

**HAWAI'I COUNTY POLICE COMMISSION
MINUTES – REGULAR SESSION
SEPTEMBER 13, 2002
KEAUHOU SHOPPING CENTER**

CALL TO ORDER

Chair Okabe called the meeting to order at 10:05 a.m.

ROLL CALL

Present:	Wilfred M. Okabe, Chair	Also Present:	Lawrence Mahuna, Acting Chief
	Horace S. Hara, Vice Chair		Charles Chai, Major
	John M. Bertsch, Member		David Kawauchi, Major
	Peter L. Hendricks Member		Gary Maesato, Business Manager
	Daniel C. Kama, Member		Lincoln Ashida, Corporation Counsel
	Phoebe M. Lambeth, Member		Josie Pelayo, Secretary
	Dwight K. Manago, Member		
	Walter Moe, Member		
	Peter P. Muller, Member		

A quorum was present.

APPROVAL OF AGENDA

Commissioner Lambeth moved to approve the agenda. The motion was seconded by Commissioner Manago and unanimously carried.

STATEMENTS ON AGENDA ITEMS (Open to the Public) - None

STATEMENTS ON AGENDA ITEMS (Executive Session) – None

PERSONNEL ORDERS

Vice Chair Hara moved to accept Personnel Orders Nos. 2002-129 to 2002-135. The motion was seconded by Commissioner Muller and unanimously carried.

COMMUNICATIONS

Commissioner Lambeth moved to accept Correspondence 55. The motion was seconded by Vice Chair Hara and unanimously carried.

COMMITTEE REPORTS

Budget and Finance (Manago/Okabe): Commissioner Manago reported that they recently received the police department's five-year plan. He asked the commissioners for suggestions that they will compile for final recommendation to the police department.

Management and Staffing (Hara/Muller): Vice Chair Hara reported that the commission's office is now located in the county building in Hilo.

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: Major Charles Chai summarized the written report. Commissioner Moe asked that Puna be listed in the chief's report.
- Traffic: Major David Kawauchi summarized the written report. In response to Commissioner Manago's inquiry for the reason for the drop in traffic fatalities, Major Kawauchi stated that hopefully it's because their enforcement efforts are up.
- Personnel: Acting Chief Lawrence Mahuna summarized the written report. They have 13 sworn and 10 civilian vacancies. He sent a reorganization request to the mayor. This reorganization will have one assistant chief in Area I and another one in Area II. Each A.C. will have a major to assist him. The department has to constantly evolve, and the people in Kona need more presence. Civil Service is working on a list for majors, lieutenants, and sergeants. They are looking to fill all positions by December. They hope to fill the business manager's position shortly. The State will be taking over their workers compensation cases.
- Finance: Business Manager Gary Maesato read his written.
- Commendations: Acting Chief Mahuna reported receiving three commendations.

Chief Mahuna further reported that they are diligently working at keeping the marijuana eradication funds in this county. These funds are from the state and federal government and are earmarked only for marijuana eradication. He would like to have the commissioners' support at the county's finance committee meeting on September 24.

EXECUTIVE SESSION

Commissioner Lambeth moved 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. The motion was seconded by Commissioner Muller and unanimously.

The commissioner convened into executive session at 10:55 a.m. and reconvened back into regular session at 11:20 p.m.

UNFINISHED BUSINESS

Update information on the chief of police selection process. There were no updates.

NEW BUSINESS

- Police Commission's recommendation to the Salary Commission on the salaries of the chief of police and deputy chief.

Commissioner Manago moved to approve the recommendations. The motion was seconded by Vice Chair Hara.

Discussion: Vice Chair Hara summarized the written report and corrections were noted. Their proposal to the Salary Commission is that the deputy chief receive 3% above the assistant chief's base salary which amounts to \$87,237 and the chief's salary be 5% above the deputy chief which amounts to \$91,599. They are also recommending standard of conduct pay for the chief and deputy chief in addition to their salary.

The motion carried unanimously.

- Correspondence 55, request for legal counsel by Officer Kahiki Hodson in Civil No. 02-00399. Commissioner Lambeth moved that the officer acted within the scope of his duties and to recommend legal counsel. The motion was seconded by Commissioner Muller and unanimously carried.
- Reconsideration of Complaint HPC 01-23. Complainant alleged that if an officer had arrested a man earlier in the evening, the man would not have assaulted him. The complaint was previously sustained. Commissioner Manago requests additional information on charges for individual officers.

Commissioner Hendricks moved to reconsider the complaint. The motion was seconded by Commissioner Muller and unanimously carried.

Commissioner Bertsch pointed out that the complaints were reconsidered at the previous meeting. They now need to act on the reconsideration.

Commissioner Lambeth moved to sustain the charges of Standard of Conduct and Performance of Duty against Officer #1. The motion was seconded by Vice Chair Hara and unanimously carried.

Commissioner Lambeth moved to exonerate Officer #2 on the charges of Standard of Conduct and Performance of Duty. The motion was seconded by Commissioner Manago and unanimously carried.

Commissioner Lambeth moved to sustain the charges of Standard of Conduct and Performance of Duty against Officer #3. The motion was seconded by Commissioner Manago and unanimously carried.

Commissioner Lambeth moved to exonerate Officer #4 on the charge of Standard of Conduct and to not sustain the charge of Performance of Duty. The motion was seconded by Commissioner Manago and unanimously carried.

- Reconsideration of Complaint HPC 02-18. Complainant alleged that following a traffic stop, his son and his three minor children were held at the police station for several hours and he was never called. The complaint was previously sustained. Commissioner Manago requested additional information.

Commissioner Manago moved to sustain the charge of Performance of Duty. The motion was seconded by Commissioner Lambeth and unanimously carried.

ANNOUNCEMENTS

Chair Okabe announced that the next meeting is scheduled for October 18, 2002, at the Waimea Civic Center next to the police station.

Commissioner Manago inquired whether they would have enough time to review the applications if they pushed the application deadline back to October 14 and the next meeting is October 18.

Chair Okabe stated that moving the meeting date would not hurt their timeline. A motion needs to be made.

Commissioner Manago moved that they move the Waimea meeting to October 25 should the Salary Commission make any changes in the salaries. The motion was seconded by Commissioner Muller and carried with a nay vote by Commissioner Bertsch.

Laura Ward of the Fire Commission announced that they are not ready to go before the Salary Commission in September, but will be approaching them in October.

ADJOURNMENT

The meeting was adjourned at 11:50 a.m.

SUBMITTED:

APPROVED:

JOSIE PELAYO, SECRETARY

WILFRED M. OKABE, CHAIR