

**SPECIAL MEETING NOTICE\***  
**HAWAI'I COUNTY POLICE COMMISSION**

**DATE:** Friday, September 10, 2004

**\*TIME:** 9:00 a.m. (*instead of 10:00 a.m.*)

**PLACE:** Hawaii Naniloa Resort, Palm Lounge  
93 Banyan Dr., Hilo

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**AGENDA**

**CALL TO ORDER**

**ROLL CALL**

**APPROVAL OF AGENDA**

**STATEMENTS ON AGENDA ITEMS** - Open to the public  
(*Corporation Counsel to give an explanation of statements.*)

**STATEMENTS ON AGENDA ITEMS (EXECUTIVE SESSION)** - Closed to the public  
*To consider discipline and charges against officers or employees of the Hawai'i 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 Hawai'i County Charter Section 13-20 (b).*

**APPROVAL OF MINUTES**

- August 13, 2004, regular and executive sessions.

**PERSONNEL ORDERS**

- Nos. 2004-094 to 2004-104 (*Including but not limited to work assignments, training assignments, promotions, reallocations, severance from service, automobile allowances, and appointments.*)

**COMMUNICATIONS**

- Maui Police Commission Minutes of August 18, 2004.
- Honolulu Police Commission Minutes of June 2 and 16 and July 7, 2004.
- Kauai Police Commission Minutes of July 16, 2004.
- Correspondence 04-49 from Lisa J. Sims-Hulsey requesting that the commission re-open her case. Decision was rendered on December 19, 2003.

- Correspondence 04-50, letter of resignation from Paul M. de Silva.
- Correspondence 04-51, petition from North Kohala Coalition Against Drugs for a community-policing officer.
- Correspondence 04-52, request for legal counsel from Officer Paul Bugado in Civil No. 04-00392 DAE.
- Correspondence 04-53, request for legal counsel from Officer Bryan Ellis in Civil No. 04-1-0106K.
- Correspondence 04-54, request for legal counsel from Officer Wayne Mitsunaga in Civil No. 02-1-0149K.
- Correspondence 04-55, from Deputy Corporation Counsel with instructions on service and acceptance of a subpoena.
- Correspondence 04-56, from Corporation Counsel Lincoln Ashida regarding SHOPO prohibited practices complaint. (Confidential attorney-client communication.)
- Correspondence 04-57, from Chair Horace Hara to Chief Lawrence Mahuna requesting comments on the commission's recommendations on investigating complaints.
- Correspondence 04-58, from Paul M. de Silva requesting an inquiry as to whether or not the location of the new police station in Captain Cook affords unwarranted advantages to Police Commissioner Dwight Manago and the Manago Hotel through the improper use of his office.
- Correspondence 04-59, from Janene Caracaus complaining that Police Commissioner Peter Muller showed her his badge and yelled at her when she passed a vehicle on the right shoulder of the roadway.
  - 04-59A, Chair Horace Hara's response.
  - 04-59B, Ms. Caracaus's response.
  - 04-59C, Commissioner Muller's response.
  - 04-59D, Corporation Counsel Lincoln Ashida's response. (Confidential attorney-client communication.)
- Correspondence 04-60, from Corporation Counsel Lincoln Ashida regarding police commission badges. (Confidential attorney-client communication.)
- Correspondence 04-61, from John Texeira requesting the commission's assistance in expediting the process of his car accident and obtaining the other person's insurance information.

**COMMITTEE REPORT**

- Budget and Finance (Hara/Manago)
- Office Management and Staffing (Muller/Mitchell)
- Rules and Policies (Bertsch)
- Contractual Services (Frazier)
- Public Relations (Hara/Lassiter)

**CHIEF'S REPORT**

Including:

- Crime
- Traffic
- Personnel
- Finance
- Commendations
- Commanders' meeting minutes
- Other departmental activities

**UNFINISHED BUSINESS**

- SHOPO prohibitive practices complaint. SHOPO believes that it is ill advised and premature for the police commission to adopt new rules and procedures.
- Inquiry into the alleged attendance of two Hawaii County Police Commissioners attending a proceeding of the Administrative Review Board.

**NEW BUSINESS**

- Correspondence 04-49 from Lisa J. Sims-Hulsey requesting that the commission re-open her case. Decision was rendered on December 19, 2003.
- Correspondence 04-52, request for legal counsel from Officer Paul Bugado in Civil No. 04-00392 DAE.
- Correspondence 04-53, request for legal counsel from Officer Bryan Ellis in Civil No. 04-1-0106K.
- Correspondence 04-54, request for legal counsel from Officer Wayne Mitsunaga in Civil No. 02-1-0149K.
- Correspondence 04-58, from Paul M. de Silva requesting an inquiry as to whether or not the location of the new police station in Captain Cook affords unwarranted advantages to Police Commissioner Dwight Manago and the Manago Hotel through the improper use of his office.
- Correspondence 04-59, from Janene Caracaus complaining that Police Commissioner Peter Muller showed her his badge and yelled at her when she passed a vehicle on the right shoulder of the roadway.  
Correspondence 04-59A, 59B, 59C, 59D.

- Correspondence 04-61, from John Texeira requesting the commission's assistance in expediting the process of his car accident and obtaining the other person's insurance information.

#### Investigation and Deliberation of Complaints.

HPC 03-36: Complainant alleged that an officer violated the law when he towed her pickup truck and that he was unprofessional and arrogant. Investigated by Legal Eyes.

HPC 04-08: Complainant alleged that an officer has been stalking him and his family. Investigated by Legal Eyes.

HPC 04-01: Complainant alleged that officers threatened her and used force.

HPC 04-05: Complainant's son was hit and killed by an on-duty police officer. He complains about the manner in which the incident was handled.

HPC 04-25: Complainant was arrested for domestic abuse. She complains about the manner in which officers conducted the investigation.

HPC 04-32: Complainant alleged that she was abused by her husband and officers did nothing.

HPC 04-34: Complainant was involved in a traffic stop. He alleged that the officer falsified information and was overbearing.

HPC 04-35: Complainant alleged that on two occasions officers would not take his complaint that someone deliberately lied when a TRO was put on him.

#### **EXECUTIVE SESSION**

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- Status report of complaints referred to Legal Eyes Investigations.
- Status report of complaints referred to Chief Mahuna
- Correspondence 04-56, SHOPO prohibited practices complaint.
- Correspondence 04-60, police commission badges.
- Investigation and deliberation of complaints.

**ACTION ON EXECUTIVE SESSION MATTERS**

**STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS**

**ANNOUNCEMENTS**

- Collection of files and documents.
- The next monthly meeting is scheduled for October 15, 2004, 9:00 a.m., at the Ohana Keauhou Beach Resort, 78-6750 Alii Drive, Kona.

**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.*