

**HAWAII COUNTY POLICE COMMISSION
REGULAR SESSION MINUTES
JULY 18, 2008
DEPARTMENT OF LIQUOR CONTROL, HILO**

INVOCATION

Commissioner Kaiwi gave an invocation.

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
	Thomas P. Whittemore, Vice Chair		Harry S. Kubojiri, Deputy Chief
	Richard J. Behenna, Member		Paul Ferreira, Assistant Chief
	Louis Kaiwi, Member		Derek Pacheco, Assistant Chief
	Karolyn P. Lundkvist, Member		Henry Tavares, Assistant Chief
	Melvin S. Morimoto, Member		James O'Connor, Captain
	Anita Politano Steckel, Member		Lincoln S. Ashida, Corporation Counsel
	Michael B. Sumja, Member		Josie Pelayo, Secretary

APPROVAL OF AGENDA

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

STATEMENTS ON AGENDA ITEMS

BILL EGGER spoke on behalf of Meidor Hu (Correspondence 08-15) since she was unable to attend the meeting. The incident was a dog attack incident. She has a dog that she normally walks on a leash. The six pit bulls are usually kenneled. She was not particular nervous because the family was there. She was attacked by the six dogs. She has a photograph of her injuries. The sense is that nobody in county government cares. They tried to get the police report right away. They called the records department, and they said they didn't have it. About two months later she was told that a police report was available. Almost all the information on the form is redacted. This report was completed about 5-6 days after the event. The records department was very nice, and told him that they abide by the open records law. The law states they have to get the report within ten days. There may be civil processes here. This case is getting cold. It seems to be that the police do not give much attention to this matter. Chair Lassiter stated that they will work with Ms. Hu to help her.

APPROVAL OF MINUTES

Commissioner Kaiwi moved to approve the minutes of June 20, 2008, regular and executive sessions. Vice Chair Whittemore seconded the motion, and it carried unanimously.

PERSONNEL ORDERS

Commissioner Kaiwi moved to accept Personnel Orders 2008-52 to 208-61. Vice Chair Whittemore seconded the motion, and it carried unanimously.

COMMUNICATIONS

Commissioner Kaiwi moved to accept the communications as listed. Vice Chair Whittemore seconded the motion. Discussion: Regarding Correspondence 08-14, National Association for Civilian Oversight of Law Enforcement (NACOLE) annual conference, Commissioners Lassiter, Behenna, Whittemore, and Ms. Pelayo will attend. Chair Lassiter stated that she will make her own arrangements to fly to the mainland.

COMMITTEE REPORTS

- Budget and Finance (Whittemore/Kaiwi) – No report.
- Office Management and Staffing (Lassiter/Morimoto) – No report.
- Rules and Policies (Behenna/Sumja) – No report.
- Contractual Services (vacant) – No report.
- Public Relations/Information (Lassiter/Behenna) – No report.

CHIEF'S REPORT

Including:

- Crime: AC Henry Tavares briefly summarized the written crime report. Commissioner Behenna asked to have the data segregated by district.
- Traffic: AC Derek Pacheco briefly summarized the written traffic report. Their aggressive driving enforcement has been quite effective, despite being short two people.

Vice Chair Whittemore stated that he noticed a startling number of citations in June, a 90% jump since May. It seems like the traffic count doubled. He asked if there was a special effort to catch up. A.C. Pacheco stated that normally when school gets out, there is more traffic. There was no effort to catch up.

Commissioner Whittemore inquired whether cars, involved in accidents and having no insurance, could be seized, sold, and the money used to repair the cars. A.C. Pacheco stated that seizing vehicles would have to be addressed at the state level. Chief Mahuna stated that there is a statewide law enforcement coalition. If this is a big issue, they could try to introduce it. They would need statistical data that is consistent with the law.

Vice Chair Whittemore requested a geographical breakdown of the DUIs.

Commissioner Behenna asked what the difference was between a goal and a quota. Chief Mahuna stated that if a quota is not obtained, something punitive will happen. With a goal, there is no negative consequence. He is absolutely confident that a quota system is not happening in this county.

Commissioner Kaiwi stated that officers need to be careful when filling out citation forms and checking the correct boxes. He spoke of a situation where the matter was taken to court, and the paid citation had to be refunded.

Commissioner Morimoto stated that the speed boards in Kona have helped a lot. He asked if the department could work collaboratively with the newspapers to let the public know that they are out there enforcing speed limits, and that accidents are related to speeding and DUI. AC Pacheco stated that they will work with Traffic Services.

- **Personnel:** AC Ferreira reported that they have 7 civilian and 47 sworn vacancies, 20 of which are in the new recruit class. Two cadets are transitioning into the recruit class. They currently have 101 applicants who will participate in the upcoming agility test. Normally one-third of the applicants do not pass the agility test, and a number do not show up. They have a lot of officers who are eligible for retirement, but they have not had any notices. Based on attrition, they usually lose about ten officers a year.
- **Finance:** AC Ferreira reported that they are working on their 2008-09 budget. The council members have been very supportive of the police department. It doesn't hurt for the commissioners to talk to their council members about giving money to their district,

Commissioner Kaiwi pointed out that dispatch has a lot of overtime, and that they must have a lot of sick leave. AC Ferreira stated that dispatch is a high stress position. They have held meetings with HGEA to find ways to make the job easier.

Vice Chair Whittemore commended the department for coming in under their budget. He expressed concern about losing grant monies, particular the Pahoia Weed and Seed and the Young Driver's DUI. AC Ferreira stated that grant monies do not go along with the county's fiscal year, and that they will not lose the funds. They have to go before the council for every new grant that they receive.

Commissioner Kaiwi asked what would happen now that the county did not accept the marijuana eradication grant. AC Ferreira stated that they will still continue enforcement.

Commissioner Behenna stated that he went through dispatch. The place is not set up for stress relief. He asked to see their exit interview form. AC Ferreira stated that during the exit interview, the supervisor sits in and issues are directed to HR.

AC Ferreira reported that the Pahoia substation was included in the bond float. It is in the design stage and will be right next to the fire station. They are using state funds, so the road needs to meet state standards.

- **Commendations:** Deputy Chief Kubojiri reported receiving seven commendations since the last meeting.
- **Other Departmental Activities:** Deputy Chief Kubojiri stated that they brought down two new marked vehicles, a Crown Victoria and Ford Expedition, for the commissioners to look at.

Deputy Chief Kubojiri stated that they conducted district visits this week. He and Lieutenant Kawamoto conducted in-service Taser training on the west side of the island. They are doing an analysis on injuries sustained with the use of the Taser.

Deputy Chief Kubojiri reported that over the last several months, they had been meeting with the media to establish the role and responsibilities of the police department. The media has complained about not getting information in time for their deadlines. The media was given a tour of the cellblock, processing area, word processing center, and dispatch. The tour enabled them to see exactly what police work entailed and how the volume of work has caused a backlog in the WPC. They will try to do this once a month. West Hawaii showed up only in the beginning. Vice Chair Whittemore asked that they do this at the Kona station also, and have AC Tavares handle it. They do have a big readership in West Hawaii.

Commissioner Lundkvist questioned the feasibility of a shift rotation of 4 days on, 3 days off like they do on Maui. Deputy Chief Kubojiri stated that he doesn't know what the Maui schedule is like. However, Honolulu had 12-hour shifts, but they have problems with officers not being able to get back to people for four days because of their days off. Many of the officers had taken on second jobs.

Commissioner Lundkvist stated that she went on a ride-along in Puna. A lot of the young kids on ATVs seem to have taken over the roads. Deputy Chief Kubojiri stated that this is an issue that officers look out for. They have had fatalities and serious injuries involving ATVs. The commanders give them weekly reports on citations for ATVs. A lot of them involve young children. In Hamakua a lot of them use it on ranchland. Commissioner Sumja stated that they need to educate the parents. Deputy Chief Kubojiri stated that they have put out media releases on the dangers of ATVs and their enforcement efforts.

Commissioners Behenna stated that as a new commissioner, he hears the most about dogs. He wants to know more about it so that he is able to respond to people. Deputy Chief Kubojiri stated that locale has a lot to do with it. They inform the Human Society about calls of dogs running loose. If the animal bites or attacks someone, they initiate a case on it. They have had difficulty with vicious dogs. When there is more than one dog, differentiating which dog is a problem. When dogs are habitually loose, the Humane Society can issue a citation.

Recess was called at 10:28 p.m. The meeting reconvened at 10:40 a.m.

INVESTIGATION AND DELIBERATION OF COMPLAINTS

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

EXECUTIVE SESSION (closed to the public)

Commissioner Kaiwi moved to meet in executive 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). Vice Chair Whittemore seconded the motion, and it carried unanimously. Executive session convened at 10:41 a.m.

Regular session reconvened at 3:10 p.m.

ACTION ON EXECUTIVE SESSION MATTERS

- **HPC 08-06:** Complainant alleged that during a traffic stop, another officer who was not in uniform, threatened him and struck his car with his hand and dented it. Commissioner Kaiwi moved that there was insufficient evidence to prove the complainant's allegations. Commissioner Whittemore seconded the motion, and it carried unanimously.
- **HPC 08-07:** Complainant alleged that during a traffic stop, he was manhandled and put onto the ground. Commissioner Morimoto moved that there was insufficient evidence to prove the complainant's allegations. Commissioner Sumja seconded the motion, and it carried unanimously. Corporation Counsel Ashida will give a report back to the Mayor.
- **HPC 08-09:** Complainant alleged that an unidentified male banned him from the library for six months. Commissioner Lundkvist moved to decline further investigation because the complaint was received more than 60 days from the date of the incident. Commissioner Sumja seconded the motion, and it carried unanimously.
- **HPC 08-10:** Complainant alleged that unidentified males and female arrested him for not appearing in court. Commissioner Morimoto moved to decline further investigation because the complaint was received more than 60 days from the date of the incident. Commissioner Lundkvist seconded the motion, and it carried unanimously.
- **HPC 08-11:** Complainant alleged that officers used an electronic control device on a man under his house. Commissioner Kaiwi moved that there was insufficient evidence to prove the complainant's allegations. Commissioner Morimoto seconded the motion, and it carried unanimously.
- **HPC 08-13A-G:** Complainant alleged that an officer sprayed him with pepper spray while he was attempting to leave a parking lot. Commissioner Kaiwi moved that there was insufficient evidence to prove the complainants allegations. Commissioner Morimoto seconded the motion. It carried with ayes from Commissioners Whittemore, Morimoto, Kaiwi, Politano Steckel, and Lundkvist. Commissioners Behenna and Sumja voted no. Chair Lassiter abstained.
- **HPC 08-15:** Complainant alleged that an officer harassed her in and out of school. Commissioner Lundkvist moved that there was insufficient evidence to prove the complainant's allegations. Commissioner Behenna seconded the motion, and it carried unanimously.

- **HPC 08-16:** Complainant alleged that an officer said he made a terror threat. Commissioner Morimoto moved that there was insufficient evidence to prove the complainant's allegations. Vice Chair Whittemore seconded the motion, and it carried unanimously.

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

ANNOUNCEMENTS

- Chair Lassiter announced that the Police Commission's next monthly meeting would be on August 22, 2008, at 9:00 a.m. at the King Kamehameha Beach Hotel, 75-5660 Palani Rd., Kailua-Kona. Corporation Counsel Ashida stated that he would not be at the meeting, but that he could be reached by cell phone.
- Corporation Counsel Ashida stated that his office would be able to email meeting documents to the commissioners who want it before the U.S. Postal Service mail. Documents will be emailed to Commissioners Behenna and Sumja.
- Chair Lassiter reminded the commissioners to visit their district station and report back at the next meeting.
- Collection of files and documents. – Done.

ADJOURNMENT

The meeting was adjourned at 3:20 p.m.

SUBMITTED:

Josie Pelayo
JOSIE PELAYO, SECRETARY

APPROVED:

Pudding Lassiter
PUDDING LASSITER, CHAIR