

**HAWAII COUNTY POLICE COMMISSION  
REGULAR SESSION MINUTES  
FEBRUARY 15, 2008  
KING KAMEHAMEHA HOTEL**

**INVOCATION**

Commissioner Sumja gave the invocation.

**CALL TO ORDER**

Chair Lassiter called the meeting to order at 9:05 a.m.

**ROLL CALL**

Present:	Pudding Lassiter, Chair	Also Present:	Lawrence K. Mahuna, Police Chief
	Thomas P. Whittemore, Vice Chair		Paul Ferreira, Assistant Chief
	Louis Kaoiwi, Member		Henry Tavares, Assistant Chief
	Betsy Mitchell, Member		Lincoln S. Ashida, Corporation Counsel
	Kaloa R. N. Robinson, Member		Josie Pelayo, Secretary
	Michael B. Sumja, Member		

Absent: Karolyn P. Lundkvist, Member  
Anita Politano Steckel, Member

**APPROVAL OF AGENDA**

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

**STATEMENTS ON AGENDA ITEMS:** None.

**APPROVAL OF MINUTES**

Vice Chair Whittemore moved to approve the minutes of January 18, 2008, regular and executive sessions. Commissioner Sumja seconded the motion, and it carried unanimously.

**PERSONNEL ORDERS**

Commissioner Robinson moved to accept Personnel Orders Nos. 2008-003 to 2008-009. Vice Chair Whittemore seconded the motion, and it carried unanimously.

**COMMUNICATIONS**

Commissioner Robinson 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:** Assistant Chief Henry Tavares summarized the written report. In response to Vice Chair Whittimore's inquiry regarding seatbelt citations, he stated they enforce the law equally for both local residents and tourists and do not keep statistics of where people are from.
- **Personnel:** Assistant Chief Paul Ferreira reported that they have not lost or gained any personnel since the last meeting. They just put in a request for captain in North Kohala. The process will take until about April.
- **Finance:** Assistant Chief Paul Ferreira summarized the written report. The budget for 2008-09 was submitted to the commission.
- **Commendations:** Chief Mahuna thanked the commissioners for attending his 35-year anniversary luncheon.

Chief Mahuna reported receiving four commendations since the last meeting, two in Hilo, one in Puna, and one in North Kohala. Captain Marshall Kanehailua will be receiving a commendation from the U.S. Attorney's Office for Operation Capsize. It was major drug take-down with forty plus arrests. It had fingers on the Big Island, Oahu, Maui, and the mainland.

- **Other Departmental Activities.** (Response to questions by commissioners.)  
Chief Mahuna stated that monies from asset forfeiture can be used for equipment and training. They cannot use the money to supplant unrelated areas.

A.C. Ferreira stated that officers will go through Taser re-qualification training every two years. Ninety percent of officers are now trained in Taser use.

Chief Mahuna reported that the County Council has a resolution for incentive for referring people to apply for hard to fill positions. There is also some talk about providing housing allowance for police offices. People always ask why they can't keep officers in Kona. It's an economic issue. East Hawaii is more affordable to live in and own a home.

Chief Mahuna stated that he is taking the Commission's advice and will be visiting other stations quarterly. Today, he will be at the Kona station to talk to the people and answer questions.

The Halehalewai station is close to completion. They just received funding for the countertops.

The South Kona station will be in the area of the Captain Cook fire station and will be on a little over two acres. They still have to conduct a costly EIS, then planning and design, and then actual construction. He hopes it will be done in five years. They are looking at about 50 people, sworn and civilian, working in the new station.

Puna is also in need of a new station, but negotiating for the land has been difficult.

A.C. Ferreira stated that a person cannot be promoted from sergeant to captain. Minimum requirements must be met in order to qualify to become a captain.

Assistant Chief Tavares stated that seatbelt usage for Hawaii County has increased from January 2007 at 89% to December 2007 at 94%.

Commissioner Robinson stated that he will not be able to attend the next monthly meeting, and so this is his last meeting. As Executive Director of the non-profit, Hui Malama Ola Na Oiwi, a primary health and behavioral health care facility, he offered their services to police personnel in need of a personal care physician.

- **Commanders' Meeting Minutes of January 15, 2008:** No discussion.

#### **NEW BUSINESS**

- **Correspondence 08-03**, regarding procedures for representation of Police Officers. Corporation Counsel Ashida was not present, so the matter was deferred.
- **Correspondence 08-04**, invitation to the State of Hawaii Police Commissioners' Conference May 22-23, 2008. Ms. Pelayo asked those who plan to attend to notify her so she can process the paperwork.
- **Ethics Guide for Hawaii County Officers and Employees:** No discussion.

Recess was called at 9:50 a.m. The meeting reconvened at 10:20 a.m.

#### **INVESTIGATION AND DELIBERATION OF COMPLAINTS**

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

OFFICER DARREN CHO (Complaint HPC 07-54) stated that he may have used the wrong words that it was an automatic arrest. He had a call about custodial interference. The child was supposed to be dropped off to the dad or the grandparents. The reporting party was the grandparents on the Kona side. The child was in the Hilo side. The grandfather said he just wanted the mother to be told that she was in violation of the order and to bring the child over as soon as possible. He should have said it could be a possible arrest rather than "automatic arrest," which was inappropriate. He did not re-contact the party because he didn't know about her complaint until he received a copy of the Police Commission's complaint.

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

Commissioner Morimoto moved to consider discipline and charges against officers or employees of the Hawaii County Police Department 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). Vice Chair Whittemore seconded the motion, and it carried unanimously. Executive session convened at 10:28 a.m.

Regular session reconvened at 11:55 a.m.

**ACTION ON EXECUTIVE SESSION MATTERS**

**HPC 07-54:** Complainant alleged that an officer gave her faulty information and filed a false report. Commissioner Sumja moved that there was insufficient evidence to prove the complainant's allegations. In addition, the commission is to send the officer a letter stating that he needs to be more careful in the use of words and to refer this matter to the Chief for additional training of all personnel. Commissioner Robinson seconded the motion, and it carried unanimously.

**HPC 08-02:** Complainant alleged that an off-duty officer used his position as a police officer to influence other officers in a family matter. Vice Chair Whittemore moved that there was insufficient evidence to prove the complainant's allegations. Commissioner Robinson 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 March 14, 2008, at 9:00 a.m. at the Department of Liquor Control in the Hilo Lagoon Centre at 101 Aupuni St., Suite 230, Hilo.
- Collection of files and documents. – Done.

**ADJOURNMENT**

The meeting was adjourned at 12:05 p.m.

SUBMITTED:

*Josie Pelayo*  
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JOSIE PELAYO, SECRETARY

APPROVED:

*Pudding Lassiter*  
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PUDDING LASSITER, CHAIR