

**HAWAI'I COUNTY POLICE COMMISSION  
REGULAR SESSION MINUTES  
WAIMEA CIVIC CENTER CONFERENCE ROOM  
DECEMBER 15, 2006**

**INVOCATION**

Commissioner Politano Steckel gave a blessing.

**CALL TO ORDER**

Chair Pudding Lassiter called the meeting to order at 9:02 a.m.

**ROLL CALL**

Present:	Pudding Lassiter, Chair	Also Present:	Lawrence K. Mahuna, Police Chief
	Melvin S. Morimoto, Vice Chair		James Day, Assistant Chief
	James A. Frazier, Member		John Dawrs, Major
	Louis Kaiwi, Member		Melvin Yamamoto, Detective
	Anita Politano Steckel, Member		Craig Higaki, Detective
	Thomas P. Whittemore, Member		Lincoln S. Ashida, Corporation Counsel
			Josie Pelayo, Secretary
Absent:	Karolyn P. Lundkvist, Member		
	Betsy Mitchell, Member		
	Kaloa R. N. Robinson		

A quorum was present.

**APPROVAL OF AGENDA**

Commissioner Kaiwi moved and Commissioner Frazier seconded to approve the agenda.

Discussion: Chair Lassiter asked to add Correspondence 06-44, letter from the Board of Ethics requiring a yearly financial disclosure statement for board members, to the agenda. Commissioner Frazier moved and Commissioner Kaiwi seconded to add Correspondence 06-44 to the agenda. The motion carried unanimously.

The motion to approve the agenda carried unanimously.

**STATEMENTS ON AGENDA ITEMS** – None.

**APPROVAL OF MINUTES**

Vice Chair Morimoto moved and Commissioner Frazier seconded to approve the minutes of November 17, 2006, regular and executive sessions. The motion carried unanimously.

**PERSONNEL ORDERS**

Commissioner Politano Steckel moved and Commissioner Whittemore seconded to accept Personnel Orders Nos. 2006-123 to 2006-131. The motion carried unanimously.

**COMMUNICATIONS**

- Vice Chair Morimoto moved and Commissioner Kaiwi seconded to accept the communications as listed. Discussion: Commissioner Frazier pointed out that the new correspondence should be 06-45, not 06-44. 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 reported that a report on the fallen officers' monument will be presented at February's meeting.

Vice Chair Morimoto congratulated Chair Lassiter for being inducted into the Hawaii County Women's Hall of Fame.

### **CHIEF'S REPORT**

Including:

- **Crime:** Assistant Chief Day pointed out that they are doing extremely well in both East and West Hawai'i in clearance rates. He also pointed out several retirements at the end of the year.
  
- **Traffic:** Major John Dawrs stated that at the last meeting there was an inquiry into why West Hawai'i had more DUI arrests than East Hawai'i. Much of this is attributed to a new officer, Carrie Akina, who is from Kona. Officer Akina had nine DUI arrests, fifteen crime arrests, and gave out sixty citations in a month. They have a high number of DUIs because they have high alcohol consumption. West Hawai'i Today reported that West Hawai'i has a lot of construction, there is a lot of pau-hana drinking, and those are the ones that are being pulled over. There were several accidents in which the police believe speed and alcohol were contributing factors. That is why their focus on DUI arrests is so strong. A combination of factors is that they have very good officers and district commanders who are reinforcing the need for enforcement. All districts in West Hawai'i will be having DUI roadblocks. On New Year's Eve, watches will be held over, and they will have double watches.

Chief Mahuna reported that this also applies to Area I. Each commander is working on a plan of action for Christmas and New Year's Eve. They will also focusing on seatbelt compliance. They have been seeing alcohol and poly-drug users. Many times it's not the driver that gets killed, but others. He hopes it gets better with their efforts in education, SROs in the schools, and community policing officers.

Commissioner Frazier stated that having a damaged automobile on the side of the road helps to remind people not to drink and drive. Chief Mahuna felt it could be too graphic.

Commissioner Whittemore stated that he has noticed more speeding on Mamalahoa Highway and on Saddle Road. They need to send out messages to slow down in these areas. AC Day stated that because of the earthquake damages, more people are driving on Saddle Road.

Chief Mahuna reported receiving grant monies for stealth TEU vehicles.

- **Personnel:** Chief Mahuna expressed concern over the attrition rate due to retirements. It takes about 2-3 months for replacements to get to know their job. They still have 56 sworn and 18 civilian vacancies. They have accelerated the background checks. An average of 9-11 people retire each year.

Chief Mahuna stated that he would like to have recruit class of 24, but they will run a class with only 9-10 people. They cannot utilize a potential cadet for clerical work because they have to meet certain minimum requirements. This is a factor in filling many civilian positions. They have ongoing recruitment for dispatchers, which is a very difficult position to fill.

- **Finance:** Accountant Kay Oshiro stated that budget is submitted to them around September. They submit it to County Finance around November. They prepare the fiscal year end report around May. Commissioner Frazier stated that the commissioners should meet with Ms. Oshiro to get oriented over the budget. Chair Lassiter suggested doing it in February.
- **Commendations:** Chief reported receiving 11 commendations involving 59 employees. Chair Lassiter stated that it is very nice that they had commendations involving 59 people, and the commission had only two complaints this month. Commissioner Politano Steckel stated that fairness starts from the top and goes down.
- **Commander's Meeting Minutes of November 15, 2006.** - No discussion.
- **Other Departmental Activities:** Chief Mahuna reported that the Police Department participated in the Keaau Christmas parade. Their theme was HPD loves kids and dogs, and all were dressed in festive outfits. Chair Lassiter stated that it shows warmth of police personnel.

### **NEW BUSINESS**

- Correspondence 06-41, status report of Police Department's goals for 2006. - No discussion.
- Correspondence 06-42, request for legal counsel by Detective Reed Mahuna in Civil 06-01-0335.
- Correspondence 06-43, request for legal counsel by former Police Officer Alexander Graves in Civil No. 05-00810.

Corporation Counsel Ashida asked to move Correspondences 06-42 and 06-43 to executive session. There were no objections.

- Police Commission's 2007 meeting schedule. Everyone agreed to the schedule.

- Selection of Chair and Vice Chair for 2007. Commissioner Kaoiwi moved and Commissioner Politano seconded that Chair Lassiter remain as Chair and Vice Chair Morimoto remain as Vice Chair. The motion carried unanimously.

### **10:30 P.M.: INVESTIGATION AND DELIBERATION OF COMPLAINTS**

#### **STATEMENTS ON COMPLAINTS** (open to the public)

MRS. NANCINE LLOYD (Complaint HPC 06-14) stated that this incident involved several officers. The TRO did not work. The TRO did not get to Kohala until the next week. When an officer came, she asked the officer to serve her son the TRO. The officer told her that Officer Bartsch told him he was not supposed to serve the TRO. The police up in Kohala "just let it go." Everyone is related to each other. She's not, so she feels she is being picked on. She arrived at home, and within 10 minutes officers showed up and serve them a TRO that they had to leave their home. The TRO read that she was the one that should have left the property if she felt uncomfortable, not her husband. The officer told him to leave or else he would be arrested. On the night she got licking, Officer Sakata was really rude. All the policemen in Kohala need to read their rules and regulations. When she asked Major Dawrs about the TRO, he told her she had to understand that it was just a paper. Her TRO was found in Ka'u. Upon questioning by Commissioner Politano Steckel, Mr. Lloyd stated that her complaint is about rudeness by one police officer and the manner in which the TRO was served.

OFFICER SAKATA (Complaint HPC 06-41) stated that they responded to the Lloyd's residence and tried to sort things out. It was between mother, son, his wife, and granddaughter. The mother was videotaping the incident. The son was arrested for family violence. He had hardly any contact with Mrs. Lloyd and does not remember being rude to her. She was already in distress. It was not his intent to be rude, and he was sorry she felt that way. They were there for a domestic disturbance. She did not mention anything about a TRO.

Chair Lassiter pointed out that while Mrs. Lloyd was in the room, she did not seem to know who Officer Sakata was. Officer Sakata stated that he would go outside and apologize to her.

Commissioner Frazier stated that there were two officers there, and Officer Stevens was the lead officer.

#### **EXECUTIVE SESSION** (closed to the public)

Commissioner Frazier moved and Vice Chair Morimoto seconded to meet in executive session to consider discipline and charges against officers or employees of the Hawaii County Police Department and to conduct an annual evaluation of Police Chief Mahuna 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 10:45 a.m.

Regular session reconvened at 12:12 p.m.

**ACTION ON EXECUTIVE SESSION MATTERS**

- Complaint HPC 06-14: Complainant alleged that officers were discourteous, rude, and overbearing. She also alleged that when she showed officers the TRO, an officer said they would wait until they got their copy in the mail. Vice Chair Morimoto moved and Commissioner Frazier seconded that there was insufficient evidence to prove the complainant's allegations. The motion carried unanimously.
- Complaint HPC 06-17: Complainant alleged that he was not informed of his rights when he was arrested on a bench warrant, and when he went to court, the judge informed him there was no bench warrant on him. Commissioner Kaiwi moved and Vice Chair Morimoto seconded that there was insufficient evidence to prove the complainant's allegations. The motion carried unanimously.
- Correspondence 06-42, request for legal counsel by Detective Reed Mahuna in Civil 06-01-0335. Commissioner Frazier moved and Vice Chair Morimoto seconded that the officer acted within the course and scope of his duties as a police officer and to afford him legal counsel. The motion carried unanimously.
- Correspondence 06-43, request for legal counsel by former Police Officer Alexander Graves in Civil No. 05-00810. Commissioner Frazier moved and Commissioner Politano Steckel seconded that the officer acted within the course and scope of his duties and to afford him legal counsel. 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 January 19, 2007, at the Kona Department of Liquor Control, 75-5722 Hanama Place, Suite 1107.
- Collection of files and documents. – Done.

**ADJOURNMENT**

The meeting was adjourned at 12:20 p.m.

SUBMITTED:

*Josie Pelayo*  
JOSIE PELAYO, SECRETARY

APPROVED:

*Pudding Lassiter*  
PUDDING LASSIER, CHAIR