

**HAWAI'I COUNTY POLICE COMMISSION
SPECIAL MEETING MINUTES
REGULAR SESSION
JULY 15, 2005
MAYOR'S KONA OFFICE**

CALL TO ORDER

Chair John Bertsch called the meeting to order at 9:00 a.m.

ROLL CALL

Present:	John M. Bertsch, Chair	Also Present:	Lawrence K. Mahuna, Police Chief
	James A. Frazier, Member		James Day, Assistant Chief
	Louis Kaiwi, Member		Ronald Nakamichi, Assistant Chief
	Karolyn P. Lundkvist, Member		Elroy Osorio, Assistant Chief
	Betsy Mitchell, Member		Ron Paul, Lieutenant
	Melvin S. Morimoto, Member		Kay Nishibayashi, Accountant
	Anita Politano Steckel, Member		Lincoln S. Ashida, Corporation Counsel

Absent: Pudding Lassiter, Vice Chair

APPROVAL OF AGENDA

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

STATEMENTS ON AGENDA ITEMS – None.

APPROVAL OF MINUTES

Commissioner Mitchell moved, and Commissioner Lundkvist seconded to approve the minutes of June 17, 2005, regular and executive sessions. The motion carried unanimously.

PERSONNEL ORDERS

- Nos. 2005-070 to 2005-077. (*Including but not limited to work assignments, training assignments, promotions, reallocations, severance from service, automobile allowances, and appointments.*) Commissioner Frazier motioned, and Commissioner Mitchell seconded to accept the personnel orders for filing. The motion carried unanimously.

COMMUNICATIONS

- Commissioner Kaiwi moved, and Commissioner Mitchell seconded to accept the communications for filing. Discussion: Chair Bertsch thanked Commissioner Frazier for drafting Correspondence 05-36 to Chief Mahuna requesting funding for the 2006 State of Hawai'i Police Commissioner Conference and Correspondence 05-37 to the Salary Commission requesting an adjustment to the Police Chief's salary and compensation. The motion carried unanimously.

COMMITTEE REPORTS

- **Budget and Finance** (Frazier): The committee had no report.

- **Office Management and Staffing** (Bertsch/Mitchell): The committee had no report.
- **Rules and Policies** (Bertsch/Lundkvist): Commissioner Lundkvist stated that every meeting is called a special meeting, and they need to change their rules. Commissioner Frazier explained that the meetings are called special because the commission's rules state that the meetings are at 10:00 a.m. Over the years, the agenda has grown, and so the meetings now start at 9:00 a.m. Chair Bertsch encouraged the commissioners to make suggestions for changes at the next meeting. He stated that in order to change the rules, they must hold a public hearing and take public input. Commissioner Lundkvist stated that she would like this done before Chair Bertsch's term on the commission ends.
- **Contractual Services** (Frazier): The committee had no report.
- **Public Relations** (Bertsch/Lassiter): The committee had no report.

CHIEF'S REPORT

Including:

- **Crime:** Assistant Chief Day entertained questions to the written report. He pointed out that the end of the fiscal year report showed 83,971 calls for service.

Chair Bertsch stated that with the RMS, Records Management System, they are able to track all calls, even the minor ones. He was told that they allocate their resources based on the number of calls. He wondered if the increased tracking is becoming evident in the RMS and if it is helping with allocating resources.

Assistant Chief Osorio stated that the RMS is designed to help them if there are dramatic increases in services and to apply resources accordingly. But, there is no truth that the RMS has generated more calls for service; it was already there. Now, all entries, including miscellaneous public entries, have to go through the RMS.

AC Day stated that they have had a problem with officers typing and logging in miscellaneous complaints themselves. Now, with the RMS everything is being logged.

AC Osorio stated that the CAD module in the RMS is able to track the response time to a call, but they are not able to view it in real time.

Commissioner Frazier stated that Area II has substantially higher numbers than Area I, and he asked if it was attributed to particular individuals who were recently taken off the street. AC Day stated that was exactly what it was, a series of checks and credit cards.

- **Traffic:** Assistant Chief Nakamichi summarized the written report. Chair Bertsch reiterated, from the last meeting, that the department is doing a good job with decrease in accidents and DUIs. He would like the department to continue with the speed boards and TEU.

- **Personnel:** AC Osorio entertained questions to the written report. Chair Bertsch stated that they toured the department and are very concerned about civilian staffing. They have nine civilian vacancies, but everyone in the department expressed a need for even more. Besides promoting the sworn positions at job fairs, they should also be promoting the civilian positions. AC Osorio stated that application forms are available on line.

Commissioner Mitchell stated that she had an occasion to call dispatch and was horrified that the dispatcher did not know where Kalanikoa Street and other roads in Volcano were. AC Osorio stated that that should not have happened.

Commissioner Kaiwi stated that it disturbs him that in the last 15-20 years the sworn staff has grown, but not the civilian staff. They need to knock on doors and plead for more staff because down the road they will have problems. AC Osorio stated that they would appreciate the commission's support with the County Council and the Mayor.

Chief Mahuna stated that the RMS is designed to assist officers and take some of the workload off the civilian staff. They are trying to obtain laptops for officers to use in their vehicles so they can do their own checks.

- **Finance:** Accountant Kay Nishibayashi reported that they have just wrapped up fiscal year 2005 and have begun 2006. The commission will be receiving the detailed summary. They are now working on a new accounts payable, general ledger, and payroll system.

Commissioner Kaiwi expressed concern that the funds for vacancies have been taken away, and that they can no longer use the monies. Ms. Nishibayashi stated that the County Council took away funding for three positions, but then gave back one position.

- **Commendations:** Chief Mahuna reported receiving 11 commendations since the last meeting.

Chair Bertsch stated that the commission would be sending thank you letters to staff who received commendations.

- **Other Departmental Activities**

CALEA (Commission on Accreditation for Law Enforcement Agencies).

Lieutenant Ron Paul briefed the commission on the accreditation program. The importance of getting accredited is that their directives and standards will be high. It also tells Corporation Counsel and other third parties that their standards are high. Once they get accredited, they need to continue with maintenance, and get reaccredited every three years. They will present it to the County Council when the fees are due. Once they make the initial payment, the clock starts, and they have three years to complete the accreditation process. The initial fee is approximately \$25,000-\$30,000.

UNFINISHED 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.

Chair Bertsch stated that they were all given copies of the form letters notifying complainants of their findings. He reviews each letter and has the ability to make changes. He asked Ms. Pelayo if she thought changing the wording of the letters would make a difference in whether or not the complainant questions the commission's decision. Ms. Pelayo stated, "No." Usually the complainant just doesn't agree with the commission's findings. Chair Bertsch stated that he agrees the letter should make the complainant feel good, but they have to be careful and prudent in the message they deliver. In special circumstances, he does change the letter as necessary.

Recess was called at 10:25 a.m. The meeting reconvened at 10:45 a.m.

INVESTIGATION AND DELIBERATION OF COMPLAINTS

- **STATEMENTS ON COMPLAINTS** (open to the public) – None.
- **EXECUTIVE SESSION** (closed to the public)
Commissioner Frazier moved and Commissioner Lundkvist 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 10:47 a.m.

Regular session reconvened at 11:25 a.m.

NEW BUSINESS

- **Semi-annual evaluation of Chief Lawrence Mahuna and review of his 2005 goals.**
Chief Mahuna responded to questions to his mid-year report of the police department's goals. He stated that his job is to provide the best training and equipment to his officers because he and his administrators are not on the street with them. Everything they look at is for the health and safety of the police officers. A pilot program of laptops in vehicles will start in October. Testing will take about three months.

Commissioner Frazier stated that he feels much better with this year's mid-term report which is now quantitative as compared to the previous report. He encouraged Chief Mahuna to keep up the good work. The other commissioners were also impressed with the status report.

Chair Bertsch stated that he was very pleased with the department's performance and openness with the public. He strongly encouraged them to move forward with training. The mid-year report is very well written, and he is compelled to draft a letter to the Mayor and incorporate some of the language that's in the Chief's report. He impressed upon them to figure out a way to get their staffing up, both on the police force and civilian staff. Short staffing is probably one of the single most issues that the community sees and speaks to them about, and police officers themselves will attest to this. Oftentimes, the first thing out of an officer's mouth is that they are understaffed and overworked. He wants to make sure that it doesn't become an excuse for performance. Chief Mahuna stated that they will continue with continuous recruitment, and will try to emulate some of the Honolulu Police Department's recruitment methods. Commissioner Frazier endorsed sending a letter to the Mayor.

- **Revisions to the Chief of Police Evaluation Form**

Commissioner Frazier stated that last year they had an issue with the ratings having no range. Chair Bertsch stated that the commission doesn't have enough working knowledge of what the Chief does to use the current form. He would like comments and suggested ranges for the evaluation form at the August meeting. He doesn't mind throwing away the evaluation form because he gets more out of the Chief's mid-year report. Commissioner Frazier stated that they do need a system and a form. Chair Bertsch asked each commissioner to submit to Ms. Pelayo, by August 5, a list of five topics they want to evaluate the Chief on.

- **Annual NACOLE Conference (National Association for Civilian Oversight of Law Enforcement) October 23-26, 2005**

Chair Bertsch stated that in the past, the Chair and Vice Chair attended the conference. However, they have had conflicts with who should attend. He will draft a proposal that should carry forward. Commissioner Frazier expressed an interest in attending, but he cannot endorse it because Commissioner Frazier attended last year's conference. The Mayor must approve any out-of-state travel, and the attendees must submit a written report to the Mayor.

Commissioner Frazier stated that last year the commission felt that the attendees should not attend if they were ending their tenure that year.

Commissioners Lassiter, Politano, and Frazier stated that they would like to attend the conference.

ACTION ON EXECUTIVE SESSION MATTERS

- **Complaint HPC 04-12:** *(Investigated by Legal Eyes.)* Complainant alleged that her calls for assistance have been ignored or brought no assistance, and that the police did not do their job in upholding a TRO. Commissioner Kaiwi moved and Commissioner Frazier seconded that the complaint is unfounded. The motion carried unanimously.
- **Complaint HPC 04-24:** *(Investigated by Legal Eyes.)* Complainant alleged that two officers used excessive physical force during his arrest. Commissioner Kaiwi moved

and Commissioner Steckel seconded that the complaint is unfounded. The motion carried unanimously.

- **Complaint HPC 05-09:** (*Complaint was deferred at previous meeting due to lack of a finding.*) Complainant was involved in a vehicle accident. She complained about the manner in which the officer spoke to her and alleged that the officer should have cited the other driver. Commissioner Frazier moved and Commissioner Kaoiwi seconded to not sustain the complaint. Discussion: Chair Bertsch stated that he is not sure about the finding and feels that they should exonerate the officer. The motion carried with nay votes from Commissioners Lundkvist and Morimoto.
- **Complaint HPC 05-11:** (*Chair Bertsch requested a reconsideration of the complaint.*) Complainant alleged that an officer wouldn't tell her neighbor to turn down their music and that he was disrespectful. At the last meeting, the commission found the complaint to be unfounded and that the incident didn't occur as described.

Commissioner Frazier took over as pro tempore chair. Commissioner Bertsch requested a reconsideration of the finding of "unfounded" and recommended that they reclassify it to "not sustain" as there was insufficient evidence to either prove or disapprove the allegation. He moved and Commissioner Morimoto seconded to reconsider the finding. Ayes were called by Bertsch, Mitchell, Morimoto, and Politano. Nays were called by Frazier, Kaoiwi, and Lundkvist. The motion died due to a lack of a quorum vote. The original finding of unfounded stands.

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS – None.

ANNOUNCEMENTS

- Chair Bertsch announced that the next meeting is scheduled for August 12, 2005, in the Waimea Civic Center Conference Room, 67-5189 Kamamalu St., next to police station.
- Collection of files and documents. – Done.

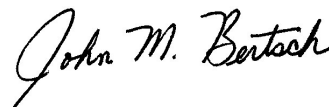
ADJOURNMENT

The meeting was adjourned at 12:20 p.m.

SUBMITTED:

JOSIE PELAYO, SECRETARY

APPROVED:



JOHN M. BERTSCH, CHAIR