

**HAWAI'I COUNTY POLICE COMMISSION
REGULAR SESSION MINUTES
DECEMBER 21, 2007
DEPARTMENT OF LIQUOR CONTROL, HILO**

INVOCATION

Commissioner Sumja gave a blessing.

CALL TO ORDER

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

ROLL CALL

Present:	Pudding Lassiter, Chair	Also Present:	Lawrence K. Mahuna, Police Chief
	Melvin S. Morimoto, Vice Chair		Harry S. Kubojiri, Deputy Chief
	Louis Kaoiwi, Member		James Day, Assistant Chief
	Karolyn P. Lundkvist, Member		Paul Ferreira, Assistant Chief
	Betsy Mitchell, Member		Marshall Kanehailua, Captain
	Michael B. Sumja, Member		Lincoln S. Ashida, Corporation Counsel
	Thomas P. Whittemore, Member		Josie Pelayo, Secretary

Absent: Kaloa R. N. Robinson, Member
Anita Politano Steckel, Member

A quorum was present.

APPROVAL OF AGENDA

Commissioner Whittemore moved to approve the agenda. Commissioner Kaoiwi seconded the motion, and it carried unanimously.

STATEMENTS ON AGENDA ITEMS – None.

APPROVAL OF MINUTES

Commissioner Whittemore moved to approve the minutes of November 16, 2007, regular and executive sessions. Commissioner Sumja seconded the motion, and it carried unanimously.

PERSONNEL ORDERS

Commissioner Lundkvist moved to accept the Personnel Orders as listed. Commissioner Sumja seconded the motion, and it carried unanimously.

COMMUNICATIONS

Commissioner Sumja moved to accept the communications as listed. Commissioner Whittemore 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:** Assistant Chief James Day reported that clearance rates are a little low. They are averaging 60% on thefts. Everything else is basically the same. He announced that he would be retiring at the end of the month.
- **Traffic:** Assistant Chief Day reported on another fatality early that morning at about 3:00 a.m. in Puna. The fatality numbers are slightly up over last year.
- **Personnel:** Assistant Chief Paul Ferreira reporting having 64 sworn and 9 civilian vacancies. They are currently screening approximately 40 recruit applications. They push recruitment on both sides of the island and including the rest of the state. Dispersal of personnel is done according to manpower requirements. Regarding the captain's position in Kohala, they postponed the recruitment because they anticipate additional vacancies. The County Council took funding away for five positions, and they will be asking the Council to refund the positions. The Finance Department has one account clerk vacancy.
- **Finance:** Assistant Chief Ferreira reported that they have depleted 86.4% of their overtime budget. If they run out of overtime funds, they will have to move funds around. On January 14, 2008, they will have a meeting with County Finance to go over the budget for 2008-09. A copy of the budget will be send to the commission.

Commissioner Kaiwi stated that the Keaau Police Station is extremely cramped, and they need to look into a new station.

A.C. Ferreira stated that they are again negotiating with Shipman Estate for property for the new Keaau Police Station. Design work for the new Pahoia substation is underway.

- **Commendations:** Chief Mahuna reported that they received seventeen commendations since the last meeting. South Hilo had nine commendations involving twelve employees. Puna had two commendations involving four employees. Hamakua had one commendation involving three employees. Kona had four commendations involving five employees. North Kohala had one commendation involving nine employees.
- **Other Departmental Activities including the following:**
 - **Demonstration of the Taser Electronic Control Device:** Deputy Chief Kubojiri gave an informational presentation on the Taser electronic control device.
 - **Commanders Meeting Minutes of November 15, 2007:** No discussion.

Chief Mahuna reported that they are considering leasing laptops for their mobile data project because in 18 months the equipment will likely be obsolete.

They got over \$120,000 more for the Pahoia Weed and Seed Program, and are looking into cameras that move and have projections of about two miles.

They will be instituting the bike patrols again in Pahoia, downtown Hilo, and Kailua-Kona.

They have not had any problems with the Tasers.

In response to Commissioner Mitchell's inquiry, Chief Mahuna stated that they would probably need two more recruit classes before they could get the recruits to utilize the Volcano substation.

Commissioner Sumja asked Chief Mahuna to consider filling the Kohala vacancies.

NEW BUSINESS

Selection of Chair and Vice Chair of the Police Commission for 2008: Commissioner Kaowi moved to select Pudding Lassiter as Chair and Tom Whittemore as Vice Chair for 2008. Commissioner Lundkvist seconded the motion, and it carried unanimously.

UNFINISHED BUSINESS

Suggested Improvements to the Police Commission's Investigative Process: Corporation Counsel Ashida will work on updated suggestions.

INVESTIGATION AND DELIBERATION OF COMPLAINTS

STATEMENTS ON COMPLAINTS (open to the public) – None.

EXECUTIVE SESSION (closed to the public)

Commissioner Kaiwi moved to meet in executive session to consider discipline and charges against officers or employees of the Hawaii County Police Department and to conduct an annual performance evaluation of the Police Chief 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 10:50 a.m.

Regular session reconvened at 12:25 p.m.

ACTION ON EXECUTIVE SESSION MATTERS

- **Complaint HPC 07-46:** Complainant alleged that he was wrongfully accused of DUI and being non-compliant, that he was assaulted, not given medical assistance, and was kept in jail over night. Commissioner Kaiwi moved to defer the complaint to the next meeting. Commissioner Whittemore seconded the motion, and it carried unanimously.

- **Complaint HPC 07-47:** Complainant alleged that during a fight at a club, an arresting officer pushed and cursed at him. Commissioner Kaiwi moved that there was insufficient evidence to prove the complainant's allegations. Commissioner Whittemore seconded the motion, and it carried unanimously.
- **Complaint HPC 07-50:** Complainant alleged that an officer used profanity at him. Commissioner Kaiwi moved that there was insufficient evidence to prove the complainant's allegations. Commissioner Whittemore seconded the motion, and it carried unanimously.
- **Complaint HPC 07-51:** Complainant alleged that an officer should have given the other driver in her hit-and-run accident more citations and should have arrested him. Commissioner Whittemore moved that there was insufficient evidence to prove the complainant's allegations. Commissioner Sumja seconded the motion, and it carried unanimously.
- **Complaint HPC 07-053:** Complainant alleged that during a traffic stop, an officer took her driver's license away without an explanation, warning, or citation. Commissioner Whittemore moved that there was insufficient evidence to prove the complainant's allegations. Vice Chair Morimoto seconded the motion, and it carried unanimously.
- **Annual Performance Evaluation of Police Chief Lawrence Mahuna**
The evaluation was completed at the meeting on December 20, 2007. Chief Mahuna will be given a copy of the evaluation prior to the next meeting.

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS – None.

ANNOUNCEMENTS

- Chair Lassiter announced that the Police Commission's next monthly meeting would be on January 18, 2008, at 9:00 a.m. in the Waimea Civic Center Conference Room, 67-5189 Kamamalu St., Waimea.
- Collection of files and documents. – Done.

ADJOURNMENT

The meeting was adjourned at 12:38 p.m.

SUBMITTED:

Josie Pelayo

JOSIE PELAYO, SECRETARY

APPROVED:

Pudding Lassiter

PUDDING LASSITER, CHAIR