

**HAWAI'I COUNTY POLICE COMMISSION
REGULAR SESSION MINUTES
APRIL 20, 2007
KONA DEPARTMENT OF LIQUOR CONTROL**

INVOCATION

Commissioner Robinson gave the invocation.

CALL TO ORDER

Chair Lassiter called the meeting to order at 9:08 a.m.

ROLL CALL

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| Present: | Pudding Lassiter, Chair | Also Present: | Lawrence K. Mahuna, Police Chief |
| | Melvin S. Morimoto, Vice Chair | | James Day, Assistant Chief |
| | Louis Kaoiwi, Member | | Derek Pacheco, Assistant Chief |
| | Kaloa R. N. Robinson, Member | | Marshall Kanehailua, Captain |
| | Anita Politano Steckel, Member | | Kay Oshiro, Accountant |
| | Michael B. Sumja, Member | | Lincoln S. Ashida, Corporation Counsel |
| | Thomas P. Whittemore, Member | | Josie Pelayo, Secretary |

Absent: Karolyn P. Lundkvist, Member
Betsy Mitchell Member

APPROVAL OF AGENDA

Commissioner Kaoiwi moved to approve the agenda. Commissioner Whittemore seconded the motion, and it carried unanimously.

STATEMENTS ON AGENDA ITEMS

MRS. MOMI CAZIMERO reported on the fallen officers' monument. The project began when her 52-year old brother was killed on Banyan Drive while in the line of duty. The majority of the money came from her father who donated \$100,000. The funds are being managed by Hawai'i Community Foundation. She has been in a dilemma over what to build and where to put it. Chair Lassiter asked Mrs. Cazimero to send the commission a letter with her ideas and proposal, but she felt that would be difficult. She was more amiable to working with a committee.

APPROVAL OF MINUTES

Commissioner Kaoiwi moved to approve the minutes of March 16, 2007, regular and executive sessions. Commissioner Whittemore seconded the motion, and it carried unanimously.

PERSONNEL ORDERS

Commissioner Politano Steckel moved to accept Personnel Orders Nos. 2007-021 to 2007-032. Commissioner Whittemore seconded the motion, and it carried unanimously.

COMMUNICATIONS

Commissioner Kaiwi moved to accept the communications for filing. Commissioner Whittemore seconded the motion, and it carried unanimously.

COMMITTEE REPORTS

- **Budget and Finance (Whittemore/Kaiwi):** Commissioner Whittemore reported that as a follow-up to the last meeting, he and Commissioner Kaiwi met with Accountant Kay Oshiro and reviewed the budget. They worked with Corporation Counsel Ashida and sent a letter to the County Council supporting the police department's budget. He encouraged the other members to familiarize themselves with the budget, especially the capital improvement projects in their district.

Accountant Oshiro distributed a spreadsheet on the budget showing what had been requested and what has since been approved. Five of the fourteen supplemental requests were approved. Repairs on the firing range are being handled by public works. Drivers' licensing has been taken out of the police budget and is being moved County Finance. The biggest part of their supplemental budget is the relocation of the microwave.

Commissioner Kaiwi expressed concern that the County Council would take away monies set aside for vacant positions

- **Office Management and Staffing (Lassiter/Morimoto):** No report.
- **Rules and Policies (Lundkvist/Mitchell):** No report.
- **Contractual Services (vacant):** No report.
- **Public Relations (Politano/Robinson):** Commissioners Politano Steckel and Robinson will work together on the fallen officers' monument.

CHIEF'S REPORT

Including:

- **Crime:** AC Day reported that every burglary is now being sent to CIS. The lieutenant of CID makes the determination on whether the case will move on, and a status letter is supposed to be sent to the victim. Investigating officers are supposed to notify people and give them a status report. The sergeants are in charge of this, and complaints should be directed to the district captain. Cases may take 30, 60, or 90 days. If it is taking more than 90 days, the officer needs to have an explanation. When the evidence gathering is incomplete, they are told to send it to the CID.

- **Traffic:** AC Pacheco reported that they have an unmarked vehicle working on Route 190 enforcing the no passing zones. They may do the same thing for speeders in the area going south of the Kam III Road. Work has started on Halehalewai, and they expect it to be completed by June 1.
- **Personnel:** Police Chief Mahuna reported having 14 civilian and 63 sworn vacancies. They are trying to be innovative in their recruitment efforts. He believes television advertisement has helped. The County Council wants to increase the starting pay for police recruits. Nationally, pay is ranked third in concerns. Maui is paying for moving costs. It is really hard to recruit, and it is also difficult to retain people. This is a national problem. A lot of people are leaving after 25 years of service.

Chief Mahuna further reported that they are still looking for a location for the new South Kona station. The Puna station will have to move to another location because it was initially built for 12 people, and they now have 60. This is in their supplemental request.

- **Finance:** (Report given during committee reports.)
- **Commendations:** Chief Mahuna reported receiving nine commendations since the last meeting, involving forty employees. This reflects the department's core values and team work.
- **Commander's Meeting Minutes of March 15, 2007:** No discussion.
- **Other Departmental Activities**
Chief Mahuna reported that their "Hawai'i's Most Wanted" television program has been well-received by the public. Major Enanoria, the host, is very articulate and is doing a good job. The pilot program of having laptops in vehicles is working well. They were given \$1 million for marked cars, and will request another \$1 million for next year. Arrests have been made in the Hookena incident that made the national news. AC Pacheco and Captain Apele have put together a package for crime reduction. They won't let this get out of hand. People should feel safe when they go to a beach park.

UNFINISHED BUSINESS

Correspondence 07-11, final draft of suggested improvements to the Police Commission's investigative process: Commissioner Whittmore moved to defer this matter to the next meeting. Commissioner Politano Steckel seconded the motion, and it carried unanimously.

INVESTIGATION AND DELIBERATION OF COMPLAINTS

STATEMENTS ON COMPLAINTS (open to the public)

JOHN ROBISON spoke on behalf of his friend Dennis Shields. Officers need to go through the appropriate checks. They went to his friend's house with a pickup truck and left empty. He filed a complaint four years ago and then filed a lawsuit. There is a medical marijuana law. Some people use marijuana to relieve pain. He uses it to relieve nausea from high doses of chemotherapy for his cancer. He uses marijuana medically, as needed. He will help those who need it. He has three letters expunging his three arrests. At school, his son asked a Dare officer about medicinal marijuana, and the officer told him it was illegal. At Chair Lassiter's request, he passed around his medical marijuana certificate.

DENNIS SHIELDS (Complaint HPC 06-28) stated that the issue is that he is a tax-paying citizen. Your home is your castle. He has his rights. He was enjoying his liberty at home, and a helicopter came above. They had five trucks. They took nine officers up to his house when it could have only taken a phone call. They must call before to see if they have a certificate. He was legal. He has four separate cards in his family. The issue is that vice officers were mean-spirited. They lied about labeling their plant, and that they couldn't have hashish. (He distributed literature on benefits of marijuana.)

Dennis Shields further stated that his son Nathaniel was in California and that he wanted to talk about his son's case (Complaint HPC 06-32). Chair Lassiter stated that they could defer the case until his son got back.

EXECUTIVE SESSION (closed to the public)

Commissioner Whittemore moved to meet in executive session to consider discipline and charges against officers or employees of the Hawaii County Police Department where consideration of matters affecting privacy would be involved and a closed session is requested 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 11:10 a.m.

Regular session reconvened at 12:15 p.m.

ACTION ON EXECUTIVE SESSION MATTERS

- **Complaint HPC 06-28:** Complainant alleged that the search warrant of his residence was an unnecessary home invasion and could have been prevented if officers had checked his medical marijuana registration number. Vice Chair Morimoto moved that there was sufficient evidence to prove the complainant's

allegations. Commissioner Robinson seconded the motion, and it carried unanimously.

- **Complaint HPC 06-32:** Complainant alleged that officers were prejudiced when they arrested him for possessing medicinal marijuana following his assault and let his assailants go. Commissioner Whittemore moved to defer the complaint in order to determine what patrol officer was involved. Commissioner Sumja seconded the motion, and it carried unanimously.
- **Complaint HPC 06-33:** Complainant alleged that an officer gave her inaccurate information about obtaining a police report, the police report was incomplete and inaccurate, and the officer did not contact her on the status of the investigation. *(Deferred at last meeting in order to review police reports.)* Vice Chair Morimoto moved that there was sufficient evidence to prove the complainant's allegations. Commissioner Sumja seconded the motion. It carried with a "kanalua" vote by Commissioner Kaiwi.
- **Complaint HPC 07-11:** Complainant alleged that his traffic accident report was inaccurate. Commissioner Kaiwi moved that there was insufficient evidence to prove the complainant's allegations. Commissioner Robinson seconded the motion, and it carried unanimously.
- **Complaint HPC 07-15:** Complainant alleged that he was wrongfully stopped for speeding, the officer would not let him see the radar reading, and that the officer used profanity against him. *(Deferred at last meeting in order for officer to respond to allegations.)* Commissioner Kaiwi moved that there was sufficient evidence to prove the complainant's allegations. Vice Chair Morimoto seconded the motion, and it carried unanimously.
- **Complaint HPC 07-16:** Complainant alleged that while he was in the library, an officer was rude when he told him to sign a trespass paper. Commissioner Robinson moved that there was insufficient evidence to prove the complainant's allegations. Commissioner Kaiwi seconded the motion, and it carried unanimously.
- **Complaint HPC 07-17:** Complainant alleged that while sitting in a parking lot, officers asked him questions. An ambulance and medics came, which he resented it. He was told to leave the area. He felt this was not kind. Commissioner Robinson moved that there was insufficient evidence to prove the complainant's allegations. Commissioner Kaiwi seconded the motion, and it carried unanimously.

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS – None.

ANNOUNCEMENTS

- Chair Lassiter announced that the Police Commission's next monthly meeting would be on May 18, 2007, at 9:00 a.m. in the County's Aupuni Center Conference Room, 101 Pauahi Street, Hilo.
- Collection of files and documents – Done.

ADJOURNMENT

The meeting was adjourned at 12:25 p.m.

SUBMITTED:

Josie Pelayo
JOSIE PELAYO, SECRETARY

APPROVED:

Pudding Lassiter
PUDDING LASSITER, CHAIR