

**HAWAI‘I COUNTY POLICE COMMISSION
MINUTES – REGULAR SESSION
JANUARY 18, 2002
HILO POLICE DEPARTMENT**

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
	Horace S. Hara, Vice Chair		Wendell Paiva, Assistant Chief
	Daniel C. Kama, Member		Thomas Hickcox, Assistant Chief
	Phoebe M. Lambeth, Member		Lawrence Mahuna, Assistant Chief
	Dwight K. Manago, Member		Lincoln Ashida, Corporation Counsel
	Clarence Mills, Member		Josie Pelayo, Secretary
	Walter Moe, Member		
	Peter Muller, Member	Excused:	John M. Bertsch, Member

APPROVAL OF AGENDA

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

PUBLIC STATEMENTS ON AGENDA ITEMS

ANITA MATHEWS came before the commission and spoke in response to her letter to the commission, Correspondence 03. Stated that she called 911 to report noises in her garage area in the early morning hours, but no one responded. Sergeant Balberde called her and said that dispatch did not handle the situation properly. She also received a letter from Chief Correa and is satisfied with the situation.

CHARLES HANSON came before the commission requesting to know the number of complaints the commission received last year and how many were considered valid and how many were rejected. He has a feeling that the number of complaints that were rejected is quite high. If the majority of cases are rejected as not having validity, they need to look at that.

Corporation Counsel Ashida stated that Mr. Hanson could make a records request to the commission's secretary. However, the law does not require an agency to do compilations. If it is something that is already in existence, then it should be made available in ten days.

Vice Chair Manago stated that they deal with each case individually based on the facts that are presented to them, and that's how they make their decision. They listen to both sides, the people making the complaints and the officers' response to the complaint. If there seems to be no merit according to the complaint, they may dismiss it. If there seems to be misconduct, they may send it to their investigator.

DEL PRANKE came before the commission and stated that in his complaint against Detective Medeiros, the commission did not review all of the evidence that he presented. Mr. Okabe had or still has a videotape that he presented that they never looked at, so he understands Mr. Hanson's question.

He presented a list of ten questions (attached for filing) and stated that if Chief Correa doesn't answer the questions in his chief's report, it is an incomplete report. If the commission accepts an incomplete report, they are not doing their job.

Last January 31, Chief Correa stated that he is seeking to have the Hawaii County Police Department accredited. That has not happened. They don't need to have any more statistics and other non-meaningful dribble. They need real answers to real situations that plague the Hawaii County Police Department today. He has let some of these things slide by for too long. He's going to call everything as he sees it, when he sees it. He told the commission to lead, follow, or get the hell out of the way because they are going to do something about it.

Commissioner Kama stated that he doesn't like Mr. Pranke's "get out of the way" attitude, and suggested that he eliminate that kind of talk, to which Mr. Pranke apologized.

Mr. Pranke further stated that with regards to the Corey Yamanouchi case, officers have told him that they don't bother with third party complaints because the prosecutors won't handle them.

Corporation Counsel Ashida responded by saying that he was the prosecutor who prosecuted Mr. Yamanouchi. Generally third party complaints are handled very cautiously with the exception of terroristic threatening because there is a Hawaii Supreme Court opinion that allows an arrest and prosecution based upon third party complaints. So, that particular crime was treated differently.

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 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. Commissioner Muller seconded the motion.

Del Pranke objected stating that they need to know what the privacy matter is.

Corporation Counsel Ashida stated that the commission may go into executive session to consult with him. There is an exception in the Sunshine Law which authorizes discussion when it deals with matters pertaining to discipline. The OIP has advised them, and the practice which is initiated here and to which OIP agrees, is that they allow the public to have their statement heard in open session. However, if the police officer wishes to discuss his portion in closed session, that ought to be respected under the Sunshine Law. The section is 92-5 (2), to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; provided that the individual concerned requests an open meeting, an open meeting shall be held. He further stated that statements may be made in public, however, if something defamatory is said, there is a possibility that a civil action may be brought against the person making the statement.

The motion to go into executive session to consider charges against officers and to consult with Corporation Counsel carried unanimously. The commission convened into executive session at 10:35 a.m. and reconvened back into regular session at 11:50 a.m.

APPROVAL OF MINUTES

Commissioner Manago moved to approve the minutes of December 21, 2001, regular and executive sessions. The motion was seconded by Commissioner Lambeth and unanimously carried.

PERSONNEL ORDERS

Commissioner Lambeth moved to accept the personnel orders as listed. The motion was seconded by Commissioner Manago and unanimously carried.

COMMUNICATIONS

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

COMMITTEE REPORTS

- **Budget and Finance:** Commissioner Manago reported that they anticipate a \$10 million shortfall, and the Finance Director is requesting a status quo budget with possible cuts.
- **Officer Management and Staffing:** The committee had no report.
- **Rules and Policies:** The committee had no report.
- **Contractual Services:** The committee had no report.
- **Public Relations:** The committee had no report.

CHIEF'S REPORT

- **Crime:** Assistant Chief Paiva summarized the report that was received for filing.
- **Traffic:** Assistant Chief Hickcox summarized the report that was received for filing.
- **Personnel:** Assistant Chief Mahuna summarized the report that was received for filing.
- **Finance:** Business Manager Maesato presented a report that was received for filing.
- **Commendations:** Chief Correa reported receiving six commendations since the last meeting.

Chief Correa further reported that he would submit his 2002 goals in a few weeks. The budget hearing before the full council will be on March 15. He is still waiting for the salary commission to make a decision on the disparity of salaries and wages.

UNFINISHED BUSINESS: None.

NEW BUSINESS

- **Corresp. 02,** request by John De Sa, Jr., for reconsideration of his complaint. No motion was made to reconsider the complaint.
- **Corresp. 03,** request by Anita Mathew that the commission follow-up on her correspondence to Chief Correa. The matter was taken up during public statements.
- **Chief Correa's 2001 Goals and Accomplishments and Annual Evaluation.** Commissioner Lambeth moved to accept the report. The motion was seconded by Commissioner Muller and unanimously carried. Commissioner Lambeth moved that they conduct the chief's annual evaluation during the March meeting. The motion was seconded by Commissioner Manago and unanimously carried.
- **2002 Meeting Schedule.** Commissioner Muller moved to accept the 2002 meeting schedule as presented. The motion was seconded by Vice Chair Hara and unanimously carried.

- **Appointment of Committees.** Chair Okabe announced the following appointments:
 - Budget and Finance: Manago and Okabe
 - Office Management and Staffing: Hara and Muller
 - Rules and Policies: Moe and Bertsch
 - Contractual Services: Kama and the next incoming commissioner
 - Public Relations: Lambeth and Okabe
- **Annual State of Hawaii Police Commissioners' Conference.** Chair Okabe stated that they will be hosting the upcoming conference, and he has asked Vice Chair Hara to chair the conference. Commissioner Lambeth moved to accept Vice Chair Hara as conference chair. The motion was seconded by Commissioner Mills and unanimously carried.

COMPLAINTS AND INVESTIGATIONS

- **Status Report of Complaints Referred to Chief Correa.** Commissioner Lambeth moved to accept the report. The motion was seconded by Commissioner Mills and unanimously carried.
- **Police Department's Annual Misconduct Report.** Commissioner Lambeth moved to accept the report. The motion was seconded by Commissioner Manago and unanimously carried.
- **HPC 01-42:** Commissioner Lambeth moved to accept the complaint for further investigation. The motion was seconded by Commissioner Mills and unanimously carried.
- **HPC 01-42:** Commissioner Mills moved to accept the complaint for further investigation. The motion was seconded by Commissioner Lambeth and unanimously carried.
- **HPC 01-52:** Commissioner Mills moved to decline further investigation because the complaint is speculative. The motion was seconded by Commissioner Muller and unanimously carried.

ANNOUNCEMENTS

Chair Okabe announced that the next meeting is scheduled for February 22, 2002, at the Keauhou Beach Resort in Kona.

ADJOURNMENT

The meeting was adjourned at 12:15 p.m.

SUBMITTED:

APPROVED:

JOSIE PELAYO, SECRETARY

WILFRED M. OKABE, CHAIR