

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION
WEDNESDAY, JANUARY 21, 2009 AT 10:00 A.M.
CHIEF'S CONFERENCE ROOM, WAILUKU, MAUI, HAWAII**

PRESENT

Doreen Gomes, Chair
Keone Ball, Vice-Chair
Verna Boonstra, Member
Sean Connolly, Member
David Jorgensen, Member
Leil Koch, Member
Kirk Tanaka, Member
Kim Sloper, Deputy Corporation Counsel

**ALSO
PRESENT**

Thomas M. Phillips, Chief of Police
Gary Yabuta, Deputy Chief of Police
Sydney Kikuchi, Assistant Chief Investigative Services
Wayne Ribao, Assistant Chief Uniformed Services
Clayton Tom, Assistant Chief Support Services
Mr. Greg Takahashi, Business Manager
Milton Matsuoka, Captain, Criminal Investigation Division
Mollie Klingman, Lieutenant, Juvenile Section
David Silva, Sergeant, Juvenile Section
Mary-Lee Sagawinit, Police Officer III, Juvenile Section
M. Greer Prince, Research Analyst
Lila Fujimoto, Reporter, The Maui News

EXCUSED

John Ornellas, Member (Delayed)
Tina Gomes, Member (Delayed)

**CALL/
QUORUM**

Chair Gomes called the meeting to order at 10:00 a.m. A quorum was ascertained with seven Commissioners present to conduct business.

**OPENING
PRAYER**

The opening prayer was offered by Chaplain Milton Fricke

PRESENTATION

By the Public of Oral or Written Testimony on Agenda Items of the Commission:

There was no one present from the public who wished to give testimony.

**APPROVAL
OF AGENDA**

A motion was made by Commissioner Tanaka to amend the agenda by adding to Executive Session, Item (g) Discussion on Salary Commission meeting. The motion was seconded by Commissioner Jorgensen and carried unanimously.

A motion was made by Vice-Chair Ball to add Item (d) Meeting Schedule to New Business. The motion was seconded by Commissioner Tanaka and carried unanimously.

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A motion to accept the agenda as amended with the two additions was made by Commissioner Connolly and seconded by Commissioner Jorgensen. The motion carried unanimously.

APPROVAL OF MINUTES **A motion to approve the minutes of December 17, 2008 as circulated was made by Commissioner Connolly and seconded by Commissioner Koch. The motion carried unanimously.**

LETTERS OF COMMENDATION (45)

The following personnel received Letters of Commendation during the month of December: Deputy Chief G. Yabuta; Assistant Chief C. Tom; Captains C. Hirata, G. Matsunaga, M. Matsuoka (2), D. Matsuura, V. Ramos; Lieutenants T. Faaumu, B. Rezentes, W. Tom; Detectives M. Bates, J. Foster, C. Holokai, M. Kaaa, S. Migita, O. Satterfield; Sergeants P. Bailey, W. Juan, M. Taketa, R. Uedoi, S. Yamashita; Officers T. Abarra, D. Cabacungan (2), D. Danley, L. Gamble, E. Grace (2), A. Krau, N. Krau, R. Lawson, D. Racadio, G. Rowe, M. Sagawinit, G. Sagun, R. Saribay, C. Schmitt, S. Singh, K. Wong, Mr. K. Moniz, Ms. J. Chong-Kee, Ms. J. Berrigan, Ms. D. Miguel, Ms. B. Sedano

A motion to accept and file the Letters of Commendation was made by Commissioner Connolly and seconded by Commissioner Koch. The motion carried unanimously.

CHIEF'S REPORT Chief Phillips stated the Investigative Services Bureau would give a presentation on the assaults that have recently occurred in Maui County, particularly two recent cases. Assistant Chief Kikuchi introduced Captain Milton Matsuoka and Lieutenant Mollie Klingman to give the report. He also introduced Greer Prince who provided the statistics and created the power point presentation.

(10:20 a.m.) Commissioner Ornellas entered the meeting.

When asked if there was anything the Commission could do to offset the negative writings in the newspaper, Chief Phillips said there is nothing he can do about the letters people submit to the newspaper. People write opinion letters as though they're fact and others pick up on that. The Department is running the way it should run and he can't change that because of letters in the newspaper.

Deputy Chief Yabuta stated the police department cannot control what is put into the newspaper. The Maui News does not verify facts or verify if names of the letter writers are legitimate, but it has the right to publish whatever it chooses.

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Chief Phillips informed the Commission that they will need the support of the Commission when they go before the Council regarding the budget. Pro-active operations absolutely result in lower crime statistics. Cuts in the police department budget will mean cutting programs and if programs get cut, crime rates will increase.

The Commission thanked Chief Phillips and his staff for doing the job they do. With the information provided in the presentation, they are now better informed and they will be better prepared when questioned by the public.

(11:00 a.m.) Commissioner Gomes entered the meeting.

Assistant Chief Wayne Ribao gave the report for the Uniformed Services Bureau.

Officers of the Month were:

District 1 – Officer Heather Gilroy
District 4 – Officer Sonnie Waiohu
District 5 – Officer Russell Kapahulehua
District 6 – Officer Masanori Kaya

Officers of the Quarter were:

District 1 - Officer Joy Medeiros
District 2 - Officer John Sang
District 3 - Officer Clifford Dagulo
District 4 - Officer Matthew Bigoss
District 5 - Officer Halayudha MacKnight
District 6 - Officer Masanori Kaya

Assistant Chief Kikuchi gave the report for the Investigative Services Bureau.

Assistant Chief Clayton Tom gave the report for the Support Services Bureau

FINANCIAL BUDGET Mr. Takahashi stated they are having a budget meeting next week with the Mayor. There is \$23,585,989 or 49% of our appropriations remaining in the FY 2009 budget.

PERSONNEL Mr. Takahashi handed out the 2008 Personnel Transactions which reflects 36 sworn vacancies and 21 civilian vacancies. There are 42 conditional offers of employment pending for sworn personnel.

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Chief Phillips stated there will no longer be the Fast-Track testing, interviewing and hiring process. Instead, we'll be going back to the old ways where the test is given monthly, a list is established and the names come off the list. He is a bit skeptical with this process because that's how we got into our position shortage in the first place - where 10 to 15 are hired a year and we lose 25 to 30 a year. This may change next week, however, when they have their budget meeting if they're told cuts are required.

CORRESPONDENCE

- a. PC 09-01 Honolulu Police Commission Meeting Minutes of 11/05/08
- b. PC 09-02 Hawaii County Police Commission Minutes of 11/05/08
- c. PC 09-03 Hawaii County Police Commission Minutes of 11/13/08
- d. PC 09-04 Hawaii County Police Commission Minutes of 11/14/08
- e. PC 09-05 Hawaii County Police Commission Minutes of 11/18/08
- f. PC 09-06 Hawaii County Police Commission Minutes of 11/20/08
- g. PC 09-07 Hawaii County Police Commission Minutes of 11/20/08
- h. PC 09-08 Honolulu Police Commission Meeting Minutes of 11/19/08

A motion to file the correspondence was made by Commissioner Connolly and seconded by Vice-Chair Ball. The motion carried unanimously.

NEW BUSINESS

- a. Investigator Contract – Funding

The investigator contract was signed and received for the period July 1, 2008 through June 30, 2009.

- b. Hiring of New Investigator

Vice-Chair Ball reported the second investigator who was hired has decided not to take the job. He then questioned whether a second investigator needed to be hired stating if we don't get a lot more complaints, we should be okay with one. We should, however, be prepared to hire if the current investigator decides not to continue with the work.

A motion was made by Commissioner Gomes to interview and hire a second investigator. Also, that a sub-committee to interview applicants should be formed consisting of Vice-Chair Ball, Commissioner Koch and Commissioner Jorgensen. The motion was seconded by Commissioner Koch and carried unanimously.

- c. Attendance for Police Commission Conference May, 2009

Chief Phillips encouraged those Commissioners who can, to attend the conference. Eight Commissioners are able to attend the conference. The newest Commissioner will be asked at the April meeting if they are able to attend and Kauai will be advised.

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d. Meeting Schedule

Deputy Corporation Counsel Kim Sloper advised the Commission that she received the new Council Committee schedule. She will have a conflict with our meeting time, as will her backup Counsel who is also assigned to the Public Services Committee. She does not know who will be assigned to the Police Commission, but they are working things out at Corporation Counsel.

A motion to move into Executive Session was made by Commissioner Koch and seconded by Vice-Chair Ball. The motion carried unanimously.

RECESS (11:50 a.m.)

During the recess a group photo was taken to send to Kauai for the conference program.

RECONVENE (11:10 a.m.)

EXECUTIVE SESSION

a. Review of Chief Phillips' Annual Evaluation

Chair Gomes and Vice-Chair Ball met with Chief Phillips after the December meeting and gave him his evaluation. There were no questions by either Police Commissioners or Chief Phillips on the evaluation and all parties have signed it.

- b. Request for Legal Representation by Police Chief Thomas Phillips in Civil No. CV-08-00280
- c. Request for Legal Representation by Deputy Chief Gary Yabuta in Civil No. CV-08-00280
- d. Request for Legal Representation by Police Officer Nelson Johnson in Civil No. CV-08-00280

A motion was made by Commissioner Jorgensen to approval legal representation for Chief Thomas Phillips, Deputy Chief Gary Yabuta and Police Officer Nelson Johnson. The motion was seconded by Commissioner Tanaka and carried unanimously.

e. PC 08-13

Chair Gomes denied investigation of this complaint based on Police Commission rules, Section 13-101-23 (c) "No complaint shall be referred for investigation or process where the identical allegation of the complaint is being or will soon be litigated in a criminal action."

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A motion to support denial of the investigation was made by Commissioner Koch and seconded by Vice-Chair Ball. The motion carried unanimously.

f. MPC 09-01

Chair Gomes denied investigation of this complaint based on Police Commission rules, Section 12-101-23 (a) "The complaint is not filed within sixty calendar days of the occurrence of the event which is the basis of the complaint."

A motion to support denial of the investigation was made by Commissioner Koch and seconded by Vice-Chair Ball. The motion carried unanimously.

g. Discussion on Salary Commission Update

Vice-Chair Ball, Commissioner Koch and Commissioner Tanaka attended the Salary Commission meeting on January 9th. No decision was made regarding a raise for the positions of Chief of Police and Deputy Chief of Police.

A motion was made by Commissioner Koch to have members of the Police Commission return to the next Salary Commission meeting. The motion was seconded by Commissioner Jorgensen and carried unanimously.

REGULAR SESSION A motion to return to Regular Session was made by Commissioner Connolly and seconded by Commissioner Tanaka. The motion carried unanimously.

RATIFY A motion to ratify the actions taken in Executive Session was made by Commissioner Connolly. The motion was seconded by Commissioner Tanaka and carried unanimously.

ADJOURN (12:50 p.m.) A motion to adjourn was made by Commissioner Connolly and seconded by Commissioner Gomes. The motion carried unanimously.

SUBMITTED BY

Jeanne L. Berrigan, Secretary

APPROVED

Doreen N. Gomes, Chair