

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION  
WEDNESDAY, MAY 20, 2009 AT 10:00 A.M.  
CHIEF'S CONFERENCE ROOM, WAILUKU, MAUI, HAWAII**

**PRESENT** Doreen Gomes, Chair  
Keone Ball, Vice-Chair  
Sean Connolly, Member  
David Jorgensen, Member  
Leil Koch, Member  
Kirk Tanaka, Member  
Ron Vaught, Member  
Kim Sloper, Deputy Corporation Counsel

**ALSO PRESENT** Thomas M. Phillips, Chief of Police  
Gary Yabuta, Deputy Chief of Police  
Wayne Ribao, Assistant Chief Uniformed Services  
Clayton Tom, Assistant Chief Support Services  
Gerald Matsunaga, Acting Assistant Chief, Investigative Services  
Mr. Greg Takahashi, Business Manager  
Milton Matsuoka, Captain, Criminal Investigation Division  
Bobby Hill, Lieutenant, Traffic Section  
Lila Fujimoto, Reporter, The Maui News  
Wendy Osher, Pacific Radio Group

**EXCUSED** John Ornellas, Member (Delayed)  
Tina Gomes, Member (Sick)  
Sydney Kikuchi, Assistant Chief (Mainland Training)

**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.

Chair Gomes stated she wished to amend the agenda by going into Executive Session to consider one item.

**EXECUTIVE SESSION** Chair Gomes asked for a motion to move into Executive Session so the Commission could vote on whether or not to disclose the names of the applicants for Chief of Police

**A motion to move into Executive Session was made by Commissioner Koch. The motion was seconded by Commissioner Jorgensen and carried unanimously.**

**A motion was made by Commissioner Vaught not to disclose the names of the applicants for the Chief of Police position. The motion was seconded by Vice-Chair Ball and carried unanimously.**

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

**A motion was made by Commissioner Koch and seconded by Vice-Chair Ball to return to Regular Session. The motion carried unanimously.**

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**A motion to ratify the action taken in Executive Session was made by Commissioner Tanaka and seconded by Vice-Chair Ball. The motion carried unanimously.**

**REGULAR SESSION**

**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:**

Mr. Eric T. Richter read from a prepared statement, although it was not testimony for any applicant. A copy of his testimony was provided to the Commission.

Ms. Ivy Takushi, a former Maui Police Department employee who worked on Lanai, provided testimony on behalf of Lt. Robert Hill. A copy of her testimony was provided to the Commission.

Ms. Stacey Moniz, Executive Director of Women Helping Women provided oral testimony on behalf of Mr. Paul Winters.

Ms. Cindy Cline, Deputy Director of Women Helping Women provided testimony on behalf of Mr. Paul Winters. A copy of her testimony was provided to the Commission.

**APPROVAL OF AGENDA**       Chair Doreen Gomes stated she would like to move Executive Session Item (b) Review Rules of the Police Commission to New Business as Item (c).

**A motion was made by Commissioner Connolly to approve the agenda as amended. The motion was seconded by Commissioner Jorgensen and carried unanimously.**

**APPROVAL OF MINUTES**       **A motion to approve the minutes of March 9, 2009 was made by Commissioner Koch and seconded by Commissioner Connolly. The motion carried unanimously.**

**A motion to approve the minutes of March 18, 2009 was made by Commissioner Tanaka and seconded by Commissioner Jorgensen. The motion carried unanimously.**

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**LETTERS OF COMMENDATION (37)**

The following personnel received Letters of Commendation during the month: Lieutenants J. Jakubczak; Detectives; J. Mahoney, Sergeants; Officers K. Brown, M. Crowe, E. Grace, B. Hickle, N. Krau, A. Polanco, G. Sagun; Mr. K. Moniz, Ms. V. Roemmling, Ms. T. Jones

**A motion to accept and file the Letters of Commendation was made by Commissioner Connolly and seconded by Vice-Chair Ball. The motion carried unanimously.**

**CHIEF'S REPORT** Chief Phillips stated in anticipation of public testimony, they did not prepare a presentation, and they would go right into their bureau reports, starting with Deputy Chief Yabuta.

Deputy Chief Yabuta thanked the Commissioners who attended the budget hearings at County Council for their support and stated we are in for interesting times. Chief Phillips, Deputy Chief Yabuta and Captain Hudson attended the Planning Commission meeting and things are moving forward with the Kihei station.

Chief Phillips also thanked the Commissioners for attending the budget hearing with the Council and stated deliberations are next week. He stated it will be a very challenging year with the budget, especially if there is a big event that will require a lot of overtime because there is no leeway. He stated this is the toughest year ever budget-wise.

When asked about pro-active work and programs such as D.A.R.E. that might be sacrificed, Chief Phillips answered the last thing the department wants to do is cut programs and we've never had to do that in the past. His biggest concern is the overtime budget remaining the same which is effectively like cutting it because the rates will be going up. The cut in funding for the positions hurts because it doesn't allow for any cushion. There probably will be cuts in training, and some of the pro-active things done in the past will have to be cut back. The schedule for the Patrol Division will be changing on June 28<sup>th</sup> and maybe that will help a little bit on the overtime.

There are some things out of our control, so the things we can control we'll have to cut back on. The challenge now is to have enough people to do the job and the money to do it. Chief Phillips stated they are actually a little more optimistic now about the budget than they originally were.

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Acting Assistant Chief Matsunaga gave the report for the Investigative Services Bureau

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

Officers of the Month were:

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District 1 – Officer Stuart Kunioka  
District 4 – Officer Matthew Bigoss  
District 5 – Officer Nathaniel Hubbard  
District 6 – Officer Mike Crowe

Officers of the Quarter were:

District 1 – Officer Levon Freeman  
District 2 – Officer Carl Eguia  
District 3 – Officer Jeffrey Calibuso  
District 4 – Officer Matthew Bigoss  
District 5 – Officer Rusty Lawson  
District 6 – Officer Asbel Polanco

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

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**FINANCIAL BUDGET** Mr. Takahashi handed out a summary of the Fiscal Year 2010 Budget. The FY 2009 end of quarter figures are not in yet. They are expected by next week, but there are no concerns.

**PERSONNEL** Mr. Takahashi handed out the Staffing Report which reflects 37 sworn vacancies. When you consider there are 40 in training, practically speaking, it works out to 77 vacancies. There are 23 civilian vacancies, 14 of which are for RTO positions. There are nine RTO offers outstanding with one person starting on April 16<sup>th</sup>.

Chief Phillips announced that Police Week will begin with a Memorial Service at 9:00 on May 11<sup>th</sup> in the Chief's Lobby.

The State Police Commissioners' Conference will be held May 21-22, 2009 on Kauai. All nine Commissioners will be attending. Chief Phillips thanked the Commissioners for taking time out of their busy schedules to attend the conference and said Maui always has the highest attendance at conferences and the department appreciates it.

Chief Phillips presented the Commissioners with new badges.

**CORRESPONDENCE**

- a. PC 09-16 Honolulu Police Commission Meeting Minutes of 02/18/09

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

**NEW BUSINESS**

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a. Budget

Chair Gomes confirmed each Commissioner has received a copy of the FY 2010 budget as presented.

**RECESS** 11:35 a.m.

**RECONVENE** 11:45 a.m.

b. Review of Sunshine Law by Deputy Corporation Counsel

Deputy Corporation Counsel Sloper reviewed Sunshine Law with the Commission as it pertains to emails. She stated sending out information to the Commission in preparation for a meeting is fine, but there can be no discussion or attempts to influence a vote. Replying to everyone in an email implies a discussion and it could be construed as the Commission conducting business outside of a properly noticed meeting. A sub-committee may discuss on their own whatever they have been tasked with, but not anything else. Her caution would be for the Commissioners to not respond on issues via email to the Commission as a whole.

c. Review Rules of the Police Commission

Deputy Corporation Counsel Sloper informed the Commission that a couple of meetings ago the Commission was discussing potential changes to some of the rules. In order to make a change in the rules, it needs to go through a public hearing process with a 30-day prior notice so the public may come and provide testimony if they choose. This can be done at a regularly-scheduled meeting. The rules are adopted as amended and then the Chair and the Chief will sign off on them. The portion of the rules covering evaluation and selection processes for the Chief of Police may be reviewed when the Commission reviews the rules.

**A motion was made by Commissioner Jorgensen to move into Executive Session. The motion was seconded by Commissioner Tanaka and carried unanimously.**

**EXECUTIVE SESSION**

a. Salary Commission Update

Chair Doreen Gomes, Vice-Chair Ball, and Commissioner Koch attended the March Salary Commission meeting. A motion was made at that meeting to increase the salary for the Chief of Police to \$131,000 but the motion died and no new figure was discussed. Vice-Chair Ball said they've been attending Salary Commission meetings for six months and each time it is like starting from scratch. The expected letter from the

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Council to the Salary Commission had not yet been received and Commissioner Koch will follow up on this with Council Member Johnson.

Chief Phillips entered executive Session to discuss personnel matters.

- b. Request for Legal Representation in Civil No. 09-1-0129(1)

**A motion to approve legal representation was made by Commissioner Connolly and seconded by Commissioner Koch. The motion carried unanimously.**

- c. Sub-committee Report on Process of Selecting the Chief of Police

Commissioner Ornellas asked that a review of the selection process be put on the June agenda.

**A motion was made by Commissioner Koch to extend the deadline to Friday, April 17<sup>th</sup> at 3:00 p.m. for applicants to ensure their application is complete. The motion was seconded by Commissioner Vaught and carried unanimously.**

**REGULAR SESSION** A motion to return to Regular Session was made by Commissioner Jorgensen and seconded by Commissioner Koch. 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 Jorgensen and carried unanimously.

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

**SUBMITTED BY**

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**Jeanne L. Berrigan, Secretary**

**APPROVED**

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**Doreen N. Gomes, Chair**