

**HAWAI'I COUNTY POLICE COMMISSION
MINUTES – REGULAR SESSION
FEBRUARY 21, 2003
OHANA KEAUKOU BEACH RESORT**

CALL TO ORDER

Chair Horace Hara called the meeting to order at 10:06 a.m.

ROLL CALL

Present:	Horace S. Hara, Chair	Also present:	Lincoln S. Ashida, Corporation
	Dwight K. Manago, Vice Chair		Josie Pelayo, Secretary
	John M. Bertsch, Member		Lawrence K. Mahuna, Chief
	Paul M. de Silva, Member		Thomas Hickcox, Assistant Chief
	Phoebe M. Lambeth, Member		
	Betsy Mitchell, Member		
	Peter P. Muller, Member	Absent:	Walter Moe, Member

A quorum was present.

APPROVAL OF AGENDA

Commissioner Lambeth moved to approve the minutes with the addition of Correspondence 03-09, copy of a letter from Peter Hendricks to Mayor Kim, announcing his resignation from the police commission effective February 18, 2003. The motion was seconded by Vice Chair Manago and unanimously carried.

STATEMENTS ON AGENDA ITEMS - Open to the public

Corporation Counsel Ashida stated that statements could be made either in open or closed session. However, the commission may discuss the complaint against the police officer in executive session

TOM SEIBLER, Complaint HPC 03-02: Mr. Seibler stated that he called the police to report two people stripping a car parked across the street from his home. He told the investigating officer that the car had been there for about three months, and that there had been a lot of drug dealings on the street. When the officer asked for his name, he asked, "Does it matter?" The officer responded in an arrogant manner. As the officer left, he yelled to him, "Did you vote? Next time, don't vote for a criminal." Within two minutes the officer made a U-turn and came back. He was afraid of the officer, so he went into his house and did not come out. The officer told his neighbor to tell, "Mr. Doesn't Know" to stay within the law. This really scared him, so he called the captain who told him to file a complaint.

STATEMENTS ON AGENDA ITEMS (executive session): None.

APPROVAL OF MINUTES

Commissioner Muller moved to approve the executive session minutes of November 8 and 29, and December 9, 13, and 20, 2002; and regular and executive session minutes of January 17, 2003. The motion was seconded by Commissioner Bertsch and unanimously carried.

PERSONNEL ORDERS

Vice Chair Manago moved to accept Personnel Orders No. 2003-004 to 2003-024. The motion was seconded by Commissioner Bertsch and unanimously carried.

COMMUNICATIONS

Commissioner Lambeth moved to accept the correspondence. The motion was seconded by Vice Chair Manago and unanimously carried.

COMMITTEE REPORTS

Budget and Finance (Hara/Manago): Vice Chair Manago reported that the county budget meeting would be on March 14 at 1:30 p.m. Chair Hara stated that this is on the same day as the commission's next monthly meeting, and he asked the commissioners to attend the budget meeting following the commission's meeting.

- Office Management and Staffing (Muller/Mitchell): The committee had no report.
- Rules and Policies (Moe/Bertsch): The committee had no report.
- Contractual Services (Hendricks/de Silva): The committee had no report.
- Public Relations (Hara/Lambeth): The committee had no report.

CHIEF'S REPORT

- Crime: Assistant Chief Hickcox summarized the written report.
- Traffic: Assistant Chief Hickcox summarized the written report.
- Personnel: Chief Mahuna reported having 35 sworn vacancies. They should have an Assistant Chief of Administration by March 1. They have approximately 18 sergeant's vacancies and will try to fill the most needed positions. The six new positions for the crystal meth and narcotics task force should be filled by the next fiscal year.

Funding for the SRO program has been secured, and the schools for the position have been identified. Officers will be working in the school and that community using community-policing techniques.

They are now conducting continuous recruitment for officers and are also trying to recruit from Maui, Oahu, and Kauai. The affordability of homes here is conducive for movement of police officers to the Big Island.

Vice Chair Manago stated that filling the SRO positions with the right person is very important. Chief Mahuna stated that the position would be filled with the person best suited for the position, not just by seniority. Assistant Chief Hickcox stated that the SRO grant selection criteria is extremely stringent, and it has a reporting process from the school to the police department.

Chief Mahuna reported that 4 individuals have been activated to military duty, and they have about 17 sworn and 2 civilian employees who have the potential to be activated. There are some districts with about 4-5 people on family leave at one time. With regards to worker's compensation cases, they are actively trying to get people back to work or placing them in other jobs.

The department has started a management-training program. They are now trying to make the commanders' meeting more meaningful and with training sessions for all commanders. Chair Hara asked that the commissioners be given a copy of the commanders' meeting minutes in order for them to be apprised of what's happening.

- Finance: Chief Mahuna summarized the written report.
- Commendations: Chief Mahuna reported receiving 8 commendations since the last meeting.

Commissioner Bertsch stated that during the chief selection process, they received a recommendation on a callback program where someone would call back a victim and do a quick follow-up.

Chair Hara stated that they would like to have regular updates by I.A. on complaints referred to the chief.

Chief Mahuna reported that they have increased their I.A. staff by 100%; they now have two investigators. They are looking at a questionnaire on the service received that officers will give to people. Commissioner Bertsch emphasized the need for a personal, verbal contact rather than a written one. Chief Mahuna stated that they are working on this and will report back to the commission.

Commissioner Lambeth stated that there was no report presented to the commission following the previous NACOLE Conference. Chair Hara reported that they discussed jurisdictional differences. The biggest difference between the police commissions in Hawai'i and the mainland is that there are some commissioners on the mainland that are paid, and they have full-time attorneys and investigators.

UNFINISHED BUSINESS: None.

NEW BUSINESS

- Review of police department's goals for 2003.
Chair Hara reminded the commissioners to use the goals for the chief's evaluation in July and December.

EXECUTIVE SESSSION

Commissioners Lambeth moved to meet in executive session 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). The motion was seconded by Vice Chair Manago and unanimously carried.

The commission convened into executive session at 11:06 a.m. and reconvened back into open session at 11:22 a.m.

ACTION ON EXECUTIVE SESSION MATTERS

- Investigation and Deliberation of Complaints.

Complaint HPC 03-01: Complainant alleged that an officer cited her for no seatbelt but did not cite another vehicle. Vice Chair Manago moved to refer the complaint to the chief just for his review. The motion was seconded by Commissioner Muller and unanimously carried.

Complaint HPC 03-02: Complainant alleged that while responding to his call that two men were removing parts from an abandoned vehicle, an officer spoke to him in a rude manner. Commissioner Lambeth moved to sustain the complaint. The motion was seconded by Commissioner Bertsch and unanimously carried.

STATEMENTS FROM THE PUBLIC: None.

ANNOUNCEMENTS

Chair Hara announced that the next monthly meeting is scheduled for March 14, 2003, at 10:00 a.m., at Hilo police station training room. They will be having a tour of the detention center and dispatch at 9:00 a.m., just prior to the meeting.

ADJOURNMENT

The meeting was adjourned at 11:32 a.m.

SUBMITTED:

APPROVED:

JOSIE PELAYO, SECRETARY

HORACE S. HARA, CHAIR