

**HAWAII COUNTY POLICE COMMISSION
MINUTES – REGULAR SESSION
AUGUST 24, 2001
KEAUHOU BEACH RESORT, KONA**

CALL TO ORDER

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

ROLL CALL

Present: Wilfred M. Okabe, Chair
Dwight K. Manago, Vice Chair
John M. Bertsch, Member
Horace S. Hara, Member
Daniel C. Kama, Member
Phoebe M. Lambeth, Member
Clarence Mills, Member
Walter Moe, Member
Peter P. Muller, Member

Also Present: James S. Correa, Police Chief
Lincoln Ashida, Corporation Counsel
Gary Maesato, Business Manager
Josie Pelayo, Secretary

A quorum was present.

APPROVAL OF THE AGENDA

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

PUBLIC STATEMENTS ON AGENDA ITEMS

Corporation Counsel Lincoln Ashida stated that this is an opportunity for the public to give a statement to the commission on any item listed on the agenda. He cautioned that anything said concerning a police officer or third party that may be considered either libelous, slanderous, or defamatory might be subject to a lawsuit brought by the aggrieved party. Statements may be kept confidential if it is done in executive session.

MORTON BASSAN came before the commission and spoke regarding his correspondence (Number 85). He spoke with Chief Correa and Councilwoman Julie Jacobson regarding his concerns and is satisfied. He believes that the department needs more detectives.

DAVID BASQUE came before the commission and requested a copy of his investigation. Corporation Counsel Ashida stated that he could request a copy when the case is closed.

ROSALIE ALDERSON came before the commission and spoke regarding her Complaint HPC 01-22. Has lived in a drug-dealing neighborhood for the past three years. She went on vacation, and when she returned found her house had been taken over by her 37-year old son, who lived there, and other drug dealing people. The police told her they couldn't do anything about the people at the house because her son had the keys and he let the people in. Her son is on ice and is no longer living there. An officer told her she should expect these things when her son hangs with drug dealers. Things were stolen including her heirloom jewelry. The police in Honokaa refused to fax the description of her jewelry to Big Island Heritage. The captain in Honokaa screamed at her. Her neighbors are drug dealers, and the police don't do anything about it because her neighbors have police officers in their family. The police go there at least once a week but do nothing.

Commissioner Mills stated that on her complaint form she named one officer as the accused, but then she goes on to complain about others. She needs to be specific as to the named officer and the allegation against him.

Ms. Alderson stated that her complaints are that the information was not faxed, the captain screamed at her, and an officer told her to expect these things.

EXECUTIVE SESSION STATEMENTS ON AGENDA ITEMS

Commissioner Lambeth moved to meet in executive session to consider charges brought against officers of the Hawaii County Police Department where matters affecting privacy will be considered, and a closed meeting is requested by individuals involved 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 Mills and unanimously carried.

The commission convened into executive session at 10:35 a.m. Regular session was reconvened at 12:50 p.m. at which time lunch recess was called. Regular session reconvened at 1:58 p.m.

APPROVAL OF MINUTES

Commissioner Manago moved to approve the minutes of July 27, 2001, regular and executive sessions, with a correction to the meeting date. The motion was seconded by Commissioner Lambeth and unanimously carried.

PERSONNEL ORDERS

Vice Chair Manago moved to accept Personnel Orders 2001-90 to 2001-101. The motion was seconded by Commissioner Mills and unanimously carried.

COMMUNICATIONS

Vice Chair Manago moved to accept all communications listed. The motion was seconded by Commissioner Muller and unanimously carried.

COMMITTEE REPORTS

- Budget and Finance (Manago and Lambeth)

Proposed 2002-2003 Fiscal Year Budget: Commissioner Lambeth reported that they received a memo regarding the upcoming budget. Chief Correa stated that they have not received instructions on the budget, but expect it to be status quo.

Vice Chair Manago reported that in speaking with Honolulu's Police Chief Donahue, he learned that last year their staff was increased by about 110 officers. Honolulu PD has approximately 240 officers in training and on reserve ready to come on board at any given time. They have a special fund to pay these reserve officers. In comparison, Hawaii County has to wait basically a year to replace an officer who resigns. With the growth on the Big Island, it is a shame that Hawaii County is not able to increase its police force. They are undermanned, and it is becoming dangerously low.

Chief Correa reported that their training pool is not funded. Hiring people from the training pool is dependent upon vacant salaries and wages. Commissioner Bertsch inquired as to how

the commission could help to get more people, faster. Chief Correa stated that the commission, as appointed members of the community, probably should make recommendations to the mayor.

- **Office Management and Staffing (Okabe and Muller)**

Secretary's Position Description: Commissioner Lambeth questioned whether they could upgrade the secretary without the 120 wpm shorthand requirement. Meetings are electronically recorded.

Commissioner Mills stated that if there is a certain standard for that secretarial level, then the secretary has to acquire that skill, unless they change the criteria. But, that would jeopardize others in that same category. Wants to know if this is a strict standard. The feedback he's getting is that it's up to the commission.

Commissioner Bertsch stated that a number of different classifications might apply.

Chief Correa stated that Civil Service sets the standard. This needs to be addressed with Mike Ben, Civil Service Director.

Chair Okabe stated that he did some checking on this particular situation and has questions to ask Civil Service. He wants to know how secretaries are being trained in shorthand if the schools don't teach it anymore. If this is a requirement for promotion, are secretaries given the opportunity to take the course? The committee will meet with Mr. Ben and report back to the commission at the next meeting.

- **Rules and Policies (Hara and Bertsch).** The committee had no report.
- **Contractual Services (Mills and Kama).**
Request for Proposal No. 1961: Commissioner Mills reported that the proposals would be reviewed in executive session.
- **Public Relations (Okabe and Moe).** The committee had no report.

CHIEF'S REPORT

- **Crime:** Chief Correa presented a report that is attached for filing.
- **Traffic:** Chief Correa presented a report that is attached for filing.
- **Personnel:** Chief Correa reported that they now have only five sworn vacancies.

Commissioner Mills stated that he knows the Chief is waiting for the Salary Commission to take action on the salaries of appointed personnel, but he is concerned that the Deputy Chief position has been vacant for almost a year. If he waits for the Salary Commission, he might wait forever.

Chief Correa reported that the pay for the Deputy is so disparate that there are captains who make only a few hundred dollars less than the Deputy. He wants to be sure that the person,

who takes the job, accepts it for the proper reasons. There are not many people in administrative positions in the department who could fill the position. He did consider options such as putting someone in an acting or temporary position. He has good assistant chiefs, majors, and captains; and they all share the work.

Corporation Counsel Ashida reported that the Mayor made appointments to the Salary Commission, and they are trying to get their act together.

- **Finance:** Business Manager Maesato presented a report that is attached for filing.

Chief Correa reported that at the end of the last fiscal year, they had to ask the County Council for an additional \$300,000 to balance their budget. Normally, they would hold their accounts payable and pay it in the next fiscal year. These additional costs are attributed to increased costs for gasoline, electricity, and insurance.

Vice Chair Manago reported that Maui County runs on approximately \$280 million dollars a year. Our county runs on \$190 million dollars. Maui has less people, less area space, and yet they run about \$90 million dollars over our budget. The Big Island has a larger district and more population.

Commissioner Kama stated that they should not compare Maui with the Big Island because Maui has different types of people who contribute to the finance factor of the island. Maui has the money, and that's where it's at.

UNFINISHED BUSINESS

National Association for Civilian Oversight of Law Enforcement Conference, October 9-12, 2001. Chair Okabe reported that he and Commissioner Hara will attend the conference.

NEW BUSINESS: None.

EXECUTIVE SESSION

Commissioner Lambeth moved to consider charges brought against officers of the Hawaii County Police Department where matters affecting privacy will be considered and a closed meeting is requested by individuals involved 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 Vice Chair Manago and unanimously carried.

The commission convened into executive session at 2:49 p.m. and then reconvened back into regular session at 2:55 p.m.

ACTION ON EXECUTIVE SESSION MATTERS

- **Deliberation of Complaints Referred to the Investigator**
HPC 00-62: Complainant alleged that an officer misused his position as a police officer, used profanity, and failed to furnish his name and badge number courteously.

Commissioner Moe moved to exonerate the officer on the charges of Standard of Conduct, Misuse of Position or Office, and Conduct Towards the Public. The motion was seconded by Commissioner Mills and unanimously

HPC 01-09: Complainant alleged that following his arrest for DUI, two officers mistreated him and used malicious physical force.

Commissioner Lambeth moved to not sustain the charges of Malicious Use of Physical Force and Mistreatment of Person in Police Custody. The motion was seconded by Commissioner Mills and unanimously carried.

HPC 01-13: Complainant alleged that while responding to a complaint by people on his property, an officer failed to perform his duty and failed to remain impartial.

Commissioner Mills moved to sustain the charges of Performance of Duty and Impartial Attitude. The motion was seconded by Commissioner Lambeth and carried with a nay vote cast by Vice Chair Manago.

HPC 01-17: Complainant alleged that while investigating an incident in which he reversed his truck into a parked vehicle, an officer used excessive physical force and conducted himself in an overbearing manner.

Commissioner Mills moved to exonerate the officer on the charges of Mistreatment of Person in Police Custody, Excessive Use of Physical Force, and Overbearing Conduct. The motion was seconded by Commissioner Moe and unanimously carried.

Consideration & Investigation of Complaints

HPC 01-19: Complainant was abused by her ex-boyfriend. She alleged that the officers should have arrested him at the scene, but instead let him leave the area. She also alleged that the officers filed an untruthful report and failed to remain impartial.

Commissioner Moe moved to accept the complaint for further investigation. The motion was seconded by Commissioner Bertsch and carried with nay votes cast by Commissioner Mills and Muller.

HPC 01-21: Complainant alleged that in a phone conversation with her daughter, an officer told daughter that he would put out an APB for her. Mother felt this was unwarranted.

Commissioner Mills moved to decline further investigation because there was no misconduct on the part of the accused officer. The motion was seconded by Commissioner Muller and unanimously carried.

HPC 01-22: Complainant alleged that while responding to her complaint of a harassing phone call, an officer abused his position and took advantage of her when he spoke to her.

Commissioner Moe moved to decline further investigation because there was no misconduct on the part of the accused officer. The motion was seconded by Commissioner Muller and unanimously carried.

- **Request for Proposal No. 1961:** Furnishing Investigative Services for the Hawaii County Police Commission. Review of proposals for selection.

Commissioner Mills moved to select Proposal "C". The motion was seconded by Commissioner Muller and died with the following roll call vote:

Aye: Mills, Muller
Nay: Hara, Kama, Moe, Manago, Lambeth, Bertsch

Commissioner Mills moved to select Proposal "B". The motion was seconded by Commissioner Moe and died with the following roll call vote:

Aye: Moe, Lambeth, Mills, Muller
Nay: Hara, Kama, Manago, Bertsch, Okabe

Commissioner Bertsch moved to select Proposal "A". The motion was seconded by Commissioner Hara and carried with the following roll call vote:

Aye: Hara, Kama, Manago, Bertsch, Okabe
Nay: Moe, Lambeth, Mills, Muller

ANNOUNCEMENTS

The next monthly meeting is scheduled for September 21, 2001, at the Hilo Police Department Training Room, 349 Kapiolani St., Hilo.

ADJOURNMENT

The meeting was adjourned at 2:50 .m.

SUBMITTED:

APPROVED:

JOSIE PELAYO, SECRETARY

WILFRED M. OKABE, CHAIR