

**HAWAI'I COUNTY POLICE COMMISSION  
MINUTES – REGULAR SESSION  
APRIL 11, 2003  
WAIMEA CIVIC CENTER**

**CALL TO ORDER**

Chair Horace Hara called the meeting to order at 10:00 a.m.

**ROLL CALL**

Present: Horace S. Hara, Chair  
Dwight K. Manago, Vice Chair  
John M. Bertsch, Member  
Paul M. de Silva, Member  
James A. Frazier, Member  
Phoebe M. Lambeth, Member  
Betsy Mitchell, Member  
Walter Moe, Member  
Peter P. Muller, Member

Also Present: Lawrence Mahuna, Police Chief  
Harry Kubojiri, Deputy Chief  
Lincoln Ashida, Corporation Counsel  
Josie Pelayo, Secretary

A quorum was present.

**INTRODUCTION OF COMMISSIONER JAMES A. FRAZIER**

Chair Hara introduced James Frazier, new commissioner from District 9.

**APPROVAL OF AGENDA**

Commissioner Lambeth moved to approve the agenda. The motion was seconded by Vice Chair Manago and unanimously carried.

**STATEMENTS ON AGENDA ITEMS - Open to the public**

LILIAN BEAUFRERE spoke on the Solutions 2003 seminar scheduled for May 17, 2003, at Waikoloa Beach Resort. She distributed and summarized the agenda of island-wide issues.

**STATEMENTS ON AGENDA ITEMS – Closed to the public (executive session) – None.**

**APPROVAL OF MINUTES**

Vice Chair Manago moved to approve the minutes of March 14, 2003, regular and executive sessions. The motion was seconded by Commissioner Lambeth and unanimously carried.

**PERSONNEL ORDERS**

Vice Chair Manago moved to accept Personal Orders Nos. 2003-032 to 2003-046. The motion was seconded by Commissioner Muller and unanimously carried.

**COMMUNICATIONS**

Vice Chair Manago moved to add Correspondence 03-28 and 03-29 to the agenda. Correspondence 03-28 is relates to Correspondence 03-18, and is OIP's opinion that the Hawai'i County Police Commission is not required to notice executive meetings separately from open meetings. Correspondence 03-29 is from the Honolulu Police Commission regarding the State of Hawai'i Police Commissioners' Conference April 24-25. The motion was seconded by Commissioner Lambeth and unanimously carried.

Commissioner Bertsch distributed a follow-up report from West Hawaii Crime Stoppers and moved that it be added to the agenda as Correspondence 03-30. Vice Chair Manago seconded the motion, and it carried unanimously

Commissioner Lambeth moved to accept all correspondence as listed. The motion was seconded by Vice Chair Manago and unanimously carried.

### **COMMITTEE REPORTS**

- Budget and Finance (Hara/Manago): The committee had no report.
- Office Management and Staffing (Muller/Mitchell): The committee had no report.
- Rules and Policies (Moe/Bertsch): The committee had no report.
- Contractual Services (de Silva/Frazier): Chair Hara assigned Commissioner Frazier to this committee. The committee had no report.
- Public Relations (Hara/Lambeth): The committee had no report.

### **CHIEF'S REPORT**

- Crime: Deputy Chief Kubojiri summarized the written report.
- Traffic: Deputy Chief Kubojiri summarized the written report.
- Personnel: Deputy Chief Kubojiri reported having 37 sworn and 10 civilian vacancies. Interviews for the sergeants' promotions were conducted. The 14 officers in the cellblock will have to remain there until the contract is awarded. They hope to have this done by summer or the new fiscal year.

Regarding the SROs, Chief Mahuna reported that although the schools have been identified, he believes that they will be able to make changes in the locations.

- Finance: Chief Mahuna summarized the written report. The budget has not yet been approved, and the supplemental budget is still in question.
- Commendations: Chief Mahuna reported receiving 8 commendations since the last meeting.
- Other Departmental Activities: Chief Mahuna reported that they have implemented a quarterly newsletter for internal communications. It will include items such as the chief's message and recognition of employees.

Captain Osorio will be promoted to major in charge of the technical division which was the position that Deputy Chief Kubojiri formerly held.

Mayor Kim asked that they look into the structural integrity of the South Kona Police Station. At this time, an infusion of \$500,000 is not appropriate. The Mayor also asked for a report on the anticipated growth and development in the area.

Regarding the Puna Police Station, Chief Mahuna stated that he envisions it to be somewhere in the middle of Highway 130, around the 8-mile marker. Population growth is a main criterion. Lower Puna has higher incidences of crime, and he would like the station to be closer to Pahoia in an area that is visible and accessible to motorists. However, there are no monies for planning or designing of the station at this time.

They continue to work on strategic planning and leadership training at every commander's meeting.

Regarding Correspondence 03-25, House Bill No. 297 introduced by Representative Herkes, it attaches itself to forfeiter funds, and the ice task force only adds to bureaucracy. The law enforcement community does not support this bill.

Vice Chair Manago reported that he had an opportunity to attend the commanders' meeting. He commended Chief Mahuna on the latitude he has given to his commanders and his directive to work with the community in identifying problems and solving them. He found the meeting to be very conducive to resolving problems.

Chair Hara asked that they present the report on ice investigations in executive session

### **UNFINISHED BUSINESS**

#### **NEW BUSINESS**

Correspondence 03-26, regarding the Solutions 2003 seminar on May 17, 2003. Commissioner Lambeth moved to approve funding for the commissioners to attend this seminar. The motion was seconded by Vice Chair Manago and unanimously carried. Chair Hara asked the commissioners to notify Ms. Pelayo if they plan on attending the seminar.

#### **EXECUTIVE SESSION**

Commissioner Lambeth moved to meet in executive session to consider discipline and charges against officers or employees of the Hawai'i County Police Department where consideration of matters affecting privacy will be involved and a closed session is requested and to consult with Corporation Counsel on questions and issues pertaining to the commission's powers, duties, privileges, immunities, and liabilities pursuant to HRS 92-5 (2) and Hawai'i County Charter Section 13-20 (b); and to receive a report on investigations that contains sensitive matters relating to public safety pursuant to HRS 92-5 (a) (6). The motion was seconded by Vice Chair Manago and unanimously carried.

The commission convened into executive session at 10:55 a.m. and reconvened back into regular session at 12:30 p.m.

#### **ACTION ON EXECUTIVE SESSION MATTERS**

- Complaint HPC 02-65: Complainant was arrested for violating a TRO. She alleged that she should not have been arrested and should be reimbursed for costs incurred during the incident. The case was deferred at the last meeting in order for the commission to review additional documents. Vice Chair Manago moved to defer the complaint to the next meeting because they had been informed that the complainant would be withdrawing the complaint. The motion was seconded by Commissioner Muller and unanimously carried.

- Complaint HPC 02-45: Complainant alleged that he had reported his vehicle stolen, but when it was located, an officer declared it as abandoned and issued him a citation. Akal Investigations investigated the complaint. Vice Chair Manago moved to exonerate the officer because the incident was lawful and proper and to refer the complaint to the Chief for his review into departmental procedures that lead to this complaint. The motion was seconded by Commissioner Muller and unanimously carried.
- Complaint HPC 01-27: Complainant was arrested during a DUI stop. She alleged that an officer used excessive force during the arrest. Akal Investigations investigated the complaint. Commissioner de Silva moved to defer the complaint to the next meeting in order for them to obtain medical records from the complainant and to have additional questions answered by the officer. The motion was seconded by Commissioner Lambeth and unanimously carried.
- Complaints HPC 95-18, 18A, 18B: Complainants requested assistance from the commission in an investigation and answering questions regarding a shooting incident. The case was deferred pending completion of the investigation. Vice Chair Manago moved to direct Corporation Counsel to draft a letter to the complainants informing them that the investigations were completed and that the commission would be closing the case. The motion was seconded by Commissioner Lambeth and unanimously carried.

**STATEMENTS FROM THE PUBLIC** – None.

**ANNOUNCEMENTS**

Chair Hara announced that the next monthly meeting is scheduled for May 16, 2003, at 10:00 a.m., at the Ohana Keauhou Beach Resort.

He also reminded the commissioners of the annual State of Hawai'i Police Commissioners' Conference scheduled for April 24-25 in Honolulu.

**ADJOURNMENT**

The meeting was adjourned at 12:35 p.m.

SUBMITTED:

APPROVED:

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JOSIE PELAYO, SECRETARY

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HORACE S. HARA, CHAIR