

**HAWAI'I COUNTY POLICE COMMISSION  
MINUTES – REGULAR SESSION  
DECEMBER 21, 2001  
HILO POLICE DEPARTMENT TRAINING ROOM**

**CALL TO ORDER**

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

**ROLL CALL**

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

**APPROVAL OF AGENDA**

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

**PUBLIC STATEMENTS ON AGENDA ITEMS** – None

**EXECUTIVE SESSION STATEMENTS ON AGENDA ITEMS**

Commissioner Mills 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 hear the Chief's report on ongoing criminal investigations. The motion was seconded by Commissioner Muller and unanimously carried. The commission convened into executive session at 10:06 a.m. and reconvened back into regular session at 12:40 p.m.

**APPROVAL OF MINUTES**

Commissioner Lambeth moved to approve the minutes of November 30, 2001, regular and executive sessions. The motion was seconded by Commissioner Mills and unanimously carried.

**PERSONNEL ORDERS**

Commissioner Lambeth moved to approve the personnel orders as listed. The motion was seconded by Commissioner Mills 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 – No report.
- Office Management and Staffing – No report.
- Rules and Policies – No report.
- Contractual Services – No report.
- Public Relations – No report.

**CHIEF'S REPORT** – No report.

**UNFINISHED BUSINESS** - None

### **NEW BUSINESS**

- Corresp. 105, request for legal counsel by Officer Richard Sherlock in Civil CV 01-0073. Commissioner Mills moved to approve legal counsel as the officer acted in the scope of his duty as a police officer. The motion was seconded by Commissioner Moe and unanimously carried.
- Election of Chair and Vice Chair for 2002.  
Vice Chair Manago moved to elect Wil Okabe as Chair. Commissioner Moe seconded the motion, and a roll call vote carried unanimously.

Vice Chair Manago moved to elect Horace Hara as Vice Chair. Commissioner Muller seconded the motion, and a roll call vote carried unanimously.

### **CONSIDERATION AND INVESTIGATION OF COMPLAINTS**

- Status Report of Complaints Referred to the Police Chief. No discussion.
- **HPC 01-41:** Complainant alleged that an officer told him and his friends that a park was closed and that if he saw them around town, he would pat them down, search, and arrest them. Commissioner Muller moved to decline further investigation because there was no misconduct on the part of the accused officer. The motion was seconded by Commissioner Moe and carried with a nay vote cast by Commissioner Mills.
- **HPC 01-42:** Complainant alleged that an officer used profanity and threatened to beat him if he talked to his sergeant again. Commissioner Mills moved to accept the complaint for investigation. Commissioner Lambeth seconded the motion. The motion died with a roll call vote of ayes by Mills, Lambeth, Manago, and Okabe; and nays by Moe, Kama, Hara, and Muller. Commissioner Hara moved to decline investigation because there was no misconduct on the part of the officer. The motion was seconded by Commissioner Muller and died with a roll call vote of ayes by Moe, Kama, Muller, and Hara; and nays by Mills, Lambeth, Manago, and Okabe. The complaint will be continued at the next meeting.
- **HPC 01-43:** Complainant alleged that she placed three calls to 911 requesting assistance, but no one responded. Subsequently she was assaulted. She alleged that

if the police had done their duty, this would not have happened. Commissioner Lambeth moved to defer taking action until the commission is able to review the 911 records of the incident. The motion was seconded by Commissioner Moe and unanimously carried.

- **HPC 01-44:** Complainant alleged that an officer searched and patted him down for no reason. Vice Chair Manago moved to decline further investigation because there was no misconduct on the part of the officer. The motion was seconded by Commissioner Lambeth and unanimously carried.
- **HPC 01-45:** Complainant alleged that an officer harassed him by telling him to go home or he would be arrested for loitering. Vice Chair Manago 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 01-50:** Complainant was involved in a traffic stop. She alleged that an officer threatened to throw her in jail, that if she couldn't read the ticket it was her problem, that the officer was intimidating, and refused to give his name and badge number. Commissioner Lambeth moved to decline further investigation because there was no misconduct on the part of the accused officer and to refer the complaint to the chief to for his disposition on two concerns discussed. The motion was seconded by Commissioner Mills and unanimously carried.

### **ANNOUNCEMENTS**

Chair Okabe announced that the next monthly meeting is scheduled for January 18, 2001, in the Hilo Police Station Training Room, Hawai'i Public Safety Building, 349 Kapiolani St., Hilo.

### **ADJOURNMENT**

The meeting was adjourned at 1:00 p.m.

SUBMITTED:

APPROVED:

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JOSIE PELAYO, SECRETARY

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WILFRED M. OKABE, CHAIR