

**HAWAI'I COUNTY POLICE COMMISSION
SPECIAL MEETING MINUTES – REGULAR SESSION
NOVEMBER 8, 2002
HILO POLICE STATION TRAINING ROOM**

CALL TO ORDER

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

ROLL CALL

Present:	Wilfred M. Okabe, Chair	Also Present:	Lincoln Ashida, Corporation Counsel
	Horace S. Hara, Vice Chair		Josie Pelayo, Secretary
	John M. Bertsch, Member		
	Peter L. Hendricks, Member		
	Daniel C. Kama, Member		
	Phoebe M. Lambeth, Member		
	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 Muller and unanimously carried.

STATEMENTS ON AGENDA ITEMS (Open to the Public)

Corporation Counsel Ashida stated that there were no complaints against any police officers, so an advisory was not necessary.

DEL PRANKE inquired whether there was any new documentation on the selection process, to which Chair Okabe stated there was not. Mr. Pranke asked the commission to define unquestionable integrity and stability. He asked if lying to the public repeatedly and in writing made for unquestionable integrity. The commission did not respond.

Corporation Counsel Ashida stated that this portion of the meeting was for public statements, and that it was not necessary for the commission to engage in debate or discussion.

MR. PRANKE further stated that the commission is considering people who do not meet its requirements. Every candidate from the Big Island that they are considering is involved in some way in a suit against the county. He told the commission to scrap the timeline and start over. They don't have viable candidates from the Big Island. The commission's actions reflect on the Mayor, so he will report back to him the problems with the people that the commission is considering. He stated that it's a foregone conclusion that the commission will choose the candidate from Kauai and Major Chai as the final candidates. It was known ahead of time.

UNFINISHED BUSINESS

- Chief of Police Selection Process
 - 1) Review of timeline: Vice Chair Hara moved that the December 6 meeting be rescheduled to December 9 to ensure that all commissioners would be able to attend. The motion was seconded by Commissioner Moe and unanimously carried.
 - 2) Format for public testimonies on finalists: Vice Chair Hara stated that he would like the finalists to make a short presentation on their goals and objectives and to give a short introduction of themselves. The Fire Commission did this, and it was well-received by the public. Vice Chair Hara moved that the finalists make a short presentation on their goals and objections at the public testimonies. The motion was seconded by Commissioner Moe.

Discussion: Commissioner Muller inquired whether there would be a time limit. Vice Chair Hara stated that the Fire Commission allowed five minutes. Chair Okabe stated that they could allow five minutes as a friendly amendment to the motion.

The motion carried unanimously.

Manago moved that the public be allowed to field questions to individual candidates. The motion was seconded by Commissioner Bertsch.

Discussion: Commissioner Bertsch stated that the questions should be submitted in writing prior to the meeting. Commissioner Moe stated that the questions should be submitted to the candidates. Commissioner Bertsch stated that the public could put questions of concerns of the island and the community as a whole in a box and the commission could draw, at random, a different question for each candidate. Commissioner Muller stated that it is a great idea to have the candidates make a statement, but they should also let the public make their statement. If they get involved in questions and debates, they will be there all day. The public is not choosing. Commissioner Manago agreed and withdrew his motion. Commissioner Bertsch moved to withdraw his motion to the second.

Commissioner Bertsch moved that written questions be submitted by the public and one question be selected randomly for each candidate. The next candidate would get the next randomly selected question. The motion was seconded by Commissioner Moe and unanimously carried.

EXECUTIVE SESSION

Commissioner Bertsch inquired into the legal ramifications of questions and answers in an open session. In response, Commissioner Lambeth moved to meet in executive session 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 Manago and unanimously carried.

The commission convened into executive session at 10:35 a.m. and reconvened back into open session at 11:00 a.m.

- 3) Review of acknowledgment, consent, and release form for applicants waiving claims against County of Hawai'i: Corporation Counsel Ashida stated that this form is protected as an attorney's work product. The particulars or the legal consequences it asks cannot be given out. Commissioner Lambeth moved to accept the form. The motion was seconded by Commissioner Manago and unanimously carried.

NEW BUSINESS

- Deferral of promotions until new chief of police is appointed.
Commissioner Manago moved that all promotions be deferred until the new chief of police is appointed. The motion was seconded by Commissioner Lambeth and unanimously carried.

Corporation Counsel Ashida stated that the commission does not have the legal powers over promotions, although they could recommend. Under the County Charter 7-2.2 c 6, they have advisory powers.

Commissioner Manago stated that they make a recommendation on this.

Chair Okabe announced that they would now meet in executive session to interview the chief of police applicants.

EXECUTIVE SESSION

Commissioner Lambeth moved to meet in executive session to consider the hire of an employee where consideration of matters affecting privacy will be involved 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 (a) (2) and (4) and to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee where consideration of matters affecting privacy will be involved, provided that if the individual concerned requests and open meeting, an open meeting shall be held. The motion was seconded by Commissioner Muller and unanimously carried.

The commission convened into executive session at 11:05 a.m. to interview applicants for chief of police. The commission reconvened back into executive session at 4:35 p.m.

ACTION ON EXECUTIVE SESSION MATTERS

- Selection of finalists for chief of police
Chair Okabe announced that an applicant would need five votes to become a finalist. The following were the roll call votes:

Detective Moses Kaiwi

5 votes from Bertsch, Hendricks, Kama, Lambeth, Muller.

Major Charles Chai

6 votes from Hara, Kama, Manago, Moe, Muller, Okabe.

Lieutenant Robert Hill

3 votes from Bertsch, Kama, Lambeth.

Captain Samuel Thomas

6 votes from Bertsch, Hara, Hendricks, Lambeth, Manago, Okabe.

Acting Chief Lawrence Mahuna

6 votes from Hara, Hendricks, Lambeth, Manago, Moe, Okabe.

Finalists for Chief of Police were Detective Moses Kaiwi, Major Charles Chai, Captain Samuel Thomas, and Acting Chief Lawrence Mahuna.

ANNOUNCEMENTS

- Chair Okabe announced the upcoming meetings:
November 13, at 6:00 p.m., in the County Council Room, public testimonies on the Chief of Police finalists.

November 29 at 10:00 a.m., monthly meeting at the Keauhou Beach Research followed by another meeting at 6:00 p.m. for public testimonies on the Chief of Police finalists.

December 9 at 10:00 a.m. in the County Council Room, selection of Chief of Police.

December 13 at 10:00 a.m., monthly meeting at the Hilo Police Station.

ADJOURNMENT

The meeting was adjourned at 4:50 p.m.

SUBMITTED:

APPROVED:

JOSIE PELAYO, SECRETARY

HORACE S. HARA, VICE CHAIR