

**HAWAII COUNTY POLICE COMMISSION
MINUTES – REGULAR SESSION
SEPTEMBER 21, 2001
HILO POLICE DEPARTMENT TRAINING ROOM**

CALL TO ORDER

Chair Wilfred Okabe called the meeting to order at 10:06 a.m.

ROLL CALL

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

Also Present: Lincoln Ashida, Corporation Counsel
James S. Correa, Police Chief
Wendell Paiva, Assistant Chief
Thomas Hickcox, Assistant Chief
Lawrence Mahuna, Assistant Chief
Gary Maesato, Business Manager
Josie Pelayo, Secretary

A quorum was present.

Excused: Horace S. Hara, Member

APPROVAL OF THE AGENDA

Commissioner Lambeth moved to add Complaint HPC 01-24 onto the agenda under executive session and to approve the agenda as amended. The motion was seconded by Commissioner Muller and unanimously carried.

PUBLIC STATEMENTS ON AGENDA ITEMS

GLADYS BRIGHAM came before the commission and spoke on her Correspondence 88. They have had problems with speeding cars, boom boxes, and littering in the Panaewa Farm Lots area. She would like to have streetlights, speed limit signs, and speed bumps installed. Things really start happening between 8:00 p.m. and 4:00 a.m. They call the police, but some of the kids have scanners, and they leave when the police patrol the area. The police department could assign an officer to the area. She heard that Officer Sherlock has done a good job in the Keaukaha area as a community-policing officer.

Chief Correa reported that he met with Mayor Kim regarding Ms. Brigham's concerns in the Hawaiian Homes Land area. Hawaiian Homes will be turning on the streetlights in the area. The problem is that many of these young people are old enough to stay out late, but not old enough to go into establishments that have a 21-year old age requirement; and so they drive around. The police department has a resource problem, and they must prioritize their calls. They do have problems in the entire Kanoelehua area, and they will try to get the community-policing officer to work with the community members.

DEL PRANKE came before the commission and spoke on his Correspondence 92. He is requesting a reconsideration of his Complaint HPC 01-11. He did not submit a request earlier because he was not able to get the minutes until after the agenda was filed because the commission's office was closed. He questioned if any of the commissioners reviewed his

videotape. If they wanted to review it, he would get his video recorder. There was no response from any of the commissioners.

Corporation Counsel Ashida stated that the commission needs to make a motion on Mr. Pranke's request. He further informed that he received an opinion from the Office of Information Practices that if a complaint is filed against an officer, and the officer requests to be heard in executive session, his statement and the commission's deliberation may be conducted in executive session.

MICHAEL MCPHERSON came before the commission and spoke on his Complaint HPC 01-24. He wants severe sanctions against the officer. The problem was the way the officer presented herself. She screamed at him. There was no hostility coming from him. He greeted her with his business card, but she did not take it. She looked at him with disdain.

RAY SAVELLA came before the commission and spoke on Correspondence 88 about neighborhood problems in the Panaewa Farm Lots. They have many problems with speeding vehicles and boom boxes. They have tried to get the community together to work with the police department to form a community watch, but it didn't happen. When they call the police, they don't get much response.

Chair Okabe stated that Chief Correa will work on their concerns.

EXECUTIVE SESSION STATEMENTS ON AGENDA ITEMS

Commissioner Mills 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. Corporation Counsel Ashida stated that he would also like to meet in executive session pursuant to HRS 92-5 (a) (5) to hear the chief's report regarding criminal misconduct. The motion was seconded by Vice Chair Manago and unanimously carried.

The commission convened into executive session at 11:05 a.m., and reconvened into regular session at 12:30 p.m.

APPROVAL OF MINUTES

Commissioner Mills moved to approve the minutes of August 24, 2001, regular and executive sessions. The motion was seconded by Vice Chair Manago and unanimously carried.

PERSONNEL ORDERS

Vice Chair Manago moved to accept Personnel Orders 2001-102 to 2001-113. The motion was seconded by Commissioner Muller and unanimously carried.

COMMUNICATIONS

Commissioner Lambeth moved to accept all correspondence for filing. Vice Chair Manago seconded the motion. Corporation Counsel Ashida reported that the seminar noted in Correspondence 91 has been rescheduled to October 12 and 13. The motion unanimously carried.

COMMITTEE REPORTS

- **Budget and Finance** (Manago and Lambeth). The committee had no report.
- **Office Management and Staffing** (Okabe and Muller). Chair Okabe reported that he spoke to Civil Service Director Mike Ben regarding the secretary's upgrade. They need to work on the justification for the reallocation.
- **Rules and Policies** (Hara and Bertsch). The committee had no report.
- **Contractual Services** (Mills and Kama). Commissioner Mills reminded the commissioners to turn in their tally sheets to Ms. Pelayo. The investigator's contract has not yet been finalized.
- **Public Relations** (Okabe and Moe). The committee had no report.

CHIEF'S REPORT

- **Crime:** Assistant Chief Paiva summarized the report that was distributed.
- **Traffic:** Assistant Chief Hickcox summarized the report that was distributed.
- **Personnel:** Assistant Chief Mahuna summarized the report that was distributed.
- **Finance:** Assistant Chief Mauna summarized the report that was distributed.
- **Commendations:** Chief Correa reported receiving twelve commendations since the last meeting.

UNFINISHED BUSINESS: None

NEW BUSINESS

- **Correspondence 90**, request for legal counsel in Complaint HPC 00-11. Commissioner Mills moved to approve legal counsel, and that the officer acted within the scope of his duties as a police officer. The motion was seconded by Commissioner Lambeth and unanimously carried.
- **Correspondence 92**, request for reconsideration of the commission's decision in Complaint HPC 01-11. No motion was made. Therefore, the commission's previous decision stands.

ACTION ON EXECUTIVE SESSION MATTERS

Consideration & Investigation of Complaints

- **HPC 01-24:** Complainant alleged that when he requested assistance from the Police Department during a foreclosure open house, an officer refused to accept his business card, refused to review the court order, and did not remain at the scene.

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

- **HPC 01-25:** Complainant alleged that following a DUI stop in which the driver was arrested, an officer stepped on his foot, forced him to the ground, and used profanity.

Commissioner Moe moved to exonerate the officer, and that the incident was lawful and proper. The motion was seconded by Commissioner Muller and carried with a nay vote cast by Vice Chair Manago.

- **HPC 01-26:** Complainant alleged that following an assault by her ex-boyfriend; an officer did not photograph her injuries, did not go to the site of the incident, did not complete the required paperwork, and did not arrest the man.

Vice Chair Manago moved to accept the complaint for further investigation. The motion was seconded by Commissioner Lambeth and unanimously carried.

- **HPC 01-37:** Complainant alleged that an officer stopped his car without cause, used profanity, and then threatened to impound his car and take his license away.

Commissioner Mills moved to not sustain the complaint and to refer the complaint to the Chief for his review and disposition for possible counseling of the officer on his conduct and attitude. The motion was seconded by Commissioner Muller and unanimously carried.

ANNOUNCEMENTS

Chair Okabe announced that the next monthly meeting is scheduled for October 19, 2001, at the Waimea Community Center, 65-1260 Kawaihae Rd., Waimea (next to ball park).

SUBMITTED:

APPROVED:

JOSIE PELAYO, SECRETARY

WILFRED M. OKABE, CHAIR