

**HAWAI'I COUNTY POLICE COMMISSION  
REGULAR SESSION MINUTES  
AUGUST 11, 2006  
MAYOR'S KONA OFFICE CONFERENCE ROOM**

**CALL TO ORDER**

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

**ROLL CALL**

Present:	Pudding Lassiter, Chair	Also Present:	Police Chief Lawrence K. Mahuna
	Melvin S. Morimoto, Vice Chair		Harry S. Kubojiri, Deputy Chief
	James A. Frazier, Member		James Day, Assistant Chief
	Louis Kaiwi, Member		Ronald Nakamichi, Assistant Chief
	Karolyn P. Lundkvist, Member		Henry Tavares, Captain
	Kaloa R. N. Robinson, Member		Kay Nishibayashi, Accountant
	Anita Politano Steckel, Member		Lincoln S. Ashida, Corporation Counsel
			Josie Pelayo, Secretary

Absent: Betsy Mitchell, Member  
Thomas P. Whittemore, Member

A quorum was present

**APPROVAL OF AGENDA**

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

**STATEMENTS ON AGENDA ITEMS** - None

**APPROVAL OF MINUTES**

Commissioner Politano Steckel moved and Commissioner Frazier seconded to approve the minutes of July 21, 2006, regular and executive sessions. Discussion: Commissioner Robinson pointed out typographical changes. The motion carried unanimously.

**PERSONNEL ORDERS**

Commissioner Kaiwi moved and Commissioner Lundkvist seconded to accept Personnel Orders Nos. 2006-079 to 2006-084. The motion carried unanimously.

**COMMUNICATIONS**

Commissioner Frazier moved to accept the communications as listed with the addition of Legal Eyes' letter of resignation which will be marked as Correspondence 06-033. Commissioner Lundkvist seconded the motion, and it carried unanimously.

**COMMITTEE REPORTS**

- **Budget and Finance (Frazier/Morimoto):** Commissioner Frazier suggested adding a typewriter to the commission's 2007-08 budget. He also suggested that they have a training session with Accountant Kay Nishibayashi on understanding the budget, and having it in conjunction with a meeting in Hilo.

- **Office Management and Staffing (Lundkvist/Mitchell):** No report.
- **Rules and Policies (Kaoiwi):** No report.
- **Contractual Services (Robinson):** Commissioner Robinson stated that he would look into putting the investigative services out for bid.
- **Public Relations (Lassiter/Politano Steckel):** Commissioner Politano Steckel stated that she would like to have members of the Police Department march in the Aloha week parade on October 21. She also asked for a status report at the next meeting on fundraising monies for the monument for fallen officers.

Chair Lassiter presented the Police Department with a plaque from the commission in honor of the 66<sup>th</sup> Recruit class. Commissioner Robinson presented a plaque to the 67<sup>th</sup> recruit class and thanked them for their participation in the Merry Monarch parade.

### **CHIEF'S REPORT**

Including:

- **Crime:** Assistant Chief Day explained the written report.
- **Traffic:** Assistant Chief Nakamichi summarized the written report and pointed out that they had three traffic fatalities. They have been patrolling areas with high accident rates.
- **Personnel:** Deputy Chief Kubojiri reported that the 67<sup>th</sup> recruit class would be on the road next month. The 68<sup>th</sup> recruit class started with 10 members. One recently resigned and will be returning to Oregon with his family. They are still in the academic stage. On the job training will be in October. Deputy Chief Kubojiri stated that they would like to place recruits in districts that are very short in personnel.

Commissioner Frazier asked that when there is a change in senior leadership, captain level, that the commissioner in the district be notified soon thereafter.

- **Finance:** Accountant Nishibayashi entertained questions to the written report.

Commissioner Frazier stated that there is funding for Tasers and inquired about training in its use. Deputy Chief Kubojiri stated that Taser is the brand name for the electronic control device. They requested money for 450 units. They have 430 sworn authorized strength. Twenty units are replacements. Training and cartridges have been factored in the budget. Each unit costs \$1,000. They still have to write the SOPs for the use of the device. They included training and cartridges in the budget. Chief Mahuna stated that the control device will be used by officers on the street. They plan to use the SRTs as instructors. Studies have shown a drop in officer and suspect injuries with the use of Tasers. Deputy Chief Kubojiri stated that everyone, including the recruits will be trained to use the Taser, and it will be voluntary for officers to be

exposed to it (on themselves). They could show the device to the commission at the next Hilo meeting.

Commissioner Frazier inquired into the inventory of radar units. Deputy Chief Kubojiri stated that units have been going down. Assistant Chief Day stated that they are still waiting on grants for more units.

Commissioner Kaoiwi inquired into the status of the firing range. Chief Mahuna stated that they have a problem with gun clubs running a firing range -- where the controls would lie and with the length of time to conduct the EIS. Hopefully, they can fix the roof on the eastside and have an indoor range on the west side. His immediate solution is to get a self contained in-door shooting range at the new South Kona Police Station.

Vice Chair Morimoto stated that he has been at meetings with Councilwoman Isbell regarding possible areas for a new station. Chief Mahuna stated that the area they have been looking at is in a flood area and is in close proximity to Konawaena High School. He would like the station to be further south, but there is no land in the area. He believes the current South Kona police station is in the ideal location for the new police station. It has only about three acres, but he would like to have a multiple level station. Finance Director Bill Takaba is handling the acquisition of property.

Commissioner Frazier stated that as an oversight body for the Police Department, it would be appropriate for the commission to send a letter to the Mayor and the Council about the need for a firing range. Perhaps the Chief's office could assist them in drafting the letter.

- **Commendations:** Chief Mahuna reported receiving eight commendations involving twenty-eight employees since the last meeting.
- **Commander's meeting minutes of July 19, 2006:** No discussion.
- **Other departmental activities:** Chief Mahuna reported that their pilot mobile data project seems to be going well, though not yet implemented. They are still looking into their cadet program. Their target would be the 16-17 year olds, juniors and seniors, just out of high school. Although, they cannot discriminate by age. The cadets would get paid and possibly receive school credits. This would help with kids on the fringes to keep out of trouble, away from drugs, etc. It would take about 3-4 years before they could become police officers. They would probably start in Hilo and then expand to other areas. They have to look at manpower and instructors.

Commissioner Frazier stated that he was pleased to see the modifications being done at the South Kohala Station.

#### **UNFINISHED BUSINESS**

**Correspondence 06-28, SHOPO's request for an educational seminar for both the Police Commission and union board members.**

Commissioner Politano Steckel welcomed the opportunity to meet with the SHOPO board members, although the agenda was quite long. The second page of the agenda was not relevant to the Police Commission.

Commissioner Kaiwi thought it would give them an opportunity to better understand what is going on, although he did not want to get into areas that were not within their responsibility.

Commissioner Frazier thought the agenda was a big step. Perhaps they could do little steps. He would like to know more about the dialog before committing a whole day. Their agenda might be biased towards items not within the commission's purview.

Chief Mahuna stated that the first page looked okay, but not the second. SHOPO and the Police Commission know their function. He has an open door for those with viable concerns.

Commissioner Lundkvist questioned why they would want to have a seminar. The first page of the agenda is okay, but not the second? She doesn't think they should do it at all. Chair Lassiter pointed out that it was SHOPO's suggestion. Commissioner Lundkvist questioned what their need to know was. Commissioner Politano stated it was just to understand another group. Commissioner Lundkvist questioned whether it was their job to understand another group. Commissioner Robinson stated that it gives them both perspectives. If they don't feel it's appropriate to the commission's role, they should call it. Commissioner Lundkvist stated that SHOPO should send them an informational packet.

Chair Lassiter asked for Corporation Counsel's opinion on the proposed seminar. Corporation Counsel Ashida stated that labor management relations are in the exclusive purview of the Police Chief. If SHOPO wants to provide information, they could come to the Police Commission's meeting. Otherwise, it's the Chief's job.

Recess was called at 10:35 a.m. The meeting reconvened at 10:49 a.m.

### **PUBLIC STATEMENT**

Brenda Ford, candidate for Council and neighborhood watch coordinator for Kona, stated that they have been trying for more than three years to staff a 24-hour South Kona police station. The majority of them who live in the neighborhood would like a station no farther north than the current one and going farther south is too winding. They are concerned that they still do not have 24-hour police station and have only two officers at a time. They are the most active neighborhood watch on the island. They want the Police Commission to help with everything they can for a new station. The area of Konawaena High School would cause traffic problems, and it is in an area of a flood zone. They need speed of completion, a safe area, and an area not jammed with traffic all the time. The area by the high school is a bad location for a police station. Their group is not suggesting a location, only saying what they do not want.

## **10:30 P.M.: INVESTIGATION AND DELIBERATION OF COMPLAINTS**

### **STATEMENTS ON COMPLAINTS** (open to the public)

RAYMOND WELKER (COMPLAINT HPC 06-09): Stated that a couple of officers in Ka'u did not read him his rights. He wanted his daughter to go to the hospital's psych ward. They allowed her to go with her grandmother. He has joint custody. .

JOSEPHINE KELIPIO (COMPLAINT HPC 06-15): Stated that she had an earlier argument with her sister. Her sister called the police, left, and came back five hours later. She doesn't know what her sister told them. It took her about an hour to put all her things away, and all the responding officers stood there. She was shocked that so many officers showed up. Her complaint is that the officer asked her if she wanted to go to the hospital. She obviously did not look sick, except that she was crying because she was intimidated. The officers asked her several times if she wanted to go to the hospital. An officer told her that she was holding them up from going to another appointment.

### **EXECUTIVE SESSION** (closed to the public)

Commissioner Frazier moved and Commissioner Kaiwi 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 11:08 a.m.

Regular session reconvened at 12:41 p.m.

### **ACTION ON EXECUTIVE SESSION MATTERS**

- **Complaint HPC 05-24:** Complainant alleged that if an officer had taken their statement, it could have prevented two fights. Commissioner Robinson moved and Commissioner Frazier seconded that there was insufficient evidence to prove the complainant's allegations. The motion carried unanimously.
- **Complaint HPC 06-09:** Complainant alleged that two officers did not acknowledge that he had joint custody of his daughter and that they allowed another party to take his daughter away. Commissioner Frazier moved and Commissioner Lundkvist seconded that there was insufficient evidence to prove the complainant's allegations. The motion carried unanimously.
- **Complaint HPC 06-12:** Complainant alleged that during his arrest, two officers slammed him onto his car, sprayed mace in his face, kicked him, and gave him a black eye. He also alleged that one officer withdrew his firearm and cocked it as he passed.

Commissioner Robinson moved and Vice Chair Morimoto seconded that there was insufficient evidence to prove the complainant's allegations. The motion carried unanimously.

- **Complaint HPC 06-15:** Complainant alleged that officers intimidated her when they responded to her sister's call. Commissioner Lundkvist moved and Vice Chair Morimoto 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**

- Chair Lassiter announced that the Police Commission's next monthly meeting would be on September 15, 2006, in the Waimea Civic Center Conference Room, 67-5189 Kamamalu St., Waimea (next to police station.)
- Collection of files and documents. – Done.

**ADJOURNMENT**

The meeting was adjourned at 12:46 p.m.

SUBMITTED:

APPROVED:

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JOSIE PELAYO, SECRETARY

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PUDDING LASSITER, CHAIR