

**HAWAI'I COUNTY POLICE COMMISSION
MINUTES – REGULAR SESSION
MARCH 15, 2002
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
	Horace S. Hara, Vice Chair		Lawrence Mahuna, Assistant Chief
	John M. Bertsch, Member		Thomas Hickcox, Assistant Chief
	Daniel C. Kama, Member		Wendall Paiva, Assistant Chief
	Phoebe M. Lambeth, Member		Lincoln Ashida, Corporation Counsel
	Dwight K. Manago, Member		Josie Pelayo, Secretary
	Walter Moe, Member		
	Peter P. Muller, Member	Excused:	Clarence Mills, Member

APPROVAL OF AGENDA

Commissioner Lambeth moved to add onto the agenda Personnel Orders 40-43 and Correspondence 16 because it's Corporation's Counsel's recommendation to Correspondence 14. The motion was seconded by Vice Chair Hara and unanimously carried.

STATEMENTS ON AGENDA ITEMS (Open to the Public)

LILLIAN BEAUFRERE came before the commission and stated that she is chairing the first neighborhood watch conference that will be held on April 27 at the Outrigger Waikoloa. Requested that the commissioners attend and share issues and concerns from around the island.

STATEMENTS ON AGENDA ITEMS (Executive Session)

Commissioner Manago moved to meet in executive session to consider discipline and charges against officers or employees of the Hawai'i County Police Department where consideration of matters affecting privacy will be involved and a closed session is requested, and to consult with Corporation Counsel on questions and issues pertaining to the commission's powers, duties, privileges, and liabilities. The motion was seconded by Commissioner Bertsch and unanimously carried. The commission convened into executive session at 10:15 a.m. and reconvened back into regular session at 12:46 p.m.

APPROVAL OF MINUTES

Commissioner Lambeth moved to approve the minutes of February 22, 2002, regular and executive sessions with the changes to roll call. The motion was seconded by Vice Chair Hara 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 Manago moved to accept Correspondence 10-16. The motion was seconded by Commissioner Lambeth and unanimously carried.

COMMITTEE REPORTS

- **Budget and Finance:** Commissioner Manago reported that they would be going before the County Council this afternoon to review the 2002-03 budget and to present his report from the previous meeting. Chair Okabe asked the commissioners to attend this Council hearing.
- **Office 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

Chief Correa reported receiving seven commendations since the last meeting.

Commissioner Bertsch moved to accept the written reports on crime, traffic, personnel, and finance as distributed. The motion was seconded by Commissioner Lambeth and unanimously carried.

UNFINISHED BUSINESS

Status of State of Hawaii Police Commissioners' Conference May 9-10, 2002

Vice Chair Hara reported that plans are going well. He and Commissioner Lambeth will interview a potential speaker. Accommodations are being finalized and registration packets have gone out.

NEW BUSINESS

Evaluation of Chief James S. Correa

Commissioner Lambeth moved to accept the commissioners' evaluation of Chief Correa. The motion was seconded by Commissioner Moe and unanimously carried.

Discussion: Chair Okabe reported that in evaluating Chief Correa for last year, the commission gave him an above satisfactory evaluation in the categories of Planning, Organizing, and Setting Priorities; Problem Solving/Decision Making; Communication Skills; Financial/Budget; and Leadership/Supervision.

The commission noted that with the help of the assistant chiefs, majors, and other staff members, the Chief ran the department effectively even without a Deputy Chief. The commission wants the Chief to continue to work on national accreditation standard. The Chief understands the budgetary process. The Chief has done an outstanding job in communicating with the public, both on East and West Hawaii and keeping them informed of departmental operations. Improvements in the department would be to appoint a Deputy Chief and to have the department receive national accreditation.

Corporation Counsel Ashida stated that Hawaii State Law provides for personnel records such as this to be kept confidential, and they need to respect the integrity of the law.

The motion to accept Chief Correa's evaluation carried unanimously.

ACTION ON EXECUTIVE SESSION MATTERS

Request for legal counsel by Officer John Weber in Civil CV 02 00069

Commissioner Lambeth moved that the officer acted within the course and scope of his duties. Commissioner Muller seconded the motion, and it carried unanimously.

Complaint HPC 02-01: Complainant alleged that while responding to a call from a local bar, the officers would not listen to his story, threw him against his car, told him to leave, and would not give him their names.

Commissioner Lambeth moved to decline further investigation because there was no misconduct on the part of the officer. Vice Chair Hara seconded the motion, and it carried unanimously.

Complaint HPC 02-03: Complainant alleged that while responding to a call of two guys ripping off a house, an officer pointed a gun at his son and friend who were parked in front of his house.

Vice Chair Hara moved to decline further investigation because there was no misconduct on the part of the accused officer. Commissioner Muller seconded the motion.

Discussion: Commissioner Lambeth asked that this complaint be referred to the Chief so that the officer could be reminded to act professional by not making any side comments.

The motion carried unanimously.

Complaint HPC 02-04: Complainant alleged that an officer spoke to her in a condescending and sarcastic tone, hung up on her, was untruthful, slandered her, and yelled at her. She also alleged that another officer was not truthful.

Commissioner Manago moved to decline further investigation because the complaints are unfounded. Commissioner Muller seconded the motion, Commissioner Kama abstained, and the motion carried.

Complaint HPC 02-05: Complainant alleged that when she called 911 for assistance, a dispatcher refused to send help.

Commissioner Manago moved to accept the complaint for further investigation. Commissioner Moe seconded the motion.

Discussion: Vice Chair Hara stated that he thought they would consider deferring the complaint to the next meeting in order for them to get a statement from the officer and/or dispatcher.

Commissioner Bertsch stated that a statement would come out in the investigation.

Commissioners Bertsch, Lambeth, Moe, Manago, and Kama cast aye votes. Commissioner Muller and Hara cast nay votes. The motion carried.

Complaint HPC 02-08: Complainant alleged that an officer cited him for parking on the curb. The law does not prohibit parking on the curb.

Commissioner Manago moved to exonerate the officer. Commissioner Kama seconded the motion, and it carried unanimously.

Complaint HPC 01-19: Complainant was a victim of abuse of a family member. She alleged that the officers did not perform their lawful duties, did not follow proper procedures in conducting their investigation, was untruthful in their police report, and was impartial when exercising their authority. The complaint was referred to the commission's investigator, and the investigative report was reviewed.

Commissioner Lambeth moved to exonerate the two officers on the charges of Performance of Duty, Obedience of Laws, and Impartial Attitude; and to find the charge of Truthfulness to be Unfounded. Commissioner Manago seconded the motion, and it carried unanimously.

Complaint HPC 01-26: Complainant was a victim of abuse of a family member. She alleged that officers did not follow proper procedure in the course of the investigation, failed to pursue the arrest of the assailant, failed to complete investigative reports, and failed to serve a TRO. The complaint was referred to the commission's investigator, and the investigative report was reviewed.

Commissioner Manago moved to exonerate the officer on the charges of Performance of Duty and Obedience to laws and to find the charge of Standard of Conduct to be unfounded. Commissioner Moe seconded the motion, and it carried unanimously.

Status report of complaints referred to Chief Correa

There were no questions to the written report.

ANNOUNCEMENTS

Chair Okabe announced that the next monthly meeting is scheduled for April 19, 2002, at the Hilo Police Dept, 349 Kapiolani St.

ADJOURNMENT

The meeting adjourned at 1:07 p.m.

SUBMITTED:

APPROVED:

JOSIE PELAYO, SECRETARY

WILFRED M. OKABE, CHAIR