

**HAWAII COUNTY POLICE COMMISSION
MINUTES – REGULAR SESSION
DECEMBER 13, 2002
HILO POLICE STATION TRAINING ROOM**

CALL TO ORDER

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

ROLL CALL

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| Present: | Wilfred M. Okabe, Chair | Also present: | Lincoln S. Ashida, Corporation Counsel |
| | Horace S. Hara, Vice Chair | | Josie Pelayo Secretary |
| | Peter L. Hendricks, Member | | Lawrence K. Mahuna, Chief |
| | Daniel C. Kama, Member | | Harry Kubojiri, Major |
| | Phoebe M. Lambeth, Member | | James Day, Captain |
| | Dwight K. Manago, Member | | Nori Ishii, Accountant |
| | Walter Moe, Member | | |
| | Peter Muller Member | | |

Absent: John M. Bertsch

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

Corporation Counsel Ashida explained the difference between open and executive sessions and cautioned the public on making statements that might be libelous or slanderous.

RONALD LAMONT came before the commission to speak on his Correspondence 73. He stated that he has a 15-year lease on his shop on Kilauea Avenue. It is a drive-by area where people can see his shop. There is a "no parking sign" in front of his shop, but people park there anyway. People don't know what "no parking" means, and this is killing his business. Local people don't like a haole telling them what to do. He had cones there for about a year until an officer in plain clothes told him to remove them. The police told him to call, but when they get there the person parked there would be gone. A female officer told him they don't want to arrest him for harassment. He feels there are solutions to the problem -- he be deputized and they allow him to put cones up from 10:00 to 1:00. He complained at the mayor's office, and they told him to go to the police commission.

Corporation Counsel Ashida informed Mr. Lamont that he will follow-up on this matter.

RANDEE MASUHARA came before the commission to speak on her complaint HPC 02-62. During the incident, she was arrested for not having an insurance card. The officer struck her 11-year old son. It was totally wrong. She might have gotten sassy. Nothing happened

after that except that he dragged her out of the house. No one needs to hit her child. The officer needs to get training.

Commissioner Manago asked to speak to Ms. Masuhara in executive session.

MICHAEL SUMJA and others with him came to speak in response to Correspondence 72, the request for additional manpower in the North Kohala District. He read his letter in which he talked about the drug problem in North Kohala. He asked that they hire two sergeants and a full-time vice officer. They also need to fill two patrol slots. Since 1994, they have had five captains, none of whom lived there. There were periods of 6-8 months when there was no captain in North Kohala.

Commissioner Manago stated that the types of problems they see are not unique. South Kona, which has about 9,000 people, does not have a sergeant. A lot of the problems the police face are due to funding problems. That's why Mayor Kim asked for a tax increase. The police department has a budget of \$150,000 for new equipment, and that doesn't go very far. The mayor is the only person who can add additional personnel, and the county council approves the budget.

JOHN KOMITANI read a letter from Herbert Yim, an employee of Kohala Hospital. They have seen an increase in emergency room services since 911 due to family abuse. They are asking for additional police support to the North Kohala community due to social problems of this isolated community.

MR. MASUDA of the parks and recreation department stated that the community has tried to meet the needs of young people but need help from the police department. The use of drugs and alcohol is high in their community. They don't have a bowling alley, theater, or shopping center. There are not too many things for teens to do. They have substance abuse and curfew problems.

GLADYS NANBU read her Correspondence 72 in which she requested additional police officers for North Kohala. They need to have an undercover operation for the ice houses. They need the department's help.

JOEL RICHARDS, counselor at Kohala High School read a letter from Catherine Bratt, principal of Kohala High School. She expressed concern over the turnover of police captains and the need to fill the current vacancies in the department. She also asked for assistance in curbing the drug problem in the area.

COUNCILMAN LENINGRAD ELARIONOFF came before the commission and asked for basic police coverage in North Kohala. He stated that one-fourth of the force in Kohala is made up of very young recruits who don't have "heat". The first line supervision, the sergeant, is the person who can train them. When the sergeant is not there, the young officers don't know what to do. He asked for help with first line supervision. He doesn't

know if he can get the votes from the council for the first line supervision, but asked the commissioners for their help to find a way to get the service that the community deserves.

CORY CAUSEY stated that he is the facilitator for the North Kohala Community Empowerment Organization. It is a project out of the prosecutor's office that prioritizes each district's top safety issues. They need two sergeants at the Kohala station and asked that the commission support Chief Mahuna's request for a second sergeant's position.

NOLAN IOPA came before the commission to speak on his complaints HPC 02-50, 02-51, and 02-52. He lives on a dead end street. People drive by going 65 mph. The cops came down but did nothing.

Regarding HPC 02-50, he told Lieutenant Kelly about his neighbor John Walker threatening him. His neighbor put up his dukes. He stood his ground. His neighbor told Kelly he didn't start. It was visa versa. Kelly told him that Walker is Afghan kind people and they don't know what to do with that kind people. Kelly told him that if anything happened to them, he would be the first suspect. He asked for help and Kelly talked about Afghan people.

Vice Chair Hara questioned if his complaint against Lieutenant Kelly was that he didn't do anything and that he said they look like Afghan people.

Iopa stated that was right, and Kelly did nothing because they were Afghanistan type people.

Regarding HPC 02-51, the complaint is against officers working that shift. John Walker sped through the stop sign, so he put coconut leaves on road. His neighbor complained to the police that he threatened them. It was his neighbor who threatened him. Walker went to the Pahoia station drunk, and they did nothing to him. He asked Gary Safarik for help to put a barricade on the dead end because people drive through going 65 mph.

Vice Chair Hara asked if he was filing a complaint against the officer because he did not arrest his neighbor, because he did nothing.

Iopa stated, "Yes, quash um."

Iopa read his complaint HPC 02-52 in which he alleged that an officer used profanity and did not give him his name and badge number. He denied burning rubber in front of Walker's house. He also stated that he could get them 15 crack houses on video camera in one night.

GLENN PERREIRA came before the commission to speak on his complaint HPC 02-61. He got hit and run by a Verizon Hawai'i truck. The truck reversed into him. The Verizon Hawai'i person, Mr. Pang, stated he didn't touch him at all. They picked him up, stood him up. He asked them for a ride, they said they couldn't because they had a job. During mediation, their story changed. The mediation and police reports are different.

Commissioner Lambeth stated that his complaint is against Officer Iris McGuire.

MRS. PERREIRA stated that the complaint is against the whole police department because they did not send the police report to the prosecutor.

Perreira stated that he kept calling the station wanting to speak to the sergeant. The complaint is that he was hit and run. They were not able to take the case to court because the prosecutor did not get the report.

Commissioner Manago stated that he reported the incident to the police over a month after the accident.

Perreira stated that he wasn't in his right mind. The mediation and his story to the police officer are two different stories. The stories don't jive.

OFFICER TERRANCE JOHNASEN came before the commission to speak on the complaint against him, HPC 02-58. He stated that the complaint is vague and he doesn't know how to address it. He stated that he needed to give the commissioners background on the case. He was the initial investigator in the case in which Guarlito Gorospe killed his wife. During the traffic stop, the complainant handed him her insurance card, and he inquired if she was related to Guarlito. She said yes. Her niece was present when her mother was bludgeoned to death, so he asked how Amber was doing. He gave her a break on two other violations. Johnasen asked the commission if that wasn't giving her a break. He stated that he is there on his day off, and he is not being compensated for being there.

Commissioner Lambeth inquired as to why he felt it was necessary to question the relationship when the incident was of a totally different nature. It was not appropriate.

Johnasen stated that it was name recognition, an inquiry. There were no eyewitnesses.

HUNTER BISHOP came before the commission to speak as a witness to complaint HPC 02-47 submitted by Jason Armstrong. He stated that the officer threatened to give them tickets.

Commissioner Manago stated that they have witnesses who came before them and said that the officer never said he would issue them tickets.

Commissioner Moe questioned whether anyone else heard the vulgar and taunting remarks.

Bishop stated that there were a number of other people around.

JASON ARMSTRONG came before the commission to speak on his complaint HPC 02-47. He stated that he stands by his statement. Officer Shaw threatened them with tickets. He was at a DARE function, so this brings him under the color of authority, and under the commission's jurisdiction. He was two to three feet away when the officer said he would

give them tickets. Officer Shaw should not have acted in such a manner. He should have restrained the other people in his party. He should have given his name and badge number when asked. The vehicle was a Ford Excursion and it extended into their driveway. Signs have been changed to designate where the parking starts and stops. He wants to change his written statement to, "*Officer Shaw was blocking the entrance lane.*"

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 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 pertaining to the commission's powers, duties, privileges, immunities, and liabilities. The motion was seconded by Commissioner Lambeth and unanimously carried.

The commission convened into executive session at 12:00 p.m., and reconvened back into regular session at 12:05 p.m., at which time lunch recess was called. Regular session reconvened at 2:00 p.m.

CHRIS LOOS came before the commission to speak as a witness to Complaint HPC 02-46. She stated that she wanted to impress upon the commission how terrifying the incident was. This is not a frivolous complaint. She did not know who the people were at the time. She later found out that one of them was a police officer.

RECOGNITION OF OUTGOING POLICE COMMISSIONERS WILFRED M. OKABE AND DANIEL C. KAMA

Chair Okabe presented a plaque to Commissioner Daniel Kama for his outstanding job on the police commission from May 2001 to December 2002. Vice Chair Hara presented a plaque to Chair Okabe for serving on the commission from January 1998 to December 2002.

PERSONNEL ORDERS

Commissioner Lambeth moved to accept Personnel Orders 2002-168 to 2002-175. The motion was seconded by Commissioner Muller and unanimously carried.

COMMUNICATIONS

Commissioner Manago moved to accept the communications as listed. The motion was seconded by Commissioner Lambeth and unanimously carried.

COMMITTEE REPORTS

- Budget and Finance (Manago/Okabe): Commissioner Manago stated that Chief Mahuna would be distributing information for them to review.
- Office Management and Staffing (Hara/Muller): The committee had no report.
- Rules and Policies (Moe/Bertsch): The committee had no report.

- Contractual Services (Kama): Commissioner Kama reported that the County has renewed Akal's investigative contract for one year.

Corporation Counsel Ashida stated that the County could legally extend the contract. If there were any problems with the vendor, it could have been brought up before the end of the contract.

- Public Relations (Lambeth/Okabe): Commissioner Lambeth reported that on Tuesday, December 17, at 11:00 a.m., there would be a formal swearing in of the chief.

CHIEF'S REPORT:

- Crime: Captain James Day summarized the written report.
- Traffic: Major Harry Kubojiri summarized the written report.
- Personnel: Chief Mahuna summarized the written report. They have seven civilian and twenty-four sworn vacancies. A lieutenant's position in administration has been reallocated to captain. The captain will be in charge of personnel.

Chief Mahuna read a letter to the commission notifying them of his appointment of Major Harry Kubojiri as Deputy Chief. He asked to have the Deputy Chief confirmed at a special meeting.

Chief Mahuna distributed the fiscal year 2003-2004 budget to the commissioners.

- Finance: Accountant Nori Ishii, read the summarized report. A budget hearing will be held on January 10, from 8:00-12:00 in Conference Room A.
- Commendations: Chief Mahuna reported receiving four commendations since the last meeting.

UNFINISHED BUSINESS – None

NEW BUSINESS

- Election of Chair and Vice Chair for 2003
Commissioner Manago moved to elect Commissioner Hara as Chair. The motion was seconded by Commissioner Muller and unanimously carried.

Commissioner Kama moved to elect Commissioner Lambeth as Vice Chair. The motion died with no second.

Commissioner Muller moved to elect Commissioner Manago as Vice Chair. The motion was seconded by Commissioner Moe and unanimously carried.

ACTION ON EXECUTIVE SESSION MATTERS

- CORRESPONDENCE 70, request for legal counsel by Officers Verl Nakama, Chad Taniyama, and David Araki in CV 02-00285 LEK. Commissioner Manago moved to defer the request to the next monthly meeting in January. The motion was seconded by Vice Chair Hara and unanimously carried.
- INVESTIGATION AND DELIBERATION OF COMPLAINTS
COMPLAINT HPC 02-46: Complainant alleged that when he complained to an officer about his vehicle being parked in a manner that was causing a driving hazard, the officer responded in a vulgar manner and threatened to issue parking tickets to him and the others with him if their cars were parked on the street. Commissioner Lambeth moved to refer the complaint to the investigator. The motion was seconded by Vice Chair Hara and unanimously carried.

COMPLAINT HPC 02-50: Complainant alleged that when he complained about his neighbor, an officer responded in an inappropriate manner. Commissioner Moe moved to not sustain the complaint because there was insufficient evidence to either prove or disprove the allegation. The motion was seconded by Commissioner Lambeth and unanimously carried.

COMPLAINT HPC 02-51: Complainant alleged that when the police responded to his neighbor's complaint about him, the officer took inappropriate action. Commissioner Manago moved to exonerate the officer because he acted in a lawful and proper manner. The motion was seconded by Commissioner Muller and unanimously carried.

COMPLAINT HPC 02-52: Complainant alleged that when he complained about his neighbor an officer used profanity against him. Commissioner Manago moved to not sustain the complaint because there was insufficient evidence to either prove or disprove the allegation. The motion was seconded by Commissioner Lambeth and unanimously carried.

COMPLAINT HPC 02-56: Complainant was involved in a fender-bender. He alleged that the officer put incorrect information on the police report. Commissioner Manago moved to not accept the complaint for further investigation because it was received more than 60 days from the date of the incident. The motion was seconded by Commissioner Lambeth and unanimously carried.

COMPLAINT HPC 02-58: Complainant alleged that an officer stopped her for an expired safety sticker, and then proceeded to make statements to her about a sensitive family matter that had nothing to do with her safety sticker. Commissioner Manago moved to refer the complaint to the Chief for administrative counseling. The motion was seconded by Commissioner Muller and unanimously carried.

COMPLAINT HPC 02-59: Complainant's minor daughter and another female juvenile were arrested for disorderly conduct at a school event. She alleged that two male officers would not allow them to put their clothes back on. The two male officers transported both girls to the police station in only their underwear and with no female officer present in the vehicle.

Commissioner Lambeth moved to sustain the complaint. The motion died with no second.

Commissioner Muller moved to refer the complaint to the Chief for administrative counseling. The motion was seconded by Commissioner Manago and unanimously carried.

COMPLAINT HPC 02-60: Complainant was bitten by a dog. She stated that rescue personnel must have reported it to the police department because an officer called her about the incident. She alleged that the officer should have gone down to her home to investigate, rather than just speaking to her over the phone. Vice Chair moved to refer the complaint to the Chief for an administrative inquiry. The motion was seconded by Commissioner Muller and unanimously carried.

COMPLAINT HPC 02-61: Complainant alleged that he was involved in a hit-and-run accident and that an officer did not forward the report to the prosecutor's office. Commissioner Manago moved to decline further investigation because the complaint was received more than 60 days from the date of the incident. The motion was seconded by Commissioner Kama and unanimously carried.

COMPLAINT HPC 02-62: Complainant alleged that when an officer arrested her on a bench warrant, he used excessive force, hit her 11-year old son on his face, and inappropriately justified his actions with God's words. Vice Chair Hara moved to accept the complaint for further investigation. The motion was seconded by Commissioner Manago and unanimously carried.

ANNOUNCEMENTS

Chair Okabe announced that the next monthly meeting is scheduled for January 17, 2002, at the Waimea Civic Center Conference Room. They will hold a special meeting on December 20, 2002, at 1:00 p.m. in the County Council Room to confirm the Deputy Chief. The Chief will be sworn in on Tuesday, December 17, at 11:00 a.m.

ADJOURNMENT

The meeting was adjourned at 2:45 p.m.

SUBMITTED:

APPROVED:

JOSIE PELAYO, SECRETARY

HORACE S. HARA, VICE CHAIR