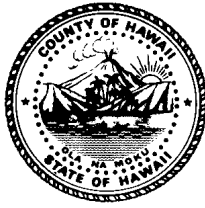


Harry Kim
Mayor



pudding Lassiter, Chair
Melvin S. Morimoto, Vice Chair
James A. Frazier, Member
Louis Kaiwi, Member
Karolyn P. Lundkvist, Member
Betsy Mitchell, Member
Kaloa R. N. Robinson, Member
Anita Politano Steckel, Member
Thomas P. Whittemore, Member

County of Hawai'i
POLICE COMMISSION

Hilo Lagoon Centre
101 Aupuni Street, Suite 313 • Hilo, Hawai'i 96720
Phone: (808) 961-8412 • Fax: (808) 961-8563

MEETING NOTICE

DATE: FRIDAY, APRIL 21, 2006

TIME: 9:00 A.M. BUSINESS OTHER THAN INVESTIGATION OF COMPLAINTS
(If necessary, will continue after investigation of complaints.)

10:30 P.M. INVESTIGATION OF COMPLAINTS
(May commence earlier depending on business agenda.)

PLACE: AUPUNI CENTER CONFERENCE ROOM
101 Pauahi Street, Hilo (old JC Penneys building)

AGENDA

Reverend Earl Ikeda gave a blessing.

Commissioner Lundkvist introduced Jackie Murai of the Impaired Driving Traffic Task Force who summarized the program. Meetings are held every two months, and they are trying to make it very accessible to the public.

Commissioner Frazier welcomed new Police Commissioner Thomas Whittemore from North Kona.

CALL TO ORDER

Vice Chair Morimoto called the meeting to order at 9:15 a.m. Kaiwi

ROLL CALL

APPROVAL OF AGENDA

Motion carried with deletion of executive session minutes.

STATEMENTS ON AGENDA ITEMS – None.

APPROVAL OF MINUTES

March 17, 2006, regular and executive sessions.

Commissioner Lundkvist /Mitchell. Discussion: Frazier: Friendly amendment. Correct time of deliberation of complaints. U

PERSONNEL ORDERS

Nos. 2006-034 to 2006-045 (*Including, but not limited to work assignments, training assignments, promotions, reallocations, severance from service, automobile allowances, and appointments.*) *Accept Mitchell/Lundkvist U*

COMMUNICATIONS

Frazier/Lundkvist discussion: Frazier 06-12: re Cost of Government Commission, do we intend to reply as a commission or as individuals. Morimoto stated that it is his understanding that they act as one body.

Ashida: This is a request that was sent to all county agencies, boards, and commissions, as well as legislative branch. As comprehensive report, as possible, efficiency and operations efficiency, regarding Frazier's inquiry whether should arise as consensus, feel that you may respond as individuals, but cautions that you must state that you are a police commissioner.

Frazier: they are asking to limit it to two pages, but they also address it to the police department.

Ashida: You do not have to answer every question.

Frazier: Suggests that if you respond, send a copy to the Chair.

Ashida: You need to respond in order for them to do their job.

Ashida: Regarding Corresp. 06-11: None of the Hilo Commissioners attended. The rules have changed since the last training. He expects the commissioners to attend the Kona meeting. Rules have change

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- Correspondence 06-07, from Police Chief Mahuna, Police Department's supplemental budget for 2007.
- Correspondence 06-08, to County Council Chairman Stacy Higa, supporting the Police Department's budget for 2007.
- Correspondence 06-09, from Sheraton Keauhou Bay Resort, confirming the State of Hawai'i Police Commissioners' Conference at their facility.
- Correspondence 06-10, from the County Clerk informing of the appointment of Thomas P. Whitemore of Council District 8 to the Police Commission.
- Correspondence 06-11, from Corporation Counsel informing of a Sunshine Law workshop on April 18 and May 10, 2006.
- Correspondence 06-12, from the Cost of Government Commission requesting assistance in its efforts to promote efficiency in the county.

- Maui Police Commission minutes of March 15, 2006.
- Kauai Police Commission minutes of January 6 and 27, 2006.

Motion carried unanimously.

COMMITTEE REPORTS

- Budget and Finance (Frazier/Morimoto): Frazier: Pleased to report that there were four commissioners in attendance at the Council Finance hearing for the Police Department. The Council was very responsive to what the Chief was requesting, in the supplemental budget. The Council asked the commissioners for their input. The council was very supportive of innovative initiatives. **ASKED THAT THE CHAIR RESUBMIT A PROPOSAL FOR COMPENSATION FOR THE CHIEF AND DEPUTY CHIEF SIMILAR TO WHAT COMMISSIONER MANAGO PREVIOUSLY SUBMITTED.**

Lundvist: Found the hearing very informative and appreciative that they council asked for their input. We want the chief and deputy to get an increase, They need to find out when the salary commission meets again to go ov Council suggested that you submit request for Chief's increase to the Salary Commission.

Ashida: Agendize it specifically for Chief & Deputy's salary rather than what's on New Business

Lundvist: Office Management & Staffing, Josie received an outstanding performance evaluation.

For those who are interested, she has a waiver of liability for those who which to go on ride alongs with police officers.

- Office Management and Staffing (Lundkvist/Mitchell)
- Rules and Policies (Kaoiwi) – No report
- Contractual Services (Robinson) No report
- Public Relations (Lassiter/Politano Steckel) – Moving along. Thanked Chief and police department for joining the Merry Monarch Parade on Saturday. They are also moving on ith the planned jubilee at the East Hawai'i Cultural Center. Officer Alan Kimura has worked on getting police band, etc. Wonderful way for more exposure for P.D. No date yet.

Introduced Chris Loos who will be doing P.D. public relations.

CHRIS LOOS: Very happy to be working as an advocate for the police department. Took this position because she has a longstanding interest in the police department. Job Description: Liason with the media. Has a good rapport with the media. Improve relationship with the media. Update website. Prepare annual report. Trying to think like a

reporter. Will try to do a feature story with the newspaper on officers returning from Iraq.
Fuel of dreams: Officers fund raising.
Police week is coming up. Booked two radio spots to plug police week.

Kaloe: Congratulated Chris for her appointment. Noticed that SHOPO has been very visible on local access cable – Channel 16.. Have you thought about doing that?

Loos: She doesn't get cable. That's a good suggestion to keep in mind.

CHIEF'S REPORT

Including:

- Crime: A.C. Day explained the format of the written crime report. He explained the high number for thefts. A stolen check book could result in 100 crimes.
- Traffic: Major Dawrs: Summarized the written report.
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- Commissioner Whittemore inquired why for the high numbers of Kona, is it locals or tourist.

Dawrs: They do not target tourists, but at the same time they don't not give them tickets. They try not to do Alii Drive.

Whittemore: Is there a way to show DUI county by district.

Dawrs: It is not in the report, but he does have the stats.

Frazier: Disappointed to see the jump in 18-21 DUI arrests.

Dawrs: It doesn't seem that DUI enforcement is helping, because they keep getting DUIs.

Jackie: The task force is looking into the sentences to see if the court is maximizing the use of the sentence.

- Personnel: A.C. Osorio: In terms of the "You drink, you drive, you lose" program, yes it's working. They are gradually seeing seatbelt compliance. They are the highest in the nation. If you take the total a look at DUI, about 10% also have or violations.

Have 72 sworn vacancies. The 67 recruit class has 17 recruits. They start another recruit class that has 12 members. They expect to begin another class on September 1. They hope the class will be double digit. By this time this next year they hope to have a more cheerful vacancy report.

- Finance: Kay Nishibayashi: Entertained questions to the Financial Report.
Frazier: Questioned who they overspent grant budget. Kay explained (Frazier missed a section.)

- Commendations: Chief Mahuna reported receiving nine commendations since the last meeting.
- Commander's meeting minutes of March 21, 2006
- Other departmental activities: Chief Mahuna reported that they will be working in concert with Parks and Recreation on the Halehalewai substation. Hopefully, this will help with the criminal activity and reducing crime in the park area.

Computer? Paperwork?

Regarding impaired driving. The death rate on our roads far exceeds homicides. The impaired task force, we need to focus on the judiciary side, any side that's falling down. He doesn't think you can say the police department is not enforcing. Would like to have commissioners be part of the Impaired driving task force.

Regarding the Kona station, his personal feeling is that they should just demolish the old Captain Cook station and put a 2-3 level building in its place. It is a perfect location. What they will need is parking. He recommends a multi-level building for growth and they need a shooting range. Hopefully, they can convince the finance people that that would be the most judicious use. This property is in the most appropriate location. Although the area has insufficient parking. On the plus side, the gas pumps are already there.

Frazier: What about dormitories?

Mahuna: Hopefully, they could incorporate a small dormitory.

Lundkvist: Out in Puna with the Puna development task force, a new police substation is high on their list.

Mahuna: The substation will be in the area of the new fire station. They are looking at Puna because Puna is growing at

Mitchell: Thanked P.D. for getting the Volcano substation opened.

Politano Steckel: Is it possible that they could get Officer Reyes back at their substation? Any chance of getting a computer in the substation.

Mahuna – Bill Takaba is the appropriate person to talk to.

Steckel: Incentives: Tuition waiver or assistance for tuition for officers' children. Assistance with house.

Chief: it would be the county council.

Frazier: Is this something that you would need to work with SHOPO?

Recess: 10:45 a.m.

Reconvene: 11:00 a.m.

Lincoln Ashida: Explained investigation of complaints, open and executive session.

HPC 05-35: JASON CORTEZ: In a criminal investigation of a family member who stole jewelry. The complaint is not crazy, she is a very nice person. She is not challenged. The case itself was resolved after he contacted the suspect who was her daughter. He obtained a confession. He walked her through with the prosecutor. His recommendation was for drug counseling. The initial officer did a good job in grabbing the jewelry. They have people from the National Guard who help them with all the pawn shop receipts. He inputs and checks with pawn shops. This was the one and only time that he utilized this person, and so he remembers it. He forgot to tell the complainant about it.

Steckel: What is Ms. Correa accusing you of doing?

Cortez: The jewelry itself was important because it has sentimental value. It bothers him that he could not get all her jewelry back. Checks were made for the jewelry.

Steckel: She feels you did not do enough.

Cortez: She's not crazy. He just couldn't get all her jewelry back.

NAPUA CORREA: HPC 05-35: She is here about here jewelry not being returned. In 2004 she went to the pawn shops to find out how much it would cost to retrieve. She got back 4 items out of 23 items. She also received

Steckel: What did officer Correa do wrong.

Correa: She feels that when the pawn slips were given out, it was not done properly.

Steckel: Did you hear what Officer Cortez said.

Correa: Yes, but I feel that I did not get a fair run of it. She went to the pawn shops the next day. The pawn shops said they had it. She told them they were stolen and that she would prosecute her daughter.

Frazier: Officer Gruins police report stated there were 10 items.

HPC 06-03: STEVEN WEINSTIEN: In the date in question he was leaving Kailua-Kona, when it was safe, he passed at a very safe speed, and when he got to the fourth car in the line, they sped up from 4

HPC 06-03: STEVEN WEINSTIEN: In the date in question he was leaving Kailua-Kona, when it was safe, he passed at a very safe speed, and when he got to the fourth car in the line, they sped up from 48 to 58. Both officers stayed with him the entire time, and when he asked why they needed tow officers, Troutman said it was for safety reasons. He got ticketed for going 59 in a 55. The problem was after the occurrence. After they left, the younger officer sped up. He followed until he reached 55, and the officer kept going. He told Troutman to ticket the other officer. He mentioned that he lives in Waikoloa Village,

and the young officer said, so I'll see you there. I thought that was inappropriate. He feels that it was a setup.

MARVIN TROUTMAN: They were traveling north in the vicinity the speed at that time was 48-50 mph. Their speed increased to about 55 or so. This vehicle, when he passed me was at a high rate and did not brake when he saw him. When he stopped the man, he said this was entrapment, but he He did not have registration or insurance on the vehicle. After he wrote up his citation. At this point Weinston loudly spoke. Weinsten told Cerezo that he sees him at the 25 mile marker in Waikoloa. Cerezo said I'll see you in Waikoloa. He was cited for the basic speed, no insurance, no registration. It was 2155 hrs. He had made a complaint that Officer Cerezo was speeding, so he asked he his car had a certificate of calibration.

HPC 06-02: EARL HASKELL: They got a call about a suspicious person in the bush of the Kona Islander Inn. They had numerous calls in the past of people entering the vacant rooms and sleeping in there, homeless. Upon checking, they found a male person sleeping in the bushes. He stated he didn't know where he was and that he was thirsty. They had him sit on a wall. In the meanwhile Offier Davies got information . He appeared to be supicious. He gave Officer Davies two different names. Mr. Larinaga turned himself on the wall and ran away. Mr. Larinaga continued to run towards Officer Davies. Officer Davies took a side step and Larinaga fell. He said, I'm sorry, I should not have run away from you this morning. He didn't know what he was talking about. Larinaga's statement was that reported what was on complaint.

ELIZA QUIDANG HPC 05-32: Filed a complaint because she doesn't know if the search warrant was correct. She watches a lot of shows on tv, law and order, nypd, etc. She was not read her rights. No Honokaa police were there. An attorney said he wanted \$10,000 retainer and that she had to file police commission complaint first.

Ashida: Do you have a case in court.

Quidang: No.

Ashida: Your complaints may be legitimate or not. In any event, anything you are saying in a public can be used against you. In the event you are charged with a crime, What lawyer said to come to the commission.

Quidang: they did not say to come here.

Ashida: A lot of your complaints is about the method the police conducted. In others, the commission cannot tell the police who to execute a search warrant. Suggest you find a family attorney.

MARTHA MULLINS: HPC 06-07: She was with a friend who was manic and was being arrested. She wanted to stay with her friend, so told police to arrest her also. They did not do any mug shots. She had just gotten out of hospital in North Hospital. She was told she couldn't go back to her house When she got there she told them she was incontinent

and that she needed a diaper. They wouldn't give it to her, so she was in her urine and feces. She went over her complaint as written.

The criminal act was elder abuse.

Lundvist: What was the findings in the hospital.

Mullins: Urinary tract infection.

Steckel: Did anyone diagnosis your tremors. No.

Weinsten: The officer said today that he wrote him up at 59 mph.

ROBINSON: LEFT

12:05 executive session

Lundkvist/Steckel: Read motion, etc. U

STATUS OF COMPLAINTS REFERRED TO CHIEF

TAVARES: hpc 05-31: ARB has met, but he did not get results

Lassiter entered: 12:12 p.m.

CLARENCE DAVIES: HPC 06-02: Was sent to Kona Islander Inn about 12:45 of a suspicious person. He found nobody. He later got a second call about a suspicious person. He and Officer Haskell found a male in the bushes. He was questioning the male. He was suspicious. He gave him a name, that dispatch said was no such person. Larinaga ran away. He yelled to stop. He ran towards him. There was a tourist couple in the way. He blocked with his baton in a defensive move. Larinaga fell and landed on his shoulder. They don't hog tie people. That's not their policy. He did not take him to the hospital. Medics did. He had run from vice earlier that morning. The police department has had over 90 incidents with the police department. When he ran he made no attempt to stop.

RECESS: LUNDVIST/LASSITER u

UNFINISHED BUSINESS

Update on the State of Hawaii Police Commissioners' Conference.

NEW BUSINESS

- Request for reconsideration of Complaint HPC 05-13. At the previous meeting, the commission found insufficient evidence to prove the complainant's allegations that an officer threatened him with pepper spray and used profanity.
- Review of compensation for police officers.

10:30 P.M.: INVESTIGATION AND DELIBERATION OF COMPLAINTS**STATEMENTS ON COMPLAINTS** (open to the public)**EXECUTIVE SESSION** (closed to the public)

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).

- Status report of complaints referred to Police Chief Mahuna.
- Statements on complaints.
- Investigation and deliberation of complaints.

Complaint HPC 05-32: Complainant was arrested following an execution of a search warrant of her residence. She alleged that the search warrant was not properly presented, officers did not take their shoes off when entering the house, the house was left upside down, and some items were missing.

Complaint HPC 05-35: Complainant complained about the manner in which an officer handled the case of theft of her jewelry.

Complaint HPC 06-02: Complainant alleged that two officers injured him during his arrest.

Complaint HPC 06-03: Complainant alleged that two officers were traveling at 48 mph, and when he tried to pass, they sped up to 58 mph. He was cited for going 59 mph. He also alleged that one officer was evasive and the other was confrontational and threatening.

Complaint HPC 06-04: Complainant called the police for assistance in removing two people from her home. She alleged that an officer would not acknowledge that she was hurt, refused to get her medical assistance, and refused to take pictures of evidence.

Complaint HPC 06-05: Complainant, a juvenile, alleged that an officer harassed him and his friends about drinking. He also complained that he was harassed while in the holding cell.

Complaint HPC 06-06: Complainant stated that an officer assured her that an APB was initiated against the person who beat her up. She alleged that the abuser was not arrested until 19 hours later because there was no APB on him.

Complaint HPC 06-07: Complainant stated that she was arrested at the hospital emergency room for disorderly conduct. She alleged that while in jail, she was denied a phone call, was refused assistance for her incontinence, and was laughed at. She also alleged that when she was sent back to the hospital, the police lied about her condition, and so she was mistreated and humiliated.

ACTION ON EXECUTIVE SESSION MATTERS

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

ANNOUNCEMENTS

- The Police Commission will host the annual State of Hawai'i Police Commissioners' Conference on May 11 and 12, 2006, at the Sheraton Keauhou Bay Resort.
- The Police Commission's next monthly meeting will be on May 19, 2006, at 9:00 a.m., at the Department of Liquor Control conference room, 75-5722 Hanama Place, Kona.
- Collection of files and documents.

ADJOURNMENT

NOTE: *If you require an accommodation or auxiliary aid and/or services to participate in this meeting (i.e., sign language interpreter, large print, etc.), please call the Police Commission at 961-8412 at least three days prior to the meeting.*