

**HAWAI'I COUNTY POLICE COMMISSION  
REGULAR SESSION MINUTES  
JANUARY 18, 2008  
WAIMEA CIVIC CENTER CONFERENCE ROOM**

**INVOCATION**

Commissioner Sumja gave a blessing.

**CALL TO ORDER**

Chair Lassiter called the meeting to order at 9:12 a.m.

**ROLL CALL**

Present:	Pudding Lassiter, Chair	Also Present:	Lawrence K. Mahuna, Police Chief
	Thomas P. Whittemore, Vice Chair		Harry S. Kubojiri, Deputy Chief
	Louis Kaiwi, Commissioner		Paul Ferreira, Assistant Chief
	Karolyn P. Lundkvist, Commissioner		Henry Tavares, Assistant Chief
	Betsy Mitchell, Commissioner		Samuel Thomas, Major
	Melvin S. Morimoto, Commissioner		Marshall, Kanehailua, Captain
	Michael B. Sumja, Commissioner		Lincoln S. Ashida, Corporation Counsel
			Josie Pelayo, Secretary
Absent:	Anita Politano Steckel, Commissioner		
	Kaloa R. N. Robinson, Commissioner		

A quorum was present.

**APPROVAL OF AGENDA**

Vice Chair Whittemore moved to approve the agenda. Commissioner Kaiwi seconded the motion, and it carried unanimously.

**STATEMENTS ON AGENDA ITEMS:** None.

**APPROVAL OF MINUTES**

Commissioner Kaiwi moved to approve the minutes of December 20 and 21, 2007, regular and executive sessions. Commissioner Sumja seconded the motion, and it carried unanimously.

**PERSONNEL ORDERS**

Commissioner Kaiwi moved to accept Personnel Orders Nos. 2007-113 to 2007-117 and 2008-001. Commissioner Sumja seconded the motion, and it carried unanimously.

**COMMUNICATIONS**

Commissioner Kaiwi moved to accept the communications as listed. Commissioner Sumja seconded the motion, and it carried unanimously.

### COMMITTEE REPORTS

- **Budget and Finance** (Whittemore/Kaoiwi): No report.
- **Office Management and Staffing** (Lassiter/Morimoto): No report.
- **Rules and Policies** (Lundkvist/Mitchell): No report.
- **Contractual Services** (vacant): No report.
- **Public Relations** (Politano/Robinson): No report.

### CHIEF'S REPORT

Including:

- **Crime:** Assistant Chief Henry Tavares summarized the written report.
- **Traffic:** Major Sam Thomas summarized the written report. In response to Vice Chair Whittemore's inquiry, he stated that by law, DUI stop locations have to be at pre-designated sites.
- **Personnel:** Assistant Chief Ferreira reported that they have 19 civilian and 70 sworn vacancies. A recruit class graduated last week, and another will graduate in April. Chief Mahuna reported that Major Henry Tavares was promoted to Assistant Chief of Area II.
- **Finance:** Assistant Chief Ferreira entertained questions to the written financial report. Vice Chair Whittemore asked that the commission be given a copy of the CIPs for all districts in order for them to play a supportive role. Commissioner Kaoiwi requested that they get replacement equipment for the commission's office. A.C. Ferreira stated that they have the funds in the budget, and Ms. Oshiro will work with Ms. Pelayo.
- **Commendations:** Chief Mahuna reported receiving five commendations since the last meeting, three from Hilo and one each from Hamakua and Kona.
- **Other Departmental Activities:** Regarding a newspaper article on the police department's terminations and suspensions, Chief Mahuna stated that their investigations are fair, impartial, and very professionally done. As a result, they expect more compliance with the General Orders.

Chief Mahuna reported that he recently attended a conference on grants in Salt Lake City sponsored by the Bureau of Justice Assistance. They learned that monies have been cut by 60% due to the current war. Many of their start-up programs were done with these grants.

Chief Mahuna reported that Assistant Chief Tavares will host their "Hawai'i's Most Wanted" television program until promotions are made in the administrative major positions.

Chief Mahuna reported that their budget meeting with the county's finance department did not generate many questions. They did request two I.A. criminal detectives.

Chair Lassiter inquired into upgrading the commission's secretary's position. Chief Mahuna stated that human resources has to do an audit of the position. If it meets the standards of the higher classification, then she will be reclassified. An audit was done several years ago, and the job description fell into the current classification. Commissioner Sumja stated that coming out of the world of Human Resources, when they do an evaluation, there is an attitude of keeping the position as inexpensive as possible. He requested a review of the position again. He will work with Ms. Pelayo and go over all the particulars of her job.

Chief Mahuna reported that the County Council and the Administration are looking into the possibility of incentives for working in certain areas of the island.

Commissioner Sumja inquired if it would be helpful for the two commissioners on the Budget and Finance Committee to attend the April 2, 1:30 p.m., County Council meeting, to which Chief Mahuna stated, "Absolutely." Chair Lassiter stated that they would all be there.

Vice Chair Whittemore stated that what they have done with the ice issues and marijuana eradication is a model for the other counties. He inquired into justification for asset seizure and how the assets are handled. Chief Mahuna reported that they have strict guidelines for asset forfeiture and referred the matter to Captain Kanehailua.

Captain Kanehailua reported forfeiture depends upon the amount that is seized. The Feds have a minimum threshold for them to take the case. State forfeiture does not have a threshold, and the police department gets 25% of the proceeds. Federally, they get 80% of the proceeds. Federally, they have to specify what the funds will be used for, and the Chief and Corporation Counsel sign off on it. The funds have to be earmarked specifically for what was seized or what agency it was seized from. If it was a vice related offense, then it would be used for vice related activities such as training, travel, and equipment. They cannot take it from vice and use it in patrol. The Chief has the final authority on how the funds are disseminated.

Vice Chair Whittemore asked if monies could be used for education outreach. In the past the Chief has talked about educating the community about these things.

Captain Kanehailua stated that he believes education would be demand reduction, so it could be used for education.

In response to Vice Chair Whittemore's inquiry into how much monies they received over the past year, Captain Kanehailua stated that he can speak on Operation Capsize. One of the major settlements was \$700,000 on property. Instead of seizing the assets, they had the individual sell the properties so they weren't stuck with trying to auction it off. They took the fair market value and had him pay them in cash. They got 80% of the \$700,000 which went into their asset forfeiture fund.

Vice Chair Whittemore stated that that sends a strong message to people that they could lose their assets.

Deputy Chief Kubojiri stated that in the last several years, the Legislature has been trying to move the forfeiture funds to the state general fund.

Chief Mahuna stated that asset forfeiture funds are normally used for big projects such as the RMS. It cannot be used for such items as salaries and wages.

Deputy Chief Kubojiri stated that the federal funds are just for the police department. On the state side, the police department gets 25%, and the prosecutors get 25%. The state attorney general gets 50%, but the police department could use a portion of that for training rather than taking it out of the county funds.

Chair Lassiter commended Commissioner Mitchell for her very nice presentation at the recent recruit graduation.

Commissioner Sumja stated that a woman in his community constantly complains about her neighbors, and that officers are not doing their job. The citizens have approached him and asked how to basically "shut her up" because they are sick and tired of her constant unfounded complaints. If you go by somebody's house, and they have a dog, the dog will bark. When the police officers go there, there is no continuum of barking. The neighbors have brought her gifts and she accused them of bribery. The neighbors want to know the proper procedure to get the woman off their backs. He asked if she could be charged with harassment.

Corporation Counsel Ashida stated that there is nothing the police can do to prevent her from making complaints. Harassment requires a showing of intent to harass, annoy, or alarm. He doesn't know if she meets that requirement. Basically, what Commissioner Sumja is saying is that she's a pain in the . . . , but the Legislature hasn't criminalized that yet. Her complaints of officers not doing their job goes with the territory.

Chief Mahuna stated that the neighbors may consider a civil complaint. She has consumed a lot of North Kohala's time. However, the officers cannot pick and choose whom they respond to. The captain, CPO, and chaplain have talked to her. The law calls for her to initially make contact with the neighbor, but she says if she does, she will be attacked. So, she uses the police as her personal security, bodyguard.

Commissioner Kaiwi expressed concern that she constantly calls "wolf," and one day no one will come to help her.

- Commanders' Meeting Minutes of December 18, 2007: No discussion.

**Correspondence 08-01:** Chair Lassiter stated that the writer requested information on starting civilian oversight in his community. She requested assistance from Corporation Counsel Ashida who will respond by addressing the questions and explaining how Hawaii County's system was implemented.

## **INVESTIGATION AND DELIBERATION OF COMPLAINTS**

**STATEMENTS ON COMPLAINTS** (open to the public): None.

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

Commissioner Sumja moved 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 performance evaluation of the Police Chief 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 that pertain to the commission's powers, duties, privileges, immunities, and liabilities pursuant to HRS 92-5 (2) and Hawaii County Charter Section 13-20 (b). Commissioner Kaiwi seconded the motion, and it carried unanimously.

Executive session convened at 10:30 a.m.

Regular session reconvened at 12:05 p.m.

**ACTION ON EXECUTIVE SESSION MATTERS**

**COMPLAINT HPC 07-46:** Complainant alleged that he was wrongfully accused of DUI and being noncompliant, that he was assaulted, not given medical assistance, and was kept in jail over night. Commissioner Morimoto moved that there was insufficient evidence to prove the complainant's allegations. Vice Chair Whittemore seconded the motion, and it 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 February 15, 2008, at 9:00 a.m. at the Department of Liquor Control in Kailua-Kona at 75-5722 Hanama Place, Suite 1107.
- Collection of files and documents. - Done

**ADJOURNMENT**

The meeting was adjourned at 12:15 p.m.

SUBMITTED:

*Josie Pelayo*  
JOSIE PELAYO, SECRETARY

APPROVED:

*Pudding Lassiter*  
PUDDING LASSITER, CHAIR