

**HAWAI'I COUNTY POLICE COMMISSION
REGULAR SESSION MINUTES
AUGUST 24, 2007
HAWAI'I COUNTY COUNCIL**

INVOCATION

Commissioner Kaiwi gave a blessing.

CALL TO ORDER

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

ROLL CALL

Present:	Pudding Lassiter, Chair	Also present:	Lawrence K. Mahuna, Police Chief
	Louis Kaiwi, Commissioner		Harry S. Kubojiri, Deputy Chief
	Karolyn P, Lundkvist, Commissioner		James Day, Assistant Chief
	Betsy Mitchell, Commissioner		Derek Pacheco, Assistant Chief
	Kaloa R. N. Robinson, Commissioner		Duane Rapoza, Captain
	Anita Politano Steckel, Commissioner		Marshall Kanehailua, Captain
	Michael B. Sumja, Commissioner		Kay Oshiro, Accountant
	Thomas Whittemore, Commissioner		Craig Masuda, Deputy Corp. Counsel
			Josie Pelayo, Secretary

Absent: Melvin S. Morimoto, Vice Chair

A quorum was present.

APPROVAL OF AGENDA

Commissioner Lundkvist moved and Commissioner Sumja seconded to approve the agenda. The motion carried unanimously.

STATEMENTS ON AGENDA ITEMS - None

APPROVAL OF MINUTES

Commissioner Lundkvist moved and Commissioner Politano Steckel seconded to approve the minutes of July 20, 2007, regular and executive sessions. The motion carried unanimously.

PERSONNEL ORDERS

Commissioner Lundkvist moved and Commissioner Sumja seconded to accept the Personnel Orders as listed. The motion carried unanimously.

COMMUNICATIONS

Commissioner Kaiwi moved and Commissioner Sumja seconded to accept the communications as listed. The motion carried unanimously.

COMMITTEE REPORTS

- **Budget and Finance** (Whittemore/Kaoiwi): Commissioner Whittemore reported that shortly following their last meeting, he and Commissioner Kaoiwi met with Accountant Kay Oshiro and Major Ferreira to go over the budget process. The process is still preliminary.

Ms. Pelayo stated that the commission also needs to submit its budget.

- **Office Management and Staffing** (Lassiter/Morimoto): No report.
- **Rules and Policies** (Lundkvist/Mitchell): No report.
- **Contractual Services** (vacant): No report.
- **Public Relations** (Politano/Robinson): Commissioner Politano Steckel reported that Momi Cazimero would be making a presentation on the Fallen Officers' Monument.

CHIEF'S REPORT

Including:

- **Crime:** A.C. Day reported that the July crime report has only one month's statistics, making it easier to understand. There was no discussion.
- **Traffic:** A.C. Pacheco reported that the traffic numbers are down. They have started their campaign on unsafe vehicles—excessively large tires, tint, etc. Regarding illegal vehicles, many times they find that the safety sticker do not belong on the vehicle.

A.C. Day stated that sometimes, people will have their safety check done with legal tires, and then change back to large tires after the safety check.

- **Personnel:** Captain Rapoza reported having 68 sworn vacancies. They have three recruit classes in progress. All new recruits will be assigned to Kona because that district normally has more vacancies. They do not have a subsidy program for those from out of town to train in Hilo. Having recruit classes on both sides of the island is not feasible. Cadets get paid, and it gives them an opportunity to see if they really want to be in the profession. Training is only for three hours a week. They will be added to the training pool when they reach 21.

Commissioner Politano stated that in past meetings, they were concerned about a large number of applicants not passing the written test. She asked if there could be a tutorial program, something to make people more comfortable about taking the test.

Captain Rapoza stated that Borders has books about taking Civil Service tests. They want qualified applicants. It is not their job to teach them to read and write. They train people to be police officers. It's not necessarily the smartest person to be a police officer, but the right person.

- **Finance:** Accountant Kay Oshiro reported that she distributed the approved fiscal year budget for 2008.

Chair Lassiter stated that they would like to reallocate the Secretary's position and inquired into the process. Ms. Oshiro stated that it has to go through the Chief's office.

Commissioner Kaiwi questioned whether they had enough funds for overtime. Ms. Oshiro stated that every year they ask the Council not to remove the vacant positions so that they could use it to pay for overtime. At this point, they do have enough money for overtime.

- **Commendations:** Chief Mahuna reported receiving eight commendations, involving 42 employees, since the last meeting. Chief Mahuna reported that the new cadet class will start on October 1, in the training room, and they would like to have the commissioners welcome them.
- **Commander's Meeting Minutes of July 17, 2007:** No discussion.
- **Other Departmental Activities:** Chief Mahuna reported that this is the first time in a long time they have this many recruits in training, about 35. When all the recruits complete their training, they will have only thirty something vacancies. Regarding the cadet program, they are working on a phase where they will reimburse the cadet for college tuition. He doesn't feel that their tests are too hard. Reading comprehension is the responsibility of the Department of Education. Those who slide through school may have problems with reading comprehension. Writing skills require reading comprehension. They have a large General Orders manual which all officers must be able to read and comprehend. They do have people who can pass the test. The police department wants a 25-year commitment. Regarding stipends for people living on another part of the island such as Kona, the County Council would have to make that determination. It has to be generated by the union.

Commissioner Sumja reported that the people in Kohala feel that they are revolving door for people in training. They are ready, willing, and able to help and keep some permanency in their outlying district. Chief Mahuna stated that they are looking for a permanent captain for that district, someone who will stay for longer than two years.

Commissioner Kaoiwi commended the police department for the recent marijuana in bust in Kalapana.

Chair Lassiter complimented Chief Mahuna on his presentation at the last commanders' meeting. His message was very heartwarming.

Momi Cazimero reported on the status of the police memorial for fallen officers. She submitted an outline of her ideas and briefly summarized it. She would like to have the memorial in an area accessible and visible to the public. She is concerned about vandalism and suggested placing it at the entrance to the police station in the open lanai area. Commissioner Politano Steckel stated that she and Commissioner Robinson would work with her.

Recess was called at 10:30 a.m. The meeting reconvened at 10:50 a.m.

INVESTIGATION AND DELIBERATION OF COMPLAINTS

EXECUTIVE SESSION (closed to the public)

Commissioner Robinson moved and Commissioner Whittemore 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 will be involved and a closed session is requested 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). The motion carried unanimously.

Executive session convened at 10:51 a.m.

Regular session reconvened at 12:36 p.m.

STATEMENTS ON COMPLAINTS

JILL RITTER (Complaint HPC 07-24) stated that she was assaulted by seven or more officers at Pahoehoe 7-11. Her life has not been the same since March 31. She has neuropathy in her hands from being in handcuffs for over three hours. She was in hiding for ten days because she was scared. She was diagnosed with Bells Palsy from being slammed on the car door. She would like to have an investigation. Would like to know how many officers threw her around like a rag doll. They need to be held accountable. Her complaint is against Officers Lee Loy, Mohica, and Leite. There were seven or ten officers there, maybe more. Sharon Warner, her mother, showed photos of her injury. She also gave the commission her journal.

JOEL VELEZ (Complaint HPC 07-40) stated that he's going through a divorce, and he had his children for the weekend. He has child visitation through the YMCA. He was at

South Point when he saw his wife there. She has a TRO against him. She came up to his car, broke her own TRO, and started yelling at his girlfriend. Her boyfriend wanted to fight and started swinging at him. A fisherman broke it up. There were two cops up the road, and he went to them to make a complaint, but they wouldn't take it because the officers are friends of John Masters. He also told them to arrest John Masters for DUI and no child seat, but they wouldn't do it. So, he drove to Hilo that night to make the complaint. His wife and her boyfriend made a counter complaint two weeks later. This incident occurred days after he tried to get a TRO against his wife, but the judge denied it.

DAVID SHINN (Complaint HPC 07-29) stated that an officer asked him questions then came in room. Asked him to sign paper. Said Jim Cubic said you point finger like pointing gun. Officer asked for social security number. Officer asked him to sign paper. He said he couldn't sign because he didn't read. Said see you in court. Officer did not explain signing the paper. He never met the officer before.

STEVEN STRAUS (Regarding Ms. Ritter) questioned the commission's investigative process.

Deputy Corporation Counsel Masuda stated that it is like screening. If the board thinks there is sufficient evidence, they may refer the complaint to the police for an investigation.

JOSEPH SUDOL (Complaint HPC 07-30 and HPC 07-31) showed photos of his injury as a result of the incident. He stated that he went to Starbucks for coffee. He saw these guys, who looked at him. He went to his car, and saw these guys outside. He was scared, so he went around the building to go inside. He was tackled and he knew his face was going to hit the pavement. He yelled and yelled and was told to shut up. He did not know he was an officer of the law. When he was cuffed and on the ground, then he knew the man was an officer of the law. He found out what he was arrested for when he went to court. This all happened for traffic violations.

Commissioner Kaiwi asked if he received medical care when he went to the cellblock.

Sudol stated that the officer who arrested him gave him medical assistance. He did get medical care in the beginning. The paramedics were waiting when he got there. Before he was processed, he went to the hospital. Internal Affairs was also called, and they showed up at the hospital.

COUNCILWOMAN EMILY NAEOLE stated that she didn't realize she was going to meet up with all these people and then saw all the police officers. She is a mother and a councilperson, and she takes very serious what's going on. Jill Ritter is one of the people from her community. She heard what happened, and then she heard what

happened to this boy. She is going to take some steps, her own steps to do some things. She doesn't think she like tolerate this kinds stuffs. They cannot let nothing slide. She's going to start getting on the phone and start making calls. She would never tolerate if her son had to go through this kind of crap, and they let it all slide.

Deputy Corporation Counsel Masuda told Mrs. Naeole, that with all due respect, the commission understands their duty. They have heard the evidence, they have heard the testimony, they have reviewed the file and the evidence before them, and they will rule accordingly. He is sure she is not telling the commission to abrogate their duty, and that she wants everybody to get a fair shake. Mrs. Naeole agreed.

GEORGE KAI, JR. (Complaint HPC 07-32) read his written statement in which he stated that Ms. Kuikahi went up to Officer John Weber and said, "Excuse me, why are you taking our pictures?" Officer Weber then said, "Fuck you bitch, get your ass back there." He told Officer Weber to show some class and that he was talking to a Kamehameha School teacher. They were yelling back and forth. Officer Weber continued to yell and swear and told the patrolman inside to arrest him. Officer Weber also told him, "Fuck your civil rights, I'm a police officer." He talked to Officer Weber's supervisor, Acting Lieutenant Steven Correia about the incident. The police department is making a criminal complaint.

TOM ANTHONY stated that Mr. Masuda mentioned something about screening. He asked for an explanation on the screening. He got a distinct impression that this whole thing is an exercise in futility. They get their complaints filtered or screened.

Chair Lassiter stated that they are volunteers from each district. They hear why people are there. They talk about it amongst themselves and see if there is sufficient evidence to turn it over to the police department. They are not in the position to go out and arrest somebody.

Anthony stated that Mr. Shinn made a complaint to the Police Chief and they referred him to the commission. He asked if the police department is using the commission to filter their complaints.

EXECUTIVE SESSION (closed to the public)

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Executive session convened at 2:10 p.m.

Regular session reconvened at 2:44 p.m.

ACTION ON EXECUTIVE SESSION MATTERS
INVESTIGATION AND DELIBERATION OF COMPLAINTS

- **Complaint HPC 07-24:** Complainant was arrested for possessing an electronic stun gun while at a store. She alleged that an arresting officer was physically and verbally abusive. Commissioner Robinson moved and Commissioner Lundkvist seconded that there was sufficient evidence to prove the complainant's allegations. The motion carried unanimously.
- **Complaint HPC 07-29:** Complainant alleged that while conducting an investigation, an officer did not identify himself. He also complained about the manner in which the officer conducted the investigation. Commissioner Robinson moved and Commissioner Sumja seconded to refer the complaint to the Chief for customer service, procedural, and operational concerns as presented in the complaint. The motion carried unanimously.
- **Complaint HPC 07-30:** Complainant alleged that during his arrest, an officer used excessive force. Commissioner Robinson moved and Commissioner Sumja seconded that there was insufficient evidence to prove the complainant's allegations. The motion carried unanimously.
- **Complaint HPC 07-31:** Complainant alleged that a male cell block worker refused to give him medical attention. Commissioner Kaiwi moved and Commissioner Sumja seconded to refer the complaint to the Chief for procedural and operational concerns as presented in the complaint. The motion carried unanimously.
- **Complaint HPC 07-32:** Complainant alleged that while at the police station after bailing her brother out, an officer used profanity against her. Commissioner Robinson moved and Commissioner Kaiwi seconded that there was sufficient evidence to prove the complainant's allegations. The motion carried unanimously.
- **Complaint HPC 07-33:** Complainant's husband called the police for assistance because he was afraid she would harm herself. She complained about being brought to the hospital in her pajamas and being handcuffed. Commissioner Kaiwi moved and Commissioner Robinson seconded that there was insufficient evidence to prove the complainant's allegations. The motion carried unanimously.
- **Complaint HPC 07-34:** Complainant alleged that during her arrest, she was kicked and kneed. Commissioner Robinson moved and Commissioner Kaiwi seconded that

there was insufficient evidence to prove the complainant's allegations. The motion carried unanimously.

- **Complaint HPC 07-35:** Complainant alleged that during her arrest, an officer treated her roughly and threw her on top of a glass table, breaking a piece of glass. Commissioner Robinson moved and Commissioner Lundkvist seconded that there was sufficient evidence to prove the complainant's allegations and to refer the complaint to the Chief for an Internal Affairs investigation. The motion carried unanimously.
- **Complaint HPC 07-37A and 37B:** Complainants alleged that during their arrest, two officers used a lot of profanity and unnecessary gun pointing at their young children, and told the children many times that they would kill their dogs. They also alleged that one officer sexually harassed their teenage daughter. Complainants also alleged that while at the police station, an officer used profanity against his sister who had bailed him out. Commissioner Robinson moved and Commissioner Kaoiwi seconded that there was sufficient evidence to prove the complainant's allegations and to refer the complaint to the Chief for an investigation by Internal Affairs. The motion carried unanimously.
- **Complaint HPC 07-40:** Complainant alleged that two officers in Ka'u would not take his complaint of being assaulted and his wife violating her TRO against him because the officers were friends of the assailant. He had to go to Hilo to file his complaint. Commissioner Robinson moved and Commissioner Kaoiwi seconded that there was sufficient evidence to prove the complainant's allegations and to refer the complaint to the Chief for an investigation by Internal Affairs. 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 September 21, 2007, at 9:00 a.m. in the Waimea Civic Center Conference Room, 67-5189 Kamamalu St., Waimea (next to police station).
- Chair Lassiter announced that Commissioner Robinson will give the graduation address at the next recruit graduation.
- Collection of files and documents. – Done

ADJOURNMENT

The meeting was adjourned at 3:10 p.m.

SUBMITTED:

APPROVED:

JOSIE PELAYO, SECRETARY

PUDDING LASSITER, CHAIR