

**HAWAII COUNTY POLICE COMMISSION
REGULAR SESSION MINUTES
FEBRUARY 17, 2006
KONA DEPARTMENT OF LIQUOR CONTROL**

CALL TO ORDER

Chair Pudding Lassiter called the meeting to order at 9:10 a.m.

Blessing was given by Kahu Harold Teves.

ROLL CALL

Present: Pudding Lassiter, Chair
Melvin S. Morimoto, Vice Chair
John M. Bertsch, Member
James A. Frazier, Member
Louis Kaoiwi, Member
Karolyn P. Lundkvist, Member
Kaloa R. N. Robinson, Member
Anita Politano Steckel, member

Also present: Harry S. Kubojiri, Deputy Chief
Ronald Nakamichi, Assistant Chief
Lincoln S. Ashida, Corporation Counsel
Josie Pelayo, Secretary

Absent: Betsy Mitchell, Member

APPROVAL OF AGENDA

Commissioner Frazier moved and Commissioner Bertsch seconded to add Complaints HPC 05-31 and HPC 05-34 to the agenda and to approve the agenda as amended. The motion carried unanimously.

STATEMENTS ON AGENDA ITEMS - None

APPROVAL OF MINUTES

Commissioner Frazier moved and Commissioner Bertsch seconded to approve the minutes of January 19 and 20, 2006, regular and executive sessions.

Discussion: Commissioner Politano Steckel asked to clarify her statements at the January 19, 2006, meeting, she did not want to change the Charter, but rather have an outside consultant evaluate the chief and report back to them. At the January 20, 2006, meeting, she said Friends of Hawai'i County Police Department could assist with public relations.

The motion carried unanimously.

PERSONNEL ORDERS

Nos. 2006-006 to 2006-015 (*Including, but not limited to work assignments, training assignments, promotions, reallocations, severance from service, automobile allowances, and appointments.*) Commissioner Bertsch moved and Commissioner Frazier seconded to accept the personnel orders as listed. The motion carried unanimously.

Commissioner Robinson entered the meeting at 9:18 a.m.

COMMUNICATIONS

- Commissioner Kaiwi moved and Commissioner Frazier seconded to approve the communications as listed. The motion carried unanimously.

COMMITTEE REPORTS

- **Budget and Finance (Frazier/Morimoto):** Commissioner Frazier stated that in Correspondence 06-06, the preliminary fiscal year budget for 2007, the department is requesting twelve civilian and one sworn positions. These are positions the commission has been endorsing. The department might have to request additional funding for the escalating fuel costs.

Deputy Chief Kubojiri stated that they are requesting a clerk to assist the lieutenant with preliminary work on the accreditation process. They are not yet at the stage where they could trigger the start of the time line.

Commissioner Frazier proposed that the Chair send a letter to the Mayor supporting the supplemental budget as presented by the department and to focus on accreditation and civilian staffing. Commissioner Bertsch suggested that the committee draft the letter for the Chair's signature.

- **Office Management and Staffing (Lundkvist/Mitchell):** Commissioner Lundkvist reported that the commission's office would be moving soon. Ms. Pelayo stated that the office will be relocated to the Hilo Lagoon Centre, Room 313, down the hall from Corporation Counsel.
- **Rules and Policies (Bertsch/Kaiwi):** The committee had no report.
- **Contractual Services (Robinson):** The committee had no report.
- **Public Relations (Lassiter/Politano Steckel):** Commissioner Politano Steckel stated that she was delighted to see articles in the newspapers on police commendations and ICE. Chair Lassiter stated that the police department will be marching in the Merry Monarch parade for the first time in 35 years.

CHIEF'S REPORT

- **Crime:** Assistant Chief Nakamichi summarized the written report.
- **Traffic:** Assistant Chief Nakamichi summarized the written report.
- **Personnel:** Deputy Chief Kubojiri reported having 70 sworn vacancies, 28 of which will be filled by the new recruits. The next recruit class is targeted for May 1, and they hope to start another class at the end of the year. He stated that the commission could be invited to a recruit class, as observers, to see what they go through. They have 6 civilian vacancies, and will be interviewing for the public relations specialist next month.

- **Finance:** Deputy Chief Kubojiri entertained questions to the written report. He stated that they usually meet once a month, just prior to the commander's meeting, to go over the budget. If Accountant Kay Nishibayashi sees something of interest, she would bring it to the attention of the Assistant Chief. Commissioner Frazier stated that the department is managing its budget very well, although cost for electricity is high.
- **Commendations:** Deputy Chief Kubojiri reported receiving seven commendations since the last meeting. At the meeting he recognized Officer Calvin Delaries of Kona Patrol and Detective Scott Kurashige of the Kona Juvenile Aid Section who were recently honored as officers of the month for January and February respectively. Officer Delaries was commended for his investigative work of car break-ins at the University of the Nations. Detective Kurashige was commended for his sensitive and professional work when dealing with a victim of sexual assault.
- **Commanders' meeting minutes of January 24, 2006:** No discussion.
- **Other departmental activities:** Deputy Chief Kubojiri reported that officers are being trained in the use of the non-lethal beanbag shotgun, and all officers could be trained in its use within a year. The nylon beanbag is the size of a baby's sock and is filled with bird shot. It is designed to stop someone with minimum trauma. They are also looking into the use of non-lethal taser guns. The gun gives a 50,000 volt charge that lasts 5-10 seconds, shutting down a target's nervous system and allowing officers time to apprehend a suspect. Studies have shown that with the use of tasers, officer injuries have been reduced by 50% and subject injuries have also been reduced.

Commissioner Frazier commended the Chief and his staff for a good job in putting together the department's "Blues Quarterly."

INVESTIGATION AND DELIBERATION OF COMPLAINTS

STATEMENTS ON COMPLAINTS (open to the public)

KIMI ABBOT-JACKSON, COMPLAINT HPC 06-01: Summarized her written complaint. This all happened because someone saw her son alone on the road and called the police. She was looking for him in the store and didn't know that he went back into the car. She didn't deserve the ticket. She has insurance. At the time, the officer did not ask for her insurance. He came over with a woman police officer and asked for her I.D. She told him she didn't think it was needed. After she talked to the woman officer, the officer came back and threw two tickets in her car, one for no insurance and one for tint. She bought the car used and tinted. It passed inspection. She did not see the officer use a tint machine. She told him she had insurance, and he said, "Too late, tell it to the judge." The woman officer treated her with respect. Officer Lewis bullied her and made her want to shut down. He did not say he was going to cite her and did not offer to have her sign the citations

NEW BUSINESS

- **Correspondence 06-03, Police Department's goals for calendar year 2006:** Commissioner Frazier suggested that the commission write a letter to Chief Mahuna accepting his goals for 2006.
- **Correspondence 06-06, Police Department's preliminary fiscal year budget for 2007:** Chair Lassiter will send a letter to Chief Mahuna accepting the preliminary fiscal budget for 2007.
- **Planning for the 2006 State of Hawaii Police Commission Conference hosted by Hawaii County:** Chair Lassiter reported that they compared proposals of six different hotels, and they now have to decide on one. Commissioner Kaoiwi recommended they go with the Sheraton Keauhou Bay because they had the best offering, and it would be beneficial to be in Kona, close to shopping and dining areas. He did not want to go to the Waikoloa Marriott because it was still under construction.

Suggestions for agenda items were use of force, conduct towards the public, attitude, treatment of people, learning to ask the correct questions while focusing on the true complaint, ethics for commissioners, and drug recognition. Commissioner Kaoiwi stated that he would like to have Corporation Counsel Ashida give a presentation on what is expected of the commission, including roles and responsibilities.

Ms. Pelayo stated that they should select a location as soon as possible because they have a lot of work to do in a very short time. They are scheduled to tour the Sheraton Keauhou Bay Resort after lunch.

EXECUTIVE SESSION

Commissioner Robinson moved and Commissioner Bertsch 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 pertaining 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 11:25 a.m.

Regular session reconvened at 11:37 a.m.

ACTION ON EXECUTIVE SESSION MATTERS

- **Complaint HPC 05:30:** Complainant was assaulted by a co-worker. She alleged that an officer threatened her with jail and told her to let the matter go. Commissioner Bertsch moved and Commissioner Frazier seconded that there was insufficient evidence to prove the complainant's allegations. The motion carried unanimously.

- **Complaint HPC 05-31:** Complainant alleged that an officer's report was incorrect. At the previous meeting, the commission found sufficient evidence to prove the complainant's allegations. The officer requested a reconsideration of the commission's decision. No motion was made.
- **Complaint HPC 5-34:** Complainant alleged that an officer was disrespectful, rude, arrogant, and intimidating when he questioned her and her husband about a complaint made by their neighbor. At the previous meeting, the complaint was deferred in order to give the complainant and the officer an opportunity to give a statement to the commission. Neither one were present at the meeting. Commissioner Bertsch moved and Commissioner Kaiwi seconded that there was insufficient evidence to prove the complainant's allegations. The motion carried unanimously.
- **Complaint HPC 06-01:** Complainant alleged that she was bullied and threatened by an officer and then given two citations because she wouldn't talk to him until her son was safety in her vehicle. Commissioner Bertsch moved and Commissioner Robinson seconded that there was sufficient evidence to prove the complainant's allegations. The motion carried unanimously.

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS - None

ANNOUNCEMENTS

- Chair Lassiter announced that the next Police Commission would be on March 17, 2006, at 9:00 a.m., at the Waimea Civic Center conference room.
- Collection of files and documents. – Done.

ADJOURNMENT

The meeting was adjourned at 11:50 a.m.

SUBMITTED:

APPROVED:

JOSIE PELAYO, SECRETARY

PUDDING LASSITER, CHAIR