

**HAWAII COUNTY POLICE COMMISSION
SPECIAL MEETING MINUTES
JUNE 17, 2005
REGULAR SESSION
AUPUNI CENTER CONFERENCE ROOM**

CALL TO ORDER

Chair John Bertsch called the meeting to order at 9:10 a.m.

ROLL CALL

Present:	John M. Bertsch, Chair	Also Present:	Lawrence K. Mahuna, Police Chief
	Pudding Lassiter, Vice Chair		Harry S. Kubojiri, Deputy Chief
	James A. Frazier, Member		Derek Pacheco, Major
	Louis Kaoiwi, Member		Henry Tavares, Captain
	Karolyn P. Lundkvist, Member		Kay Nishibayashi, Accountant
	Betsy Mitchell, Member		Lincoln Ashida, Corporation Counsel
	Melvin S. Morimoto, Member		Josie Pelayo, Secretary
	Anita Politano Steckel, Member		

A quorum was present.

APPROVAL OF AGENDA

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

STATEMENTS ON AGENDA ITEMS

Commissioner Lundkvist moved and Vice Chair Lassiter seconded to hear Peter Wojtowicz's statement on Complaint HPC 05-03 at this time. The motion carried unanimously.

PETER WOJTOWICZ (Complaint HPC 05-03): Stated that his complaint involves his stolen moped. He found out where the man lives and told the police. This happened in January, and he still hasn't gotten his bike back. He talks to the man all the time in downtown Hilo. The man said he would pay him, but hasn't done it yet. His complaint is that the police are not doing anything, and no one has told him what's going on. His bike is worth over \$1,000, and he wants to know why it wasn't classified as a Class C felony.

Chair Bertsch stated that they would look at the actions of the police officer. The Chief, Deputy Chief, and Major are in attendance, and they could give him suggestions on how to resolve his issue.

APPROVAL OF MINUTES OF MAY 20, 2005

Commissioner Kaoiwi moved and Commissioner Steckel seconded to approve the minutes. The motion carried unanimously.

PERSONNEL ORDERS

Nos. 2005-059 to 2005-069. *(Including but not limited to work assignments, training assignments, promotions, reallocations, severance from service, automobile allowances, and*

appointments.) Commissioner Frazier moved and Vice Chair Lassiter seconded to accept and file the personnel orders. The motion carried unanimously.

COMMUNICATIONS

- Commissioner Kaoiwi moved and Vice Chair Lassiter seconded to accept and file the communications.

Discussion: Commissioner Frazier stated that Correspondence 05-31, the 2005 HSLEOA Conference is scheduled for the same date as the commission's meeting in September. Ms. Pelayo stated that the conference was originally scheduled for September 14-16, so they moved the commission's monthly meeting up a week. Commissioner Lundkvist moved, and Vice Chair Lassiter seconded that they reschedule September's meeting to the 16th. The motion carried unanimously.

The motion to accept and file the communications carried unanimously.

COMMITTEE REPORTS

- **Budget and Finance** (Bertsch/Frazier): Commissioner Frazier reported that grants and CIPs are on schedule, and spending is at projected levels. The NACOLE conference is scheduled for October 23-26, 2005, in Miami, Florida, and he would like to initiate preparation for attendance in order to obtain economical rates.

Chair Bertsch reported that the commission will be hosting the 2006 State of Hawaii Police Commission Conference, but they did not provide for it in the budget. Chair Bertsch asked Commissioner Frazier, of the finance committee, to draft a letter to the Chief requesting funds to host the conference.

- **Office Management and Staffing** (Bertsch/Mitchell): The committee had no report.
- **Rules and Policies** (Bertsch/Lundkvist): Chair Bertsch stated that Corporation Counsel Ashida did a very good job in explaining the commission's duties during the training workshop the previous day. He would like the names of all the individuals who helped so he could thank them.
- **Contractual Services** (Frazier): The committee had no report.
- **Public Relations** (Bertsch/Lassiter): Vice Chair Lassiter requested that Deputy Chief Kubojiri give a status report of the fleet committee. Deputy Chief Kubojiri stated that they have been meeting twice a month, are in an informational stage, and have been gathering data from other police departments that have a fleet. It would be county owned, county owned take home, or a hybrid of county owned and subsidized vehicles. Visibility would be the main reason for the change. West Hawaii Crime Stoppers thought it would cut costs because it would be cheaper than paying officers to use their vehicles. The committee is concerned about visibility, officer safety, and want the vehicles to be are fully equipped.

Commission Kaoiwi questioned whether the vehicles would be able to handle the rough roads of Puna. Some years ago the county had some fleet vehicles, and it didn't work out because of the poor road conditions.

Chair Bertsch stated that back in December they decided that Vice Chair Lassiter would be the commission's representative on the fleet committee. The meetings are open, and anyone could attend. If they have questions or concerns, they could give it to Ms. Pelayo who could then forward it to the committee.

CHIEF'S REPORT

Including:

- **Crime:** Major Derek Pacheco summarized the written report.
- **Traffic:** Major Derek Pacheco summarized the written report.
Chair Bertsch stated that he believes the drop in the traffic statistics is due to the department's proactive response in the use of speed boards, radio messages, and the Traffic Enforcement Unit. He thanked the Chief and the department for making a big difference.
- **Personnel:** Deputy Chief Kubojiri reported having 63 sworn and 9 civilian vacancies. The 66th recruit class is scheduled to commence next month with 10 candidates. They now have 50 applicants to screen for the next class. They have a mix of both new and returning applicants, and believe it is attributed to the county's job fairs around the island. The County Council did approve funds for the cadet program.

Chair Bertsch stated that during their tour of the station yesterday, every supervisor stated that they were seriously backlogged and seriously understaffed. In looking at the civilian vacancies of nine, he got the impression from the supervisors that they could use twice as many people. It looks good to have more police officers, but without the support staff, they can't function adequately. They need to get civil service to help fill the clerical staff.

Commissioner Lundkvist stated that the problem is with education here in Hawaii. The problem is in the schools, not with the police. If they don't have qualified people, they can't fill the positions.

Chief Mahuna stated that in collaboration with the community college, they are working on testing-taking and reading comprehension for police officers and civilian staff.

Chair Bertsch stated that Hawaii Community College is putting on classes for physical fitness, reading comprehension, and how to take tests. Whether it's for a police officer or clerical staff, the applicant still has to pass the background check, drug screening, and the high standards of the police department. The path can be arduous and also exclusive.

Commissioner Steckel stated that maybe the newspapers could do a story on how individual sections of the police department work and what's going on in the streets.

Commissioner Kaiwi stated the department's support staff hasn't grown over the past 20 years ago. For the past 10-12 years, the county has been working on a status quo budget. The police can't work on that, and now they can't move their money around. It's not fair that they expect the Chief and his personnel to function without enough money. They need to express their concerns to their council member. People will leave when they get burned out.

- **Finance:** Accountant Kay Nishibashi entertained questions to the written report; there were none. Commissioner Frazier stated that the department's expenditures are under budget.
- **Commendations:** Chief Mahuna reported receiving seven commendations for the month.
- **Other Departmental Activities:** Chief Mahuna reported that the progress on CALEA is positive. He hopes to be at the point of application by this time next year. Chair Bertsch asked that the lieutenant assigned to CALEA brief them on accreditation at the next meeting.

INVESTIGATION AND DELIBERATION OF COMPLAINTS (Started at 10:55 a.m.)

STATEMENTS ON COMPLAINTS (Open to the public.)

JANET SILVA (Complaint 05-10): Stated that she called the police to complain about her neighbor's boom box noise. An officer came down and just made a U-turn on the property. She told the officer to tell them to cut down the boom box music. The officer told her not to give him orders, and that he didn't take orders from her. The officer was arrogant. She asked for his name, and he pulled on his nametag and told her to turn his name in to the Chief. This officer was disrespectful. Other officers she's dealt with have been respectful. She called Puna Police, the Chief, and then Captain Tavares. The county charter says the public is to be treated with respect. She was not disrespectful. The officer told her that he didn't hear any music. She didn't hear any music while she talked to the officer. She believes the people in the house are selling drugs. She thought they were listening to a scanner and left before the officer got there. She doesn't know the officer. She also had problems with other tenants at that house. Although she didn't hear any music when the officer got there, she wanted the officer to go over and tell them about her complaint. Sometimes the music is so loud that it shakes her house.

EXECUTIVE SESSION (closed to the public)

Commissioner Mitchell moved and Vice Chair Lassiter seconded to consider discipline and charges against officers or employees of the Hawai'i County Police Department were 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 carried unanimously.

The commission convened into executive session at 11:10 a.m., and then reconvened back into regular session at 11:50 a.m.

NEW BUSINESS

- **Required notification to complainant of the commission's findings in an investigation:** At the previous meeting, Commissioner Politano Steckel requested that they provide more information to the complainant than what is currently given. Commissioner Steckel stated that one additional sentence could explain how the commission came to its decision. Chair Bertsch stated that he would look into this and take suggestions from the other commissioners.
- **Kauai Police Commission Minutes of March 18, 2005 listed under correspondence:** Commissioner Frazier stated that the Kauai Police Commission will be using Hawaii County's police chief evaluation form in their evaluation process. They should send a letter to the Kauai Police Commission that they are looking at revising the evaluation form so that it would have a range rather than an absolute number. Chair Bertsch requested that Ms. Pelayo send a copy of the Chief's current evaluation form to all the commissioners for suggested changes, and they would discuss it at the next meeting.
- **Preparation for Police Chief Mahuna's semi-annual evaluation and review of his goals which will be done in July:** Chair Bertsch stated that this matter is on the agenda because he wanted to give the Chief and the commissioners a little heads up that they would be doing a semi-annual evaluation of where the Chief's at and what's going on with his goals, CALEA, and other things they have been discussing. From this, they could provide him with direction and encouragement. This would be an ongoing opportunity for commissioners to provide feedback to the Chief. The annual evaluation form, which they will be revising, will be used for the Chief's evaluation at the end of the year. The semi-annual evaluation will be agendized for the next meeting. The commissioners will be given a copy of the Chief's goals and the current evaluation. Input can be given to either him or Ms. Pelayo.

ACTION ON EXECUTIVE SESSION MATTERS

- **Complaint HPC 05-03:** Complainant's motorbike was stolen. He alleged that he doesn't know what's going on with the investigation. Commissioner Frazier moved and Vice Chair Lassiter seconded that they exonerate the officer. The motion carried unanimously.

Corporation Counsel stated that if they were to include additional language, it would make more sense to give a reason for the exoneration in the motion. In the case of a sustained complaint, it would be different because it may involve discipline. It is the commission's responsibility to explain the reason for the action.

At Corporation Counsel's request for an opinion, Chief Mahuna stated that people come to complain about an officer, and the commission could give more information other than plain exonerated.

Commissioner Lundkvist questioned what was wrong with just the definition of the word. An explanation could get lengthy.

Chair Bertsch stated that the commissioners would be given a copy of the four form letters for review and suggestions.

- **Complaint HPC 05-09:** Complainant was involved in a vehicle accident. She alleged that the officer should have cited the other driver. Commissioners Lundkvist and Kaoiwi expressed concern that the complainant didn't show up for the meeting, to which Chair Bertsch stated that complainants are invited to the meeting, but they are not required to be there. In fact, some commissions in the state don't allow complainants to go before them. No motion was made, and the complaint will be placed on the next meeting agenda.
- **Complaint HPC 05-10:** Complainant complained about the manner in which the officer spoke to him when responding to a noise complaint. Commissioner Lundkvist moved and Commissioner Frazier seconded to exonerate the officer. The motion carried unanimously.
- **Complaint HPC 05-11:** Complainant make a noise complaint against her neighbor. She alleged that the responding officer did not ask her neighbor to turn down the music. She also complained about the manner in which the officer spoke to her. Commissioner Lundkvist moved and Commissioner Mitchell seconded that the complaint is unfounded. Discussion: Vice Chair Lassiter stated that she has known Mrs. Silva for many years and wonders if the officer had heard about her reputation. Chair Bertsch stated that her two complaints are that the officer didn't do his job, and that he was disrespectful. Commissioner Lundkvist stated that Mrs. Silva was disrespectful when she told the officer what to do. The motion carried unanimously.

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS – None.

ANNOUNCEMENTS

- Chair Bertsch announced that the next meeting is scheduled for July 15, 2005, in the Mayor's Kona Office Conference Room, Hanama Place, Suite 103, 75-5706 Kuakini Highway.
- Collection of files and documents. – Done.

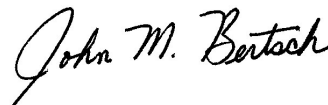
ADJOURNMENT

The meeting was adjourned at 12:28 p.m.

SUBMITTED:

JOSIE PELAYO, SECRETARY

APPROVED:



JOHN M. BERTSCH, CHAIR