

**HAWAI'I COUNTY POLICE COMMISSION
REGULAR SESSION MINUTES
FRIDAY, JULY 17, 2009
KONA DEPARTMENT OF LIQUOR CONTROL**

INVOCATION

Commissioner Sumja gave an invocation.

CALL TO ORDER

Chair Whittlemore called the meeting to order at 9:10 a.m.

ROLL CALL (A quorum was present.)

Present:	Tom Whittlemore Chair	Also Present:	Harry S. Kubojiri, Police Chief
	Richard J. Behenna, Commissioner		Marshall Kanehailua, Assistant Chief
	Carol R. Ignacio, Commissioner		Derek Pacheco, Assistant Chief
	Donn S. Mende, Commissioner		Henry Tavares, Assistant Chief
	Melvin S. Morimoto, Commissioner		James O'Connor, Captain
	Michael B. Sumja, Commissioner		Lincoln S. Ashida, Corporation Counsel
			Josie Pelayo, Secretary

Absent: Louis Kaiwi, Commissioner
Anita Politano Steckel

APPROVAL OF AGENDA

Commissioner Sumja moved to approve the agenda. Commissioner Ignacio seconded, and it carried unanimously.

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

ROSALYN EMBREY (Correspondence 09-15) stated that times are hard, but they need more police in Ocean View. It's the biggest subdivision. She works in Kona. While she was working, her home was burglarized and her home and car were graffitied. It seems like people are blocking the police. Some people in Ocean View want the police out; she doesn't. They need more money for the police. She's on the neighborhood watch which is made up mostly of elderly people. She does not want the police out of Ocean View. There would be chaos.

APPROVAL OF MINUTES

Commissioner Sumja moved to approve the minutes of May 15, 2009, regular and executive sessions. Commissioner Ignacio seconded, and it carried unanimously.

PERSONNEL ORDERS

Commissioner Mende moved to accept Personnel Orders Nos. 2009-048 to 2009-069. Commissioner Sumja seconded, and it carried unanimously.

COMMUNICATIONS

- Correspondence 09-12, request for legal counsel from Detective Benton Bolos in CV 09-236 SPK KSC. Commissioner Morimoto moved to accept for filing and to discuss in executive session. Commissioner Sumja seconded, and it carried unanimously.

- Correspondence 09-13, invitation from the Hawai'i State Law Enforcement Officials Association to its annual conference September 23-25, 2009. Chair Whittemore stated that the all counties are faced with budget issues, and this conference does not have enough civilian oversight items. Commissioner Sumja moved that due to the lack of civilian oversight subjects, they will not attend. Commissioner Ignacio seconded, and it carried unanimously.
- Correspondence 09-14, invitation from the National Association for Civilian Oversight of Law Enforcement to its annual conference October 31-November 3, 2009. Commissioner Sumja stated that last year, he and Commissioner Behenna attended. It was a worthwhile conference, and he strongly recommend that someone attend. Corporation Counsel Ashida stated that if they want to go through the training, they should not be discouraged. There is committee that reviews all out-of-state requests. Commissioner Morimoto stated that next year they will be hosting the state conference, and more money will be needed. They have a state level commitment. Chair Whittemore asked the Finance Committee to review the commission's travel budget. Commissioner Sumja moved to accept the correspondence. Commissioner Ignacio seconded, and it carried unanimously.
- Correspondence 09-15, from Rosalyn Embrey informing about a burglary of her home and the need for more police protection. Commissioner Behenna moved to accept. Commissioner Morimoto seconded, and it carried unanimously.
- Honolulu Police Commission Minutes of May 6 and 20, 2009. Commissioner Sumja moved to accept. Commissioner Ignacio seconded, and it carried unanimously.

COMMITTEE REPORTS

- **Budget and Finance (Kaoiwi/Mende):** No report.
- **Office Management and Staffing (Whittemore):** No report.
- **Rules and Policies (Behenna/Sumja):** Commissioner Behenna stated that Josie send out a memo asking for input. Nothing resulted from the memo, and they can't move on to the next step to discuss suggestions. Chair Whittemore stated that he and Commissioner Morimoto shared their input, and he would like the committee to share their input. Commissioner Behenna stated he would like to spend about an hour at the next meeting to discuss this. This would be after discussion with Lincoln Ashida. Chair Whittemore stated that he wants all the commissioners to see what they have in advance. Commissioner Behenna stated that they will meet with Corporation Counsel, and then it will go out to everyone in advance. Chair Whittemore stated that they could have a special meeting to go over the rules. He will work with Josie on a meeting date sometime in September.
- **Contractual Services (vacant):** No report.
- **Public Relations/Information (Politano Steckel/Ignacio):** Chair Whittemore told Commissioner Ignacio that Commissioner Politano has been involved with the committee,

and she could bring her up to speed. They should look into the public perspective and working with the Chief and the department.

- **Complaints Review (Kaoiwi/Morimoto):** No report.

CHIEF'S REPORT

Including:

- **Crime:** A.C. Tavares summarized the written report. Even with the downturn in the economy, nothing stands out for the past fiscal year. Regarding Ms. Embrey's case, her stolen car was recovered, and the case was turned over CIS. She did receive a letter to that effect and given Detective Bird's name and phone number. Officers are encouraged to keep victims informed, but there is no time limit.
- **Traffic:** A.C. Pacheco reported that all numbers for accidents and fatalities are down this fiscal year over last year. Normally when someone is arrested for DUI, there are other charges. Commissioner Morimoto inquired about aggressive driving and was told that it involves passing on a solid line, tailgating, and cutting people off. It's usually hard to enforce with vehicles with the blue light on top, so the unmarked vehicles help.
- **Personnel:** A.C. Kanehailua reported that they are fully staffed with sworn personnel. They have 35 officers in various stages of training. They will be selecting a major for administration. The lieutenant's test was taken the day before. Two dispatch positions will be filled in August. They are still having difficulty filling the school crossing guard positions. The position only works two hours a day. They received approval from ERC to fill the Accountant III and Accountant I positions. Six officers are on long-term deployment. Chief Kubojiri stated that there will be a promotion to major in administration on August 2.
- **Finance:** A.C. Kanehailua reported that the fiscal year budget has been approved.
- **Commendations:** Chief Kubojiri commended the troops on the visit by the Emperor of Japan. It took a lot of planning, and about 80 personnel made it happen. The Emperor arrived safely and left safely. They received 24 commendations since the last meeting.
- **Other Departmental Activities:** Chief Kubojiri reported that in June, they put out an online community satisfaction survey. They wanted to find out how the public perceived them and how they could improve. They received just over 300 surveys; he was expecting more. The community was pretty much satisfied. A lot was not so much improving what they do, but how they do it. Corporation Counsel's website explained why people are arrested and then released. They had a lot of comments relating to that. Commissioner Ignacio stated that the survey was through the website. They need to use other avenues to get a broader response. Chief Kubojiri stated that they realize that, and have been going out to community meetings. Commissioner Behenna stated that they need multiple ways of getting the word out. There is never a perfect survey. He complimented the Chief in making the results public in a timely fashion. They need a press release of what was done and what will be next.

Chief Kubojiri reported that their main objective for giving out citations, is to lower the fatality rate. They look at areas of heavy accidents and the causation factors to lower the rate. All monies from citations go to the State, not the County.

Chief Kubojiri reported that they hope to put in a formal CALEA application next year. Basically, it's national standards for the police department and its employees. Standards are not for the police commission. Information can be obtained from the CALEA website.

Recess was called at 10:30 a.m. The meeting reconvened at 10:39 a.m.

INVESTIGATION OF COMPLAINTS

STATEMENTS ON COMPLAINTS: None

(THIS SECTION OF THE MEETING IS CLOSED TO THE PUBLIC)

EXECUTIVE SESSION: Commissioner Behenna moved to meet in executive session to consider discipline and charges against officers or employees of the Hawai'i County Police Department where consideration of matters affecting privacy will be involved 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 Hawai'i County Charter Section 13-20 (b). Commissioner Sumja seconded, and it carried unanimously. Executive session convened at 10:40 a.m.

Regular session reconvened at 2:14 p.m.

ACTION ON EXECUTIVE SESSION MATTERS

Complaint HPC 09-16: Complainant alleged that his traffic stop and arrest for DUI was a warrant-less stop. Commissioner Morimoto moved that there was insufficient evidence to prove the complainant's allegations. Commissioner Mende seconded, and it carried unanimously.

Complaint HPC 09-19: Complainant made a report of a TRO violation. She alleged that the responding officer lacked the professionalism to be a police officer. Commissioner Behenna moved that there was sufficient evidence to prove the complainant's allegations. Commissioner Morimoto seconded, and it carried unanimously.

Complaint HPC 09-23: (Request for Reconsideration) Complainant alleged that during her arrest, an officer used excessive and unnecessary force. At the previous meeting, the commission found insufficient evidence to prove the complainant's allegations. The complainant requests a reconsideration of the commission's decision. No motion was made. The commission's previous decision will stand.

Complaint HPC 09-24: Complainant was involved in a traffic stop. He alleged that he was held at gunpoint, handcuffed, and made to lay face on the road while being interrogated. His wife and children watched the ordeal. The officers were later informed that they had the wrong guy, and he was released. Commissioner Behenna moved to defer for a positive identification of the officers involved and to encourage the officers to attend the meeting. Commissioner Sumja seconded, and it carried unanimously..

Complaint HPC 09-27: Complainant alleged that he drove through a red light because it was faulty, and that the officer who cited him was disrespectful and unprofessional. Commissioner Morimoto moved that there was insufficient evidence to prove the allegations. Commissioner Ignacio seconded. The motion died with noes from Sumja and Whittemore.

Complaint HPC 09-31: Complainant stated that she unfastened her seatbelt at a stop light to put on a shirt. She alleged that a vehicle followed her in an intimidating and aggressive manner just inches away from her bumper, for three traffic lights. That vehicle turned out to be a police officer. She alleged that he stopped her and was rude and disrespectful. Commissioner Morimoto moved that there was insufficient evidence to prove the allegations. Commissioner Mende seconded. The motion carried with an abstention from Sumja.

Complaint HPC 09-33: Complainant was involved in a domestic dispute. He alleged that during his arrest, an officer used full force on him, used profanity, and threatened him. He also alleged that he was not allowed to file charges against his ex-wife. Commissioner Behenna moved that there was insufficient evidence to prove the allegations. Commissioner Ignacio seconded, and it carried unanimously.

CORRESPONDENCE 09-12

Request for legal counsel by Detective Benton Bolos in CV08-1-0149. Commissioner Behenna moved to approve the request for legal counsel. Commissioner Ignacio seconded the motion, and it carried unanimously.

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS: None.

ANNOUNCEMENTS

- Chair Whittemore announced that the next monthly meeting will be on August 14, 2009, at 9:00 a.m., at the Department of Liquor Control, Hilo Lagoon Centre, 101 Aupuni St., Suite 230, Hilo. He further announced that at the next meeting they will have budget information, will evaluate the Chief, and go over the rules and regulations.
- Collection of files and documents: Done.

ADJOURNMENT

The meeting was adjourned at 2:40 p.m.

SUBMITTED:

Josie Pelayo

JOSIE PELAYO, SECRETARY

APPROVED:

Tom Whittemore

TOM WHITTEMORE, CHAIR