

**HAWAI'I COUNTY POLICE COMMISSION  
REGULAR SESSION MINUTES  
MARCH 16, 2007  
WAIMEA CIVIC CENTER**

Chair Lassiter thanked retiring Police Commissioner James Frazier for his 5-years of service. Chief Mahuna presented him with a certificate of appreciation.

Chair Lassiter introduced incoming Police Commissioner Michael Sumja of District 9.

**INVOCATION**

Commissioner Politano Steckel gave a blessing.

**CALL TO ORDER**

Chair Lassiter called the meeting to order at 9:15 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
	James A. Frazier, Member		Paul Ferreira, Assistant Chief
	Louis Kaiwi, Member		Derek Pacheco, Assistant Chief
	Karolyn P. Lundkvist, Member		Marshall Kanehailua, Captain
	Betsy Mitchell, Member		Lincoln S. Ashida, Corporation Counsel
	Anita Politano Steckel, Member		Josie Pelayo, Secretary
	Thomas P. Whittemore, Member		

Absent: Kaloa R. N. Robinson, Member

A quorum was present.

**APPROVAL OF AGENDA**

Commissioner Lundkvist moved to approve the agenda as distributed. Commissioner Frazier seconded the motion, and it carried unanimously.

**STATEMENTS ON AGENDA ITEMS** – None.

**APPROVAL OF MINUTES**

Commissioner Whittemore moved to approve the minutes of February 16, 2007, regular and executive sessions. Commissioner Kaiwi seconded the motion, and it carried unanimously.

**PERSONNEL ORDERS**

Commissioner Lundkvist moved to accept Personnel Orders Nos. 2007-010 to 2007-020. Commissioner Politano Steckel seconded the motion, and it carried unanimously.

**COMMUNICATIONS**

Commissioner Politano Steckel moved to accept the communications as listed.  
Commissioner Mitchell seconded the motion, and it carried unanimously.

### **COMMITTEE REPORTS**

- **Budget and Finance (Whittemore/Kaoiwi):** Commissioner Whittemore reported that he and Commissioner Kaoiwi met with Accountant Kay Oshiro to go over the budget process. They are working with Kay to familiarize themselves with the CIPs.

Chief Mahuna stated that having commissioners at the budget hearing would add to their support. Each commissioner represents a district, and there are things within their district that they would like to see.

Commissioner Kaoiwi stated that they need to address storage space for records and the firing range. All the districts need money, and they need to lobby for funding for their districts. It's impossible for the Chief to do it all. The county has the money, and they need to ask the County Council for more money.

Corporation Counsel stated that one of the charter requirements is for the commission to review the department's budget. They could send a letter to council that they have reviewed the budget, as required by charter, and ask the council to approve the budget. Last year, the council de-funded all vacant positions.

Commissioner Whittemore stated that he and Commissioner Kaoiwi would review the budget with Mrs. Oshiro. He further stated that educating the council is not lobbying.

- Office Management and Staffing (Lassiter/Morimoto): No report.
- Rules and Policies (Lundkvist/Mitchell): No report.
- Contractual Services (vacant): No report.
- Public Relations (Politano/Robinson): Commissioner Politano Steckel reported that Mrs. Cazimero will give a report on the fallen officers' monument at the Kona meeting.

### **CHIEF'S REPORT**

Including:

- **Crime:** Assistant Chief Derek Pacheco reported that they have had a lot of car break-ins in Ka'u. They did a search warrant on a residence in Naalehu and recovered a lot of property. He attributed the high numbers in Area II to a large number of auto thefts and credit card fraud. The West Hawaii detectives have been inundated with violent crimes. He doesn't believe there is a spike in the visitor industry, but areas of Hapuna and Punalu'u beaches are prime target areas. Normally on the larger cases, they put the word out to Crime Stoppers.

- **Traffic:** A.C. Pacheco reported that the DUI fatality count is significantly down from last year, but DUI arrests are significantly up. The DUI count is higher on the west side. The State has been monitoring the intersection by Teshima's Restaurant, and an officer has been working there. Traffic is moving steadily, and there is no gridlock. Public Works is extending the trial for another 90 days.

Commissioner Kaiwi expressed concerned about kids using the Railroad Avenue area of Hawaiian Homes as a race track for their ATVs.

Commissioner Lundkvist asked whether the police was taking a stand on roundabouts. A.C. Pacheco stated that he has driven on several roundups. It has its purpose, but there are areas that are not practical.

- **Personnel:** A.C. Ferreira reported having 43 sworn and 17 civilian vacancies. A recruit class graduated the day before. He further reported that they are working closely with Human Resources and have offered classes at the community college on studying and taking exams.
- **Finance:** AC Ferreira stated that they hired an Accountant I in December, but she left the day before. As far as the CIPs, money has been set outside for the firing range, and it will go to a private contractor.

Commissioner Frazier inquired into how they could get higher up in the pecking order of Public Works, how they could get Public Works to be more responsive to their needs.

A.C. Ferreira stated that Public Works is creating a maintenance facility, and they should be going to all facilities and prioritizing the jobs.

Chief Mahuna reported that the State has a scheduled maintenance program, but the County does not. This is evident on the buildings in the Waimea Civic Center. The courthouse (State building) is more maintained that the police station (County building).

- **Commendations:** Chief Mahuna reported receiving seven commendations in the past month. He commended A.C. Pacheco for taking a proactive approach on solving crimes in the West Hawai'i area.
- **Commander's Meeting Minutes of February 20, 2007:** No discussion.
- **Other Departmental Activities:** Chief Mahuna reported that they will be starting up a Hawai'i's Most Wanted TV program. However, closed captioning will be a stumbling block.

Chief Mahuna reported that they had testing for the police cadets. They received over 100 applications. Reading comprehension is a major issue, and a significant number of applicants did not finish that portion. They will try to look at the reading phase and maybe make adjustments. He does not want to downgrade the position because it has to be consistent with what's required of a police officer.

Commissioner Lundkvist questioned whether they have meetings with teachers to let them know that they are passing students who can't read.

Chief Mahuna stated that the problem in the schools is that teachers have to spend an inordinate number of time managing behavior. This is problematic nationwide.

Commissioner Politano Steckel suggested that the newspapers put something out that they can't get people to pass a reading comprehension test. If this gets out to the public, and the public gets excited, maybe something can be done.

Commissioner Lundkvist stated that she will get together with the Chamber of Commerce, Rotary, etc., and sit down as leaders, and see what they could do. She will start organizing it.

Chief Mahuna stated that they have their school resource officers, and they see what's happening. They have very dedicated teachers who see what's happening. He doesn't think they can make a commentary that the Department of Education is failing. If you don't fix the functionality of the home, it won't work. If you are not in class, it won't work. It's a process. The Board of Education is very aware of what the problems are. It's a state and national problem. He does not want to be antagonistic with the BOE; he wants to work with them.

Commissioner Lundkvist stated that she would like to meet with the Chief after the meeting because she disagrees with him.

A.C. Pacheco reported that the bids for the Halehalewai sub-station have gone out, and they should start in about two weeks.

Chief Mahuna thanked Commissioner Frazier for his years of service.

Recess was called at 10:20. The meeting reconvened at 10:40 a.m.

## **INVESTIGATION AND DELIBERATION OF COMPLAINTS**

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

LEROY DECOSTA (Complaint HPC 06-31) stated that he has copies of statements from neighbors who disagreed with what happened. The police received a call that his fiancé was stabbed. Instead of going to his house, the police took all his neighbors out of their homes at 4:30 in the morning. They brought in the SWAT team. This was overkill. They

had officers with high powered rifles. The police threw rocks on his driveway and roof, and that was when he was made aware of the situation. When his fiancé went out, they saw that she was all right. The police took him outside, and they went inside. They ransacked his house. He made the complaint against officer Taniyama because he was told that Officer Taniyama was in charge.

Commissioner Frazier stated that if the officers did not go into the house, they wouldn't have known what was going on.

Commissioner Politano Steckel asked Mr. Costa if he could see the other side, that maybe there was somebody else in the house. The officer in charge had to be absolutely sure that there was no one else in the house.

KALEOMANAO'O LOANDO (Complaint HPC 07-15) summarized the incident as written in his complaint. He further stated that the officer came up to him yelling and saying the F-word. The officer said he was going 104 mph. He told the officer he was not speeding. The officer asked for his papers and kept saying F-you and F-you punk. He asked to see the radar reading, and the officer told him he didn't have to show it to him. They told the officer they were not the ones who were speeding. The officer kept insisting it was them. They gave him a loud muffler ticket. One officer said he was not going to ticket him for speeding because he didn't see him speeding. Then the officer that he is complaining against, told the other officer to cite them before they say they were stopped for no reason. The officer said he was going 104 mph on the one-lane bridge that is being fixed. The officer said he heard them from a mile away. They were traveling with his girlfriend's cousin who was driving in front of him. She was not cited for speeding.

SHELTON NISHIDA (Complaint HPC 06-30) stated that he is a living human being and would be speaking as a living human being. On December 6, he was stopped by Officers Sagon and Berryhill. He was taken to the station. The handcuffs were kept on him while he was in the cell. He was mocked. All their oaths of office are invalid, and so Officer Sagon is not a police officer. When Officer Sagon stopped him, he asked her if she was a living human being. She did not want to hear it. The person who created the report of reckless driving and loud muffler refused to give information and was not even there. He told them he reserved all his rights. He didn't do anything wrong. He just said he was a human being, and that's why he was treated that way. His complaint is against the living human beings saying they were police officers.

Commissioner Lundkvist asked Mr. Nishida to tell them in two sentences what his complaint was and who it was against.

NISHIDA stated that his complaint was against Bobbie Jo Sagon and Jason Berryhill, the living human beings. He recognizes them as living human beings, but does not recognize the police officers' authority. He asked the commission to read the two police reports and the discrepancies.

Recess was called at 11:25 a.m. The meeting reconvened at 11:32 a.m.

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

Vice Chair Morimoto moved and Commissioner Whittemore 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 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). The motion carried unanimously. Executive session convened at 11:35 a.m.

Regular session reconvened at 2:55 p.m.

**ACTION BY THE COMMISSION**

● **REVIEW OF THE POLICE COMMISSION'S INVESTIGATIVE PROCESS**

Commissioner Frazier moved to accept Corporation Counsel Ashida's four-point procedure and amendments to include a subcommittee. Ashida will complete the draft for the next meeting. Commissioner Whittemore seconded the motion, and it carried unanimously.

● **BUDGET AND FINANCE COMMITTEE**

Commissioner Lundkvist moved that the Finance Committee, which is comprised of Commissioners Whittemore and Kaoiwi, will act on behalf of the full commission and go forward with the review of the Police Department's budget. The commissioners will be given a copy of the letter to the County Council for their information. Commissioner Politano Steckel seconded the motion, and it carried unanimously.

- **CORRESPONDENCE 07-03:** Review of proposals to furnish investigative services for the Police Commission. Commissioner Whittemore moved to notify purchasing that at the present time the commission does not need investigative services. Commissioner Frazier seconded the motion, and it carried unanimously.

● **INVESTIGATION AND DELIBERATION OF COMPLAINTS**

- **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 initial meeting.) Vice Chair Morimoto moved to file the complaint. Commissioner Whittemore seconded the motion, and it carried unanimously.
- **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 commission reviewed the Chief's follow-up letter. The complaint will be agendaized for the next meeting.

- **Complaint HPC 06-30:** Complainant was involved in a traffic stop. He alleged mistreatment by officers. Commissioner Lundkvist moved that there was insufficient evidence to prove the complainant's allegations. Vice Chair Morimoto seconded the motion, and it carried unanimously.
- **Complaint HPC 06-31:** Complainant alleged that someone made a false report of a domestic disturbance at his home. He complained about the manner in which an officer handled the situation and that the Special Response Team was called to his home. Vice Chair Morimoto moved that there was insufficient evidence to prove the complainant's allegations. Commissioner Mitchell seconded the motion, and it carried unanimously.
- **Complaint HPC 07-15:** Complainant alleged that he was wrongfully stopped for speeding, the officer would not let him see the radar reading, and that the officer used profanity against him. Commissioner Frazier moved to defer the complaint to the next meeting and to ask the officer to attend the meeting to answer questions. Commissioner Lundkvist 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 would be on April 20, 2007, in the Kona Department of Liquor Control Conference Room, 75-5722 Hanama Place, Suite 1107, Kailua-Kona.
- Collection of files and documents. – Done.

**ADJOURNMENT**

The meeting was adjourned at 3:20 p.m.

SUBMITTED:

*Josie Pelayo*

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JOSIE PELAYO, SECRETARY

APPROVED:

*Pudding Lassiter*

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PUDDING LASSITER, CHAIR

