

**HAWAI'I COUNTY POLICE COMMISSION
REGULAR SESSION MINUTES
FEBRUARY 16, 2007
COUNTY'S AUPUNI CENTER CONFERENCE ROOM**

INVOCATION

Commissioner Robinson gave a blessing.

CALL TO ORDER

Chair Lassiter called the meeting to order at 9:08 a.m.

ROLL CALL

Present:	Pudding Lassiter, Chair	Also Present:	Lawrence K. Mahuna, Police Chief
	Melvin S. Morimoto, Vice Chair		Harry S. Kubojiri, Deputy Chief
	Louis Kawaii, Member		James Day, Assistant Chief
	Karolyn P. Lundkvist, Member		Paul Ferreira, Assistant Chief
	Betsy Mitchell, Member		Jay Enanoria, Major
	Anita Politano Steckel, Member		Marshall Kanehailua, Captain
	Kaloa R. N. Robinson, Member		Craig Masuda, Deputy Corporation Counsel
	Thomas P. Whittemore, Member		Josie Pelayo, Secretary

Absent: James A. Frazier, Member

CHIEF'S REPORT

Presentation of the Cadet Program (Other Departmental Activities): Gabriella Cabanas of the County's Human Resources Department and Major Jay Enanoria gave a summary of the new Police Cadet Program. They have fifteen openings that should feed directly into the police recruit program. The cadets will be sworn civilian employees who will have to satisfactorily complete three phases of the program. As of that morning they received 80 applications.

Cabanas reported that the police department paid for a recruitment video that has been made available to all sites of interest such as the University of Hawai'i, job fairs, and television. She expressed appreciation to Chief Mahuna for his assistance with the program.

APPROVAL OF AGENDA

Commissioner Lundkvist moved and Commissioner Robinson seconded to approve the agenda. The motion carried unanimously.

STATEMENTS ON AGENDA ITEMS - None.

APPROVAL OF MINUTES

Commissioner Lundkvist moved and Commissioner Politano Steckel seconded to approve the minutes of January 19, 2007, regular and executive sessions. The motion carried unanimously.

PERSONNEL ORDERS

Nos. 2007-005 to 2007-009 (*Including, but not limited to work assignments, training assignments, promotions, reallocations, severance from service, automobile allowances, and appointments.*) Commissioner Robinson moved and Commissioner Lundkvist seconded to accept the Personnel Orders as listed. The motion carried unanimously.

COMMUNICATIONS

Commissioner Robinson moved and Commissioner Lundkvist seconded to accept the communications as listed. The motion 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 James Day summarized the written report.
- **Traffic:** Assistant Chief Derek Pacheco summarized the written report. Traffic fatalities are down, and DUI arrests are up.
- **Personnel:** Assistant Chief Ferreira reported having 38 sworn vacancies. Two recruit classes are in session. The 70th recruit class will be assigned in September, and another class is being screened.
- **Commendations:** Chief Mahuna reported receiving seven commendations involving 58 employees since the last meeting
- **Commander's Meeting Minutes of January 16, 2007:** No discussion.
- **Other Departmental Activities:**
 - Chief Mahuna reported on CALEA (Commission on Accreditation of Law Enforcement Agencies). He is trying to get clerical staff to assist Lt. Ron Paul who is spending more time on typing rather than research. It is a lengthy

accreditation process, and everything must have procedures or policy statements. Once the CALEA application is submitted, they only have a window of three months to complete the process which costs \$25,000. So, they want to do all their front-end work first before submitting the application.

- Chief Mahuna thanked the commissioners for their support for his and the Deputy's pay increase. The increase is not necessarily for him, but for the position, the next Police Chief. This allows the county to be in a position of continuity. Commissioner Kaiwi stated that they need to continually monitor the salaries because of contract increases.
- Chief Mahuna reported that the Police Chiefs' Conference is coming up soon, and they will be asking all counties to increase the base pay for all incoming police officers.
- Chief Mahuna reported that the police department will be doing a television program of *Hawai'i's Most Wanted* on cable TV. It will be hosted by Major Jay Enanoria.
- Commissioner Mitchell stated that she received a call from some visitors whose car was broken into at the Green Sands Beach in Ka'u. They were treated very kindly by a police officer at the Ka'u police station. Although, he was not able to go out and search the area with them because he was the only one at the station. The visitors went back to the area and found many purses and airline tickets. People want to know what happened with their complaint.
- Commissioner Politano reported that there is about \$10,000 to start the fallen officers' monument, but nothing is happening.

INVESTIGATION AND DELIBERATION OF COMPLAINTS

EXECUTIVE SESSION (closed to the public)

Commissioner Lundkvist moved and Commissioner Mitchell seconded to meet in executive session 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 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). The motion carried unanimously. Executive session convened at 10:12 a.m.

Regular session reconvened at 10:33 a.m.

STATEMENTS ON COMPLAINTS (open to the public)

IVY KUOHA (Complaint HPC 06-27) stated that her husband got into an argument with their neighbor. Officer Reis kept telling her husband to shut up. She told the officer it wouldn't help to talk to them like that, and he told her to shut up. They didn't deserve having the officer speak to them like that. There were no other officers around when he kept telling them to shut up. The officer kept mouthing off. Her husband went upstairs, and officers told him to come out. They broke into her home to get to her husband. Since the incident, they have gone through mediation with their neighbor.

DYRESON KUOHA (Complaint HPC 06-27) stated that during the incident, he explained to the cops that his neighbor pushed him and provoked him. Things got out of hand. He was upset because Officer Reis told him to shut up when he expressed his own opinion in his own home. He went upstairs and locked the door. Cops told him to come down. He jumped out the window. Then he thought why he was doing that, so he went over to the cops. They took him down and they told him he was being arrested for disorderly conduct. While at the police station, he asked for medical assistance for cuts on his arm. They told him he could have Band-Aid, and he refused. Officer Aaron Carvalho sent the other officer out of the room. Officer Carvalho told him, "You want to do anything?" Officer Carvalho swore at him while at the cellblock. He injured his arm when the officers grabbed him and threw him on the ground. The scarring came from their fingernails. He wants to be reimbursed for the door the police broke.

WILLIAM ENOS (Complaint HPC 06-29) stated that he had an argument with his girlfriend. She came home so drunk that she could hardly walk. She fell down and hurt herself. She said he broke the door down. He had the key and didn't have to break the door. The door was not damaged. She said he punched her and broke her tooth. She broke her tooth in a previous accident. She called 9-1-1 and told them he had a gun. Officers came, and he told them there was no gun. Officers falsely arrested him. He made the 9-1-1- call.

EXECUTIVE SESSION (closed to the public)

Commissioner Robinson moved and Commissioner Lundkvist seconded to meet in executive session 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 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). The motion carried unanimously.
Executive session convened at 11:02 a.m.

Regular session reconvened at 12:25 p.m.

ACTION ON EXECUTIVE SESSION MATTERS

- **Complaint HPC 06-26:** Complainant alleged that officers responded to a neighbor's call and entered his residence without a warrant. A finding was made at the last meeting, but the commission requested a follow-up report from the Chief. The complaint was deferred to the next meeting in order to review the Chief's report.
- **Complaint HPC 06-33:** Complainant alleged that an officer gave her inaccurate information about obtaining a police report, the police report was incomplete and inaccurate, and the officer did not contact her on the status of the investigation. The complaint was deferred at the last meeting for a follow-up report from the Chief. The complaint was deferred to the next meeting in order to review the Chief's report.
- **Complaint HPC 06-22:** Complainant was arrested for a burglary. He alleged that during incident, he was injured and the police should have given him medical treatment at the scene rather than transporting him to the cellblock first. Commissioner Robinson moved and Commissioner Whittemore seconded to defer the complaint for medical and EMT reports. The motion carried unanimously.
- **Complaint HPC 06-24:** Complainant was arrested for DUI after he rear-ended another vehicle. He alleged that the officers were verbally abusive and used excessive force on him. Ms. Pelayo reported that the complainant withdrew his complaint the day before. Commissioner Robinson moved and Vice Chair Morimoto seconded to accept the complainant's withdrawal. The motion carried unanimously.
- **Complaint HPC 06-27A & 27B:** Complainant was involved in an argument with his neighbor, and the police were called. Complainants alleged that an officer told them to shut up and officers broke down their front door. Complainant also alleged that while at the police station, he interpreted an officer's actions towards him as a threat and a call to fight. Commissioner Robinson moved and Commissioner Kaiwi seconded that there was sufficient evidence to prove the complainant's allegations. The motion carried unanimously.
- **Complaint HPC 06-29:** Complainant alleged that he was falsely arrested for domestic violence. He also alleged that because officers would not escort him back to his home, he went anyway and was arrested for violating a restraining

order. Commissioner Kaiwi moved and Commissioner Morimoto seconded that there was insufficient evidence to prove the complainant's allegations. The motion carried unanimously.

- **Complaint HPC 07-01:** Complainant alleged that an officer used profanity against him when he was arrested for violating a TRO. During the incident he had a seizure and alleged that another officer held him down and caused him to re-break his ribs. Commissioner Politano Steckel moved and Commissioner Mitchell seconded to defer the complaint to the next meeting in Hilo in order to give the complainant and the officers another opportunity to testify.
- **Complaint HPC 07-02:** Complainant took his undeclared Colt 45 through airport security and had to surrender it to the police. He alleged that an officer illegally retrieve his personal property. Commissioner Robinson moved and Commissioner Whittemore seconded that there was insufficient evidence to prove the complainant's allegations. The motion carried unanimously.
- **Complaint HPC 07-03:** Complainant complained about the manner in which an investigation was conducted. Commissioner Robinson moved and Commissioner Lundkvist seconded to decline further investigation because the notarized complaint was not received within the 60-day deadline (204 days). The motion carried unanimously.
- **Complaint HPC 07-04:** Complainant alleged that in a police report, officers had a false report number and signature. Commissioner Lundkvist moved and Vice Chair Morimoto seconded to decline further investigation because the notarized complaint was not received within the 60-day deadline (157 days). The motion carried unanimously.
- **Complaint HPC 07-05:** Complainant alleged that while at the bus stop, officers questioned him about bothering kids. Commissioner Robinson moved and Vice Chair Morimoto seconded that there was insufficient evidence to prove the complainant's allegations. The motion carried unanimously.
- **Complaint HPC 07-06:** Complainant alleged that while sitting in the park, officers came and asked him questions and then took him to the hospital. Commissioner Robinson moved and Vice Chair Morimoto seconded that there was insufficient evidence to prove the complainant's allegations. The motion carried unanimously.
- **Complaint HPC 07-07:** Complainant alleged that while in a parking lot, officers questioned him and told him to leave. He also alleged that while in the Mayor's

parking lot, he told police that a man bothered him, but he did not get satisfaction. Commissioner Robinson moved and Vice Chair Morimoto seconded that there was insufficient evidence to prove the complainant's allegations. The motion carried unanimously.

- **Complaint HPC 07-08:** Complainant alleged that while sitting in a diner, police were rude to him. He was arrested and thrown to the ground. Commissioner Robinson moved and Vice Chair Morimoto seconded that there was insufficient evidence to prove the complainant's allegations. The motion carried unanimously.
- **Complaint HPC 07-09:** Complainant alleged that while in the park, two cops came and told him to leave. Kids were bothering him. Commissioner Robinson moved and Vice Chair Morimoto seconded that there was insufficient evidence to prove the complainant's allegations. The motion carried unanimously.
- **Complaint HPC 07-10:** Complainant alleged that he was wrongfully given two traffic citations. He also alleged that the officer accused him of drinking but let him drive away anyway. Commissioner Kaiwi moved and Commissioner Whittemore seconded that there was insufficient evidence to prove the complainant's allegations. The motion carried unanimously.
- **Correspondence 07-03:** Review of proposals to furnish investigative services for the Police Commission. This matter was deferred to the next meeting.
- **Review of the Police Commission's Investigative Process** (unfinished business)
This matter was deferred to the next meeting.

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS - None.

ANNOUNCEMENTS

- Chair Lassiter announced that the Police Commission's next monthly meeting will be on March 16, 2007, at the Waimea Civic Center Conference Room, 67-5189 Kamamalu St., Waimea (next to police station).
- Collection of files and documents. – Done.

ADJOURNMENT

The meeting was adjourned at 12:58 a.m.

SUBMITTED:

APPROVED:

Josie Pelayo
JOSIE PELAYO, SECRETARY

pudding Lassiter
PUDDING LASSITER, CHAIR