle with [REDACTED] by giving [REDACTED] a small amount. They told the [REDACTED] to not come back anymore, and that if [REDACTED] did, [REDACTED] would be arrested.
  31. In hindsight, Sergeant POHAKU wished that he would have thought about this earlier because he definitely would have corrected it sooner. It was partially on him too, he should have seen what was being done (paperwork), but [REDACTED] said they'll show it to him. But [REDACTED] never showed him anything.

For additional information, refer to the aforementioned interview recording.

**ACCUSED OFFICER #1 – 2ND AIS INTERVIEW**

On June 19, 2020, I conducted a recorded interview with Sergeant POHAKU. The following is a summary of that interview:

1. He confirmed that he did not obtain any of the [REDACTED] jobs through the special duty website.
2. He confirmed that he was aware that special duty jobs had to be cleared through Major Events Division (MED), and that an officer had to sign up for any paid job through the site.
3. When I asked why he thought he wouldn't have to do normal special duty sign-up procedures for the jobs, he explained the following:
  - a. The person in charge on that date and time was [REDACTED] and [REDACTED] briefed him about a worker they had that was apparently a "druggie" and had worked for the company. The person was taking drugs from the company and using it. When the person was high on the drugs, [REDACTED] would go to the company and tell them that they owed [REDACTED] money. The company felt unsafe and threatened so he told the company to call for an officer and have him come down and make a case.
  - b. He was not sure if the company finished it, or what they did, because it was after they left. [REDACTED] wanted them to sit in the parking lot during work hours. He stayed there, waited, and he never saw the person drive by. He thought the person did one time, but the person was way down the street, so he never went after [REDACTED]
  - c. After reiterating the special duty procedures, Sergeant POHAKU related that the procedures were done by [REDACTED], who was a [REDACTED] of his. [REDACTED] told him not to worry about it because [REDACTED] spoke to [REDACTED] bosses and got full approval from them to ensure that they could get the job.
  - d. [REDACTED] would handle all the internal stuff for the special duty job through the MED and explain to them that they were there as a preventative type (make somebody feel uncomfortable so they don't come around) uniform presence. They would park near the garage and stand outside of their car. The person would see their blue light, see them standing, and drive by.
4. I asked Sergeant POHAKU if he found the payment check from [REDACTED]. He related that he did not find the check. He assumed that after a while, he put it into the bank or used it. He probably cashed it and never got a copy of it.
5. He wanted to press upon that he told [REDACTED] to make absolutely sure that anything [REDACTED] discussed with [REDACTED] bosses, went through the channels to special

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duty. That included a brief synopsis of what's going on, and that basically, they were there as a deterrent. They were not there to "grab people, or that sort of thing". It sounded straight forward and simple and he didn't have any problems with anyone.

6. POHAKU added that his work time there was before he started his HPD work shift and he usually would leave an hour before he started, so that he had ample time to get to work. He would always get to his assigned job or the district on time to give line up. That's the one thing he took seriously and he wanted to make sure not to jeopardize the other side. He was hoping that [REDACTED] would get this thing done soon and as quickly as possible.

For additional information, refer to the aforementioned interview recording.

### **ACCUSED OFFICER #2 – TO/FROM REPORT**

A review of Corporal MONTEZ's written response, dated March 29, 2020, indicated the following:

1. In regard to the September 5, 2018 allegation, he indicated the following:
  - a. Due to the time that had passed, he did not remember working the security job prior to his regular duty shift on this day as he never kept track of the days he came in.
  - b. At no time did he conduct any personal business by working a special duty assignment during his on-duty hours.
  - c. Per his check of the Case Report System (CRS), he responded to the following cases between 1330 and 1800 hours that day:
    - 1) 1400 to 1421 hours / Argument [REDACTED]
    - 2) 1431 to 1448 hours / Nuisance Call [REDACTED]
    - 3) 1610 to 1620 hours / Parking complaint flagged down, [REDACTED]
    - 4) 1637 to 1642 hours / UEMV case at [REDACTED]
    - 5) 1722 to 1749 hours / Argument at Kapiolani Blvd/Ward Avenue
    - 6) 1749 to 1750 hours / Parking Complaint at S. King St/Ward Avenue
    - 7) 1827 to 1841 hours / Argument at [REDACTED]

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- d. If he was on property during the above hours or after, he was conducting official business by report writing in the parking lot or utilizing their restroom.
  - e. At no time did he know he was getting compensated by [REDACTED] for time worked that coincided with the time he was on-duty with the HPD.
  - f. He did not commit a criminal act by receiving monetary compensation for services not fully rendered to [REDACTED].
  - g. In late August of 2018, he was approached by [REDACTED] whom he met through HPD Sergeant POHAKU, to possibly work security for [REDACTED] [REDACTED] for a brief period because of a terminated disgruntled employee and the possibility of retaliation.
  - h. In early September of 2018, he agreed to the security job with the understanding that he was only available periodically for an hour before his shift.
  - i. [REDACTED] agreed and informed him that [REDACTED] would handle the paperwork (timesheets, etc.) with the company. He was never asked for any personal information such as date of birth or social security number. This was all a verbal agreement.
  - j. In regards to the dates mentioned above, he does not recall the dates, but knew that he was very specific in the hours he was available and came in when he could. He was never given a timesheet to verify and sign off on the hours that he worked and was not given the rate of pay.
2. In regard to the September 6, 2018 allegation, he indicated the following:
- a. Due to the time that had passed, he did not remember working the security job prior to his regular duty shift on this day as he never kept track of the days he came in.
  - b. At no time did he conduct any personal business by working a special duty assignment during his on-duty hours.
  - c. Per information he gathered from the CRS, he responded to the below-listed cases between the hours of 1330 and 1800 hours that day:
    - 1) 1448 to 1653 hours / Runaway Cancellation at [REDACTED]
    - 2) 1730 to 1745 hours / Medical Assist at [REDACTED]

- 3) 1754 to 1807 hours / Suspicious Circumstances at [REDACTED]  
[REDACTED]
  - d. If he was on property during the above hours or after, he was conducting official business by report writing in the parking lot or utilizing their restroom.
  - e. At no time did he know he was getting compensated for the time being there while on-duty.
  - f. He did not commit a criminal act by receiving monetary compensation for services not fully rendered to [REDACTED].
3. In regard to the September 11, 2018 allegation, he indicated the following:
  - a. Due to the time that had passed, he did not remember working the security job prior to his regular duty shift on this day as he never kept track of the days he came in.
  - b. At no time did he conduct any personal business by working a special duty assignment during his on-duty hours.
  - c. Per information he gathered from the CRS, he responded to the below-listed cases between the hours of 1400 and 1530 hours that day:
    - 1) 1426 to 1427 hours / Water Main Break at Kapiolani Boulevard
    - 2) 1517 to 1547 hours / Trespass at [REDACTED]
    - 3) 1606 to 1612 hours / Harassment Case at [REDACTED]
    - 4) 1706 to 1733 hours / Criminal Property Damage at Ward Center
  - d. If he was on property during the above hours or after, he was conducting official business by report writing in the parking lot or utilizing their restroom.
  - e. At no time did he know he was getting compensated for the time being there while on-duty.
  - f. He did not commit a criminal act by receiving monetary compensation for services not fully rendered to [REDACTED].
4. In regard to the September 12, 2018 allegation, he indicated the following:

- a. Due to the time that had passed, he did not remember working the security job prior to his regular duty shift on this day as he never kept track of the days he came in.
  - b. At no time did he conduct any personal business by working a special duty assignment during his on-duty hours.
  - c. Per information he gathered from the CRS, he responded to the below-listed cases between the hours of 1430 and 1730 hours that day:
    - 1) 1300 to 1642 hours / [REDACTED]
    - 2) 1700 to 1706 hours / Traffic Complaint at Ala Moana Boulevard and Atkinson Drive
    - 3) 1759 to 1805 hours / TRO Violation at [REDACTED]
  - d. If he was on property during the above hours or after, he was conducting official business by report writing in the parking lot or utilizing their restroom.
  - e. At no time did he know he was getting compensated for the time being there while on-duty.
  - f. He did not commit a criminal act by receiving monetary compensation for services not fully rendered to [REDACTED].
5. In regard to the September 13, 2018 allegation, he indicated the following:
- a. Due to the time that had passed, he did not remember working the security job prior to his regular duty shift on this day as he never kept track of the days he came in.
  - b. At no time did he conduct any personal business by working a special duty assignment during his on-duty hours.
  - c. Per information he gathered from the CRS, he responded to the below-listed cases between the hours of 1430 and 1800 hours that day:
    - 1) 1414 to 1439 hours / Drop 9-1-1 Call at [REDACTED]
    - 2) 1512 to 1519 hours / Alarm Call at [REDACTED]
    - 3) 1539 to 1602 hours / Theft Case at [REDACTED]
    - 4) 1609 to 1614 hours / Parking Complaint at [REDACTED]

- 5) 1617 to 1704 hours / MVC at Kamakee Street and Queen Street
  - 6) 1706 to 1726 hours / Traffic Complaint at Alapai Street and South Street
  - 7) 1726 to 1734 hours / Parking Complaint at Auahi Street and Keawe Street
  - 8) 1737 to 1744 hours / MVC at [REDACTED]
- d. If he was on property during the above hours or after, he was conducting official business by report writing in the parking lot or utilizing their restroom.
  - e. At no time did he know he was getting compensated for the time being there while on-duty.
  - f. He did not commit a criminal act by receiving monetary compensation for services not fully rendered to [REDACTED].
6. In regard to the September 20, 2018 allegation, he indicated the following:
- a. Due to the time that had passed, he did not remember working the security job prior to his regular duty shift on this day as he never kept track of the days he came in.
  - b. At no time did he conduct any personal business by working a special duty assignment during his on-duty hours.
  - c. Per information he gathered from the CRS, he responded to the below-listed cases between the hours of 1400 and 1700 hours that day:
    - 1) 1418 to 1453 hours / Threatening Case at [REDACTED]
    - 2) 1453 to 1459 hours / Nuisance at Punahou Street and Wilder Avenue
    - 3) 1719 to 1720 hours / Argument at [REDACTED]
    - 4) 1721 to 1730 hours / Parking Complaint at [REDACTED]
  - d. If he was on property during the above hours or after, he was conducting official business by report writing in the parking lot or utilizing their restroom.

- e. At no time did he know he was getting compensated for the time being there while on-duty.
  - f. He did not commit a criminal act by receiving monetary compensation for services not fully rendered to [REDACTED].
7. In regard to the September 21, 2018 allegation, he indicated the following:
- a. Due to the time that had passed, he did not remember working the security job prior to his regular duty shift on this day as he never kept track of the days he came in.
  - b. At no time did he conduct any personal business by working a special duty assignment during his on-duty hours.
  - c. Per information he gathered from the CRS, he responded to the below-listed cases between the hours of 1400 and 1700 hours that day:
    - 1) 1423 to 1500 hours / Theft at Ala Moana Center
    - 2) 1530 to 1536 hours / Argument at [REDACTED]
    - 3) 1537 to 1538 hours / Trespass Case at 7-Eleven
    - 4) 1538 to 1540 hours / Vehicle Tow at [REDACTED]
    - 5) 1544 to 1603 hours / Assault Case at [REDACTED]
    - 6) 1603 to 1753 hours / Theft Arrest at [REDACTED]
  - d. If he was on property during the above hours or after, he was conducting official business by report writing in the parking lot or utilizing their restroom.
  - e. At no time did he know he was getting compensated for the time being there while on-duty.
  - f. He did not commit a criminal act by receiving monetary compensation for services not fully rendered to [REDACTED].
8. In regard to the September 22, 2018 allegation, he indicated the following:
- a. Due to the time that had passed, he did not remember working the security job prior to his regular duty shift on this day as he never kept track of the days he came in.

- b. At no time did he conduct any personal business by working a special duty assignment during his on-duty hours.
  - c. Per information he gathered from the CRS, he responded to the below-listed cases between the hours of 1530 and 1730 hours that day:
    - 1) 1524 to 1534 hours / Argument at [REDACTED]
    - 2) 1548 to 1550 hours / Trespass at [REDACTED]
    - 3) 1550 to 1700 hours / Argument at Ala Moana Center
    - 4) 1716 to 1721 hours / Suspicious Circumstances at Ala Moana Beach Park
  - d. If he was on property during the above hours or after, he was conducting official business by report writing in the parking lot or utilizing their restroom.
  - e. At no time did he know he was getting compensated for the time being there while on-duty.
  - f. He did not commit a criminal act by receiving monetary compensation for services not fully rendered to [REDACTED]
9. In regard to the September 23, 2018 allegation, he indicated the following:
- a. Due to the time that had passed, he did not remember working the security job prior to his regular duty shift on this day as he never kept track of the days he came in.
  - b. At no time did he conduct any personal business by working a special duty assignment during his on-duty hours.
  - c. Per information he gathered from the CRS, he responded to the below-listed cases between the hours of 1400 and 1700 hours that day:
    - 1) 1415 to 1440 hours / Burglary at [REDACTED]
    - 2) 1440 to 1443 hours / Cover on Traffic Stop at Kapiolani Boulevard
    - 3) 1640 to 1641 hours / Argument at Ala Moana Center
    - 4) 1706 to 1737 hours / Trespass at Restaurant Row

- d. If he was on property during the above hours or after, he was conducting official business by report writing in the parking lot or utilizing their restroom.
  - e. At no time did he know he was getting compensated for the time being there while on-duty.
  - f. He did not commit a criminal act by receiving monetary compensation for services not fully rendered to [REDACTED].
10. In regard to the September 15, 2018 allegation, he indicated the following:
- a. At no time did he work an unauthorized outside employment and/or unauthorized special duty job at [REDACTED] on that day.
  - b. According to the duty roster, he called sick for regular duty and did not go to [REDACTED].
11. In regard to the January 27, 2019 allegation, he indicated the following:
- a. He did not recall working for [REDACTED] for January 27, 2019; however, he did recall working some hours that month.
  - b. If he was on property during the above hours or after; he was conducting official business by report writing in the parking lot or utilizing their restroom.
  - c. At no time did he know he was getting compensated for the time being there while on duty.

**Note:** Corporal MONTEZ also provided the corresponding CAD Case Summary that confirmed the cases he listed.

For additional information, refer to Corporal MONTEZ's To/From report and attachments.

**ACCUSED OFFICER #2 – 2ND TO/FROM REPORT**

A review of Corporal MONTEZ written response, dated June 22, 2020, indicated the following:

- 1. Were any of the [REDACTED] jobs obtained officially via the special duty website?
  - a. None of the [REDACTED] jobs were obtained through the special duty website. He worked solely with [REDACTED] for the security assignment.

2. Because you strongly believed that this was an outside employment, did you submit an Outside Employment Request form (HPD-334) to work at [REDACTED]? If not, why? Were you aware the forms needed to be submitted prior to you starting the job?
  - a. He did not submit an Outside Employment Request for (HPD-334) to work at [REDACTED] and was fully aware forms had to be submitted prior to the start of this job.
  
3. Because you strongly believed that this was an outside employment, were you aware that Policy 3.19, Outside Employment, states that employees shall not wear departmental uniforms or carry or use firearms while working Outside Employment. If so, why did you do so?
  - a. He had a general knowledge of Policy 3.19, Outside Employment which stated that employees shall not wear departmental uniforms or carry or use firearms while working Outside Employment; however, it was not his intention to violate the stated policy. He admitted to wearing his HPD uniform only a few times when he did work the security position. Other times he was attired in a black polo shirt. At no time was he armed whenever he wore the polo shirt. There's no specific reason why he violated this policy.

For additional information, refer to Corporal MONTEZ's To/From report and attachments

**WITNESS OFFICER #3**

Name: John ASING Jr.  
Rank: Lieutenant  
Division: District 4

**WITNESS OFFICER #3 – TO/FROM REPORT**

On April 13, 2020, I met with Lieutenant ASING at the Kaneohe Station and provided him with copies of District 4, 3rd Watch, Daily Attendance Report (HPD-25) and Duty Roster from June 15, 2018, to June 22, 2018, and September 5, 2018, to September 25, 2018. He was also provided a list of days that Sergeant POHAKU allegedly overlapped with his District 4 Patrol duties. Lieutenant ASING was asked if he witnessed or could remember any discrepancies regarding Sergeant POHAKU's District 4, 3rd Watch, Daily Attendance Report (HPD-25), and Duty Rosters. He responded with a To/From report, which revealed the following:

1. At no time did he remember any discrepancies and therefore he signed the top portion of the daily roster and timesheets as the Watch Commander, attesting to those timesheets.

2. In addition, with District 4 having 3 stations, there are times that he was at a different station than Sergeant POHAKU at the start of the shift.

For more information, refer to Lieutenant ASING's To/From report.

**WITNESS OFFICER #4**

Name: Brian LYNCH  
Rank: Captain  
Division: District 4

**Note:** *Captain LYNCH was promoted to Captain on November 17, 2019. During some of the incident dates, he was assigned a Lieutenant in District 4.*

**WITNESS OFFICER #4 – TO/FROM REPORT**

On April 13, 2020, I met with Captain LYNCH at the Kaneohe Station and provided him with copies of District 4, 3rd Watch, Daily Attendance Report (HPD-25) and Duty Roster from June 15, 2018, to June 22, 2018, and September 5, 2018, to September 25, 2018. He was also provided a list of days that Sergeant POHAKU allegedly overlapped with his District 4 Patrol duties. Captain LYNCH was asked that when he was a lieutenant on the aforementioned rosters if he witnessed or could remember any discrepancies regarding Sergeant POHAKU's District 4, 3rd Watch, Daily Attendance Report (HPD-25) and Duty Rosters. He responded with a To/From report, which revealed the following:

1. He was able to locate one day, September 22, 2019, which he was working with Sergeant POHAKU which was a day in question. Sergeant POHAKU was assigned to the Kailua desk and he was assigned as Watch Commander in Kaneohe.
2. He did not recall Sergeant POHAKU missing (2.5) hours during the watch, nor would he have given him permission to leave without taking the appropriate leave on the day or any other day.
3. On all other dates in question, Sergeant POHAKU was off, and he was assigned as the lieutenant in Kahuku.

For more information, refer to Captain LYNCH's To/From report.

**WITNESS OFFICER #5**

Name: Baron LEE  
Rank: Reserve Officer  
Division: CAD

**Note:** *At the time of several of the incidents, Reserve Officer LEE was assigned as a*

*Lieutenant in District 1. He retired from the HPD on December 30, 2018, and was later reinstated as a Reserve Officer on June 3, 2019.*

**WITNESS OFFICER #5 – TO/FROM REPORT**

On May 11, 2020, Reserve Officer Baron LEE was provided copies of District 1, 3rd Watch, Daily Attendance Report (HPD-25), and Duty Roster from September 5, 2018, to September 28, 2018. He was also provided a list of days that Corporal MONTEZ allegedly overlapped with his District 1 Patrol duties. Officer LEE was the District 1, 3<sup>rd</sup> Watch Lieutenant at the time. He was asked if he witnessed or could remember any discrepancies regarding Corporal MONTEZ's District 1, 3rd Watch, Daily Attendance Report (HPD-25), and Duty Rosters. He responded with a To/From report, which revealed the following:

1. Due to the time that had passed, he did not remember any specific details regarding Corporal MONTEZ attendance pertaining to the rosters provided.
2. He did not know Corporal MONTEZ was involved in any outside employment until he was provided that information during this administrative investigation.

For more information, refer to Officer LEE's To/From report.

**WITNESS OFFICER #6**

Name: James FERRELL  
Rank: Lieutenant  
Division: District 1

**WITNESS OFFICER #6 – TO/FROM REPORT**

On April 16, 2020, Lieutenant James FERRELL was provided copies of District 1, 3rd Watch, Daily Attendance Report (HPD-25), and Duty Roster for September 11, 2018 and January 29, 2020. He was also provided a list of days that Corporal MONTEZ allegedly overlapped with his District 1 Patrol duties. Lieutenant FERRELL was the District 1, 3<sup>rd</sup> Watch Lieutenant at the time, and was asked if he witnessed or could remember any discrepancies regarding Corporal MONTEZ's District 1, 3rd Watch, Daily Attendance Report (HPD-25), and Duty Rosters. He responded with a To/From report, which revealed the following:

1. The two days in question occurred over one year, and one year and a half ago. He reviewed the supplied documentation and did not specifically remember those two days.
2. As far as he knew, the information reflected on the HPD-25s and Duty Rosters were correct. He did not recall any specific details of Corporal MONTEZ's attendance or work performance on those two days.

For more information, refer to Lieutenant FERRELL's To/From report.

**WITNESS #2**

Name: [REDACTED]

Date of Birth: [REDACTED]

Occupation: [REDACTED]

Contact #: [REDACTED]

**WITNESS #2 – AIS INTERVIEW STATEMENT**

On May 12, 2020, I conducted a telephonic interview with [REDACTED]. The following is a summary of that interview:

1. When asked if [REDACTED] arranged the special duty jobs for Sergeant POHAKU and Corporal MONTEZ at [REDACTED], [REDACTED] indicated, "Yes" and "No."
2. [REDACTED] had incidences where they needed somebody and Sergeant POHAKU told [REDACTED] from his side, "I can do that," and how much they would have to pay him.
3. Sergeant POHAKU volunteered his services. He said that he could do it, but that he also wanted to get paid for his "light."
4. When [REDACTED] asked [REDACTED] if [REDACTED] knew anyone, [REDACTED] asked Sergeant POHAKU, and he said they could hire him.
5. [REDACTED] knew that Sergeant POHAKU called Corporal MONTEZ, "Herb LAU", and "Billy MASANIAL."
6. Sergeant POHAKU told [REDACTED] that he would do it, but that he did not want any 1099 [tax form], he wanted cash.
7. When asked how [REDACTED] was able to set up the jobs that Sergeant POHAKU and Corporal MONTEZ worked, [REDACTED] indicated that the person in charge at [REDACTED] that had asked to hire officers was [REDACTED], who no longer worked for [REDACTED], would fly in every other week from the mainland. [REDACTED] did operations, and [REDACTED] did the payroll and administrative work.

**Note:** A review of the Hawaii State Department of Health, Officer of Health Care Assurance, indicated that [REDACTED] was the [REDACTED]; therefore, [REDACTED] was not contacted due to attorney [REDACTED] relating that [REDACTED] did not wish to participate with this investigation.

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8. The personnel and [REDACTED] knew Sergeant POHAKU from before because he used to come to [REDACTED] office all the time. [REDACTED] was involved with Sergeant POHAKU for seven (7) to eight (8) years.
  9. [REDACTED] asked [REDACTED] to hire officers for special duty because there were incidents involving employees getting angry and threatening.
  10. [REDACTED] wanted security and [REDACTED] felt that if they had a police officer there with the blue light on in the parking lot it would deter them from coming to the building.
  11. [REDACTED] had the authority to pay them, and the checks were cut from the mainland.
  12. The officers were paid ([REDACTED] an hour. Sergeant POHAKU worked every day and would go with [REDACTED] to [REDACTED] office on the weekends.
  13. When asked what the officers' duties were, [REDACTED] indicated that it was for their presence to deter the disgruntled employees from coming back.
  14. [REDACTED] was not aware that all special duty jobs had to be approved by the HPD prior to being performed because Sergeant POHAKU told [REDACTED] that he did cash jobs, and had done them in the past.
  15. [REDACTED] indicated that Sergeant POHAKU had done jobs on his own like he had done for [REDACTED]. [REDACTED] knew because [REDACTED] was with him.
  16. [REDACTED] did not look up how to get Special Duty officers, nor was [REDACTED] aware that there was a 24-hour weekly limit for officers working special duty.
  17. All [REDACTED] knew was that when Sergeant POHAKU would look at special duty jobs, he would tell [REDACTED] it was City & County jobs, and that he had a hard time getting them.
  18. Sergeant POHAKU wanted to work as much as he could. Corporal MONTEZ only came in the afternoon because Sergeant POHAKU had to leave because he worked Third Watch.
  19. Corporal MONTEZ was actually on-duty because he worked on Third Watch in District 1. [REDACTED] clarified that [REDACTED] only knew that he was on-duty for Third Watch because he asked to park in the parking lot, and a lot of other officers were parking in the parking lot.
  20. [REDACTED] knew Corporal MONTEZ parked in the [REDACTED] parking lot to do paperwork so it was not a big thing [REDACTED] did not know if he was getting paid by [REDACTED] while he was on-duty with HPD and parked in the parking lot.

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21. [REDACTED] indicated that during the weekday Sergeant POHAKU would stay at [REDACTED] office, and that they rode in together on the weekends, but that they would leave if he had to work on the weekends because he started at 1400 hours.
  22. If Sergeant POHAKU had to work on the weekends, they would never leave an hour before he was supposed to start work. [REDACTED] knew that Sergeant POHAKU had been late a lot, but did not know if HPD docked him for that.
  23. Regarding the other times Sergeant POHAKU left, [REDACTED] knew that he started at 1400 hours on the weekdays. He would leave Young Street late. Before 1400 hours, sometimes at 1345 hours.
  24. [REDACTED] believed [REDACTED] paid Sergeant POHAKU until 1400 hours; the pay from [REDACTED] did not overlap with his HPD on-duty hours.
  25. Whatever time Sergeant POHAKU worked, he would write it or [REDACTED] would have it. On the weekends [REDACTED] knew what time he worked so he would just write it down.
  26. He would submit it and [REDACTED] would get it because the place where their checks were "cut" was in [REDACTED].
  27. [REDACTED] was under the umbrella of [REDACTED]. This was the entity that made all the payments.
  28. [REDACTED] knew that Corporal MONTEZ hardly worked the job, but Sergeant POHAKU would tell [REDACTED] to not forget the times he worked. Sergeant POHAKU kept track because he counted every hour. He also counted the money.
  29. [REDACTED] did not know Corporal MONTEZ's schedule but would see him there because [REDACTED] always left late and would "cut" him. It was sometimes for (2) hours.
  30. [REDACTED] did not know what days Corporal MONTEZ worked. [REDACTED] did not know what his days off were, or if he worked while also on patrol.
  31. When asked if these jobs were arranged as a means for Sergeant POHAKU to earn money so he could pay [REDACTED] back/reimburse [REDACTED] for expenses, [REDACTED] initially stated, "Mm-hmm." Then [REDACTED] said, "No, not really."
  32. The reason why [REDACTED] took Sergeant POHAKU to court was because it was not just a couple hundred [dollars] [REDACTED] indicated that [REDACTED] paid for stuff like [REDACTED] funeral, which was approximately [REDACTED]).
  33. [REDACTED] also stated that Sergeant POHAKU owed [REDACTED] almost ([REDACTED]).

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34. [REDACTED] indicated that when Sergeant POHAKU renovated his [REDACTED] he was on-duty all the time, but when it was time for the workers to get paid, he would never come back, so [REDACTED] would have to pay them.
  35. When Sergeant POHAKU got the job, and knew how much he was going to get paid, he told [REDACTED] he could pay her some money.
  36. [REDACTED] knew how big the checks were because the checks got mailed to [REDACTED] at the office, and [REDACTED] would distribute them out.
  37. [REDACTED] approved the release of the checks and sent it via FedEx.
  38. [REDACTED] told Sergeant POHAKU that he needed to pay [REDACTED] [back] and he would say, "Yah, I going pay you." However, he never did.
  39. [REDACTED] did not get Sergeant POHAKU the job for him to pay [REDACTED] [back]. He wanted the job because he knew it was a lot of money.
  40. [REDACTED] also guessed it was easy because he would just sit in the office and watch the television, computer, or whatever video he was watching. He would just sit there. He wanted the job because he knew it was an easy job.
  41. When he was getting the checks, it was for thousands of dollars, and in addition to his regular pay. When [REDACTED] would give him the check [REDACTED] would tell him that he could now start paying [REDACTED] back.
  42. [REDACTED] did not pursue it or bug him about it, but he never gave [REDACTED] anything. [REDACTED] indicated that [REDACTED] collected only part of it, and that [REDACTED] had liens on his property, so [REDACTED] was not worried about it.
  43. Corporal MONTEZ became involved in working these jobs through Sergeant POHAKU.
  44. [REDACTED] knew who Corporal MONTEZ was and had talked to him when he came to the office, but [REDACTED] did not ask him if he wanted to work that job.
  45. [REDACTED] knew Sergeant POHAKU called Reserve Officer LAU and the late Corporal MASANIAI. [REDACTED] knew that Reserve Officer LAU worked as a reserve officer in Kalihi. [REDACTED] also knew that the late Corporal MASANIAI had since passed away. Both those officers turned down Sergeant POHAKU.
  46. When I asked her if [REDACTED] thought that the officers might not be at [REDACTED] for the entire shift or might have a conflict with their HPD schedule, [REDACTED] replied, "No." [REDACTED] never told the officers that they would still get paid if they left [REDACTED].

47. When asked why she stopped scheduling the officers, [REDACTED] indicated that [REDACTED] told [REDACTED] that they no longer needed them.
48. They had one more incident, probably in 2019, and [REDACTED] had found someone cheaper, (\$25) per hour. That person was not a police officer.
49. [REDACTED] did not think the officers were doing anything inappropriate by working special duty at [REDACTED].
50. [REDACTED] paid the officers by check from [REDACTED].

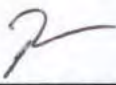
For additional information, refer to the aforementioned interview recording.

**CASE DISCUSSED**

On July 10, 2020, I discussed this investigation with Lieutenant Ryan HIRONAKA, and he instructed me to submit my investigation for review.

**DISPOSITION**

Case submitted for review.

  
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ROGER WONG, Detective  
Professional Standards Office  
July 10, 2020

  
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RADE K. VANIC, Major  
Professional Standards Office

Attachments