

**HAWAII COUNTY POLICE COMMISSION
REGULAR SESSION MINUTES
JUNE 20, 2008
KING KAMEHAMEHA BEACH HOTEL
KAILUA-KONA**

INVOCATION

Commissioner Kaoiwi gave an invocation.

CALL TO ORDER

Chair Lassiter called the meeting to order at 9:06 a.m.

ROLL CALL

Present:	Pudding Lassiter, Chair	Also Present:	Paul Ferreira, Assistant Chief
	Thomas P. Whittemore, Vice Chair		Henry Tavares, Assistant Chief
	Richard J. Behenna, Commissioner		James O'Connor, Captain
	Louis Kaoiwi, Commissioner		Lincoln S. Ashida, Corporation Counsel
	Melvin S. Morimoto, Commissioner		Josie Pelayo, Secretary
	Michael J. Sumja, Commissioner		

Absent: Karolyn P. Lundkvist, Commissioner
Anita Politano Steckel, Commissioner

A quorum was present.

APPROVAL OF AGENDA

Vice Chair Whittemore moved to approve the agenda. Commissioner Sumja seconded the motion, and it carried unanimously.

STATEMENTS ON AGENDA ITEMS – None

APPROVAL OF MINUTES OF APRIL 18, 2008

Commissioner Kaoiwi moved to approve the minutes as amended. Commissioner Behenna seconded the motion, and it carried unanimously.

PERSONNEL ORDERS

Commissioner Kaoiwi moved to accept Personnel Orders Nos. 2008-026 and 2008-028 to 2008-51 for filing. Commissioner Sumja seconded the motion, and it carried unanimously.

COMMUNICATIONS

Correspondence 08-12, invitation to the annual Hawai'i State Law Enforcement Officials Association (HSLEOA) Conference September 24-26, 2008. Commissioners Lassiter, Kaoiwi, Sumja, and Ms. Pelayo expressed interest in attending the conference.

Vice Chair Whittemore moved to accept the correspondence for filing. Commissioner Kaoiwi seconded the motion, and it carried unanimously.

COMMITTEE REPORTS

Chair Lassiter asked if anyone was interested in being on a specific committee. Commissioner Behenna stated that it would be helpful to understand what the committees do and the issues they work on.

- **Budget and Finance (Whittemore/Kaoiwi):** Vice Chair Whittemore stated in the past year, their biggest involvement was trying to understand the budget process. Their role is one of support, not management. They should be there to review the budget in advance, help at the budget hearings, support the CIP projects, and get the information disseminated to respective districts so they can support it and provide input.

AC Ferreira stated that they start working on the next fiscal year's budget in August, and it progresses into fall and through spring. The hearing with County Finance is in February, and then County Council in April and May.

Vice Chair Whittemore stated that their lack of having reports at every meeting is the result of the budget process taking on its own course and them not getting into micro-management. They can support the CIPs and provide input.

- **Office Management and Staffing (Lassiter/Morimoto):** Chair Lassiter stated the commission's office will be moving back to the county building when the renovations are completed. Ms. Pelayo is the only staff. They would like to upgrade the position, but that needs to be done by the Police Department. Mr. Ashida stated that the Police Department can make the recommendation, but it's the Department of Human Resources that makes the final decision because they have to do a position study for possible reallocation.
- **Rules and Policies (Lundkvist):** Chair Lassiter stated that Commissioner Lundkvist should be able to brief them on what items have been changed and updated. Mr. Ashida stated that there are no written responsibilities for each committee, and maybe this is the time for a review of the rules. Chair Lassiter appointed Commissioners Behenna and Sumja to the committee.
- **Contractual Services (vacant):** Chair Lassiter stated that this committee has worked on the commission's investigator. Ms. Pelayo stated that the commission's office is on contract, but it is negotiated by County Finance.
- **Public Relations (Politano):** Chair Lassiter stated that she is sending out a press release on the commission's participation in the State of Hawaii Police Commissioners' Conference.

Commissioner Sumja inquired into Commissioner Politano Steckel's status. Chair Lassiter stated that when she talked to her last, she had just come out of the hospital. She suggested to Commissioner Politano Steckel that if being on the

commission was too hard for her, maybe she should step back. She also told her that being absent for ten months is too long. Commissioner Politano Steckel stated that she will try to be at the next meeting in Hilo, and if it's too much, she will resign. Commissioner Sumja stated that the Public Relations committee is very important.

CHIEF'S REPORT

Including:

- **Crime:** Assistant Chief Tavares stated that both the crime and traffic reports have been revised and will be re-distributed. In the past month there was a robbery in South Kohala where an unidentified man with a handgun entered the pharmacy and demanded drugs. That and a home invasion in South Kohala are being investigated by CIS detectives. On June 14 a female hitchhiker was picked up and taken to an undisclosed area in Kurtistown where she was sexually assaulted. With the help of their "Hawai'i Most Wanted" program, 21 cases have been cleared.

AC Tavares reported that they have been having a lot of complaints about intoxicated individuals getting into fights in the Coconut Grove Area. They had several meetings with involved members and agencies, including the Police Department, Department of Liquor, owners of the complex, and various establishments. At first everyone thought it was just a police problem. However, they have gotten cooperation and now realize that everyone involved is a part of the solution.

Vice Chair Whittemore stated that this was brought to his attention in one of his nonprofit meetings when someone asked him why the police wasn't doing anything. So, he got collaborative meetings with the Department of Liquor Control, businesses, security, and police. Many of the business felt that once their customers were out the door, it wasn't their problem. They had a total of 90 calls for 20 incidents, mostly fights. Part of the problem is people getting inebriated in the parking lot. Janice Pakele, Director of Liquor Control, told the businesses that if they don't take ownership to resolving the problem, they could have their hours cut.

Commissioner Behenna stated that this seems to have the potential of being a success story of solutions coming out of group relations. This would make a good press release. AC Tavares stated that if they think its news worthy, they make a media release and put it on their website. However, it's the editor who decides what gets in the paper. Corporation Counsel Ashida stated that the newspaper's editor decides what's newsworthy. In the past, public relations meant having good relations with the community. Public information is the proper medium for correct information to be made available. There is nothing that says the commission couldn't do that. AC Tavares stated that Community Policing Officers are also involved in this, and it is working in every district. Commissioner Sumja stated that their COP in Kohala works great. Commissioners Lassiter and Behenna will work together on the Public Relations Committee which will also work as a Public Information Committee.

Commissioner Behenna stated that he recently went on a ride-along on the third watch. They seemed to encounter a high degree of people with mental illness. He asked if the police have done any study on this and if they are trained about encountering people with mental illness. AC Tavares stated that they are trained to deal with all types of people. Commissioner Behenna stated that this would be a good training issue.

- **Traffic:** AC Tavares reported on a traffic fatality whereby a lone vehicle lost control and overturned on Route 190 between the 18 and 19 mile markers.

Commissioner Sumja inquired as to why Hamakua has the lowest numbers for traffic. AC Tavares stated that AC Pacheco has been addressing this.

Commissioner Kaoiwi stated that racing down Railroad Avenue has started up again during the time of watch change, and he asked that they look into this.

- **Personnel:** AC Ferreira stated that Chief Mahuna is on vacation and Deputy Kubojiri is ill. They do train officers in recruit class on mental illness and mental health issues. This also involves issues involving returning military personnel that have documented problems. More recently, they have been looking at starting additional in-service training for officers. He asked the commissioners to direct any resource instructors to them.

They have 46 sworn vacancies in the field, although 21 are in recruit training. All districts now have captains. All lieutenant positions will be filled on July 1. The sergeant positions should be filled by September. They want to go to the County Council for additional positions. Twenty people will be eligible for retirement at the end of the year. Dispatch is fully staffed, although they will have one vacancy at the end of the month.

- **Finance:** AC Ferreira stated that they are at the end of their fiscal year, and will expend the majority of their funds. The next budget has not been approved by the Mayor's office, and it has to go back to the County Council. The bond went through, and the South Kona and Pahoia police stations were included. Vice Chair Whittemore asked for the CIP report by district so that the commissioners could push for them.

- **Other Departmental Activities:**

- AC Ferreira reported that the roof repair of the firing range has been completed. The leaks on building A and B have been fixed, but they will see for sure in the next rain.
- Commissioner Behenna stated that during his ride-along, he rode in a new blue and white. He is concerned about the lack of visibility, blind spots, behind the car. This is a safety issue, and he asked that they consider this visibility when

purchasing more vehicles. AC Ferreira stated that with his experience in SUV's, it is difficult to see. He will verify that the vehicles they acquired have beeping sensors. They are looking to buy 15 more vehicles.

- AC Ferreira gave a report on the newly purchased blue and white vehicles. He stated that it was reported in the West Hawai'i Today that they paid \$20,000 more than Honolulu Police Department. As provided by the County Finance Division, the actual bid price for Honolulu was \$41,244. The actual bid price for the Hawai'i County Police Department was \$61,995. The newspaper decided not to include the equipment installed in the vehicle--the computer system, radio, and window bars. These ran something in the area of \$17,895 that Honolulu did not pay. Honolulu did not have that equipment installed and did not pay for that equipment. If they were to include that equipment into their bid price, the comparison total would come out to \$61,995 to \$59,884, some \$3,000 less. The equipment they (Hawai'i Police) installed in their vehicles included the computer and the mobile data terminal. The laptop was installed into a docking station in the trunk of the vehicle. A keyboard and monitor equipment was installed in the front of the vehicle. Honolulu Police Department leases this equipment, so they did not have to purchase it outright, and that was not included in their price.

Also included in their vehicle was a pre-installed radio system-- the radio, the siren, and all the controls that officers would need to operate their radio. This was not included in Honolulu's price. It was pre-installed by the vendor. Honolulu Police Department has a vehicle maintenance division that takes care of all their vehicles. They do all their own installations and do not have to outsource it, so that's not included in their price.

Also included in their vehicle was the cost for window bars. The back of the vehicle is where the detainees are normally placed when they are being transported. It consists of bars on both side windows. These bars also have metal faces that go all the way to the bottom of the doors. This prevents someone from kicking the doors and damaging it. The vehicle also has a roll bar that prevents the detainee from moving or kicking the glass out. There is also a partition separating the back cabin from the front. There is also protective glass on the back of the vehicle, to protect the back glass.

All of these items were included in their purchase price. Honolulu Police Department got it out of their old vehicles. They took equipment from their old vehicles and placed it in the new vehicles. They did not purchase new equipment. Comparatively, if you look at it, this is where the cost difference is. Hawai'i County Police asked for a turnkey car delivered to them. The only thing they had to put on it was the license plates.

The laptop is removable and has a docking station. However, it is not operational yet because they have not acquired contracts for the wire signals. Hopefully, they will have the contract within the next two months.

Commissioner Morimoto stated that the general public thinks they paid \$21,000 for nothing, and he asked if the police department would be issuing a statement to clarify this issue.

AC Ferreira stated that this information was provided to the media. As AC Tavares and Corporation Counsel Ashida stated, they don't have control over what is published. The explanation they put out does not necessarily get there. Their counter parts in Maui, Honolulu, and Kauai were all contacted regarding the cost of their vehicles and what they equip their vehicles with. They do not have a maintenance facility or shop to take care of equipment replacements like Honolulu does. Historically, they have not had many blue and whites to cannibalize. Normally, most of their blue and whites cannot fetch much of a return resale value because of the way the cars are run. They put a lot of mileage on them. One of their old SUVs was auctioned off for only \$25. Even the dealership wouldn't take it in.

One of the media representatives called and questioned him about the \$17,000 price tag for the computer, window bars, and radio as it was published in another media. He had that person come over to look at what they had. He was satisfied but he didn't see any article in the paper about it.

Commissioner Behenna stated that Volcano is having a Fourth of July parade in which the Police Department is participating. He asked if they could take these new vehicles to events such as this with an officer to answer questions about it. AC Ferreira stated that the Community Policing Officers have been told that anytime there is a function, the purpose of these vehicles is for high visibility and for county functions.

In response to Commissioner Sumja's inquiry, AC Ferreira stated that he believes that the majority of officers do take good care of the department's equipment. No matter where you work or what you do, there will be one or two people who will not take care of company equipment. They do have recourse for that, and they will take disciplinary action if necessary. However, these vehicles will get damaged. They will get abused, not by police officers, but by the public. They have had bottles and rocks thrown at officers' cars. This is not necessarily aimed at specific officers, but just to the vehicle itself. He believes that the majority of their officers take very good care of these cars. For the majority of the officers, that's their office. They are running around in their office, and they won't damage their office. The vehicles will get abused by the detainees more than by the officers.

Corporation Counsel Ashida stated that they, as commissioners, are in a unique position because they get the other half of the story, the county's perspective of what happened. When they talk about information that is out there, part of their responsibility is to insure that balanced information gets out there when they are

asked for it. Some of the facts have not found their way within the column width of their two daily newspapers. The whole reason this whole thing started getting momentum in the media was because of a SHOPO representative who filed a prohibitive practices complaint against the department, saying they were never conferred, that SHOPO was never conferred on this. What the article forgot to mention was the fact that this particular SHOPO representative actually sat on the task force that the County Council set up in order to look into obtaining these vehicles. It's not like this was some sneak attack that was thrown on SHOPO. SHOPO had representation during that process. This was a result of a longstanding effort by the West Hawaii Crime Stoppers who were proponents of this. It wasn't the Police Department that wanted it; it was the people who said, "Let's get it."

The police are taking licks in the media and AC Ferreira is being criticized because people are saying the cops spent all this money. They don't spend the money. They don't procure it. What they do is they set up the specs for what they want to purchase. They send it to County Finance. County Finance is the one that issues all the necessary purchasing documents to procure the item. The Police Department has no control. The Finance Department does it. The blogs are saying the Police Commission lacks oversight. The commission doesn't have oversight over the Finance Department. So if anybody complains about that, they should have the County Council's newly created auditor position audit the Finance Department because the Police Department did not buy these vehicles; the Finance Department did. He knows as a fact that the Finance Department followed state purchasing laws. When you get down to where things need to be changed, the state legislatures in Honolulu created the state procurement law, and they are the ones who are in a position to make the change. AC Ferreira gets the public criticism based on uneducated, uninformed public.

Corporation Counsel Ashida further stated that he is a member of the Big Island Press Club. In this month's newsletter the editor of the Press Club said that what happened to AC Ferreira in the West Hawaii Today's article by that new reporter was totally unethical and unfair, and that her characterization of him came across like he said, "Oh, I don't know." He didn't say, "I don't know." He said he didn't have that information and told her where to get it, but she didn't write that down. The Press Club openly publicly criticized that reporter for that mischaracterization. It's bad when the Press Club criticizes its own people for misinformation. He will forward the newsletter to the commission and AC Ferreira.

Chair Lassiter stated that she sat on the marked fleet committee for a year. There were twelve people on the committee. Four came from the Kona side, and all were advocates for high visibility of blue and white cars. She sat next to the SHOPO representative the whole year. He now acts like he didn't know what was going on, but he knew everything that was going on.

Corporation Counsel Ashida stated that he is not advocating that they get adversarial because the public doesn't differentiate between the police, SHOPO, the administration, and Crime Stoppers. Everybody looks bad. SHOPO is taking the hit. They're saying, "If these guys get these cars, then they better give back their car allowance." The uniformed public doesn't understand that the car allowance is part of what is negotiated in collective bargaining to make up for some of the shortfall for the salaries that the county can't afford to pay. Everybody knows and appreciates that they are underpaid.

INVESTIGATION AND DELIBERATION OF COMPLAINTS

STATEMENTS ON COMPLAINTS – None

EXECUTIVE SESSION (closed to the public)

Commissioner Kaiwi 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 Sumja seconded the motion, and it carried unanimously. Executive session convened at 10:35 a.m.

Regular session reconvened at 3:40 p.m.

ACTION ON EXECUTIVE SESSION MATTERS

- **HPC 08-08:** Complainant alleged that during an investigation of a disturbance in his neighborhood, officers went onto his property without a search warrant, invaded his privacy, violated his civil rights, and abused their police power. Commissioner Morimoto moved that there was insufficient evidence to prove the complainant's allegations. Vice Chair Whittemore seconded the motion that carried unanimously.
- **HPC 08-12:** Complainant alleged that officers trapped him into a DUI arrest. He also alleged that he sustained scrapes, bruises, and road rash and was endangered when he was transported with criminals. Commissioner Sumja moved that there was insufficient evidence to prove the complainant's allegations. Commissioner Morimoto seconded the motion that carried unanimously.
- **HPC 08-13A, B, C, D, E, F, G:** Complainant alleged that while attempting to leave a parking lot area, an officer put him in a headlock and sprayed him with pepper spray. Commissioner Behenna moved to defer the complaint to the next meeting in order for the commission to review a recording of the electronic control device. Vice Chair Whittemore seconded the motion that carried unanimously.
- **HPC 08-14:** Complainant alleged that while in her driveway looking out for traffic, an officer sped down the road and then came to a screeching stop. He gave her a

citation for driving into her path and told her to shut up. Chair Lassiter stated that the complaint will be deferred to the next meeting in Kona in order for the complainant to attend the meeting.

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS – None

ANNOUNCEMENTS

- Chair Lassiter announced that the Police Commission's next monthly meeting will be on July 18, 2008, at 9:00 a.m. in the Department of Liquor Control Conference Room, 101 Aupuni St., Suite 230, Hilo.
- Collection of files and documents. – Done

ADJOURNMENT

The meeting was adjourned at 4:05 p.m.

SUBMITTED:

Josie Pelayo

Josie Pelayo, Secretary

APPROVED:

Pudding Lassiter

Pudding Lassiter, Chair