

**HAWAI'I COUNTY POLICE COMMISSION
MINUTES – REGULAR SESSION
JULY 26, 2002
KEAUHOU BEACH RESORT**

CALL TO ORDER

Chair Okabe called the meeting to order at 10:00 a.m.

ROLL CALL

Present:	Wilfred M. Okabe, Chair	Also Present:	James S. Correa, Police Chief
	Horace S. Hara, Vice Chair		Lawrence Mahuna, Assistant Chief
	John M. Bertsch, Member		Wendell Paiva, Assistant Chief
	Peter L. Hendricks, Member		Gary Maesato, Business Manager
	Daniel K. Kama, Member		Lincoln Ashida, Corporation Counsel
	Phoebe M. Lambeth, Member		Josie Pelayo, Secretary
	Dwight K. Manago, Member		

Absent: Walter Moe, Member
Peter P. Muller, Member

APPROVAL OF AGENDA

Commissioner Lambeth moved to approve the agenda. Vice Chair Hara seconded the motion, and it carried unanimously.

STATEMENT ON AGENDA ITEMS (Open to the Public)

Corporation Counsel Lincoln Ashida addressed the public on making statements to the commission in either open or executive session. He cautioned that a person could be held liable for making slanderous statements in public. There were no public statements.

STATEMENTS ON AGENDA ITEMS (Executive Session)

Commissioner Manago 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 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. Vice Chair Hara seconded the motion, and it carried unanimously. The commission convened into executive session at 10:09 a.m. and reconvened back into regular session at 11:26 a.m.

APPROVAL OF MINUTES

Commissioner Lambeth moved to approve the minutes of June 21, 2002, regular and executive sessions. Vice Chair Hara seconded the motion, and it carried unanimously.

PERSONNEL ORDERS

Commissioner Manago moved to accept Personnel Order Nos. 2002-91 to 2002-106. Commissioner Lambeth seconded the motion, and it carried unanimously.

COMMUNICATIONS

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

COMMITTEE REPORTS

- Budget and Finance (Manago/Okabe). Commissioner Manago reported that the 2002-03 budget had been approved.
- Office Management and Staffing (Hara/Muller). The committee had no report.
- Rules and Policies (Moe/Bertsch). The committee had no report.
- Contractual Services (Kama). The committee had no report.
- Public Relations (Lambeth/Okabe). The committee had no report.

CHIEF'S REPORT

- Crime – Assistant Chief Paiva summarized the written report given to the commissioners. He stated that the crime rate has not gone down, but they are working with fewer detectives than they did ten years ago.
- Traffic – Assistant Chief Hickcox summarized the written report given to the commissioners.
- Personnel – Assistant Chief Mahuna summarized the written report given to the commissioners. They have eleven sworn and seven civilian vacancies and are having difficulty filling higher-level clerical positions. They are trying to bring back employees on workers compensation.

Chief Correa reported that they have eleven recruits in recruit class. They usually lose half of the applicants in the written exam, then half of that in the personal history questionnaire, and more in drug screening and psychological exam. Sometimes only about 14-18% make it through the recruitment process. They usually have about 15-18 people out on some sort of leave. The county needs to increase the number of sworn personnel so that when individuals are out on injury or illness, it does not have a great impact on their resources. He met with the chiefs from the other islands to work on a recruitment and retention program. They are especially interested in recruitment of dispatchers and sworn personnel, and need to address working conditions, salaries, and benefits.

- Finance – Business Manager Maesato presented his written report. He reported that the County Council removed the police commission's office rent from the budget, and now the rent is coming out of the commission's base account. They have asked public works for office space but are still waiting for a response.

Chief Correa reported that the County Council deleted the rent with the intention of moving the police commission's office into the county building in the area vacated by public works. However, public works is behind schedule in renovating the office and doing the necessary upgrades. So, they started the new fiscal year without allocated rent money for the commission. If they need to amend the budget and request additional funds, the rational should be that the commission was not appropriated rent money.

- Commendations – Chief Correa reported receiving 17 commendations since the last meeting.

Chief Correa reported on the department's three major projects. The first is the records management system. The vendor will be installing computer equipment throughout the entire county. It will be a local wide area network. This RMS system will enhance the department's ability to move data electronically.

The second project is the microwave relocation, an \$8-10 million project. This will move them from an analog to a digital frequency, from a 2 gigahertz to 6 gigahertz system.

The third project is the cellblock. The building is 60% complete, and is a \$4.5 million project.

Major Carter, who recently retired, coordinated the last two projects in addition to his other duties which included dispatch and the radio shop. Major Harry Kubojiri has replaced him.

Chief Correa announced that he would be resigning as police chief effective August 9, 2002. He has accepted a position with a newly created federal agency. The department is sound, and he has confidence in his staff to carry out the department's goals and objectives and to maintain the public's safety.

In accordance with the police department's general orders, the acting chief will be the assistant chief of the administrative bureau, which is Assistant Chief Larry Mahuna. In his absence, the acting chief will be the senior assistant chief who is on duty at that particular time.

In the interim, one assistant chief will run Area I which includes CID and field operations. Another assistant chief will run Area II which includes field and investigative operations. This will be temporary until the new chief is named.

Chief Correa thanked the commissioners for their confidence and support in appointing him. His year and a half as chief seemed like a short time, but he had been working with the commission for almost eight years, since his appointment as deputy chief. He notified the county's managing director of his resignation and will issue a public release today.

Vice Chair Hara questioned whether the commission needed to approve Assistant Chief Mahuna as acting chief.

Corporation Counsel Ashida informed that it was not necessary because the general orders line of succession automatically places him in the position. The commission could confirm him or do nothing, and he would still continue as acting chief.

Vice Chair Hara inquired into the timeline they had in announcing the vacancy, to which Commissioner Lambeth stated that they would work on it at the next meeting.

UNFINISHED BUSINESS - None

NEW BUSINESS - None

ACTION ON EXECUTIVE SESSION MATTERS

- **Corresp. 41**, request for legal counsel by Wayne G. Carvalho in CV02 00414 SOM LEK. Commissioner Lambeth moved to accept Corporation Counsel's recommendation that the officer acted within the performance of his duty and should be afforded legal counsel. Vice Chair Hara seconded the motion, and it carried unanimously.

- **Investigation and Deliberation of Complaints**

Complaint HPC 02-18: Complainant alleged that his 19-year-old son was arrested during a traffic stop, and his minor children were taken to the station but he was not called. Commissioner Lambeth moved to sustain the complaint. Vice Chair Hara seconded the motion, and it carried unanimously.

Complaint HPC 02-22: Complainant alleged that officers were involved in false-writing, deprivation of rights, conspiracy of rights, execution of a fictitious warrant, and violated the separation of powers act. Commissioner Lambeth moved that although the complaint was not properly notarized, the officers should be exonerated because they acted in a lawful manner. Commissioner Manago seconded the motion, and it carried unanimously.

Complaint HPC 02-23: Complainant alleged that officers issued trespass notices and were rude and demanding. Commissioner Bertsch moved that the complaint was not properly notarized, and the complaint should be properly notarized before the commission could proceed. Commissioner Manago seconded the motion, and it carried unanimously.

Complaint HPC 01-23: Complainant alleged that if an officer had arrested a suspect earlier in the evening during a traffic incident, he would not have been assaulted later. The investigator's report was reviewed. Commissioner Lambeth moved to sustain the complaint. Commissioner Bertsch seconded the motion, and it carried unanimously.

- **Status Report of Complaints Referred to Chief Correa** – No action taken.

ANNOUNCEMENTS

Chair Okabe announced that the next monthly meeting is scheduled for August 23, 2002, at the Hilo Police Department Training Room, 349 Kapiolani St., Hilo.

ADJOURNMENT

The meeting was adjourned at 12:35 p.m.

SUBMITTED:

APPROVED:

JOSIE PELAYO, SECRETARY

WILFRED M. OKABE, CHAIR