

**HAWAI'I COUNTY POLICE COMMISSION
REGULAR SESSION MINUTES
NOVEMBER 16, 2007
COUNTY'S AUPUNI CENTER CONFERENCE ROOM**

INVOCATION

Commissioner Robinson gave a blessing.

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
	Melvin S. Morimoto, Vice Chair		Harry S. Kubojiri, Deputy Chief
	Louis Kaiwi, Member		James Day, Assistant Chief
	Betsy Mitchell, Member		Derek Pacheco, Assistant Chief
	Kaloa R. N. Robinson, Member		Jay Enanoria, Major
	Michael B. Sumja, Member		Marshall Kanehailua, Captain
	Thomas P. Whittemore, Member		Lincoln S. Ashida, Corporation Counsel
			Josie Pelayo, Secretary

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

A quorum was present.

APPROVAL OF AGENDA

Commissioner Kaiwi moved to approve the agenda. Commissioner Whittemore seconded the motion, and it carried unanimously.

STATEMENTS ON AGENDA ITEMS – None.

APPROVAL OF MINUTES

Commissioner Kaiwi moved to approve the minutes of October 19, 2007, regular and executive sessions. Commissioner Whittemore seconded the motion, and it carried unanimously.

PERSONNEL ORDERS

Commissioner Kaiwi moved to approve the personnel orders as listed. Commissioner Whittemore seconded the motion, and it carried unanimously.

COMMUNICATIONS

Commissioner Kaiwi moved to approve the communications as listed. Commissioner Whittemore seconded the motion, and it carried unanimously.

COMMITTEE REPORTS

- Budget and Finance (Whittemore/Kaiwi): No report.

- Office Management and Staffing (Lassiter/Morimoto): No report.
- Rules and Policies (Lundkvist/Mitchell): No report.
- Contractual Services (vacant): No report.
- Public Relations (Politano/Robinson): No report.

CHIEF'S REPORT

Including:

- **Crime:** Assistant Chief Day reported that they are moving along the same as in the past. They had 111 burglaries – 81 in Area I and 31 in Area II.

Chair Lassiter inquired about security at Akaka Falls. A.C. Day stated that the area is the responsibility of DLNR. They did have a stake-out but did not catch anyone.

- **Traffic:** Assistant Chief Pacheco reported that with the holidays coming up, they plan increased roadblocks and speed traps to help cut down on accidents and fatalities. He did not have any update on the Halehalewai substation. The Kona burglary rate has been cut in half compared to last year. They attribute this to several individuals being locked up.
- **Personnel:** Major Enanoria reported having 64 Sworn and 10 civilian vacancies. The recruit classes are in varying stages from beginning to district assignments. They are doing continuous recruitment. They participated in a recent job fair in Honolulu where over 300 people showed interest and 80 people picked up an application. The captain's position in Kohala has not yet been filled.

Deputy Chief Kubojiri stated that the sergeant's exam will be given on December 10.

- **Finance:** Major Enanoria summarized the written report.
- **Commendations:** Chief Mahuna reported receiving twelve commendations since the last meeting.
- **Other Departmental Activities:** Chief Mahuna reported that the cadet program is going well. Training is going well for the electronic control devices, and they plan on having 100% of officers trained. The device has a camera with audio. They will have a media campaign on the devices. The public needs to know that it is not a continuum of force. It is a force option. Training and use of the device is taking longer than anticipated because last year, after they initially acquired 20 devices and then got approval for the rest, they took the option of including a camera with audio, and had to re-write the request. Training is being done in Hilo and Kona. Policies and procedures are issued at the time of training. The devices are now out there in the community.

Commissioner Kaoiwi stated that he is concerned about the health and welfare of the officers, and they need to educate people as to why the device is being used.

Commissioner Whittemore was impressed with the increased DUI numbers. He suggested that the Police Department team-up with the Department of Liquor Control and remind people that they will be held accountable for their actions

Commissioner Kaoiwi stated that the same establishments keep popping up, and the Liquor Department needs to look at that.

Chair Lassiter's inquired about the unmarked Traffic Enforcement Unit vehicles. Chief Mahuna stated that more people are getting caught passing on shoulders and non-passing zones, running red lights, etc. Sometimes law abiding citizens drive differently when they are behind the wheel. They could increase the number of stealth vehicles only if they receive additional funding for TEU staffing.

Commissioner Kaoiwi stated that he is glad the unmarked vehicles are stopping people who drive on Railroad Avenue like it's a race track.

Recess was called at 9:50 a.m. The meeting reconvened at 10:30 a.m.

INVESTIGATION AND DELIBERATION OF COMPLAINTS

STATEMENTS ON COMPLAINTS (open to the public)

DEVIN STUBBS (COMPLAINT HPC 07-46) stated that he was arrested for DUI but was not driving at the time. There was a person in the back seat, and they were planning on going to Uncle Mikey's. During the arrest, the officer slammed him on the ground. He had a large lump. He was not taken in for treatment and was kept overnight on a hard concrete floor with no bed. He has no recollection of being treated. He woke up in the cell. He was not offered medical attention. He did not get into a fight with anybody at the scene. He was already injured when he got to the cellblock. The last thing he remembered was sitting on the curb, the officer asking him to stand up, and being pushed down. His friend said she saw 3 or 4 police vehicles. He had been drinking there earlier in the evening and stopped drinking about 11:30 p.m. They were drinking in a state park. They were drinking Crown Royal with energy drinks. He drank about three.

MICHAEL WIRGAU (COMPLAINT 07-50) stated that he was there because of his two daughters. A man who lived diagonally from his house told an officer that he didn't like them because they were renters. This man has been harassing them. The man has lights and a camera on his house. He called the police. Officer Watanabe told him he was F'n sick of them. He complained to his landlord who told him he knew about the neighbor. The neighbor also harassed his landlord. The man doesn't like him because he said he looked like a trouble maker.

JUDY VINCENT (COMPLAINT 07-50), complainant's mother, stated that she grew up with policemen. They were her family. When this officer came over and said this in front of the children, it was a shame. For this officer to do this, he should be reported. She didn't talk to the officer. She was just standing there.

GARRETT HATADA (COMPLAINT 07-51) stated that the complainant was involved in a traffic accident. She was trying to make a turn. The other party lost control of his vehicle, hit the complainant, and then left the scene. He gave the man a citation for hit and run. According to the complainant, she spoke to the paramedics who told her it was not serious, and she refused to go with them. The complainant wanted to know what he had done. He explained that he issued a citation for leaving the scene and for no insurance. At that time he spoke to the other party. He did not show signs of impairment, so he did not see the need for a DUI check. He also didn't feel it was necessary to arrest the other party.

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 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). Commissioner Sumja seconded the motion, and it carried unanimously.

Executive session convened at 11:05 a.m.

Regular session reconvened at 3:03 p.m.

ACTION ON EXECUTIVE SESSION MATTERS

COMPLAINT HPC 07-43: Complainant alleged that officers are always responding to a woman's complaints about her neighbors. Commissioner Robinson moved that there was insufficient evidence to prove the complainant's allegations. Commissioner Sumja seconded the motion, and it carried unanimously.

COMPLAINT HPC 07-46: Complainant alleged that he was wrongfully accused of DUI and being noncompliant, that he was assaulted, not given medical assistance, and was kept in jail over night. Commissioner Robinson moved to defer the complaint to the next meeting in order to query Captain Kanehailua of I.A. Commissioner Sumja seconded the motion, and it carried unanimously.

COMPLAINT 07-47: Complainant alleged that during a fight at a club, an arresting officer pushed and cursed at him. Commissioner Robinson moved to defer the complaint to the next meeting in order to ascertain who the officer was, as described by the

complainant. Commissioner Whittemore seconded the motion, and it carried unanimously.

COMPLAINT HPC 07-48: Complainant alleged that a woman denied his version and was rude. Commissioner Robinson moved that there was insufficient evidence to prove the complainant's allegations. Commissioner Whittemore seconded the motion, and it carried unanimously.

COMPLAINT HPC 07-49: Complainant alleged that he was assaulted, he was the victim, yet he was arrested. Commissioner Robinson moved that there was insufficient evidence to prove the complainant's allegations. Commissioner Whittemore seconded the motion, and it carried unanimously.

COMPLAINT HPC 07-50: Complainant alleged that an officer used profanity at him. Commissioner Robinson moved to defer the complaint to the next meeting and ask the officer to attend the meeting in order for the commission to query him. Vice Chair Morimoto seconded the motion, and it carried unanimously.

COMPLAINT HPC 07-51: Complainant alleged that an officer should have given the other driver in her hit-and-run accident more citations and should have arrested him. Commissioner Robinson moved to defer the complaint to the next meeting in order for the complainant to attend the meeting. Commissioner Whittemore seconded the motion, and it carried unanimously.

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS – None.

ANNOUNCEMENTS

- Chair Lassiter announced that they will have a special meeting on December 20, 2007, at 6:00 p.m. at the Public Safety Building (Hilo Police Station) to work on Chief Mahuna's annual evaluation. They will continue the next day, December 21, 2007, at 9:00 a.m. with the monthly meeting.
- Collection of files and documents. - Done.

ADJOURNMENT

The meeting was adjourned at 3:18 p.m.

SUBMITTED:

Josie Pelayo

Secretary

APPROVED:

Pudding Lassiter

Chair