

**HAWAI'I COUNTY POLICE COMMISSION
REGULAR SESSION MINUTES
OCTOBER 19, 2007
DEPARTMENT OF LIQUOR CONTROL CONFERENCE ROOM**

INVOCATION

Commissioner Mitchell gave a blessing.

CALL TO ORDER

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

ROLL CALL

Present:	Pudding Lassiter, Chair	Also present:	Harry S. Kubojiri, Deputy Chief
	Melvin S. Morimoto, Vice Chair		James Day, Assistant Chief
	Louis Kaoiwi, Member		Paul Ferreira, Assistant Chief
	Betsy Mitchell, Member		Derek Pacheco, Assistant Chief
	Michael B. Sumja, Member		Marshall Kanehailua, Captain
	Thomas P. Whittemore, Member		Lincoln S. Ashida, Corporation Counsel
			Josie Pelayo Secretary
Absent:	Karolyn P. Lundkvist, Member		
	Kaloa R. N. Robinson, Member		
	Anita Politano Steckel, Member		

APPROVAL OF AGENDA

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

STATEMENTS ON AGENDA ITEMS - None

APPROVAL OF MINUTES

Commissioner Sumja moved to approve the minutes of September 21, 2007, regular and executive sessions. Commissioner Kaoiwi seconded the motion, and it carried unanimously.

PERSONNEL ORDERS

Commissioner Kaowi moved to accept Personnel Orders Nos. 2007-085 to 2007-091. Commissioner Sumja seconded the motion, and it carried unanimously.

COMMUNICATIONS

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

COMMITTEE REPORTS

- Budget and Finance (Whittemore/Kaoiwi): No report.
- Office Management and Staffing (Lassiter/Morimoto): No report.
- Rules and Policies (Lundkvist/Mitchell): No report.
- Contractual Services (vacant): No report.

- Public Relations (Politano/Robinson): No report.

CHIEF'S REPORT

Including:

- **Crime:** A.C. Day reported that things are status quo compared to last year. In the past two months, several vice cases recovered processed marijuana from indoor growing facilities.
- **Traffic:** A.C. Pacheco reported that they are still waiting for the completion of the Halehalewai substation. The handicap accessible door was not built as expected, and needs to be redone. Remodeling of the Captain Cook station is still in progress. Year-to-date, they are up two DUI fatalities.
- **Personnel:** A.C. Ferreira reported having 62 sworn and 9 civilian vacancies. Two recruit classes are in progress, and they expect to start another one in November.

Commissioner Sumja stated that in the outlying districts, they don't seem to get the coverage that Kona does. He asked if North Kohala could get one of the new recruits.

A. C. Ferreira stated that they look at the vacancies throughout the island. North Kohala has one vacancy and Kona has ten. They have checks and balances and have to review operations with one vacancy versus ten.

Commissioner Sumja stated that he was informed that North Kohala has had one vacancy for a very long time. They also have a vacancy for captain.

In response to Commissioner Kaiwi's concern about cellblock staffing, A.C. Ferreira stated that they still have contractual help.

- **Finance:** A.C. Ferreira reported that they are still short two accountants. The Keaau station is still on target, and they are still having discussions on location of property. The shooting range is still on target.

Commissioner Whittemore asked that A.C. Ferreira follow-up on the CIPs by district.

- **Commendations:** Deputy Chief Kubojiri reported receiving fourteen commendations since the last meeting.
- **Other Departmental Activities**
Regarding the captain's position in North Kohala, four people qualified to apply for the captain's promotion. However, two opted not to apply for the promotion to North Kohala, and then the third also chose not to. They want someone with stability who will stay in Kohala.

Commissioner Sumja stated that having being in the navy, he assumed that people go where they are assigned.

Deputy Chief Kubojiri stated that promotional transfers are voluntary. They have a relatively young police department with families, and three to four hours traveling time, takes away from their families. They have the same problem in Kona with patrol officers. It seems that Kona will always have young officers, it's a training pool. When they have enough money to buy property, they move to some place else less expensive.

Commissioner Whittemore stated that in talking with some of the recruits, the big problem is finding a place to live. It is a long commute, not something they want to do on a daily basis. If they have family in Hilo and live in Kona, and vice versa, and if they don't have family to stay with, they have to pay housing for both sides. He asked about a dormitory situation. He asked that the department ask people in Kona and Kohala what their hardships have been.

Deputy Chief Kubojiri stated that they don't know where a person comes from until they pass the written and agility test. Housing has been a concern for many years. During recruit training, they are technically not yet an employee of the county.

Commissioner Kaoiwi stated that they need to have the department lobby funds to help recruits to live in Hilo during training. They need to look at something--subsidy, housing, whatever is easier. They are willing to go to bat for the department, and they want them to retain the recruits.

Commissioner Whittemore stated that this is a small investment in the beginning. They need to look at the budget. They should let the commissioners help lobby people so they can more actively recruit in the community. They want to help the process.

Commissioner Sumja stated that they should use the commission to back them up before the council.

Deputy Chief Kubojiri reported that yesterday was their second session for the cadet program. They started with ten people, but one person from Kona opted out. They are getting paid but probably using all their money for gas. Some of them are full time students or have full time jobs. Two are from West Hawai'i and the rest from Hamakua and Hilo. They have incentives for college reimbursements.

Deputy Chief Kubojiri stated that he and the Chief just attended the International Association of Police Chiefs Conference in New Orleans. There were thousands of police chiefs and executives from across the country. A lot was focused on personnel issues that they are currently experiencing. They need to be proactive in addressing issues.

Recess was called at 10:00 a.m. The meeting reconvened at 10:15 a.m.

INVESTIGATION AND DELIBERATION OF COMPLAINTS

STATEMENTS ON COMPLAINTS (open to the public)

CHARLES KELIPIO (Complaint HPC 07-44) stated that the commission did not inform him of its action on his complaint. He reported a crime. His complaint is a violation of the General Orders. The commission did nothing about it. Mr. Ashida's advice to the commission was wrong. The issues that the Deputy Chief spoke about have been around for years because the Chief has fired senior officers over the past years. He has been denied records. He has the right to records with his name. They are involved in his worker's compensation case. He needs to speak to the commission in executive session about what happened at the last meeting. Mr. Ashida is in conflict. Someone leaked information to the Chief three days before he filed the complaint that he was filing a complaint. He knows it was not Josie, so it has to be one of the commissioners. The Chief told him he would never be a police officer again. He is still a police officer. He still has his badge and his firearm. He wasn't given his due process. They created the vacancies because if you stand up to them, they get rid of you.

Corporation Counsel Ashida stated that if he wants a letter, they'll send him a letter.

OFFICER LUKE WATKINS (Complaint HPC 07-41): Stated that the incident didn't happen as Mr. Manny stated. When they got to the incident, they were met with two parties with obvious injuries. They went to the residence. Manny was asked to come out. He came down the stairs, but when he was informed that he was being arrested because the victim had major injuries, he ran away. In an attempt to stop Mr. Manny, he pulled his shirt. He was able to take him down. In the process, a vase was broken. Other officers assisted him. They gave commands to stop resisting. He kept his arms under him. They were able to place him in the transport van. He was more cooperative then, but at the scene it was a different story.

Chair Lassiter stated that the complainant stated that he was the one who called 911.

Officer Watkins stated that they responded to two people who called from the area. The other party had visible injuries. Mr. Manny did not have any visible injuries or defensive wounds.

JAMES WAIAMAU (Complaint HPC 07-41) stated that two people called regarding the incident, and they were looking at the two people who made the call. It involved visitation of their children. They were not aware that Manny had also made a call to the police. From his observation it was a volatile situation with injuries. When Manny came out, he was pretty upset. He was surprised by Manny's nature because he had never met him. They tried to talk with a soft and calm voice because children were present. Manny ran into the house and Officer Watkins followed him. He feared for Officer Watkin's safety, so he followed him in. Because of Manny's size, they used two cuffs so that it would be more comfortable for him. There was blood and broken glass all around and they had to be careful. The air conditioning in the transport van was not working, and he apologized for that. He did smell alcohol on the breath of both parties who were drinking in front of the

minors. They told Manny that they would help him file a complaint. They called CPS who took the children away because the adults were intoxicated.

CARRIE AKINA (Complaint 07-41) stated that while at the station, she received a call from another officer to bring the blue and white down to the residence, which she did. There were adults and three young boys. There was some confusion on whether there was a TRO. They asked the other party to stay down the street because the situation was volatile. When Manny was told he would be arrested, he ran into the house. They didn't know what was in the house, so Officer Watkins followed him. She saw a glass vase fall and shatter. Manny struggled for about 2-3 minutes, which was a long time. She did put her knee on his head to hold him down, which she felt was necessary. He was lying on his stomach with his hands under his body and moving around. She hit his leg but that didn't help, so she moved up to his head and held him down with her knee. She cut her hand on the glass. She believes that putting her knee on his head helped to control him.

Kaoiwi stated that he understood her having to hold him down with her knee because he was twice her height and weight.

Commissioner Whittemore expressed concern about threats that the complainant made to the officers, that he was going to send people to hurt them, and that he was going to get them. He asked the officers if they felt threatened.

Officer Waiamau stated that it was a great concern for them. For officer safety, they needed to get him away from the situation, expedite him into the vehicle.

All three officers stated that they never met the parties before.

EXECUTIVE SESSION (closed to the public)

Commissioner Whittemore moved that they 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 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 Sumja seconded the motion, and it carried unanimously.

Executive session convened at 10:55 a.m.

Regular session reconvened at 11:50 a.m.

ACTION ON EXECUTIVE SESSION MATTERS

- **HPC 07-41:** Complainant alleged that officers used excessive physical force during his arrest. Commissioner Kaoiwi moved that there was insufficient evidence to prove the complainant's allegations. Commissioner Whittemore seconded the motion, and it carried unanimously.

- **HPC 07-42:** Complainant alleged that officers used excessive physical force during his arrest. Commissioner Kaoiwi moved to decline investigation into the complaint because it was received more than 60 days from the date of the incident. Commissioner Whittemore seconded the motion, and it carried unanimously.
- **HPC 07-45:** Complainant alleged that an officer gave false statements in court. Commissioner Sumja moved to refer the complaint to the Chief for an investigation by Internal Affairs. Commissioner Mitchell seconded the motion. Ayes were called by Sumja, Mitchell, Kaoiwi, and Lassiter. Nays were called by Morimoto and Whittemore. The motion died.

Commissioner Whittemore moved that there was insufficient evidence to prove the complainant's allegations. Vice Chair Morimoto seconded the motion. Ayes were called by Whittemore, Mitchell, Lassiter, Kaoiwi, and Morimoto. Nay was called by Sumja. The motion carried.

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS - None

ANNOUNCEMENTS

- Chair Lassiter announced that the Police Commission's next monthly meeting would be on November 16, 2007, at 9:00 a.m. in the County's Aupuni Center Conference Room, 101 Pauahi St., Hilo.
- Collection of files and documents. - Done

ADJOURNMENT

The meeting was adjourned at 12:05 p.m.

SUBMITTED BY:

Josie Pelayo
JOSIE PELAYO, SECRETARY

APPROVED BY:

Pudding Lassiter
PUDDING LASSITER, CHAIR