

**HAWAII COUNTY POLICE COMMISSION
REGULAR SESSION MINUTES
JUNE 20, 2003
HILO HAWAIIAN HOTEL**

CALL TO ORDER

Chair Hara called the meeting to order at 10:04 a.m.

ROLL CALL

Present:	Horace S. Hara, Chair	Also Present:	Lawrence Mahuna, Chief of Police
	Dwight K. Manago, Vice Chair		Wendell Paiva, Assistant Chief
	Paul M. de Silva, Member		Charles Chai, Assistant Chief
	James A. Frazier, Member		Lincoln Ashida, Corporation Counsel
	Phoebe M. Lambeth, Member		Josie Pelayo, Secretary
	Betsy Mitchell, Member		
	Walter Moe, Member	Absent:	John M. Bertsch, Member
	Peter P. Muller, Member		

A quorum was present.

APPROVAL OF AGENDA

Vice Chair Manago moved to add the following items to the agenda and then to approve the agenda as amended: Correspondence 03-52 from West Hawaii Crime Stoppers with regards to Correspondence 49; Correspondence 03-53 from Thomas Russi and Christine Paul with regards to Correspondence 03-48; and Complaint HPC 03-11 in which complainant alleged mistreatment by an officer following a dispute with hotel personnel. Commissioner Moe seconded the motion, and it carried unanimously.

STATEMENTS ON AGENDA ITEMS - Open to the public

Corporation Counsel Lincoln informed that the public is allowed to comment on any item on the agenda. If it is a complaint against a police officer, they have the option to present a statement in either open or closed session.

HAMEED HUNTER, COMPLAINT HPC 03-07. Mr. Hunter stated that he initially had a problem with the 911 operator, and it took several minutes to give the location. They were unable to send an officer, but he later spoke to an officer at McDonalds. He was hit by his supervisors; one was Jewish, he is Arabic. The officer gave him seven minutes of his time and whited out everything that he wrote on his victim-witness report. The police report said nothing about his injuries. Many of things were not filled out. The officer told him he did not look black, that he looked Hawaiian. The officer asked him strange questions like where he lived. He asked the officer if he wanted his employer's phone number, and the officer said only if it didn't give him more work. This was a hate crime. The doctor found superficial abrasions. This has caused him emotional pain, and as a result, lost his job.

STATEMENTS ON AGENDA ITEMS – Closed to the public (executive session)

Commissioner 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). Commissioner Moe seconded the motion, and it carried unanimously.

The commission convened into executive session at 10:20 a.m. and then reconvened back into regular session at 12:20 p.m.

APPROVAL OF MINUTES

Vice Chair Manago moved to approve the minutes of May 16, 2003, regular and executive sessions. Commissioner Moe seconded the motion, and it carried unanimously.

PERSONNEL ORDERS

Vice Chair Manago moved to accept Personnel Orders Nos. 2003-063 to 2003-073. Commissioner Moe seconded the motion, and it carried unanimously.

COMMUNICATIONS

Commissioner Lambeth moved to accept the communications as listed. Vice Chair Manago seconded the motion, and it carried unanimously.

COMMITTEE REPORTS

Budget and Finance: Vice Chair Manago reported that he did some research on the police fleet. Officers now pay for collision insurance. With a fleet, the police department would have to pay for it. Money is so short now, that if they paid for a fleet, the budget for such items as training and new equipment would be cut.

Chair Hara reported that the County Council asked the legislative auditor to conduct a comparative study of the fleet and subsidized vehicles. The legislative auditor and the deputy chief will attend a conference on fleet vehicles in July.

Office Management and Staffing: The committee had no report.

Rules and Policies: Chair Hara stated that Commissioner Bertsch prepared a flow chart for handling complaints, but since he was not there, it will be deferred to the next meeting.

Contractual Services: Commissioner Frazier stated that the commission has concerns about untimely investigations and invoices. The representative is not on island and has not been responsive to the commission's concerns. They have not gotten any feedback from the leadership of the contractor, and appropriate notification to the contractor is necessary. He found that Maui has another system with a marked difference in costs. Between now and November, when the contract terminates, they will have an opportunity to assess a different system. The Department of Finance has an ad in the newspaper for routine contractual services that they may consider.

Chair Hara stated that they have already verbally expressed their dissatisfaction to the investigator, but he will follow-up in writing. Next, they need to work on Commissioner Bertsch's flow chart that ties in with the contractual services requirements. The Rules and Policies and Contractual Services committees need to work together on the investigative procedures so that it could be tied in with the RFP for investigative services.

Public Relations: Commissioner Lambeth stated that the recruit graduation will be on July 15 at Nani Maui Gardens.

CHIEF'S REPORT

Crime: Assistant Chief Paiva summarized the written report.

Traffic: Assistant Chief Paiva summarized the written report.

Personnel: Assistant Chief Chai reported having 40 sworn and 8 civilian vacancies. The recruits will be graduating on July 15 and will be fully trained in November. Due to equipment problems, they have not fully moved over to the new cellblock.

Finance: Accountant Nori Tanaka summarized the written report.

Commendations: Chief Mahuna reported having 14 commendations since the last meeting.

Other Activities: Chief Mahuna reported that they continue to engage in strategic planning and leadership training in conjunction with their monthly staff meetings. This has opened up very healthy dialog between him and his commanders who are becoming more proactive in affecting changes in their districts.

Chair Hara asked if they could publicize the commendations in the quarterly reports. Commissioner Moe asked if they could publicize it in the newspapers. Commissioner Frazier stated that they could place something in the paper like how the Kona paper does for officers of the month.

Chief Mahuna reported that they are presently involved in the "Weed and Seed" program. The police department, along with the prosecutor's office, and other agencies are vying for a grant that designates a certain area as a "Weed and Seed" area. What it amounts to is weeding or enforcement done into a certain area. A nonprofit organization such as the YMCA then comes in and does the seeding, the preventative, educational part. They are looking to have this program in East and West Hawai'i and hope this will make a difference, especially in the war on ice. The letter of intent is due in August, and October is the deadline for submittal of the application.

He and his staff have been attending a multitude of public meetings, especially in the evenings, and have been able to see how the people feel about the police department and their responsiveness to complaints.

Effective June 23, Captain Ronald Nakamichi will be the major in charge of administration. Lieutenant Chadwick Fukui will command the North and South Kohala Districts, Captain Derek Pacheco the Puna District, and Captain Larry Weber South Hilo Patrol.

Chair Hara announced that the canine demonstration will be after lunch.

The commission recessed for lunch at 12:55 p.m. and reconvened at 1:45 p.m.

UNFINISHED BUSINESS - None

NEW BUSINESS- None

ACTION ON EXECUTIVE SESSION MATTERS

Investigation and Deliberation of Complaints

Complaint HPC 03-06: Complainant alleged that an officer issued her a citation and then told her brother, who is a police officer, about the citation. The complainant was deferred at the last meeting due to a lack of a quorum vote. Vice Chair Manago moved to exonerate the officer on the charge of performance of duty. Commissioner Muller seconded the motion, and it carried with a nay by Commissioner Lambeth and an abstention by Commissioner de Silva.

Complaint HPC 03-07: Complainant alleged that the officer, who responded to his complaint of being assaulted, failed to perform his duties and then covered it up by filing a false and incomplete report. Commissioner Muller moved to exonerate the officer on the charge of performance of duty. Commissioner Frazier seconded the motion, and it carried unanimously.

Complaint HPC 03-08: Complainant alleged that when an officer responded to a motor vehicle accident involving someone under age 21, who admitted to drinking just prior to the accident, the officer did not perform a field sobriety test and then only issued a no no-fault citation. Commissioner Moe moved to exonerate the officer on the charge of performance of duty. Commissioner de Silva seconded the motion, and it carried with nays by Commissioners Lambeth and Mitchell.

Complaint HPC 03-10: Complainant alleged that when an officer cited him for riding his bicycle on the sidewalk against traffic, the officer's manner of speech was rough and intimidating. Commissioner Lambeth moved to sustain the charges of overbearing conduct and conduct towards the public. Commissioner Muller seconded the motion, and it carried unanimously.

Complaint HPC 03-11: Complainant had a dispute with the staff of a hotel. She alleged that a responding police officer mistreated her. Commissioner de Silva moved to sustain the charge of conduct towards the public. Vice Chair Manago seconded the motion, and it carried unanimously.

Complaint HPC 03-13A and 13B: Complainant alleged that during a traffic stop, the officer dropped the papers to the ground, and then told the complainant that he was littering. When he questioned the officer, the officer told him he was resisting arrest. He also alleged that another officer ordered him to lie in a mud puddle, and when he did not, the officer threw him on the ground. Commissioner Frazier moved to exonerate the first officer on the charges of standard of conduct and performance of duty. Vice Chair Manago seconded the motion, and it carried unanimously.

Vice Chair Manago moved to exonerate the second officer on the charges of standard of conduct, performance of duty, and conduct towards the public. Commissioner Muller seconded the motion, and it carried unanimously.

Complaint HPC 03-15: Complainant experienced car trouble and while waiting for service, she drank a toast to Pele. She alleged that when an officer showed up, she opened a can of beer for him and then was arrested for drinking and driving even though she was only sitting and waiting. Vice Chair Manago moved to decline further investigation because it was received 61 days from the date of the incident. Commissioner Lambeth seconded the motion, and it carried unanimously.

STATEMENTS FROM THE PUBLIC - None

ANNOUNCEMENTS

Chair Hara reminded the commissioners that they will be doing an informal evaluation of the chief at the next meeting, and asked the chief to give an update of his goals.

Chair Hara announced that the next monthly meeting will be on July 18, 2003, at 10:00 a.m., at the Ohana Keauhou Beach Resort.

ADJOURNMENT

The meeting was adjourned at 2:10 p.m., following which they watched a video presentation of the canine patrol.

SUBMITTED:

APPROVED:

JOSIE PELAYO, SECRETARY

HORACE S. HARA, CHAIR