

**HAWAI'I COUNTY POLICE COMMISSION
REGULAR SESSION MINUTES
JUNE 16, 2006
WAIMEA CIVIC CENTER CONFERENCE ROOM**

INVOCATION

Reverend Jittu gave a blessing.

CALL TO ORDER

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

ROLL CALL

Present: Pudding Lassiter, Chair
Melvin S. Morimoto, Vice Chair
James A. Frazier, Member
Louis Kaoiwi, Member
Kaloa Robinson, Member
Anita Politano Steckel, Member
Thomas P. Whittemore, Member

Also Present: Lawrence K. Mahuna Police Chief
Harry S. Kubojiri, Deputy Chief
Henry Tavares, Captain
Elroy Osorio, Assistant Chief
Ronald Nakamichi, Assistant Chief
Kay Nishibayashi, Accountant
Lincoln S. Ashida, Corporation Counsel
Josie Pelayo, Secretary

Absent: Karolyn P. Lundkvist, Member
Betsy Mitchell, Member

A quorum was present.

APPROVAL OF AGENDA

Commissioner Kaoiwi moved and Commissioner Politano seconded to accept the agenda as distributed. The motion carried unanimously.

STATEMENTS ON AGENDA ITEMS – None.

APPROVAL OF MINUTES

Commissioner Kaoiwi moved and Commissioner Whittemore seconded to approve the minutes of May 19, 2006, regular and executive sessions. The motion carried unanimously.

PERSONNEL ORDERS

Commissioner Frazier moved and Commissioner Whittemore seconded to approve Personnel Orders Nos. 2006-055 to 2006-067. The motion carried unanimously.

COMMUNICATIONS

Commissioner Politano Steckel moved and Commissioner Whittemore seconded to accept the communications as listed.

Discussion: Corporation Counsel stated that they intend to discuss Correspondence 06-24.1, 24.2, and 24.3, his attorney-client communication, regarding improvements to the investigatory process involving complaints against the police department and police officers in executive session. He requested that Chief Mahuna be present. There were no objections.

COMMITTEE REPORTS

- Budget and Finance (Frazier/Morimoto): Commissioner Frazier reported that the budget appears to be on track with standards set forth.
- 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 Politano Steckel thanked AC Nakamichi for introducing the Officers of the Month at the Kona meeting.

Commissioner Politano Steckel stated that the idea of a group of Friends of the Hawai'i Police Department is still alive, but it takes time. She hopes each of them would make calls in the community and find people who are interested in joining the group so that they would have an organization comparable to the Kona Crime Prevention Committee.

CHIEF'S REPORT

Including:

- Crime: AC Nakamichi summarized the written report.
- Traffic: AC Nakamichi summarized the written report.

Commissioner Whittemore questioned why more citations were issued in Kona for seatbelt and whether they were being targeted.

AC Nakamichi stated that grant money is used for the Click It or Ticket program. Chief Mahuna stated that a study was done on what areas needed the check. Officers do it on overtime, and the grant pays for it.

Betsy Tranquilli of West Hawai'i Today stated that she has written more than one article explaining the program, that the money is from the federal government, and that it can only be used for that purpose.

- Personnel: AC Osorio thanked the commissioners for attending the recruit graduation ceremony. The new recruits were recently put on the road, and there will be more visibility. There has been no significant change in personnel since the previous month.

Commissioner Frazier stated that he was very impressed with the video presentation done at the graduation ceremonies, and suggested that the Chair send a letter of commendation to the training staff.

Commissioner Kaoiwi expressed concern over the need for additional civilian staff, to which AC Osorio stated that the County Council approved their request for funding for

the additional staff. Commissioner Kaiwi also expressed concern that the Hilo firing range would be shutting down soon, and they need to do something about.

Betsy Tranquilli of West Hawai'i Today asked that the department give her information on things to write about.

Commissioner Frazier expressed concern over the need for additional staff and inquired as to whether requirements such as shorthand were obsolete. Chief Mahuna stated that it is obsolete, and they have downgraded the clerk stenographer position because they have not been able to get people who can take shorthand.

- Finance: Accountant Kay Nishibayashi entertained questions to the written report. The fiscal year ends this month.

Commissioner Whittemore questioned whether they would lose unused funds such as gang or drug monies at the end of the fiscal year and if they would get less money the next year if they didn't use it all. Chief Mahuna stated that those items are funded by grants from the federal government and their fiscal year ends later on in the year. They would not get less money.

Commissioner Whittemore inquired whether they could use another source, such as the National Guard for marijuana eradication. Chief Mahuna stated that the National Guard is not law enforcement, and he does not want to jeopardize their chain of custody for evidence.

- Commendations: Chief Mahuna reported receiving twelve commendations since the last meeting.

Chief Mahuna reported that Operation Capsize, done on the east side of the island, was a high impact operation. He commended all the officers who participated. They netted 20 lbs. of ice and recovered over a million dollars in cash. They took down some major drug dealers who will be prosecuted federally and could spend 25-30 years in prison. They are now seeing that people are reluctant to sell ICE, and cocaine is now on the rise. The law now is making it harder for people to obtain over the counter pseudoephedrine. The majority of ICE is imported. He commended the team for doing a Title III wire tap.

Commissioner Frazier commended Chief Mahuna for his presentation at the monthly staff meeting. His commendation report should have also included the commission's commendations of staff who assisted with the State of Hawai'i Police Commissioners' Conference.

Deputy Chief Kubojiri announced that Officer Myra Iwamoto of the Hamakua District and Acting Sergeant Dayton Tagaca of the North Kohala District were nominated as Officer of the Month for the North Hawai'i, Public Safety Committee.

Recess was called at 10:10 a.m. The meeting reconvened at 10:30 a.m.

- Commander's meeting minutes of May 16, 2006: No discussion.
- Other departmental activities: No discussion.

Corporation Ashida was asked to respond to Correspondence 06-26 and 06-20 on behalf of the commission.

NEW BUSINESS

- 12th Annual National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference, September 25-28, 2006, in Boise, Idaho: Chair Lassiter inquired whether any of the commissioners were interested in attending the conference. Commissioner Frazier stated that NACOLE is a very good organization, and the current conference agenda is very relevant. Corporation Counsel Ashida stated that the commission is looking at different ways of evaluating citizen complaints and suggested that Chief Mahuna consider sending someone from the police department.
- Correspondence 06-21, startup of quarterly Police Commission Chair meetings. Chair Lassiter stated that she contacted the Chairs from the other three commissions, and they plan to meet in Honolulu in September during the HSLEOA conference.

UNFINISHED BUSINESS

Correspondence 06-12, Cost of Government Commission's request for input to their questions regarding its effort to promote economy, efficiency, and improved services. Commissioner Frazier stated that he submitted a draft for them to review. He made it pretty concise but asked for more ideas. Chair Lassiter suggested they all review the draft and make suggestions.

10:30 P.M.: INVESTIGATION AND DELIBERATION OF COMPLAINTS

STATEMENTS ON COMPLAINTS – None.

EXECUTIVE SESSION (closed to the public)

Commissioner Robinson moved and Commissioner Kaiwi seconded 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.

Discussion: Corporation Counsel Ashida stated that he requested that the Chief and his designated representative be present to discuss Correspondence 06-24 because they are necessary for the process.

The motion carried unanimously.

Executive session convened at 10:45 a.m.

Regular session reconvened at 11:55 a.m.

ACTION ON EXECUTIVE SESSION MATTERS

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. Vice Chair Morimoto moved and Commissioner Lundkvist seconded to defer the complaint to the next meeting in order to give one of the officers an opportunity to respond to the complaint. The motion carried with a no vote from Commissioner Kaoiwi. (Commissioner Frazier was not present.)

Correspondence 06-24.1, 24.2, and 24.3, regarding improvements to the investigatory process: Commissioner Robinson moved and Commissioner Whittemore seconded to defer this to the next meeting for further discussion. The motion 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 July 21, 2006, at the Aupuni Center Conference Room, 101 Pauahi Street, Hilo.
- Collection of files and documents. – Done.

ADJOURNMENT

The meeting was adjourned at 12:15 p.m.

SUBMITTED:

APPROVED:

JOSIE PELAYO, SECRETARY

PUDDING LASSITER, CHAIR