

**PUBLIC FIRST**  
LAW CENTER

VIA E-MAIL

October 14, 2024

Tommy Waters, Chair  
City Council  
City and County of Honolulu

**Re: L. Lindsay Myeni v. City and County of Honolulu et al.,  
Civil No. 1CCV-21-0000504; EMLACR-281**

Dear Chair Waters and Council Members:

Public First Law Center is a Hawai`i non-profit organization focused on solutions that promote responsiveness and transparency in government. Public First takes no position regarding whether the Council should approve or reject the proposed settlement in the referenced litigation. After observing the Council's recent October 9 meeting, we write with two concerns related to the process by which the Council will consider that proposal.

First, Prosecutor Steve Alm expressed an interest in meeting with the Council *in executive session*. Any such briefing should occur in an open meeting. Mr. Alm is not the Council's attorney. Charter § 7-116; *e.g.*, OIP Op. Ltr. 04-14 at 2 (executive session for attorney consultation only applies to the board's attorney). Mr. Alm does not have an attorney-client relationship with the Council, and thus, unlike the Corporation Counsel, he has no ethical or fiduciary responsibility to diligently and competently investigate relevant facts and law related to this civil matter before speaking. There is no basis under the Sunshine Law to exclude the public from any briefing by Mr. Alm.

Second, even when not intended, the mere presence of numerous individuals – armed with firearms – can have a chilling effect on public participation in an open meeting. For example, when a single armed individual stood at the back of the room during a legislative committee hearing on gun control this session, many testifiers expressed concern about the proceeding until the individual was escorted out.

We encourage police officers to make their views known to the Council. There are many ways in which officers can and should make their voices heard without the display of firearms. Members of the community frequently express themselves by all wearing the same t-shirt to meetings, even if they do not testify.



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Council meetings should be welcoming to everyone. We respectfully request that Council remain vigilant to conduct that may discourage – intentionally or not – segments of the community from attending and participating in meetings. Specifically, it would be helpful if the Council could suggest that the Chief of Police avoid creating situations that may be viewed as public intimidation by HPD.

I can be reached directly at (808) 380-3576 or [ben@publicfirstlaw.org](mailto:ben@publicfirstlaw.org).

Very truly yours,



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cc: Dana Viola  
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