

**HAWAI'I COUNTY POLICE COMMISSION  
REGULAR SESSION MINUTES  
MAY 19, 2006  
KONA DEPARTMENT OF LIQUOR CONTROL**

**INVOCATION**

A blessing was given by Kahu Harold Teves.

**CALL TO ORDER**

Chair Lassiter called the meeting to order at 9:05 a.m.

**ROLL CALL**

|          |   |               |  |
|----------|---|---------------|--|
| Present: | Pudding Lassiter, Chair                     | Also Present: | Lawrence K. Mahuna, Police Chief       |
|          | Melvin S. Morimoto, Vice Chair              |               | Elroy Osorio, Assistant Chief          |
|          | James A. Frazier, Member                    |               | James Day, Assistant Chief             |
|          | Louis Kaiwi, Member                         |               | Ronald Nakamichi, Assistant Chief      |
|          | Karolyn P. Lundkvist, Member                |               | Lincoln S. Ashida, Corporation Counsel |
|          | Kaloa R. N. Robinson, Member (arrived 9:15) |               | Josie Pelayo, Secretary                |
|          | Anita Politano Steckel, Member              |               |  |
|          | Thomas P. Whittemore, Member                |               |  |

Absent: Betsy Mitchell, Member

A quorum was present.

**APPROVAL OF AGENDA**

Commissioner Frazier moved and Commissioner Lundkvist seconded to approve the agenda as submitted. Discussion: Commissioner Frazier asked to separate the attachments in Correspondence 06-14 to 06-14A as a confidential attorney-client document and 06-14B as a public document. The motion carried unanimously.

**STATEMENTS ON AGENDA ITEMS** – None.

**APPROVAL OF MINUTES**

Commissioner Frazier moved and Commissioner Lundkvist seconded to approve the minutes of April 21, 2006, regular and executive sessions. Discussion: Commissioner Kaiwi asked to amend the minutes to show that he was not in attendance. The motion carried unanimously.

**PERSONNEL ORDERS**

Nos. 2006-046 to 2006-054 (*Including, but not limited to work assignments, training assignments, promotions, reallocations, severance from service, automobile allowances, and appointments.*) Commissioner Kaiwi moved and Commissioner Lundkvist seconded to accept the Personnel Orders as listed. The motion carried unanimously.

## **COMMUNICATIONS**

Commissioner Frazier moved and Commissioner Lundkvist seconded to accept the communications as listed.

Discussion: Commissioner Frazier pointed out that in Correspondence 06-15, regarding the HSLEOA Conference, they must submit their conference registration form to Ms. Pelayo and the hotel registration form directly to the hotel. Regarding Correspondence 06-16, a citizen's concern over his son's traffic citations, he asked that the Chair respond to the writer that the captain of the district did make contact with him, and that any appeals should be through the courts, not the Police Commission.

The motion carried unanimously.

## **COMMITTEE REPORTS**

- **Budget and Finance** (Frazier/Morimoto): The committee had no report.
- **Office Management and Staffing** (Lundkvist/Mitchell): The committee had no report.
- **Rules and Policies** (Kaoiwi): The committee had no report.
- **Contractual Services** (Robinson): The committee had no report.
- **Public Relations** (Lassiter/Politano Steckel): Commissioner Lundkvist stated that the commission did an excellent job in hosting the State of Hawai'i Police Commission Conference, and that she received very good feedback from the other commissions.

Chair Lassiter congratulated the commissioners for attending the County Council meetings on the bill for the independent police auditor. Their input helped to not put bill through.

Chair Lassiter also congratulated the commissioners for a successful State of Hawai'i Police Commission Conference. She also thanked the Police Department for helping with the entire conference and getting the speakers.

Commissioner Kaoiwi thanked Corporation Counsel for his outstanding presentation at the conference. Commissioners from the other islands were very impressed. Chair Lassiter stated that some of the other commissioners stated that they do not get the same support from their Corporation Counsel as Hawai'i County does from Mr. Ashida.

## **CHIEF'S REPORT**

Including:

- **Crime:** Assistant Chief Day entertained questions to the written report. He explained that some of the high theft figures could be the result of a checkbook being stolen and each individual check being recorded as a theft. The high statistics for Area I could be attributed to the larger population.
- **Traffic:** Assistant Chief Nakamichi entertained questions to the written report. Commissioner Frazier stated that he found AC Osorio's letter regarding high rise vehicles to be very interesting. AC Nakamichi stated that there is no reconstruction law, but there are safety laws. Chief Mahuna stated that the reconstruction ordinance was repealed because police officers are not experts in the safety of a vehicle. Motor vehicle inspectors do the inspections. Some people will go in for an inspection with standard-sized tires and then change them later. He wants the reconstruction law re-enacted. It is a legislative issue.

Assistant Chief Nakamichi recognized Officers Michael Hardy, Russell Sakata, and Paula Jelsma for being selected Officers of the Month by the Kona Crime Prevention Committee.

**Personnel:** Assistant Chief Osorio reported having 65 sworn vacancies. Seventeen new recruits will be on the road in June. They expect the vacancy to be in the single digit at this time next year. He explained the different tests and checks given to each applicant. It is a very long and vigorous process, the most rigorous in the state. Civil Service does continuous recruitment. They participate in every college and high school job fair on the island and on other islands. Interviews for the captains' positions were done. Vacancies do not include the additional personnel opened up by the County Council. Their biggest concern now is in dispatch. He thanked the commissioners for appearing and testifying before the County Council against the independent police auditor bill. He also thanked Corporation Counsel Ashida for explaining the position.

Chair Lassiter congratulated the Police Department for the publicity in the newspapers.

Commissioner Robinson congratulated the Police Department for their participation in the Merry Monarch parade.

Chief Mahuna stated that in their recruit efforts, they have gone to Charminade College and the University of Hawai'i. They are also working on the cadet program. There are individuals who want to be a police officer, but they have to have the right traits. He is very careful about hiring someone. Even if they are short in staffing, he would rather hire the best people. To put it in a sports sense, he doesn't want a bench warmer. As far as he is concerned, the community needs excellence. They want people who believe in their core values. They spend about \$100,000 in training recruits, so he wants to be sure his investment pays off. He is a firm

believer that if an individual has a problem with the core values and mission statement, he'd take the resignation. People, who have not exercised themselves in a team effort, are not part of a unit. An example is the death of Officer Eric Cerezo. There were about 100 officers at his funeral. He belonged to a small unit, and he exemplified the core values.

Vice Chair Morimoto stated that there are 18 vacancies in Area II and 15 in Area I. He asked for consideration in filling the Area II positions. Chief Mahuna stated that there are more positions in Area I.

Vice Chair Morimoto asked for Chief Mahuna's opinion on the site of the new Kona police station. Chief Mahuna stated that he has reservations about the suggested site. His vision for the South Kona Station is that it be a manned, multi-level facility with an underground shooting range.

Commissioner Lundkvist inquired into plans for the Pahoia area. Chief Mahuna stated he is not sure of the exact location, but it would be on the same property as the fire station. He would like to demolish the current substation rather than fix it. The roof and interior structure is in bad shape. The site for the new station has been going back and forth. He believes it will be done in 3-4 years.

- **Finance:** AC Osorio entertained questions to the written report. There were none.
- **Commendations:** No discussion.
- **Commander's meeting minutes of April 18, 2006:** No discussion.
- **Other departmental activities:** No discussion.

### **NEW BUSINESS**

- **Presentation by the Kona Crime Prevention Committee.**  
President Mary Huebner gave a briefing of their volunteer, nonprofit organization. Their role is to support the department, not to criticize or tell them how to run it. They do the officer of the month and officer of the year luncheon. They are willing to assist with starting a similar organization in Hilo.
- **Review of salary and compensation package for police chief and deputy chief.**  
Corporation Counsel Lincoln Ashida requested an executive session in order to advise the commission on this matter.

### **INVESTIGATION AND DELIBERATION OF COMPLAINTS**

**STATEMENTS ON COMPLAINTS** (open to the public) – None.

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

Vice Morimoto moved and Commissioner Lundkvist seconded 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 pertaining to the commission's powers, duties, privileges, immunities, and liabilities pursuant to HRS 92-5 (2) and Hawaii County Charter Section 13-20 (b). The motion carried unanimously.

Executive session convened at 10:55 a.m.

Regular session reconvened at 11:45 a.m.

**ACTION ON EXECUTIVE SESSION MATTERS**

• **Request for reconsideration of Complaint HPC 06-04.**

At the previous meeting the commission found insufficient evidence to prove the complainant's allegations that an officer refused to get her medical assistance and refused to take photos of evidence. Commissioner Frazier moved and Commissioner Whittemore seconded to reconsider this complaint and to place it on July's meeting agenda. The motion carried unanimously.

• **Investigation and deliberation of complaints.**

**Complaint HPC 06-06:** Complainant stated that an officer assured her that an APB was initiated against the person who beat her up. She alleged that the abuser was not arrested until 19 hours later because there was no APB on him.

Commissioner Frazier moved and Commissioner Lundkvist seconded that there was insufficient evidence to prove the complainant's allegations.

Discussion: Corporation Counsel Ashida pointed out that the officer admitted to not issuing the APB. Commissioner Frazier felt the complainant was just grasping.

Roll call vote: Ayes: Frazier, Lundkvist  
Noes: Robinson, Morimoto, Lassiter, Steckel, Whittemore, Kaoiwi  
The motion was defeated.  
Commissioners Frazier and Lundkvist withdrew their motions.

Commissioner Robinson moved and Commissioner Whittemore seconded that there was sufficient evidence to prove the complainant's allegations. The motion carried unanimously.

**Complaint HPC 06-07:** Complainant stated that she was arrested at the hospital emergency room for disorderly conduct. She alleged that while in jail, she was denied a phone call, was refused assistance for her incontinence, and was

laughed at. She also alleged that when she was sent back to the hospital, the police lied about her condition, and so she was mistreated and humiliated.

Commissioner Robinson moved and Commissioner Whittemore seconded to defer the complaint to the next meeting and to request that the responding officers, ascertained in the police report, be notified of the complaint and asked to respond to the allegations. The motion carried unanimously.

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

**ANNOUNCEMENTS**

- Chair Lassiter announced that the next meeting would be on June 16, 2006, at the Waimea Civic Center, next to the police station.
- Collection of files and documents – Done.

**ADJOURNMENT**

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

SUBMITTED:

APPROVED:

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JOSIE PELAYO, SECRETARY

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PUDDING LASSITER, CHAIR