

**HAWAI'I COUNTY POLICE COMMISSION
REGULAR SESSION MINUTES
NOVEMBER 30, 2001
KEAUHOU BEACH RESORT**

CALL TO ORDER

Chair Okabe called the meeting to order at 10:0 a.m.

ROLL CALL

Present:	Wilfred Okabe, Chair	Also Present:	James S. Correa, Police Chief
	Dwight K. Manago, Vice Chair		Thomas Hickcox, Assistant Chief
	John M. Bertsch, Member		Lawrence Mahuna, Assistant Chief
	Horace S. Hara, Member		Gary Maesato, Business Manager
	Daniel C. Kama, Member		Lincoln Ashida, Corporation Counsel
	Phoebe M. Lambeth, Member		Josie Pelayo, Secretary
	Clarence Mills, Member		
	Peter P. Muller, Member	Absent:	Walter Moe, Member

APPROVAL OF AGENDA

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

PUBLIC STATEMENTS ON AGENDA ITEMS: None

EXECUTIVE SESSION STATEMENTS ON AGENDA ITEMS

Commissioner Lambeth moved to consider charges brought against officers of the Hawaii County Police Department where personal 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 10:10 a.m. and reconvened back into regular session at 11:55 p.m.

APPROVAL OF MINUTES

Vice Chair Manago moved to approve the minutes of October 19, 2001, regular and executive sessions. The motion was seconded by Commissioner Mills and unanimously carried.

PERSONNEL ORDERS

Commissioner Lambeth moved to approve Personnel Orders Nos. 2001-125 to 2001-146. The motion was seconded by Vice Chair Manago and unanimously carried.

COMMUNICATIONS

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

COMMITTEE REPORTS

- **Budget and Finance:** The committee had no report.
- **Office Management and Staffing:** Chair Okabe reported that the Ms. Pelayo received the shorthand certification required for reallocation to Secretary to Boards and Commissions.

- **Rules and Policies:** The committee had no report.
- **Contractual Services:** The committee had no report.

Fred Chun, the commission's new investigator came before the commission and requested appropriate identification for conducting his investigations. He discussed this with Chief Correa who suggested that he get the commission's approval. Commissioner Mills moved to approve Mr. Chun's request for identification as the commission's investigator. The motion was seconded by Commissioner Lambeth and unanimously carried.

- **Public Relations:** Chair Okabe had no report.

CHIEF'S REPORT

- **Crime:** Assistant Chief Hickcox presented the report that was distributed and filed.
- **Traffic:** Assistant Chief Hickcox presented the report that was distributed and filed. In response to Vice Chair Manago's concern over the large number of people driving while intoxicated, he reported that they have scheduled DUI roadblocks for the remainder of the year. They are scheduling crime reduction unit details aimed at the under-age drinkers. They are also doing speed and seatbelt checks.

Assistant Chief Hickcox further reported that the Special Response Team picked up five more members, bringing the total to sixteen. They hope to field two teams, one each for the east and west sides of the island. Advanced training is scheduled for February. Anthrax response plans have been finalized, and the post office will be playing more of a role in handling complaints. They are working with the State Civil Defense and Justice Department for the purchase of personal protective equipment and self-contained breathing apparatus for the Special Response Teams. Sites around the island have been identified as being potential targets for terrorists, and they will be developing response plans for these sites.

- **Personnel:** Assistant Chief Mahuna presented a report that was distributed and filed.
- **Finance:** Business Manager Maesato presented a reported that was distributed and filed.
- **Commendations:** Chief Correa reported receiving 35 commendations for the month.

Chief Correa further reported that they are going through with a grant to hire two crime scene technicians and are working on matching funds. They recently applied for three more grants—a sexual assault investigative grant, a \$300,000 crime lab equipment grant, and a \$1.9 million COPS technology grant. They recently conducted a very successful mobile drug sting operation in Kona. The Ka'u incident is still ongoing for one of the officers. The other officer's case has been referred to the prosecutor. The FBI is also looking into civil rights violations. Regarding the county's finances, the Mayor has asked them to make additional reductions in their budget.

Chief Correa requested additional time for his annual review in order for him to incorporate the annual crime statistics into his report. He believes this would give the commission an idea on how well he manages the department.

UNFINISHED BUSINESS: None

NEW BUSINESS: None

CONSIDERATION AND INVESTIGATION OF COMPLAINTS

- **HPC 01-23:** Complainant alleged that if an officer had arrested a man earlier in the evening for driving recklessly and for being intoxicated, the man would not have assaulted him. Commissioner Mills moved to accept the complaint for further investigation and to also investigate whether there was misconduct on the part of the sergeant. The motion was seconded by Vice Chair Manago and unanimously carried.
- **HPC 01-28:** Complainant claims \$1,000,000 worth of merchandise was stolen from his business. He alleged performance of duty on the part of an officer who handled the case.
- **HPC 01-29:** Complainant alleged that a sergeant wouldn't let him make a theft report.
- **HPC 01-30:** Complainant claims \$1,000,000 worth of merchandise was stolen from his business. He alleged that an officer did not return his calls, and merchandise has not been returned.
- **HPC 01-31:** Complainant claims \$1,000,000 worth of merchandise was stolen from his business. He alleged that an officer has not made any arrests, and merchandise has not been returned.
- **HPC 01-32:** Complainant claims \$1,000,000 worth of merchandise was stolen from his business. He alleged that an officer could not communicate on how his crimes were related.
- **HPC 01-33:** Complainant alleged that while in jail, an officer wouldn't let him use the phone and insisted that the cellblock officer would make all calls.
- **HPC 01-34:** Complainant claims \$1,000,000 worth of merchandise was stolen from his business. He alleged that the officer has not made any arrests and merchandise has not been returned.
- **HPC 01-35:** Complainant claims \$1,000,000 worth of merchandise was stolen from his business. He alleged that an officer wouldn't allow him to put in a police report.
- **HPC 01-36:** Complainant claims \$1,000,000 worth of merchandise was stolen from his business. He alleged that an officer has not made any arrests, and merchandise has not been returned.
- **HPC 01-39:** Complainant claims \$1,000,000 worth of merchandise was stolen from his business. He alleged that an officer has not made any arrests and merchandise has not been returned.

Commissioner Lambeth moved to dismiss HPC 01-28, 29, 30, 31, 32, 33, 34, 35, 36, and 39 because it was not received within 60 days of the incident and it is not within the commission's purview. The motion was seconded by Commissioner Muller and unanimously carried.

- **HPC 01-40:** Complainant alleged that two officers pushed his vehicle in a position on the roadway so that they could have it towed away. Commissioner Bertsch moved to dismiss the complaint because it was received more than 60 days from the date of the incident. The motion was seconded by Vice Chair Manago and unanimously carried.
- **HPC 01-46:** Complainant was involved in a traffic stop while driving a motorcycle. He alleged that an officer pulled out his weapon, choked him, threw him to the ground, and pounded his head. Commissioner Lambeth moved to accept the complaint for further investigation. The motion was seconded by Commissioner Mills. Discussion: Commissioner Bertsch stated that he would like to have the complaint deferred to the next meeting in order for both parties to come before the commission. Commissioner Kama stated that they had their chance to come to the meeting. The motion carried with Commissioner Bertsch casting the only nay vote.
- **HPC 01-47:** Complainant was involved in a traffic stop and was issued four citations. He alleged that this is a result of an incident that occurred in 1995, and he wants the case reopened. Commissioner Mills 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 01-48:** Complainant's rental house was burglarized. He complains about the investigation conducted by the Ka'u Police Department. Commissioner Lambeth moved to investigate the Ka'u Police Department. The motion was seconded by Commissioner Mills and carried with Commissioner Kama casting a nay vote.
- **HPC 01-49:** Complainant was involved in a traffic accident. He was cited for not having proof of insurance. He alleged that the officer should not have cited him because he did have insurance. 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.

ANNOUNCEMENTS

The next monthly meeting is scheduled for December 21, 2001, in the Hilo Police Station Training Room, Hawai'i Public Safety Building, 349 Kapiolani St., Hilo.

ADJOURNMENT

The meeting was adjourned at 12:45 p.m.

SUBMITTED:

APPROVED:

JOSIE PELAYO, SECRETARY

WILFRED M. OKABE, CHAIR