

**HAWAI'I COUNTY POLICE COMMISSION
REGULAR SESSION MINUTES
NOVEMBER 17, 2006
MAYOR'S KONA OFFICE CONFERENCE ROOM**

INVOCATION

Commissioner Robinson gave a blessing.

CALL TO ORDER

Chair Lassiter called the meeting to order at 9:05a.m.

ROLL CALL

Present:	Pudding Lassiter, Chair	Also Present:	Lawrence K. Mahuna, Police Chief
	Melvin S. Morimoto, Vice Chair		Harry S. Kubojiri, Deputy Chief
	James A. Frazier, Commissioner		James Day, Assistant Chief
	Kaloa R. N. Robinson, Commissioner		Elroy Osorio, Assistant Chief
	Anita Politano Steckel, Commissioner		Derek Pacheco, Assistant Chief
	Thomas P. Whittemore, Commissioner		Henry Tavares, Captain
			Lincoln S. Ashida, Corporation Counsel
			Josie Pelayo, Secretary
Absent:	Louis Kaoiwi, Commissioner		
	Karolyn P. Lundkvist, Commissioner		
	Betsy Mitchell, Commissioner		

APPROVAL OF AGENDA

Commissioner Frazier moved and Commissioner Whittemore seconded to amend the agenda by adding "*Approval of the Minutes of October 20, 2006.*" The motion carried unanimously.

Commissioner Politano Steckel moved and Commissioner Robinson seconded to approve the agenda as amended. The motion carried unanimously.

STATEMENTS ON AGENDA ITEMS - None

APPROVAL OF MINUTES

Vice Chair Morimoto moved and Commissioner Politano Steckel seconded to approve the minutes of October 20, 2006, regular and executive sessions. Discussion: Assistant Chief Osorio corrected the Chief's Report that "*AC Pacheco replaced AC Nakamichi who retired.*" The motion carried unanimously.

PERSONNEL ORDERS

Commissioner Frazier moved and Commissioner Whittemore seconded to accept Personnel Orders Nos. 2006-109 to 2006-122. The motion carried unanimously

COMMUNICATIONS

Commissioner Whittemore moved and Commissioner Frazier seconded to accept the correspondence 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):** Chair Lassiter reported that Detective Ann Mejia was recently inducted into the Hawai'i County Hall of Fame. She will be retiring and then teaching at the University on juvenile instruction. Commissioner Frazier stated that a few years back he found it very difficult to have police personnel teach classes at the University in West Hawai'i. Chair Lassiter reported that at the commanders' meeting, Chief Mahuna made a presentation to Detective Mejia, and she was very, very appreciative.

CHIEF'S REPORT

Including:

- **Crime:** Assistant Chief Day reported having 20 robberies in the month of October. They have been successful in solving some. There were no questions to the written report.

- **Traffic:** Assistant Chief Pacheco reported that the DUI arrests were at 32%. They will be doing speeding, DUI, and seatbelt check points. A substation will open at Halehalewai.

- **Personnel:** Assistant Chief Osorio reported that the 68th recruit class graduated this past Wednesday. The 69th recruit class is still under way with nine members. The 70th class will start in December. They would like to start another class in the spring, if they can get additional viable applicants.

Commissioner Whittemore stated that in reading the minutes of the other county police commissions, they are looking into incentives. Maui is looking into bonuses. AC Osorio stated that that is a contractual matter. They may look into incentives for housing and tuition waivers. About 30-40% of the recruits come from the west side.

Commissioner Politano Steckel stated that in past year, many of the complaints were about human nature. She asked if training could be given in self-control. They need to look at a situation from someone else's eyes. Someone who is drunk will do something over and over again. AC Osorio felt the training was sufficient. He stated that the key is experience. Most of their line officers are new, and a lot of the complaints involve new officers. They will learn from it.

Commissioner Frazier stated that if you mingle with the officers and the rank in the different stations, you will see the good that is being done and the fine people in the police department. He admires the training, which is on the right track. The department is doing a good job in bringing in young people.

AC Day reported that the county has started a program in which they will reimburse tuition to county employees.

- **Finance:** No discussion.
- **Commendations:** Chief Mahuna reported receiving eight commendations since the last meeting.
- **Commander's meeting minutes of October 17, 2006:** No discussion.
- **Other departmental activities:** Chief Mahuna thanked the commissioners for their attendance at the recent recruit commencement exercises. He found it refreshing to have them there and having people get to know them.

Chief Mahuna reported on the department's response to the October earthquake. Many, many officers on day off or vacation responded. It was made crystal clear that had the officers not had subsidized vehicles, they would not have had their equipment or vehicles. Being able to use their subsidized vehicle made it much more expeditious. They had instantaneous response from officers in the Kohala and Kona area which they would not have had if they had other vehicles. He believes the county council members saw the advantages of having subsidized vehicles.

Chief Mahuna reported on the recent accident in Volcano that involved three vehicles. They assisted the park ranges with this horrific accident. It was very sad to see this happen to visitors who were here on vacation. They will be stepping up enforcement on speeding, DUI, and seatbelt. This is one of their primary goals. Hopefully they can push for better roads, better design of roads, and this will help with their enforcement efforts. With the proliferation of SUVs, people need to be education on the special driving techniques needed for these vehicles.

Chief Mahuna reported on the Cadet program. The tentative start date is July 2007. It will be on the east side of the island, and a lot of the components will be at the police station. He hopes the commission welcomes the cadets to their first class.

Regarding Commissioner Politano Steckel's statements on the handling of individuals, Chief Mahuna stated that he has seen what she spoke about. It is manners, and they will be addressing it. Good manners are indicative of how children are raised.

The commission reviewed the Hawai'i County Police Department's recruitment video.

Chief Mahuna reported that AC Osorio will be retiring at the end of December, and Major Ferreira will be promoted to the position.

Chief Mahuna reported that they still do not have a site for the new South Kona Police station.

NEW BUSINESS

- Revised Police Commission complaint form.
All agreed to the new form with addition of a note to “please type or print.”
- Discussion on Chief of Police evaluation scheduled for December.
A special meeting will be held on Monday, December 11, 2006, at 9:00 a.m. in the Police Department’s Conference Room A to work on the Chief’s annual evaluation.
Chair Lassiter asked that everyone fill out their form and have it ready for the meeting.

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

INVESTIGATION AND DELIBERATION OF COMPLAINTS

STATEMENTS ON COMPLAINTS - None

EXECUTIVE SESSION

Vice Chair Morimoto moved and Commissioner Frazier 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 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 10:55 a.m.

Regular session reconvened at 11:55 a.m.

Corporation Counsel Ashida departed.

ACTION ON EXECUTIVE SESSION MATTERS

- **Investigation and Deliberation of Complaints**
 - Complaint HPC 06-16: Complainant alleged that during his arrest, officers were overbearing and threatened to arrest him and his witnesses. He also alleged that the officers would not take his witnesses’ statements, and that his Miranda rights were not read to him. Commissioner Politano Steckel moved and Commissioner Whittemore seconded to refer the complaint for investigation by Internal Affairs. The motion carried unanimously.
 - Complaint HPC 06-18: Complainant alleged that an officer served him a bench warrant for which he had been to court that morning. He also alleged that the officer insisted on searching his home without a search warrant. Commissioner Robinson moved and Vice Chair Morimoto seconded that there is insufficient evidence to prove the complainant’s allegations. The motion carried unanimously.
 - Complaint HPC 06-22: Complainant was arrested for burglary. During the burglary, he suffered head, arm, and leg injuries from the victim. He alleged that he should have been treated at the scene rather than being transported to the cellblock first.

Commissioner Robinson moved and Commissioner Whittemore seconded to defer the complaint to the next meeting in Hilo. The motion carried unanimously.

- Complaint HPC 06-24: Complainant was arrested for DUI. He alleged that while at the police station, officers were verbally abusive. He also alleged that while being forced to the floor, an officer punched him and another kicked him. Commissioner Robinson moved and Vice Chair Morimoto seconded to defer the complaint to the next meeting in Hilo. The motion carried unanimously.
- Complaint HPC 06-25: Complainant alleged that two officers who responded to his neighbor's call about a domestic disturbance at his home, entered his home without a warrant and took some of his belongings. When he went to the station to recover them (backpack of marijuana), he was arrested. Commissioner Robinson moved and Vice Chair Morimoto seconded that there was insufficient evidence to prove the complainant's allegations. The motion carried unanimously.

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS – None.

ANNOUNCEMENTS

- Chair Lassiter announced that the Police Commission's next monthly meeting will be on December 15, 2006, in the Waimea Civic Center Conference Room, 67-5189 Kamamalu St., Waimea and that there will be special meeting on December 11, 2006, at 9:00 a.m. at the Hilo Police Station, Conference Room A, to work on Chief Mahuna's annual evaluation.
- Collection of files and documents. – Done.

ADJOURNMENT

The meeting was adjourned at 12:10 p.m.

SUBMITTED:

Josie Pelayo
JOSIE PELAYO, SECRETARY

APPROVED:

Pudding Lassiter
PUDDING LASSITER, CHAIR