

**HAWAI'I COUNTY POLICE COMMISSION
MINUTES – REGULAR SESSION
APRIL 19, 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
Horace S. Hara, Vice Chair
John M. Bertsch, Member
Peter L. Hendricks, Member
Phoebe M. Lambeth, Member
Dwight K. Manago, Member
Walter Moe, Member
Peter P. Muller, Member

Also Present: Lawrence Mahuna, Assistant Chief
David Kawauchi, Major
Gary Maesato, Business Manager
Lincoln Ashida, Corporation Counsel
Josie Pelayo, Secretary

Absent: Daniel C. Kama, Member

APPROVAL OF AGENDA

Corporation Counsel Ashida requested that Office Management and Staffing be placed in executive session because it deals with personnel matters. Vice Chair Hara moved to place this in executive session and to approve the agenda. The motion was seconded by Commissioner Lambeth and unanimously carried.

COMMENDATIONS

Assistant Chief Mahuna presented a certificate of merit to Mr. Michael Gomes for aiding in the rescue of a missing hiker.

STATEMENT ON AGENDA ITEMS (Open to the Public)

Lillian Beaufrere came before the commission and stated that they have 150 people registered for the Solutions 2002 Conference. Commissioner Bertsch will be attending the conference, but she would like to have a commissioner from East Hawai'i attend the conference.

STATEMENTS ON AGENDA ITEMS (Executive Session)

Commissioner Lambeth 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, immunities, and liabilities. The motion was seconded by Commissioner Muller and unanimously carried. The commission convened into executive session at 10:20 a.m. and then reconvened back into regular session at 11:25 a.m.

APPROVAL OF MINUTES

Commissioner Manago moved to approve the minutes of March 15, 2002, regular and executive sessions. The motion was seconded by Commissioner Lambeth and unanimously carried.

PERSONNEL ORDERS

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

COMMUNICATIONS

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

Vice Chair Hara requested discussion on Corresp. 17, Councilman Tyler's request to cut the budget by an additional 7.7%.

Assistant Chief Mahuna reported that any cuts would come from non-core items such as Dare, HI-PAL, and community policing. They might have to shut down the first watch in the smaller districts of North Kohala, North Hilo, and Ka'u.

Regarding Corresp. 20, Vice Chair Hara welcomed the new Police Commissioner from the 9th Council District, Peter Hendricks.

COMMITTEE REPORTS

- **Budget and Finance (Manago/Okabe):** The committee had no report.
- **Office Management and Staffing (Hara/Muller):** Executive Review Committee's denial to upgrade secretary's position to secretary to boards and commissions. (moved to executive session). Vice Chair Hara stated that he and Commissioner Muller would be meeting with Ms. Pelayo to discuss this matter.
- **Rules and Policies (Moe/Bertsch):** The committee had no report.
- **Contractual Services (Kama):** The committee had no report.
- **Public Relations (Lambeth/Okabe):** Chair Okabe requested that the department place today's commendation in the newspaper.

CHIEF'S REPORT

- **Crime:** Assistant Chief Mahuna summarized the report that was distributed.

Vice Chair Hara expressed concern over the low percentage of clearance in sexual assault cases. Corporation Counsel Ashida reported that many of the cases involve juveniles. Assistant Chief Mahuna reported that it is hard to investigate cases involving children, especially if the incident occurred years before.

Vice Chair Hara inquired into the possibility of having the deputy chief physically located in West Hawai'i. Assistant Chief Mahuna stated that there would be some ramifications because

the three assistance chiefs come under the deputy. They would need more assistant chiefs and other personnel.

- **Traffic:** Major Kawauchi summarized the report that was distributed.

Commissioner Moe inquired into the cause for the increase in traffic fatalities. Assistant Chief Mahuna reported that many of the accidents are attributed to speed and inattention.

- **Personnel:** Assistant Chief Mahuna summarized the personnel report that was distributed. He reported that they have 19 sworn and 12 civilian vacancies. They are actively working on recruitment.
- **Finance:** Business Manager Maesato read the financial report that was distributed.
- **Commendation:** Assistant Chief Mahuna reported receiving 12 commendations since the last meeting.

UNFINISHED BUSINESS

Status Report on the State of Hawai'i Police Commissioners' Conference May 9-10, 2002: Vice Chair Hara reported that conference planning is going well with good cooperation from both Hilton Waikoloa and Police Department personnel.

NEW BUSINESS – None

ACTION ON EXECUTIVE MATTERS

Complaint HPC 02-06: Complainant stated that an officer served her husband a TRO that stated he was to have no contact with their son. The officer later transported both of them to husband's mother's house. Complainant alleged that the officer assisted in having her husband violate the TRO.

Commissioner Manago moved to not sustain the complaint because there was insufficient evidence to either prove or disprove the allegations. The motion was seconded by Commissioner Lambeth and unanimously carried.

Complaint HPC 02-07: Complainant called the police station and did not like the manner in which an officer responded to her call. She alleged that he was not truthful.

Commissioner Lambeth moved to exonerate the officer because he acted in a lawful and proper manner. The motion was seconded by Commissioner Moe and unanimously carried.

Complaint HPC 02-10: Complainants were involved in an incident of disorderly conduct. The wife was arrested. They alleged that during the arrest, an officer was overbearing and used excessive and malicious force. The complaint was filed almost one year after the incident.

Commissioner Lambeth moved to decline further investigation and dismiss the complaint because it was received more than 60 days from the date of the incident. The motion was seconded by Commissioner Muller and unanimously carried.

Complaint HPC 02-12: Complainant purchased a vehicle but did not receive the registration papers. She alleged that she spoke to an officer twice regarding this, but he did not follow-through or make a report on her complaint.

Commissioner Manago moved that the officer acted in a lawful and proper manner and to exonerate him on the allegations. The motion was seconded by Commissioner Lambeth and unanimously carried.

ANNOUNCEMENTS

Chair Okabe reported that the next meeting is scheduled for May 17, 2002, at 10:00 a.m. at the Keauhou Beach Resort.

ADJOURNMENT

The meeting was adjourned at 12:20 p.m.

SUBMITTED:

APPROVED:

JOSIE PELAYO, SECRETARY

WILFRED M. OKABE, CHAIR