

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

DATE: Friday, November 21, 2003

TIME: 10:00 a.m.

PLACE: Waimea Civic Center Conference Room
67-5189 Kamamalu St., Kamuela (next to police station)

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).

- Complaint HPC 03-12A and 12B, report by Akal Investigations.
- Complaint HPC 03-22, report by Akal Investigations.

APPROVAL OF MINUTES

October 17, 2003, regular and executive sessions.

PERSONNEL ORDERS

Nos. 2003-118 to 2003-136.

COMMUNICATIONS

- Honolulu Police Commission minutes of October 15, 2003.
- Maui Police Commission minutes of October 15, 2003.
- Correspondence 03-96, from Chief Mahuna requesting that the commission formulate language in its correspondence to officers that their appearance before the commission is voluntary and non-compensable.

- Correspondence 03-96.1, from Corporation Counsel Ashida recommending language to use.
 - Correspondence 03-97, copy of letter from Corporation Counsel Ashida to Director of Personnel Mike Ben, requesting that the Department of Civil Service provide training to the Police Commission on the receipt, use, and handling of sensitive materials.
 - Correspondence 03-98, copy of letter from Corporation Counsel Ashida to Jack Schweigert, Esq. regarding concerns of his clients, Rhonda and John Robison, in which they cited a potential conflict of interest over his representation of the Police Commission and Police Department.
 - Correspondence 03-99, from Corporation Counsel Ashida clarifying his advisory of August 11, 2003, concerning the attorney-client privilege.
 - Correspondence 03-100, from Chief Mahuna advising of the various letters they will be sending to victims of alleged police misconduct.
 - Correspondence 03-101, from the Honolulu Police Commission notifying of changes in its phone numbers.
 - Correspondence 03-102, from the Salary Commission regarding the uniform allowance for the police chief and deputy police chief.
 - Correspondence 03-103, from Executive Assistant Wendell Hatada regarding boards and commissions vacancies.
 - Correspondence 03-104, from Corporation Counsel Ashida informing of the OIP training for boards and commissions on Thursday, December 4, 2003.
 - Correspondence 03-105, from Nancye Capri regarding the commission's reconsideration of Complaint HPC 03-24.
 - Correspondence 03-106, copy of letter from the Public Defender to Chief Mahuna requesting a criminal investigation regarding testimony given by Officers McGuire and Natividad during suppression hearings in State v. Wes C. Hicks, Cr. No. 02-1-0434.
 - Correspondence 03-107, from Peggy Saunders listing her record of dealings with the police and requesting answers to her questions.
 - Correspondence 03-108, from Commissioner Paul de Silva, draft of his personal views on the Police Commission and proposed improvements to the disciplinary system of the Police Department.
- Correspondence 03-108.1, revision to draft.

- Correspondence 03-109, copy of letter to OIP from Corporation Counsel Ashida requesting an advisory concerning the sufficiency of the agenda for the Hawai'i Police Commission.

COMMITTEE REPORT

- Budget and Finance (Hara/Manago)
- Office Management and Staffing (Muller/Mitchell)
- Rules and Policies (Moe/Bertsch)
 - Procedures for processing complaints (continued from October meeting)
 - Revisions to rules and regulations
- Contractual Services (de Silva/Frazier)
- Public Relations (Hara/Lambeth)

CHIEF'S REPORT

Including:

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

UNFINISHED BUSINESS

NEW BUSINESS

- Correspondence 03-97, presentation by the Department of Civil Service on the receipt, use, and handling of sensitive materials.
- Correspondence 03-108.1, from Commissioner Paul de Silva, draft of his personal views on the Police Commission and proposed improvements to the disciplinary system of the Police Department.
- Review of chief of police evaluation form and rating scale.

INVESTIGATION AND DELIBERATION OF COMPLAINTS (EXECUTIVE SESSION)

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- Status report of complaints referred to Chief Mahuna.
- Reconsideration of Complaint 03-24: Complainant alleged that during a seatbelt roadblock, officers responded in a sarcastic and unprofessional manner. Complaint exceeded the 60-day limitation for filing a complaint.
- Complaints HPC 03-12A and B: Complainant alleged that the spraying of pepperspray on him was unwarranted. Review of Akal's investigative report.
- Complaint HPC 03-22: Complainant alleged that officers were bias and untruthful when investigating his auto accident. Review of Akal's investigative report.
- Complaint HPC 03-25A, B, C, D, E, and F: Complainants alleged that officers were called to the establishment that they were leaving and mistook them for the suspect and arrested them. They also alleged that an officer maced them while they were on the ground and handcuffed.
- Complaint HPC 03-26: Complainant alleged that during her arrest, an officer used excessive and malicious force.
- Complaint HPC 03-27: Complainant alleged that he made a complaint at the police station about a barking dog, and shortly thereafter an officer went to his home and threatened to arrest him.
- Complaint HPC 03-28: Complainant alleged that during his arrest, an officer mistreated him and falsified records.
- Complaint HPC 03-29: Complainant alleged that an officer was untruthful and had no probable cause for his traffic stop.

ACTION ON EXECUTIVE SESSION MATTERS

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

ANNOUNCEMENTS

A special meeting will be held on December 8, 2003, at 9:00 a.m., at the Hilo Hawaiian Hotel to further discuss the commission's function concerning police discipline and to review the chief of police evaluation.

The next monthly meeting is scheduled for December 19, 2003, at 10:00 a.m., in the Hawai'i County Council Room.

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 961-8412.