

NOTICE TO REQUESTER

TO: R. Brian Black, Executive Director [brian@publicfirstlaw.org]
Public First Law Center

FROM: William J. Morgan, Jr., Executive Officer
Honolulu Police Commission
1060 Richards Street, Suite 170
Honolulu, Hawai'i 96813
Ph: (808) 723-7580
Email: policecommission@honolulu.gov



DATE THAT THE RECORD REQUEST WAS RECEIVED BY AGENCY: April 3, 2026

DATE OF THIS NOTICE: April 29, 2026

GOVERNMENT RECORDS YOU REQUESTED (attach copy of request or provide brief description below):

1. HPD Form 195 for Detective Travis T. Kurahone without redactions as requested.
2. Contested Case Hearing Letter to Detective Travis T. Kurahone without redactions as requested.
3. Findings of Fact, Conclusions of Law, and Decision and Order to Detective Travis T. Kurahone.
- 4.

THIS NOTICE IS TO INFORM YOU THAT YOUR RECORD REQUEST:

- **Will be granted in its entirety.**
- **Cannot be granted. Agency is unable to disclose the requested records for the following reason:**
 - Agency does not maintain the records. (HRS § 92F-3)
Other agency that is believed to maintain records: [Enter agency believed to maintain records](#)
 - Agency needs further clarification or description of the records requested. Please contact the agency and provide the following information: [Enter information needing clarification](#)
 - Request requires agency to create a summary or compilation from records, but requested information is not readily retrievable. (HRS § 92F-11(c))
- **Will be granted in part and denied in part, OR**
- **Is denied in its entirety**
Although the agency maintains the requested records, it is not disclosing all or part of them based on the exemptions provided in HRS § 92F-13 and/or § 92F-22 or other laws cited below.
(Describe the portions of records that the agency will not disclose.)

RECORDS OR
INFORMATION WITHHELD

[Enter records or information withheld](#)

APPLICABLE
STATUTES

[Enter applicable statutes](#)

AGENCY
JUSTIFICATION

[Enter agency justification](#)

REQUESTER'S RESPONSIBILITIES:

You are required to (1) pay any lawful fees and costs assessed; (2) make any necessary arrangements with the agency to inspect, copy or receive copies as instructed below; and (3) provide the agency any additional information requested. If you have any **questions about this notice or the records being sought, contact the agency representative listed at the top of this form.** Send your payment, if any, to the agency at the address listed at the top of this form. **DO NOT SEND PAYMENT** to the Office of Information Practices (OIP) unless you are requesting records directly from OIP.

If you do not meet the requirements of this notice within **20 business days** after the postmark or email date of this notice or the date the agency makes the records available, your request will be **presumed abandoned**, and the agency shall have no further duty to process your request. Once the agency begins to process your request, you may be liable for any fees and costs incurred. If you wish to cancel or modify your request, you must notify the agency upon receipt of this notice.

OIP does **not** maintain the records of other agencies, and a requester must seek records directly from the agency it believes maintains the records. If the agency denies or fails to respond to your written request for records or if you have other questions regarding compliance with the UIPA, then you may contact OIP at (808) 586-1400, oip@hawaii.gov, or 250 South Hotel Street, Suite 107, Honolulu, Hawai'i, 96813.

METHOD & TIMING OF DISCLOSURE:

Records available for public access in their entireties must be disclosed within a reasonable time, not to exceed 10 business days from the date the request was received, or after receipt of any prepayment required. Records not available in their entireties must be disclosed within 5 business days after this notice or after receipt of any prepayment required. HAR § 2-71-13(c). If incremental disclosure is authorized by HAR § 2-71-15, the first increment must be disclosed within 5 business days of this notice or after receipt of any prepayment required.

Method of Disclosure:

- Inspection at the following location: [Enter inspection location](#)
- As requested, a copy of the record(s) will be provided in the following manner:
 - Available for pick-up at the following location: [Enter pick-up information](#)
 - Will be mailed to you.
 - Will be transmitted to you by other means requested: **Transmission via email: brian@publicfirstlaw.org**

Timing of Disclosure: All records, or the first increment if applicable, will be made available or provided to you:

- On April 29, 2026
- **After prepayment** of 50% of fees and 100% of costs, as estimated below.

For incremental disclosures, each subsequent increment will be disclosed within 20 business days after:

- The prior increment (if one prepayment of fees is required and received), or
- Receipt of each incremental prepayment, if prepayment for each increment is required.

Records will be disclosed in increments because the records are voluminous and the following extenuating circumstances exist:

- Agency must consult with another person to determine whether the record is exempt from disclosure under HRS chapter 92F.
- Request requires extensive agency efforts to search, review, or segregate the records or otherwise prepare the records for inspection or copying.
- Agency requires additional time to respond to the request in order to avoid an unreasonable interference with its other statutory duties and functions.
- A natural disaster or other situation beyond agency's control prevents agency from responding to the request within 10 business days.

ESTIMATED FEES & COSTS AND PAYMENT:

FEES: For personal record requests under Part III of chapter 92F, HRS, the agency may charge you for its costs only, and fee waivers do not apply.

For public record requests under Part II of chapter 92F, HRS, the agency is authorized to charge you fees to search for, review, and segregate your request (even if a record is subsequently found to not exist or will not be disclosed in its entirety). The agency must waive the first \$30 in fees assessed for general requesters, OR in the alternative, the first \$60 in fees when the agency finds that the request is made in the public interest. Only one waiver is provided for each request. See HAR §§ 2-71-19, -31, -32.

COSTS: For either personal or public record requests, the agency may charge you for the costs of copying and delivering records in response to your request, and other lawful fees and costs.

PREPAYMENT: The agency may require prepayment of 50% of the total estimated fees and 100% of the total estimated costs prior to processing your request. If a prepayment is required, the agency may wait to start any search for or review of the records until the prepayment is received by the agency. Additionally, if you have outstanding fees or costs from previous

requests, including abandoned requests, the agency may require prepayment of 100% of the unpaid balance from prior requests before it begins any search or review for the records you are now seeking.

The following is an itemization of what you must pay, based on the estimated fees and costs that the agency will charge you and the applicable waiver amount that will be deducted:

For public record requests only:

Fees:	Category	Explanation	Amount
	Search	Estimate of time to be spent: enter # of hours hours (\$2.50 for each 15-minute period)	\$ Enter search fee amount
	Review & segregation	Estimate of time to be spent: enter # of hours hours (\$5.00 for each 15-minute period)	\$ Enter review & segregation fee amount
	Fees waived	<input type="checkbox"/> general (\$30), OR <input type="checkbox"/> public interest (\$60) (Only one waiver per request)	(\$ Enter fee waiver amount)
	Other	Enter justification for other fees if applicable (Pursuant to HAR §§ 2-71-19 & 2-71-31)	\$ Enter other fee amount
	Total Estimated Fees:	Sum of applicable fees	\$ 0

For public or personal record requests:

Costs:	Category	Explanation	Amount
	Copying	Estimate of # of pages to be copied: enter # of pages (@ \$ rate per page per page, pursuant to HRS § 92-21)	\$ Enter copy cost amount
	Delivery	Postage	\$ Enter delivery cost amount
	Other	Enter other costs if applicable	\$ Enter other cost amount
	Total Estimated Costs:	Sum of applicable costs	\$ 0

TOTAL ESTIMATED FEES AND COSTS from above: \$ Total Fees and Costs

PREPAYMENT IS REQUIRED (50% of fees + 100% of costs, as estimated above) \$ [Prepayment amount](#)

UNPAID BALANCE FROM PRIOR REQUESTS (100% must be paid before work begins) \$ [Prior balance amount](#)

TOTAL AMOUNT DUE AT THIS TIME **\$ 0.00**

The estimated fees and costs above are for the first incremental disclosure only. Additional fees and costs, and no further fee waivers, will apply to future incremental disclosures.

Payment may be made by:

- cash
- personal check payable to: [Enter check payee information](#)
- other: [Enter other means of payment](#)

Submit your payment to the agency at the address listed at the beginning of this form, including the name of the agency's contact person.

2026 APR -6 AM 8:56

HONOLULU POLICE COMMISSION
HONOLULU

VIA ELECTRONIC MAIL

April 3, 2026

Laurie S. Foster, Chair
Honolulu Police Commission
1060 Richards Street, Suite 170
Honolulu, Hawai`i 96813
policecommission@honolulu.gov

Re: Reconsideration of Redactions for January 16, 2026 Records Request

Dear Chair Foster and Commission Members:

We write to respectfully request that the Honolulu Police Commission (Commission) disclose the HPD Form 195 for Detective Travis T. Kurahone and November 21, 2025 notice to Detective Kurahone regarding his request for legal counsel without the following redactions:

- Brief Synopsis of the basis for the request for legal counsel on Form 195
- Identity of the Professional Standards Office designee who received the Form 195
- List of documents available for Detective Kurahone to review for the contested case proceeding on his request for legal counsel

The Commission provided no explanation for these redactions. And there is none.

Please reconsider the Commission's position. If we do not hear from you by **April 17, 2026**, we will presume you do not wish to resolve this matter short of litigation.

Very truly yours,



R. Brian Black

Enclosures: March 5, 2026 Notice to Requester
January 16 Request (with attachments)

cc: Department of the Corporation Counsel (cor@honolulu.gov)





R. Brian Black <brian@publicfirstlaw.org>

Record Request

R. Brian Black <brian@publicfirstlaw.org>
To: policecommission@honolulu.gov

Fri, Jan 16, 2026 at 5:34 PM

Aloha Jim, as discussed, in addition to the communications with Detective Kurahone regarding the contested case proceeding as requested below, I also would like Detective Kurahone's Form 195 (I also would like the Commission's decision and order or letter regarding grant/deny counsel in the Kurahone case, but I am assuming that that may not be completed yet, but if it is, please include that).

For reference, in case Duane did not share it, attached are the redacted Forms 195 and letters that I previously received regarding Chief Logan and Officer Ferreira.

Also, as discussed, if you all need additional time, that is not a problem. Please let me know when you expect to be able to provide the documents.

Thank you for the hospitality today. And if there are any questions, feel free to contact me.

Best,
Brian

On Jan 14, 2026, at 1:55 PM, R. Brian Black <brian@publicfirstlaw.org> wrote:

Aloha, I received the January 9 response that no notice was provided to the officers referenced in my January 5 request.

I would like to request the notice pursuant to Commission Rule 11-2(b) informing the officer of the right to a contested case proceeding and the response, if any, including any communications with the officer about the notice or contested case proceeding in the matter concerning Detective Travis T. Kurahone, Civil No. 1CCV-24-0001785 (on the Commission's agendas for November 5, 2025 and January 7, 2026).

I would like the responsive documents provided in electronic format by e-mail. If there are any questions, please contact me.

Best,
Brian

R. Brian Black
Executive Director
Public First Law Center
700 Bishop Street, Suite 1701
Honolulu, HI 96813
(808) 531-4000

On Jan 5, 2026, at 10:33 AM, R. Brian Black <brian@publicfirstlaw.org> wrote:

Aloha, I would like a copy of the notice pursuant to Commission Rule 11-2(b) informing the officer of the right to a contested case proceeding and the response, if any, in the following matters:

- Request for counsel for Officer David K. J. Ferreira in Civil No. 1CCV-25-0000879

HPD - Notification of Criminal Proc/Cvl Action/Lgl Counsel

Request # [REDACTED]

Department: POLICE

Date: 09/03/2025

Employee: KURAHONE, TRAVIS T

Phone: [REDACTED]

Unit: Criminal Investigation Division

TO: COMMANDER, PROFESSIONAL STANDARDS OFFICE

Subject: Notification of Criminal Proceeding / Civil Action
 Request For Legal Counsel

On 09/03/2025 I was notified/served for my on-duty involvement under Police Report Number(s): none _____

In accordance with Policy 5.02, Notification of Criminal Proceeding / Civil Action and Transmittal of Legal Papers, this is to notify you that I was involved in a criminal proceeding or I was served with a notice of civil action, which is related to my actions and involvement as indicated below (check applicable section).

CRIMINAL PROCEEDING: Attached are copies of all court documents related to the proceeding.

- Arrested for a criminal offense.
- Convicted of a criminal offense.
- Entered a guilty or no contest plea in a criminal offense.
- Other dispositions (e.g. Found not guilty, dismissal of case, or mistrial):
non criminal
- Indicted or otherwise charged for a criminal offense.
- Sentenced for a criminal offense.

CIVIL ACTION: Attached is a copy of the notification of the civil action.

- Served with an order to show cause.
- Served with a complaint and summons.
- Served with a temporary restraining order.
- Served with another form of legal civil process.
Please name the city, and officer, or employee.

Brief Synopsis:

On September 3, 2025, I found certified mail in my work mailbox, which contained a complaint and summons as attached.

Due in the Professional Standards Office no later than 48 hours after being served.

Received

BRANDON K NAKASONE
Commander, Professional Standards Office or designee

09/04/2025
Date

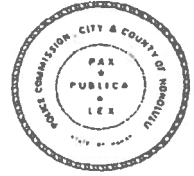
POLICE COMMISSION
KOMIKINA MĀKA'I O HONOLULU
CITY AND COUNTY OF HONOLULU

ALI I PLACE
1060 RICHARDS STREET SUITE 170
HONOLULU HAWAII 96813 • AREA CODE (808) 723-7580

RICK BLANGIARDI
MAYOR
MEIA



OUR REFERENCE JKSY-JS
CERTIFIED MAIL [REDACTED]



KENNETH SILVA
CHAIR
LĀLA

LAURIE S FOSTER
VICE-CHAIR
HOPE LĀLA

ANN BOTTICELLI
ELIZABETH CHAR
CHRIS MAGNUS
JEANNINE A SOUKI

November 21, 2025

TO: DETECTIVE TRAVIS T. KURAHONE
HONOLULU POLICE DEPARTMENT

FROM: JAMES K. S. YUEN, EXECUTIVE OFFICER

SUBJECT: REQUEST FOR LEGAL COUNSEL - CIVIL NO. 1CCV-24-0001785, KELSEY C. MESSMER VS. CITY AND COUNTY OF HONOLULU; JUSTIN P. CASTRO; TRAVIS KURAHONE; JOHN AND/OR JANE DOES 1-10

The Honolulu Police Commission (Commission) is in receipt of your request for legal counsel made pursuant to HRS §§ 52D-8 and 52D-9, dated September 3, 2025.

Please take notice that the Commission will hold a contested case hearing regarding your request for legal counsel in relation to Civil No. 1CCV-24-0001785, Kelsey C. Messmer vs. City and County of Honolulu; Justin P. Castro; Travis Kurahone; John and/or Jane Does, 1-10.

In connection with the above-mentioned, notice is hereby given that of the following:

1. **The contested case hearing is scheduled for Wednesday, January 7, 2026 at 3:00 p.m.** or immediately after the conclusion of the Commission's regular meeting, held at the Honolulu Police Department, Alapa'i Station, Community Affairs Division Conference Room, located on the first floor, 801 South Beretania Street.
2. The hearing is to be held under the authority of Hawaii Revised Statutes ("HRS") §91-9 through §91-13.

3. HRS §52D-8

Whenever a police officer is prosecuted for a crime or sued in a civil action for acts done in the performance of the officer's duty as a police officer, the police officer shall be represented and defended:

- (1) In criminal proceedings by an attorney to be employed and paid by the county in which the officer is serving; and
 - (2) In civil cases by the corporation counsel or county attorney of the county in which the police officer is serving.
4. The issue to be addressed at the hearing is whether you are being sued for the performance of your duty as a police officer in the case entitled Civil No. 1CCV-24-0001785, Kelsey C. Messmer vs. City and County of Honolulu; Justin P. Castro; Travis Kurahone; John and/or Jane Does, 1-10.
 5. As the police officer requesting representation, you have the burden of proof, including the burden of producing evidence and the burden of persuasion by a preponderance of the evidence. City & County of Honolulu v. Honolulu Police Comm'n, SCWC-20-0000776, 2023 Haw. LEXIS 52, *18-19 (Mar. 7, 2023).
 6. The Commission is required to examine the entire record before it, to determine whether an officer is entitled to representation, including reports regarding the incident, various sections of the HPD Standards of Conduct, pertinent case law, the criminal indictment, and other information that may be available.
 7. The Commission may use Honolulu Police Commission Rule 11 as an aid in determining whether you are being prosecuted for a crime done in the performance of your duty as a police officer.
 8. **Failure to attend the hearing or to contact the Commission prior to the hearing date shall be deemed a waiver of the right to a contested case hearing and the Commission may make its determination without such hearing.**

Please be advised that contested case hearing is held pursuant to HRS §52D-8 are open to the public. Contested case hearings may be closed if the party seeking closure establishes, by clear and convincing evidence, that:

1. Closure would service "compelling interest";
2. There is substantial probability that, in the absence of closure, this compelling interest would be harmed; and
3. There are no alternatives to closure that would adequately protect the compelling interest.

Oahu Publications, Inc. v. Ahn, 133 Hawaii 482, 331 P. 3d 460 (2014).

Any request for a closed hearing will be considered at the beginning of the contested case hearing.

Detective Travis T. Kurahone
Page | 3
November 21, 2025

You may retain counsel at your own expense to represent you at the hearing. After the hearing concludes, the Commission will issue written findings of fact and conclusions of law. You may appeal the Commission's decision to the Circuit Court. You have the right to present evidence, including documents or witnesses, and argument on all issues involved. The following is a current list of records and documents before the Commission, copies of which are available for you or your counsel at the Honolulu Police Commission office located at 1060 Richards Street, Suite 170, Honolulu, Hawai'i, 96813:

- Eform Request # [REDACTED], HPD – Notification of Criminal Proc/Cvl Action/Lgl Counsel
- Civil No. CV25-00361
- Memo dated October 6, 2025 to Detective Jared K. Nomura
- Memo dated October 6, 2025 to Dana M.O. Viola
- Honolulu Police Department Report Nos. 21-365811 and 21-366090
- Administrative Investigation PSO No. 21-0599

If you plan to submit or present any additional materials for the hearing, please submit them to our office by December 12, 2025. If you fail to provide such materials in a timely manner to this office, you may be barred from using them in the hearing.

As a reminder, Commission staff is not allowed to give legal advice, recommend specific action, interpret legal terminology, or encourage or discourage litigation. If you have any questions concerning the contested case hearing, you may contact me at (808) 723-7581.



JAMES K. S. YUEN
Executive Officer

c: Members of the Honolulu Police Commission

POLICE COMMISSION
KOMIKINA MĀKA'I O HONOLULU
CITY AND COUNTY OF HONOLULU

ALI'I PLACE
1060 RICHARDS STREET SUITE 170
HONOLULU, HAWAII 96813 • AREA CODE (808) 723-7580

RICK BLANGIARDI
MAYOR
MEI'A



OUR REFERENCE **WJM-JS**
CERTIFIED MAIL [REDACTED]

LAURIE S. FOSTER
CHAIR
LALĀ

JEANNINE A. SOUKI
VICE-CHAIR
HOPE LALĀ

CHRIS MAGNUS
VICE-CHAIR
HOPE LALĀ

KENNETH SILVA
ELIZABETH CHAR
BLAKE PARSONS
GARY A. YABUTA

April 7, 2026

Detective Travis T. Kurahone



Dear Detective Kurahone:

As stated in the November 21, 2025, letter informing you of the denial of your request for legal counsel for Civil No. 1CCV-24-0001785 enclosed is a copy of the Findings of Fact, Conclusions of Law, and Decision and Order relating to your request.

If you have any questions concerning this matter, you may contact me at (808) 723-7581.

Sincerely,



WILLIAM J. MORGAN, JR.
Executive Officer

Enclosure

c: Chief of Police
HPD Professional Standards Office
Department of the Corporation Counsel
Members of the Honolulu Police Commission

BEFORE THE HONOLULU POLICE COMMISSION

In the Matter of the Request of:

TRAVIS T. KURAHONE

FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND ORDER DENYING DETECTIVE TRAVIS T. KURAHONE'S REQUEST FOR LEGAL COUNSEL; CERTIFICATE OF SERVICE

Hearing Date:

January 7, 2025 at 3:30 p.m.

Honolulu Police Department
801 South Beretania Street
Honolulu, Hawai'i 96813

FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND ORDER DENYING DETECTIVE TRAVIS T. KURAHONE'S REQUEST FOR LEGAL COUNSEL

Pursuant to Hawai'i Revised Statutes ("HRS") § 52D-8, Honolulu Police Department ("HPD") Detective TRAVIS T. KURAHONE ("Detective Kurahone") requests that the City and County of Honolulu ("City") provide him with legal counsel to represent him in the lawsuit entitled, *Kelsey C. Messmer v. City and County of Honolulu, Justin P. Castro, Travis Kurahone, et al.*, Civ. No. 1CCV-24-0001785, First Circuit Court, State of Hawai'i ("Lawsuit").

The hearing before the Honolulu Police Commission ("Commission") on Detective Kurahone's request was held on January 7, 2025 at approximately 3:30 p.m., at the Honolulu Police Department - Alapa'i Station. Present for the hearing were Detective Kurahone, who appeared without counsel; and then-Commission Chair Kenneth Silva and Vice Chair Laurie Foster; Commissioners Elizabeth A. Char, Jeannine A. Souki, Chris Magnus, and Blake Parsons; and Commission counsel, Deputy Corporation Counsel Duane Pang.

Having examined the evidence and arguments presented in this case, and pursuant to HRS § 91-12 and Rule 11-5(a) of the Rules of the Honolulu Police Commission ("HPC Rules"),

the Commission, hereby makes the following *Findings of Fact* and *Conclusions of Law*, and issues the following *Decision and Order*.

FINDINGS OF FACT

1. To the extent that any of these *Findings of Fact* are *Conclusions of Law*, they are to be so construed.

Procedural History

2. On September 3, 2025, Detective Kurahone was served with *Complaint for Damages, Demand for Jury Trial; Summons* (“Complaint”), in the matter entitled *Kelsey C. Messmer v. City and County of Honolulu; Justin P. Castro; Travis Kurahone; John and/or Jane Does 1-10*; Civ. No. 1CCV-24-0001785, filed by Plaintiff Kelsey C. Messmer (“Officer Messmer”) in the First Circuit Court, State of Hawai‘i on December 11, 2024 (“Lawsuit”).

3. In relevant part, the Complaint alleges that HPD hired Officer Messmer in 2017; that Defendant Castro, who was Officer Messmer’s primary police academy instructor, sexually harassed, threatened, bullied, and assaulted her from December 2017 until June 2018; that Officer Messmer was subjected to a hostile work environment; and that she was compelled to take a leave of absence from her employment in 2019 and 2020 as a result.

4. As to Detective Kurahone, the Complaint alleges that he was employed by HPD at all relevant times, and that “[o]n or about July 28, 2020, Officer Messmer was assaulted by [Detective Kurahone] at her workplace in the presence of other police officers.” The Complaint did not allege any other factual basis for Officer Messmer’s claims against Detective Kurahone.

5. On or about September 3, 2025, Detective Kurahone notified the HPD Criminal Investigation Division that he had been served with the Complaint, and requested that the City provide him with legal counsel to represent him in the Lawsuit.

6. Pursuant to HPC Rule 11-2(d), during a meeting of the Commission held on November 5, 2025, the Commission voted in favor of providing Detective Kurahone with the opportunity for a contested case hearing to determine whether to approve his request for legal counsel.

7. Pursuant to HPC Rule 11-3, the Commission provided Detective Kurahone with timely and proper notice of the hearing on his request for legal counsel.

The Incident

8. At all relevant times, Officer Messmer and Detective Kurahone were Metropolitan Police Officers with the HPD, and were on-duty at the Central Receiving Division (“CRD”) of HPD’s main station.

9. According to Officer Messmer, at approximately 6:12 a.m. on July 28, 2020, she and other 1st Watch officers were exiting the CRD during a shift change when Detective Kurahone, who was entering the CRD, “shoulder checked” Officer Messmer’s right shoulder and caused her to lose her balance. Detective Kurahone did not apologize to Officer Messmer or otherwise acknowledge that he had hit her, and instead continued walking away.

10. Not knowing why Detective Kurahone would hit her, and believing that the impact was forceful enough that he should have known that he had hit her, Officer Messmer promptly confronted Detective Kurahone and asked him if he had a problem with her. Detective Kurahone did not look at her, but smirked and denied pushing her. Another officer then intervened and escorted Officer Messmer away.

11. Officer Messmer reported the incident to Sergeant Debra Higa later that day, but stated that she did not want to file a formal complaint against Detective Kurahone and was reporting the incident because she did not want it to happen again or escalate.

12. On or about October 1, 2020, Officer Messmer issued a memorandum to the HPD Human Resources Division (“HRD”) dated July 29, 2020, informing HRD that she was initiating a formal hostile work environment complaint against Detective Kurahone arising from the incident.

13. In her memorandum, Officer Messmer placed the incident in the context of her treatment by other officers at that time, as follows:

I take pride in my ability to endure; to be the catalyst of real sustainable change within the department to face adversity and opposition from all those who fear the coming change in our culture. I can and will endure the gossip (including one classmate at CRD disseminating my personal business from CRD to other officers), the spreading of rumors, the sideways looks, the avoidance, the judgement *[sic]* and the ridicule. Since returning from medical leave I've endured all of that, including the addition of mandatory daily performance evaluations as a result of negative PAR assessments administered while suffering through some of the most traumatic experiences, battling abuse and a TT/sexual assault case, and while on medical leave. . . .

But what I refuse to overlook and just accept as social normity *[sic]* is the physical abuse and misogynistic actions of male officers against their sisters in blue. I am formally issuing a hostile work environment complaint with HRD in regards to an incident occurring on 0728-2020 at 0612 hours.

14. HRD interviewed Plaintiff, who stated that she did not know why Detective Kurahone shoulder-checked her, and that:

The only thing I can think of is maybe he was um *[sic]*, he was friends with you know Justin (Corporal Justin Castro) maybe or he was um *[sic]* upset. I don't know, like I said a lot of people are upset because I came forward because it puts a negative light on HPD so it's kind of like, she is making drama she is making trouble.

15. HRD retrieved CRD surveillance footage at the time of the incident, but the footage did not capture the incident.

16. HRD determined that there was no evidence to support the parameters of an EEO complaint, as the matters asserted did not raise an allegation of discrimination or harassment based on a protected category covered by employment discrimination law or policy; i.e., Officer Messmer could not articulate the basis of Detective Kurahone's reported actions toward her.

17. HRD referred the incident to the HPD Professional Standards Office ("PSO") for investigation and disposition.

18. The PSO initiated an investigation into whether Detective Kurahone's conduct during the incident violated HPD's *Standards of Conduct*, Article VIII, Sections B1 (*Physical Abuse – Officers and civilian employees shall not physically abuse other officers or civilian employees*) and E10 (*Conduct Towards Associates – Employees shall treat associates with respect*).

19. The PSO interviewed Detective Kurahone, who reported that he did not remember coming into physical contact with any object or Officer Messmer; and that Officer Messmer had confronted him and asked him, "Do you have a problem, Brah?," "You know what you did, you Faka," and something to the effect of, "You Faka, you like go, we can go right now."

20. Detective Kurahone claimed that he did not know what Officer Messmer was referring to, and that he proceeded to the locker room to get dressed because Officer Messmer was unwilling to provide him with any facts or circumstances.

21. Detective Kurahone also denied having a personal or professional relationship with Defendant Castro, who was assigned to the Training Division when Detective Kurahone was a recruit in the Academy.

22. There were no prior incidents involving Detective Kurahone and Officer Messmer.

23. The PSO interviewed seven HPD officers who were potential witnesses to the incident.

24. Officer Torsten Vaivai-Soderberg informed the PSO that he had a clear and unobstructed view of the incident; had observed Detective Kurahone bump his left shoulder into Officer Messmer as they passed each other in the hallway; and that the bump caused Officer Messmer to turn her body and take about two steps to catch her balance.

25. Officer Vaivai-Soderberg was reportedly “shocked” and could not believe Detective Kurahone did not apologize, and believed that a person would know if they hit someone like that and would apologize.

26. Officer Christopher Barsatan reported that he did not witness the initial incident, but that Officer Vaivai-Soderberg had told him what had happened.

27. Officer Barsatan then observed Officer Messmer standing square with Detective Kurahone, and intervened and ushered Officer Messmer along to prevent an escalation.

28. Officers Barsatan, Shauna Fong-Aiu, and Christopher Randolph each reported that they spoke with Officer Messmer shortly after the incident; that she had told them that Detective Kurahone shoulder-checked her and but denied having done so; and that Officer Messmer was visibly upset by the incident.

29. The PSO concluded that there were no facts to support the claim that Detective Kurahone intentionally initiated contact with Detective Kurahone, and noted that Detective Kurahone did not have any personal or professional relationship with Defendant Castro.

30. The PSO did not sustain any allegation that Detective Kurahone had violated HPD’s *Standards of Conduct*.

The Hearing

31. Pursuant to HPC Rule 11-4(e), the contested case hearing on Detective Kurahone's request must be open to the public unless there is a compelling interest that necessitates the closure of the proceeding and, affording an opportunity for the public to be heard, the Commission enters findings on the record that the public's right of access is overcome by an overriding interest and that closure is essential to preserving the overriding interest.

32. According to the Hawai'i Supreme Court in *Freitas v. Administrative Director of the Courts*, 104 Hawai'i 483, 489, 92 P.3d 993, 999 (2004), the public's right of access to administrative proceedings is not absolute, and there are exceptions to the right of access to protect competing interests, including the privacy rights of participants or third parties.

33. Detective Kurahone requested that the hearing be closed to the public due to pending litigation, as the Lawsuit involved other individuals and he did not want his testimony to impact them.

34. The Commission considered Detective Kurahone's stated interest in having the hearing closed to the public, but found that his privacy interest was outweighed by the public's right of access to the hearing and voted to deny his request to close the proceedings,

35. Detective Kurahone did not proffer any evidence and declined to provide testimony to the Commission at the hearing.

36. The Commission has thoroughly reviewed the evidence and records in this case, which includes but is not limited to the Complaint, the consultation with the Department of Corporation Counsel ("COR"), and HPD's records relating to the two investigations it conducted into the incident (PSO Nos. 20-0667 and 20-0567), and finds as follows.

37. On July 28, 2020, Detective Kurahone “shoulder-checked” Officer Messmer with such force as to cause her to take two steps to catch her balance, and did not apologize for or otherwise acknowledge the incident.

38. Detective Kurahone’s statements denying knowledge that he had hit or pushed Officer Messmer are not credible, given the force of Detective Kurahone’s physical impact on Officer Messmer as witnessed by Officer Vaivai-Soderberg.

39. Detective Kurahone’s lack of credibility extends to his claim that he has no personal or professional relationship with Defendant Castro.

40. Further, Detective Kurahone’s conduct in hitting or pushing Officer Messmer then gaslighting her by denying that he had done so, occurring during a time when Officer Messmer was reportedly being subjected to a hostile work environment by other officers, indicate that the actions of Detective Kurahone at issue were not done in the performance of his duties as an officer.

CONCLUSIONS OF LAW

1. To the extent that any of these *Conclusions of Law* are *Findings of Fact*, they are to be so construed.

2. Pursuant to HRS § 52D-8, whenever a police officer is “sued in a civil action for acts done in the performance of the officer's duty as a police officer, the police officer shall be represented and defended . . . In civil cases by the corporation counsel or county attorney of the county in which the police officer is serving.”

3. The Commission determines whether an act for which a police officer is being sued was done “in the performance of the police officer's duty.” HRS § 52D-9.

4. Detective Kurahone's request for legal counsel is timely pursuant to HPC Rule 11-1(a).

5. The Commission has consulted with COR and has jurisdiction to determine Detective Kurahone's request for legal counsel pursuant to HRS § 52D-9.

6. Detective Kurahone, as the officer requesting representation, bears the burden of proof, including the burden of producing evidence and the burden of persuasion by a preponderance of the evidence. HPC Rule 11-4(c); HRS § 91-10(5).

7. Specifically, Detective Kurahone bears the burden of establishing the threshold question of whether he is being sued for acting in the performance of his duty as an officer.

Honolulu Police Comm'n v. City & Cty. of Honolulu, 152 Hawai'i 268, 278, 526 P.3d 245, 255 (2023).

8. In determining whether "an act, for which the police officer is being prosecuted or sued, was done in the performance of the officer's duty," the Commission considers the following:

- (i) whether the act was incident to required or authorized work-related activity;
- (ii) whether the act was incident to a course of conduct taking place at a time that the officer was required to engage in the course of conduct by the nature of the officer's responsibilities as a police officer; and
- (iii) whether the act was incident to a course of conduct engaged in at a place that the officer was authorized to engage in it by the nature of the officer's responsibilities as a police officer.

HPC Rule 11-1(e).

9. Both HRS § 52D-8 and HPC Rule 11-1(e) “contain broad language entitling police officers to representation in most circumstances,” consistent with the purpose of maintaining police morale. *Honolulu Police Comm’n*, 152 Hawai‘i at 280, 526 P.3d at 257.

10. The Complaint alleges that Detective Kurahone assaulted Officer Messmer on July 28, 2020, at the workplace and in the presence of other officers.

11. Here, the PSO could not sustain violations of HPD’s *Standards of Conduct* by Detective Kurahone because it could not prove that he intentionally initiated contact with Officer Messmer.

12. Pursuant to the plain language of HRS § 52D-8, however, an officer’s motive is “not an appropriate inquiry. Rather, the plain language of the statute requires that the Commission make an overall determination of whether acts of a police officer were done in the performance of the officer’s duty as a police officer.” *Honolulu Police Comm’n*, 152 Hawai‘i at 277, 526 P.3d at 254.

13. The Commission concludes that Detective Kurahone has not met his burden of proof, production, or persuasion in this case. Regardless of whether Detective Kurahone intentionally or accidentally struck Officer Messmer with his shoulder, the Commission concludes that pursuant to HRS § 52D-8, Detective Kurahone is being sued for actions that are neither the kind of action that is performed generally by officers, nor actions that are done in the performance of an officer’s duties as a police officer.

14. Moreover, although Detective Kurahone’s alleged assault may have been incident to authorized conduct under HPC Rule 11-1(e), the HPC Rules cannot expand the rights of representation provided under HRS § 52D-8. *Honolulu Police Comm’n*, 152 Hawai‘i at 272, 526 P.3d at 249.

DECISION AND ORDER

Pursuant to the foregoing *Findings of Fact* and *Conclusions of Law*, the Commission hereby orders, adjudges and decrees that Detective Kurahone's request for legal representation in the Lawsuit pursuant to HRS § 52D-8 is DENIED.

DATED: Honolulu, Hawai'i, _____.

HONOLULU POLICE COMMISSION

LAURIE FOSTER, Chair

JEANNINE A. SOUKI, Vice Chair

ELIZABETH A. CHAR, Member

CHRIS MAGNUS, Member

BLAKE PARSONS, Member

KENNETH SILVA, Member

DECISION AND ORDER

Pursuant to the foregoing *Findings of Fact* and *Conclusions of Law*, the Commission hereby orders, adjudges and decrees that Detective Kurahone's request for legal representation in the Lawsuit pursuant to HRS § 52D-8 is DENIED.

DATED: Honolulu, Hawai'i, _____.

HONOLULU POLICE COMMISSION

LAURIE FOSTER, Chair



JEANNINE A. SOUKI, Vice Chair

ELIZABETH A. CHAR, Member

CHRIS MAGNUS, Member

BLAKE PARSONS, Member

KENNETH SILVA, Member

DECISION AND ORDER

Pursuant to the foregoing *Findings of Fact* and *Conclusions of Law*, the Commission hereby orders, adjudges and decrees that Detective Kurahone's request for legal representation in the Lawsuit pursuant to HRS § 52D-8 is DENIED.

DATED: Honolulu, Hawai'i, _____.

HONOLULU POLICE COMMISSION

LAURIE FOSTER, Chair

JEANNINE A. SOUKI, Vice Chair


ELIZABETH A. CHAR, Member

CHRIS MAGNUS, Member

BLAKE PARSONS, Member

KENNETH SILVA, Member

DECISION AND ORDER

Pursuant to the foregoing *Findings of Fact and Conclusions of Law*, the Commission hereby orders, adjudges and decrees that Detective Kurahone's request for legal representation in the Lawsuit pursuant to HRS § 52D-8 is DENIED.

DATED: Honolulu, Hawai'i, _____.

HONOLULU POLICE COMMISSION

LAURIE FOSTER, Chair

JEANNINE A. SOUKI, Vice Chair

ELIZABETH A. CHAR, Member


CHRIS MAGNUS, Member

BLAKE PARSONS, Member

KENNETH SILVA, Member

DECISION AND ORDER

Pursuant to the foregoing *Findings of Fact* and *Conclusions of Law*, the Commission hereby orders, adjudges and decrees that Detective Kurahone's request for legal representation in the Lawsuit pursuant to HRS § 52D-8 is DENIED.

DATED: Honolulu, Hawai'i, _____.

HONOLULU POLICE COMMISSION

LAURIE FOSTER, Chair

JEANNINE A. SOUKI, Vice Chair

ELIZABETH A. CHAR, Member

CHRIS MAGNUS, Member



BLAKE PARSONS, Member

KENNETH SILVA, Member

