

**HAWAI'I COUNTY POLICE COMMISSION
REGULAR SESSION MINUTES
JULY 20, 2007
KONA DEPARTMENT OF LIQUOR CONTROL**

INVOCATION

Commissioner Robinson gave a blessing.

CALL TO ORDER

Vice Chair Morimoto called the meeting to order at 9:05 a.m.

ROLL CALL

Present:	Melvin S. Morimoto, Vice Chair	Also Present:	Lawrence K. Mahuna, Police Chief
	Louis Kaiwi, Commissioner		Harry S. Kubojiri, Deputy Chief
	Karolyn P. Lundkvist, Commissioner		Paul Ferreira, Assistant Chief
	Kaloa R. N. Robinson, Commissioner		John Dawrs, Major
	Thomas P. Whittemore, Commissioner		Craig Higaki, Detective
	Michael B. Sumja, Commissioner		Lincoln S. Ashida, Corporation Counsel
			Josie Pelayo, Secretary
Absent:	Pudding Lassiter, Chair		
	Betsy Mitchell, Commissioner		
	Anita Politano Steckel, Commissioner		

APPROVAL OF AGENDA

Commissioner Kaiwi moved, and Commissioner Sumja seconded to approve the agenda. It carried unanimously.

STATEMENTS ON AGENDA ITEMS: None.

APPROVAL OF MINUTES

Commissioner Lundkvist moved, and Commissioner Robinson seconded to approve the minutes of May 18, 2007, regular and executive sessions. It carried unanimously.

PERSONNEL ORDERS

Commissioner Lundkvist moved, and Commissioner Sumja seconded to accept Personnel Orders Nos. 2007-045 to 2007-065. It carried unanimously.

COMMUNICATIONS

Commissioner Lundkvist moved, and Commissioner Sumja seconded to accept the communications as listed. It carried unanimously.

COMMITTEE REPORTS

- **Budget and Finance** (Whittemore/Kaiwi): Commissioner Whittemore stated they received an internal memo notifying them that the budget process has started, and the proposal needs to be prepared for the next meeting.

- **Office Management and Staffing** (Lassiter/Morimoto): No report.
- **Rules and Policies** (Lundkvist/Mitchell): No report.
- **Contractual Services** (vacant): No report.
- **Public Relations** (Politano/Robinson): None.

CHIEF'S REPORT

Including:

- **Crime:** Assistant Chief Day reported that this month's report is an end of the year report. They are doing very well with major crimes. In response to Commissioner Whittemore's inquiry, he attributed the higher numbers in East Hawai'i to the larger population.
- **Traffic:** Major Dawrs reported having a significant reduction in DUI, traffic fatalities, and traffic accidents.
- **Personnel:** AC Ferreira reported that they have 63 sworn and 14 civilian vacancies. They are recruiting through newspapers and television, and attend as many job fairs. The private market is very lucrative right now, and they are competing with them. They expect the SHOPO contract wage increase to make a difference.
- **Finance:** AC Ferreira reported that their finance department is still understaffed. An internal memo has gone out to proceed with preparation of next year's budget. In response to Commissioner Whittemore's inquiry, he stated that federal grants are not lost at the end of the county's fiscal year.
- **Commendations:** Chief Mahuna reported receiving 15 commendations since the last commission meeting. Of importance is that the commendations involved multiple employees. This is an indication that the employees are holding the mission statement and core values to heart. Vice Chair Morimoto asked that they work with the media to put things like this in the newspaper.
- **Other Departmental Activities:** Chief Mahuna reported that the cadet program will start with ten members. They will work with the union on the three phases of the program.

Regarding marked police vehicles, they were able to get only 18 vehicles for \$1 million, not the 20 they thought. They will have four-wheel drives and sedans. The blue and whites will cost more than regular vehicles because they will have cages for officer safety, the frame and suspension will be heavier, and the engine and transmission will be different. They currently have marked vehicles in every

district. The vehicles will have a warranty and will have to be brought to the dealer for repairs. The dealer will bring in backup parts that they do not normally keep on hand. The vehicles will have more visibility, especially in the resort areas.

Next year, they are going to make a pitch to the county for periodic maintenance on their buildings. A lot of their stations are in need of repair. The police department should not be responsible for these repairs. If they don't fix something this year, the cost will go up geometrically every year. In the long run, a maintenance program will save the county money. For things like leaks in the roof, public works puts it out to bid. They have a budget of \$2.75 million for repairs. They have not been able to use their shooting range because the building is always wet. His dream for the new station is a subterranean shooting range.

They will be starting a campaign to eliminate incidents of vehicles rolling over children. It will involve the School Resources Officers, and he would like participation from the commission. Commissioner Sumja suggested that they make a presentation at senior centers.

Commissioner Kaowi reported that he recently had the opportunity to go on a ride-along, and stayed for two watches. He also spent time in dispatch and the holding cell. The officer he spent time with who has been in the department for 25 years, informed that he was only the second commissioner he has had on a ride along. He suggested that the other commissioners also go on a ride along.

In response to Vice Chair Morimoto's inquiry, Chief Mahuna reported that the Taser instructor portion has started. This will be a plus for all officers because it will reduce injury for both officers and suspects.

- **Commander's Meeting Minutes of May 15 and June 19, 2007:** No discussion.

Recess was called at 10:15 a.m. The meeting reconvened at 10:35 a.m.

10:35 A.M.: INVESTIGATION AND DELIBERATION OF COMPLAINTS

STATEMENTS ON COMPLAINTS (open to the public)

JOSEPH SOUZA (Complaint HPC 07-38): Stated that his complaint against Officer Childers goes back to 1994 when he was a witness in an incident involving Childers.

Vice Chair Morimoto reminded Mr. Souza that they are charged with investigating complaints within 60-days of the incident.

SOUZA stated that there is history to his complaints. He was one of five witnesses in a felony. He and his family have been stalked and harassed by the officer both off and on duty for years and up to date. He ended a long-term relationship with his ex and the officer has used it against him. There was a TRO. He was originally going to be charged with four violations, but Mr. Childers called Kohala and had them charge him with nine violations. The officer followed him and parked at his church. He spoke to Captain Kealoha about his concerns, and it stopped for awhile.

Vice Chair Morimoto told Mr. Souza that he needed to be specific as to what happened in the past 60 days.

SOUZA stated that on January 11, 2007, the officer followed him in North Kohala. He was arrested on a Saturday, supposedly on a warrant. Incidents go on and on. It's basically revenge for him making a statement in a threatening case. He has had his storage area broken into.

Commissioner Lundkvist asked Mr. Souza to tell them in one sentence what his complaint against the officer is for the past 60 days.

SOUZA stated that there are many incidents over a long period of time. He has had things broken into. He has been charged. The officer is stalking and harassing him and using his job to do this. On Saturday, he was arrested and told it was under his orders.

Commissioner Sumja asked Mr. Souza to give them specific dates of the incidents.

SOUZA stated that on June 11, 2007, he came by the house. On April 19, 2007, he drove by the house. He lives in Kona, and his concern is with his family. The instances were in Kohala and Waimea. The last instance was in North Kona. The majority of the instances were in North Kona. There were witnesses to him standing outside the church and the house.

JOSEPH SOUZA (Complaint HPC 07-39): This complaint is against Officer Bartsch. Officer Bartsch has been trying to catch him for a TRO violation. He has been trying to stay out of Kohala. If Bartsch is on duty, he will be followed. Recently, he got notified of a TRO violation. An incident took place where his wife called the police that he drove by her house. They arrested him and took him back to the station. They asked if he would consent to a search of his vehicle. He agreed but wanted to be a witness. During that time, his dog was taken from his vehicle. They found one of his firearms in his vehicle, one that he reported stolen. Officer Bartsch asked him what it was for, and he said it was to blow his head off (Souza's). He played a recording of a telephone message in which Officer Jonathan Bartsch told him it was

not personal, that he was just doing his job. Bartsch also stated, "Please don't violate the restraining order, okay? We'll see you around. Take care."

Souza played a second telephone message from Officer Bartsch who stated that he just wanted to say sorry, and that he was just doing his job. They are friends, but he has to do his job. He wished him the best, said he'd be seeing him around, and had no hard feelings. Souza stated that he and his wife have TROs against each other. The TRO was dissolved in December.

Commissioner Lundkvist asked Mr. Souza to tell them what his complaint was.

SOUZA stated that his complaint is that the officer allowed his wife to break into his vehicle and for calling him. The vehicle is registered to him only.

EXECUTIVE SESSION (closed to the public)

Commissioner Lundkvist moved 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). Commissioner Whittemore seconded the motion, and it carried unanimously.

Executive session convened at 11:00 a.m.

Regular session reconvened at 1:12 p.m.

ACTION ON EXECUTIVE SESSION MATTERS
INVESTIGATION AND DELIBERATION OF COMPLAINTS

- **Complaint HPC 06-22:** Complainant alleged that he was assaulted and should have been treated at the scene rather than taken to the police station first. Commissioner Robinson moved, and Commissioner Whittemore seconded that there was insufficient evidence to support the complainant's allegations. The motion carried unanimously.
- **Complaint HPC 06-32:** Complainant was assaulted outside his place of employment by men who wanted his medicinal marijuana. He alleged that a responding officer demonstrated prejudice when he was arrested for possessing his medicinal cannabis and his assailants were not arrested. Commissioner Robinson moved, and Commissioner Whittemore seconded that there was insufficient evidence to prove the complainant's allegations. The motion carried unanimously.

- **Complaint HPC 07-20:** Complainant was stopped for towing a trailer without tail lights at around 4:00 a.m. He alleged that an officer would not let him drive and then took away his keys. Commissioner Robinson moved and Commissioner Whittemore seconded that there was insufficient evidence to prove the complainant's allegations. The motion carried unanimously.
- **Complaint HPC 07-25:** Complainant alleged that he was taken to the hospital for not answering a cop.
- **Complaint HPC 07-26:** Complainant alleged that cops told him to leave the park.
- **Complaint HPC 07-27:** Complainant alleged that while at the park, the police and ambulance came.
- **Complaint HPC 07-28:** Complainant alleged that while at Keikiland Park at 10:00 p.m., cops told him to leave. He felt that shining their flashlights at him was rude.

Commissioner Robinson moved and Commissioner Whittemore seconded that there was insufficient evidence to prove the complainant's allegations in HPC 07-25, 26, 27, and 28. The motion carried unanimously.

- **Complaint HPC 07-36:** Complainant alleged that during a traffic stop, an officer was rude to her and her son. Commissioner Robinson moved and Commissioner Lundkvist seconded that there was insufficient evidence to prove the complainant's allegations. The motion carried unanimously.
- **Complaint HPC 07-38:** Complainant alleged that an officer has been stalking and harassing him for years. He also alleged that the officer is responsible for much of his legal and personal problems. Commissioner Robinson moved and Commission Lundkvist seconded that there was insufficient evidence to prove the complainant's allegations. The motion carried unanimously.
- **Complaint HPC 07-39:** Complainant alleged that an officer has been stalking and harassing him. He also alleged that the officer is responsible for his problems with his ex-wife. Commissioner Robinson moved and Commissioner Lundkvist seconded that there was insufficient evidence to prove the complainant's allegations. The motion carried unanimously.

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS: None.

ANNOUNCEMENTS

- Vice Chair Morimoto announced that the Police Commission's next monthly meeting would be on August 24, 2007, at 9:00 a.m. in the Hawai'i County Council Room, 333 Kilauea Avenue, Hilo (Ben Franklin Building, second floor).
- Ms. Pelayo announced that the Hawai'i State Law Enforcement Official's Association annual conference would be on September 12-14 on Kauai. She asked that those interested in attending let her know as soon as possible.
- Collection of files and documents: Done.

ADJOURNMENT

The meeting was adjourned at 1:22 p.m.

SUBMITTED:

Josie Pelayo _____
JOSIE PELAYO, SECRETARY

APPROVED:

Pudding Lassiter _____
PUDDING LASSITER, CHAIR