

Steven Magee HPD Police Complaint: Officer Joshua Flores, Officer Isaac Michaels, Police Chief Benjamin T. Moszkowicz, Incident Number: 23-050268

1. The incident took place approximately 11:18AM on Highway 11 between Naalehu and the police station on Tuesday 23rd May 2023 on Hawaii island.
2. The suspect is clearly seen to be assaulted by the arresting police officers in my video recording and can clearly be heard stating that and calling for help on the audio. I responded to his calls for help. I was the only person that stopped and checked on the welfare of everyone involved. I can only imagine what would have happened to him had I not stopped and recorded the incident with my video camera. He wanted me to contact the media about this incident and I respected his request.
3. Two police cars and two police officers were on scene. Only one body camera was supplied that was much shorter than the incident. HPD's video and audio starts after the assault is seen and the man was stating he had been hit and was calling out for help. He was pinned face down by two Hawaii police officers that had their batons out. His hands were handcuffed behind his back. The area was isolated.
4. Hawaii Police Department has not taken a statement from author Steven Magee regarding the assault he witnessed.
5. My video recording of the HPD suspected assault incident is here: Hawaii Police Department (HPD) Arresting Suspect On Highway 11 In Naalehu, Kau, Hawaii - Full Video - <https://youtu.be/rdw0xsiY41k>
6. The HPD redacted video recordings of the incident are available here: Hawaii Police Department (HPD) Suspected Assault Body Camera - As Released By HPD & Unedited - <https://youtu.be/Gj385Sf1Pfo>
7. My 911 call reporting the suspected assault is here: Making A 911 Call To Report A Suspected Assault By Two Police Officers On A Man In Kau, Hawaii - <https://youtu.be/qjEcf5DAZP8>
8. My report of the assault to HPD police officers is here: Trying To File A Police Report About Hawaii Police Department Officers Suspected Of Assaulting A Man - <https://youtu.be/ehYnx0SoB0c>
9. HPD is aware that I witnessed a police officer assault on a man that was not resisting arrest.
10. My public interest request for these police officer assault video recordings has been repeatedly denied, which I understand to be illegal activity.
11. My understanding of police video laws is it is illegal for excessive use of force video recordings to be withheld from the public, regardless of privacy issues.
12. These video recordings show police department employee wrongdoing and they must be released to the public by law.
13. These video recordings show police department misconduct and they must be released to the public by law.
14. The two civilians, Steven Magee and the victim, in these video recordings have both stated that they want a media release on this incident. No one wants privacy.
15. You have my permission to do a media release of all information regarding this incident.
16. The assaulting HPD police officers threatened the only independent witness to the assault with a citation to prevent further independent video recording of the incident.
17. My car was parked to prevent the hidden police officers and victim from being hit by a passing car if they rolled into the road.
18. Many police officers and members of the public have been killed by passing cars that did not see them.
19. My car did not shut down Highway 11. It was parked in accordance with the law, including OSHA law, to protect the police officers and victim until their safety could be established.

20. This occurred in one of the most remote parts of Hawaii island and there was little traffic in the area.
21. My car did not cause any issues in the short period of time it was parked protecting everyone from potentially dangerous passing traffic.
22. HPD refused to take a statement from the only independent witness to the assault.
23. HPD refused to investigate the assault after reporting it with a 911 call.
24. HPD is withholding the police officer badge numbers involved with the assault.
25. HPD is withholding the police video recordings that show the assault.
26. This all occurred in the public place of highway 11 and was witnessed by numerous passing cars. There is no legal right to privacy in a public place.
27. The victim waived his rights to privacy by wanting the media contacted.
28. HPD have refused to reveal who the victim is and why he was arrested. Can you please detail this information?
29. I understand the arrest record is public information and there is no reason to withhold the victim's identity and why he was arrested.
30. HPD have refused my request for the status of the victim, it is unknown. Can you detail this?
31. HPD have refused to detail if the victim had to have medical treatment after the assault. Can you detail this?
32. HPD have declined to inform me if the victim is still alive. Can you detail this?
33. If I have not been interviewed regarding the police assault, then it is likely the victim has not been interviewed regarding the assault. Can you arrange for the victim to be interviewed regarding this assault?
34. It is my belief that there has been no investigation into this assault by HPD, which I understand to be illegal police activity.
35. Withholding the police video recordings that show a police assault in a public place from the only witness appears to be an illegal activity by HPD.
36. The freedom of information laws appear to be being violated by HPD regarding their refusal to release unredacted video recordings to all parties involved.
37. I am requesting a full investigation by the Police Commission regarding this police assault.
38. I am requesting the full release of all unredacted video recordings to me of this assault.
39. I am requesting the full release of all unredacted video recordings to the media of this assault, which is inline with the victim's media request.
40. I am requesting the police report associated with this incident for review by me for errors and untruths.
41. HPD is breeding public mistrust by withholding police video recordings of assaults on the public by police officers.
42. HPD withholding the suspected assault video recordings is in line with other police departments around the USA that were later shown to be engaging in blatant fraud with the public. Police officers that initially claimed to be innocent were later charged with murder. Their police reports were later proven to be imaginative works of fiction, not fact. The cover-ups were found to involve many police officers.
43. Could you detail all complaints that have been made against the three police officers?
44. Could you detail how many complaints have been made against HPD in the past five years and how many have been upheld?
45. Could you detail all complaints that have been made against HPD in the past year and the nature of those complaints?
46. Can you make your police complaints form larger so that a complete and comprehensive statement can be written into the report box?

47. The detective assigned to this case is Detective Gavin Kagimoto: 808-961-2348. He has never interviewed me. I have no idea who he is, as he has never contacted me.
48. I placed a 911 call reporting the suspected assault on 6/21/23, after reviewing the heavily redacted police video recording that provided no further clarification on the incident.
49. This is the Hawaii Police Department (HPD) 911 call report # 23-059889, 6/21/23, Officer B. Young, Type of incident: Personal Assist.
50. The lieutenant I made the 911 call to was: Lieutenant Jackson, Badge #34.
51. The two police officers that responded to my 911 call were:
 1. Police Officer B. Young, Badge #417.
 2. Police Officer Yu, Badge #448.
52. The 911 call reporting the assault did not result in an investigation of police officer assault, which I found to be concerning!
53. Not allowing the public to report police officer assaults on victims through a 911 call is undermining the foundation of law. Can you change the HPD policy to allow police officer assaults to be reported by 911 calls?
54. I have now formally reported the assault to you for investigation. Can you confirm that you are investigating it?
55. The email addresses and phone numbers of police officers involved with this police officer assault are:
 1. copsysop@hawaiicounty.gov
 2. aaron.kaeo@hawaiicounty.gov (808) 961-8398
 3. casey.cabral@hawaiicounty.gov
 4. jo-ann.tallett@hawaiicounty.gov (808) 961-2307
 5. patrick.kihara@hawaiicounty.gov
 6. thomas.shopay@hawaiicounty.gov
56. Can you supply the names and badge numbers of every police officer involved in this complaint?
57. What I witnessed was an assault on a victim that was not resisting arrest and was handcuffed behind his back and pinned face down by two HPD police officers. There may be more HPD assaults in the HPD video recordings, given that both police officers had their batons out.
58. I will not believe anything the Police Commission tells me regarding this assault without being allowed to view all of the unredacted police video recordings. Please arrange a time that I can come to the police station and view the unredacted police video recordings, if you are not prepared to send me unredacted copies of all of the public area video recordings.
59. I could not download the police commission complaints form from the website, I had to request HPD to email it to me. Can this be fixed?
60. I found the police commission web site to be non-functional. Can this be fixed?
61. Can you put the police complaints form on the main police web page and make it easily visible to people (home page, also known as index page)?
62. Requiring notarized complaints delays the police complaints process.
63. Can you remove the requirement for notarized on a police complaint? It appears unnecessary and is something I have never had to do on any other police complaint I have filed to other police departments.
64. I do believe that there has been an organized cover-up of the assault I witnessed and possible other assaults and crimes in the police video recordings by HPD that needs to be thoroughly investigated and prevented from happening again.
65. There is a complete lack of transparency in HPD.
66. Police Chief Benjamin T. Moszkowicz is withholding public record police videos that show police officer misconduct.

67. The police commission needs to make it clear to Police Chief Benjamin T. Moszkowicz that police videos that show police officer misconduct are to be released to the public.
68. Had I been able to obtain context to what I saw, it may have eliminated the need to formally report a police officer assault on a victim to 911.
69. The withholding of the police video recordings has me suspecting that the police videos contain more assaults and mistreatment of the victim that occurred before and possibly afterwards. Can you investigate this?
70. The established law on police body cameras is clear. Police body camera recordings are not to be withheld from the public when it involves employee misconduct, questionable use of force, police misconduct and so on. This applies to this incident.
71. This experience of witnessing a police officer assault a victim and the subsequent stonewalling regarding the release of the assault video recordings and the failure to allow me to report the assault to 911 has seriously undermined my faith in HPD. I no longer trust or believe your police officers.
72. This a true and accurate account of what I witnessed and video recorded of a HPD police officer assault on a victim.

Signed

Steven Magee CEng MIET Beng Hons
Chartered Electrical Engineer