

**HAWAI'I COUNTY POLICE COMMISSION
REGULAR SESSION MINUTES
OCTOBER 20, 2006
AUPUNI CENTER CONFERENCE ROOM**

INVOCATION

Commissioner Betsy Mitchell gave the invocation.

CALL TO ORDER

Chair Lassiter called the meeting to order at 9:04 a.m.

ROLL CALL

Present: Pudding Lassiter, Chair
Melvin S. Morimoto, Vice Chair
James A. Frazier, Member
Louis Kaoiwi, Member
Karolyn P. Lundkvist, Member
Betsy Mitchell, Member
Melvin S. Morimoto, Member
Anita Politano Steckel, Member
Kaloa R. N. Robinson, Member

Also Present: Harry S. Kubojiri, Deputy Chief
Elroy Osorio, Assistant Chief
James Day, Assistant Chief
Derek Pacheco, Assistant Chief
Henry Tavares, Captain
Lincoln S. Ashida, Corporation Counsel
Josie Pelayo, Secretary

A quorum was present.

APPROVAL OF AGENDA

Commissioner Politano Steckel moved and Commissioner Robinson seconded to add to the agenda, Correspondence 06-37, a request from Ken Cassidy for an explanation as to why a citation was not issued to a driver who ran a stop sign and hit his vehicle; Correspondence 06-38, Chair Lassiter's report on the NACOLE conference; and Approval of the Minutes August 11, 2006, and then to approve the agenda as amended. The motion carried unanimously.

STATEMENTS ON AGENDA ITEMS – None.

PERSONNEL ORDERS

Commissioner Frazier moved and Commissioner Kaoiwi seconded to accept Personnel Orders Nos. 2006-085 to 2006-108 for filing. The motion carried unanimously.

COMMUNICATIONS

- Commissioner Robinson moved and Commissioner Frazier seconded to accept the communications as listed. The motion carried unanimously.

COMMITTEE REPORTS

- Budget and Finance (Frazier/Morimoto): No report.
- Office Management and Staffing (Lundkvist/Mitchell): No report.
- Rules and Policies (Kaoiwi): No report.
- Contractual Services (Robinson): No report.

- Public Relations (Lassiter/Politano Steckel): Commissioner Politano Steckel stated that Momi Cazimero, sister of Ronald Jitchaku, would like to give a status report on fundraising efforts for the monument for fallen officers at the meeting in January.

CHIEF'S REPORT

Including:

- Crime: Assistant Chief Day entertained questions to the written report; there were none. The last recruit class has helped with staffing. They continue to receive a lot of calls for service.
- Traffic: Assistant Chief Pacheco summarized the written report. They are looking to repair the Cushman carts to better serve the Kailua area. DUI arrests increased by 65% compared to this time last year
- Personnel: Assistant Chief Osorio reported having two recruit classes in training. The 68th class will start FTO in January and the 69th will start in March. They hope to start another recruit class in December. They anticipate filling all the vacancies by the end of 2007.

Deputy Chief reported that Assistant Chief Pacheco has been promoted to Assistant Chief of Area II and replaced AC Day who is now in Area I.

- Finance: No discussion on the written report.
- Commendations: No discussion on the written report.
- Commander's meeting minutes of August 10 and September 19, 2006: No discussion.
- Other Departmental Activities: Deputy Chief Kubojiri reported that the State has hired new Sheriffs who will be assisting them in serving bench warrants. Vice personnel are now clean-cut, with short hair. This is based on safety concerns. They encounter a number of clandestine labs and need to keep their hair under cover. The department will be receiving 24 laptop computers to use on a trial basis around the island. They are still behind in acquiring radar guns.

NEW BUSINESS

Chair Lassiter's summarized her report on the NACOLE Conference, National Association for Civilian Oversight of Law Enforcement (Correspondence 06-38).

Recess was called at 9:40 a.m. The meeting reconvened at 10:00 a.m.

INVESTIGATION AND DELIBERATION OF COMPLAINTS

STATEMENTS ON COMPLAINTS (open to the public)

SHELLEY STEPHENS (Complaint HPC 06-13): Stated that they were coming from the Keaau Shopping Center area and were by the Shipman ball park. Officer Derr, the first officer there, did nothing wrong. He only pulled over to ask if she wanted help. She wasn't causing a disturbance. The other two officers, Lee and Kerr, came later and took over. Officer Lee did not instruct her to stay out of the traffic lane. They treated her that way because she didn't want a ride. She brushed the officer away. The next thing, she was put to the ground by Officers Lee and Kerr. She received contusions to her ribs and arm from when she was forced to the ground. She cannot accept a job because of this. She has been messed up since. No one should be treated like she was treated. The main thing is that she really trusted the police to do the right thing. They pulled her arm in back, sky high. Her complaint is against Officer Lee and Officer Kerr, not Derr. Kerr put his knee in her back. Officer Lee talked to her like she never had training in working with people. Officer Lee put her in a choke hold. Before the incident, they had come from shopping. She was not drinking.

ALVA I. K. KAPAHUA, JR., (Complaint HPC 06-13): Stated that he came out from the bushes after using the bathroom. He was upset because his friend, who was supposed to give them a ride, left them at the bar. He told Officer Lee that he did not want her talking to him because Stephens would be jealous of a woman. Officer Lee and Kerr were on her, manhandled her, and told him to leave. Officer Lee slammed her into the car and he was left on the streets alone. Commissioner Frazier pointed out that it was 1:45 in the morning and asked if it was a moonlit night. Alva stated that he could see up and down the road, and there were no cars on the highway. Prior to the incident he had a few drinks. He was drinking B52s. She was not drinking. He was not having a domestic. It was between him and his friend who left him behind.

EXECUTIVE SESSION

Commissioner Whittemore moved and Commissioner Frazier seconded 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, and liabilities pursuant to HRS 92-5 (2) and Hawaii County Charter Section 13-20 (b). The motion carried unanimously. Executive session convened at 10:25 a.m.

Regular session reconvened at 11:55 a.m.

Deputy Chief Kubojiri gave a demonstration on the electronic control device.

Lunch recess was called at 12:25 p.m. The meeting reconvened at 2:20 p.m.

STATEMENTS ON COMPLAINTS

HOWARD NISHIDA (COMPLAINT HPC 06-21): Stated that his complaint is that the court does not recognize them as the living human beings. Is concerned that Officers Rodrigues

and Kohara stopped his son. They voided the ticket. There was an absence of a valid oath of office. Mrs. Nishida stated that the complaint is that officers are not empowered to stop the living human beings. Their sons are being stopped without probable cause. She distributed reading materials.

EXECUTIVE SESSION

Commissioner Robinson moved and Commissioner Mitchell seconded 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, and liabilities pursuant to HRS 92-5 (2) and Hawaii County Charter Section 13-20 (b). The motion carried unanimously. Executive session convened at 2:45 p.m.

Regular session reconvened at 3:10 p.m.

ACTION ON EXECUTIVE SESSION MATTERS

• Investigation and Deliberation of Complaints

- Complaint HPC 06-13: Complainant alleged that she was forced to the ground and injured because she refused a ride from a police officer. Vice Chair Morimoto moved and Commissioner seconded that there was sufficient evidence to refer the complaint for investigation by internal affairs. The motion carried with the following roll call votes: Ayes – Lundkvist, Mitchell, Lassiter, Morimoto, Politano Steckel. Nays – Frazier, Whittemore, Robinson, Kaiwi.
- Complaint HPC 06-14: Complainant alleged that an officer was discourteous, rude, and overbearing. She also alleged that the officers would not accept her copy of a TRO and told her they would wait for their copy to come in the mail. Commissioner Robinson moved and Commissioner Frazier seconded to defer the complaint to the next meeting in Waimea, at the complainant's request. The motion carried unanimously.
- Complaint HPC 06-17: Complainant alleged that an officer did not inform him of his rights when he was arrested on a bench warrant. When he went to court, the judge told him there was no bench warrant on him. Commissioner Robinson moved and Commissioner Frazier seconded to defer the complaint to the next meeting in Waimea, at the complainant's request. The motion carried unanimously.
- Complaint HPC 06-18: Complainant alleged that an officer insisted on searching their home without a search warrant, had him go to the police station, and then arrested him for something else. Commissioner Robinson moved and Commissioner Whittemore seconded to defer the complaint to the next meeting and request that the officer and the complainant attend the meeting. The motion carried unanimously.

- Complaint HPC 06-19: Complainant alleged that when she went to the police station to pickup a stolen propane tank, an officer scolded her for using a shopping cart from a local store without their permission. Commissioner Robinson moved and Commissioner Whittemore seconded that there was insufficient evidence to prove the complainant's allegations. The motion carried unanimously.
- Complaint HPC 06-21: Complainant alleged that officers' oath of office was improperly administered, and they should not have conducted traffic stops. Commissioner Robinson moved and Commissioner Lundkvist seconded that the complaint is not within the commission's jurisdiction. The motion carried unanimously.
- Complaint HPC 06-23: Complainant alleged that during a traffic stop, an officer was rude, pulled her hair, and told her to sign the ticket or else she would be arrested. The officer also punched her boyfriend twice in the head. Commissioner Frazier moved and Commissioner Robinson moved to decline further investigation because the complaint was received more than 60 days from the date of the incident. The complaint will be referred to Police Chief Mahuna for his review.
- **Review of the Police Commission's investigative process.** Commissioner Robinson moved and Commissioner Politano Steckel seconded to defer this to the next meeting. The motion carried unanimously.
- **Correspondence 06-35.** A comparative study of salaries of Police Department personnel, including the Police Chief, Deputy Chief, and those of other counties and state agencies as it relates to job responsibilities and compensation. Commissioner Robinson moved and Vice Chair Morimoto seconded to defer this to the next meeting. The motion carried unanimously.

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS - None.

ANNOUNCEMENTS

- Chair Lassiter announced that the next Police Commission meeting will be on November 17, 2006, in the Mayor's Kona Office Conference Room, Hanama Place, Suite 103, 75-5706 Kuakini Highway.
- Collection of files and documents - Done

ADJOURNMENT

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

SUBMITTED:

APPROVED:

JOSIE PELAYO, SECRETARY

PUDDING LASSITER, CHAIR