

**HAWAI'I COUNTY POLICE COMMISSION  
REGULAR SESSION MINUTES  
APRIL 18, 2008  
WAIMEA CIVIC CENTER CONFERENCE ROOM**

**INVOCATION**

Commissioner Kaiwi gave an invocation.

Vice Chair Whittemore introduced new Commissioner Richard Behenna from Council District 6. He replaced Betsy Mitchell. His background is in the health services field.

**CALL TO ORDER**

Vice Chair Whittemore called the meeting to order at 9:00 a.m.

**ROLL CALL**

Present:	Thomas P. Whittemore, Vice Chair	Also Present:	Lawrence K. Mahuna, Police Chief
	Richard J. Behenna, Commissioner		Henry Tavares, Assistant Chief
	Louis Kaiwi, Commissioner		Samuel Thomas, Major
	Karolyn P. Lundkvist, Commissioner		Marshall Kanehailua, Major
	Melvin S. Morimoto, Commissioner		James O'Connor, Captain
	Michael B. Sumja, Commissioner		Lincoln S. Ashida, Corporation Counsel
			Josie Pelayo, Secretary
Absent:	Pudding Lassiter, Chair		
	Anita Politano Steckel		

**APPROVAL OF AGENDA**

Commissioner Morimoto moved to approve the agenda. Commissioner Kaiwi seconded the motion, and it carried unanimously.

**STATEMENTS ON AGENDA ITEMS:** None.

**APPROVAL OF MINUTES OF MARCH 16, 2008**

Commissioner Kaiwi moved to approve the minutes. Commissioner Sumja seconded the motion, and it carried unanimously.

**PERSONNEL ORDERS**

Commissioner Kaiwi moved to accept Personnel Orders Nos. 2008-019 to 2008-025 and 2008-27. Commissioner Sumja seconded the motion, and it carried unanimously.

**COMMUNICATIONS**

Commissioner Kaiwi moved to accept the communications as listed. Commissioner Lundkvist seconded the motion, and it carried unanimously.

### **COMMITTEE REPORTS**

- Budget and Finance (Whittemore/Kaoiwi): No report.
- Office Management and Staffing (Lassiter/Morimoto): No report.
- Rules and Policies (Lundkvist): No report.
- Contractual Services (vacant): No report.
- Public Relations (Politano): No report.

### **CHIEF'S REPORT**

Including:

- **Crime:** Assistant Chief Tavares summarized the written report.
- **Traffic:** Major Thomas summarized the written report. In response to questions, he stated that seatbelt enforcement is done during regular patrol and through special funding. Seatbelt stops do lead to other violations such as expired safety check, warrants, and drugs. In moving violations, the court is able to assess points which may affect a person's auto insurance. It's possible for a person to lose his insurance on the first DUI arrest.

Commissioner Kaowi thanked the department for traffic enforcement in the Panaewa area.

- **Personnel:** Assistant Chief Ferreira reported having 44 sworn and 10 civilian vacancies. The next recruit recognition ceremony will be at the end of the month. They hope to have a new Captain in North Kohala on May 16. They lost two dispatchers to other positions within the department. In exit interviews, dispatchers have said that they want a Monday to Friday job with no shift work, and that the job wasn't what they expected.

Vice Chair Whittemore stated that he has observed the dispatch department. They work as family in a high stress position.

- **Finance:** Assistant Chief Ferreira reported they are waiting for the Council to approve their budget. Regarding fuel costs, although they have to operate on a status quo budget, they can go to the council for additional funding for such items as fuel. Public Works was given additional manpower for building maintenance around the island.

Commissioner Kaoiwi stated that they need to direct their concerns to the Public Works Director for building maintenance of all police facilities.

- **Commendations:** Chief Mahuna reported receiving fourteen commendations, ten in South Hilo involving fifty-six employees; one in North Hilo involving three employees; and one each in Puna, Hamakua, and Kona.
- **Other Departmental Activities:**
  - Communications: Chief Mahuna reported that as of December 31, 2012, they will no longer be able to utilize their VHF radio system in its current configuration. If they don't get off the current system and onto a new one by the end of 2012, the FCC could issue them hefty fines, possibly \$5,000 a day. The total package will cost about \$83 million. Studies were done that emphasize the need for a trunk radio system. They need this system, post haste, because there are a host of things that need to be done such as land acquisition and environmental impact statements. It is one of the largest CIP projects that the county will ever initiate. Their current VHF system is analog, spotty, and doesn't transmit data. The new system would allow them to run mobile data terminals in cars, and officers would be able to run their own checks for such things as registered owner and rap sheets instead of going through dispatch.

Right now, the fire people at a scene cannot talk to the police officers, who can't talk to public works, who can't talk to the road department. The new system would allow them to switch to a common channel, and then all of them would be able to communicate with each other.

They are working with the Coast Guard to implement some sort of trunk system that they could piggyback on.

Currently, this is the responsibility of Data Systems. The county has to make a commitment to this need. For something this big, usually they float a bond or something else. He had asked a senior senator for assistance with federal funding. He asked the commissioners to talk to their council member and see if they could get this communication system put higher on the CIP list.

Commissioner Lundkvist suggested that Data Systems talk to a concerned core group rather than individual groups. Someone must get the team together.

Vice Chair Whittemore stated that the commission supports this, and they need to get everyone involved. The appeal would have to come from all county, state, and federal agencies. He wants to join the other departments to form a loud voice for the entire county. They want a design that would work for everyone. He asked Chief Mahuna to give them more information on this issue at the next meeting and to also include the Fire Chief in this presentation.

Commissioner Kaiwi stated that they need to get the ball running now because they only have four years to 2012. Once the FCC says they cannot use the system, they're dead.

Firearms: Chief Mahuna reported that they are looking at changing their standard 9 mm to possibly a higher caliber, but slower moving. He wants a weapon with less vicarious liability.

Driver's License: Chief Mahuna reported that Driver's License will be moving to County Finance. Once they move out, Police Finance will take over the area.

Recess was called at 10:17 a.m. The meeting reconvened at 10:34 a.m.

## **INVESTIGATION AND DELIBERATION OF COMPLAINTS**

### **STATEMENTS ON COMPLAINTS** (open to the public)

NIMBUS CLAY (Complaint HPC 08-05) stated that he just went to his primary physician who is going to do a nerve damage test. A police officer should not treat a civilian in the manner he was treated. There was one officer who was a standby person, but he holds her responsible as well. The police officers involved did not handle this properly. They dragged him down the stairs and put him in the car.

Commissioner Lundkvist asked for his exact complaint.

CLAY stated that they beat him up, primarily Officer Jelsma. The officer slammed him against the screen door and put handcuffs on his feet so he couldn't walk down the stairs and then threw him into the vehicle. He was afraid of falling down and cracking his teeth. He works for a destination management company and has to look good in the public eye. He saw Dr. Gingrich who is part of the police commission. Dr. Gingrich motivated him to make the complaint. While in jail, he was not given his medication. The other day he was brushing his teeth with his electric toothbrush, and it fell out of his hand. He is angry. He was a little inebriated. He came home, and his roommate was doing drugs. He expects an apology and disciplinary action. He didn't pick a fight with the police officers. Ms. Iwamoto was just watching, but he holds her accountable for not stopping the situation. Officer Jelsma roughed him up, resulting in scars, injuries, and fracture. He begged the hospital to take x-rays, but they wouldn't. He went to court with bandages on his head, arm, legs, and feet. He looked like a mummy.

**EXECUTIVE SESSION** (closed to the public)

Commissioner Morimoto moved to meet in executive session to consider discipline and charges against officers or employees of the Hawaii County Police Department and to consult with Corporation Counsel on questions and issues that pertain to the commission's powers, duties, privileges, immunities, and liabilities pursuant to HRS 92-5 (2) and Hawaii County Charter Section 13-20 (b). Commissioner Kaiwi seconded the motion, and it carried unanimously. Executive session convened at 10:50 a.m.

Regular session reconvened at 12:05 p.m.

**ACTION ON EXECUTIVE SESSION MATTERS**

**Complaint HPC 07-55:** Complainant alleged that an officer harassed kids for sitting on and leaning against their skateboards outside her skate shop. Commissioner Kaiwi moved to refer the complaint to Chief Mahuna for an investigation by Internal Affairs. Commissioner Sumja seconded the motion, and it carried unanimously

**Complaint HPC 08-05:** Complainant alleged that during his arrest, officers used unnecessary force. Commissioner Kaiwi moved to refer the complaint to Chief Mahuna for an investigation by Internal Affairs. Commissioner Morimoto seconded the motion, and it carried unanimously.

**STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS:** None.

**ANNOUNCEMENTS**

- Vice Chair Whittemore announced that the meeting on May 16 will be cancelled due to a lack of quorum. He also announced that the meeting on June 20 will be in Kona at the King Kam Hotel.
- Collection of files and documents: Done.

**ADJOURNMENT**

The meeting was adjourned at 12:20 p.m.

SUBMITTED:

Josie Pelayo

JOSIE PELAYO, SECRETARY

APPROVED:

Thomas P. Whittemore

THOMAS P. WHITTEMORE, VICE CHAIR