

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION
WEDNESDAY, DECEMBER 16, 2009 AT 10:00 A.M.
CHIEF'S CONFERENCE ROOM, WAILUKU, MAUI, HAWAII**

- PRESENT** Doreen N. Gomes, Chair
Keone Ball, Vice-Chair
Tina Gomes, Member
David Jorgensen, Member
Leil Koch, Member
Kirk Tanaka, Member
Ron Vaught, Member
Adrienne Heely, Deputy Corporation Counsel
- ALSO PRESENT** Gary Yabuta, Chief of Police
Clayton Tom, Deputy Chief of Police
Sydney Kikuchi, Assistant Chief Investigative Services
Danny Matsuura, Assistant Chief Uniformed Services
Wayne Ribao, Assistant Chief Support Services
Mr. Greg Takahashi, Business Manager
Milton Matsuoka, Captain, Criminal Investigation Division
Vincent Souki, Evidence Specialist II
- DELAYED** Sean Connolly, Member
- EXCUSED** John Ornellas, Member (Business)
- 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 Dale Kreps of Pukalani Church of the Nazarene.
- PRESENTATION** By the Public of Oral or Written Testimony on Agenda Items of the Commission: None
- APPROVAL AGENDA** **A motion to approve the agenda as circulated was made by Commissioner Tanaka. The motion was seconded by Vice-Chair Ball and carried unanimously.**
- APPROVAL OF MINUTES** **A motion to approve the minutes of November 18, 2009 was made by Commissioner Vaught and seconded by Vice-Chair Ball. The motion carried unanimously.**

LETTERS OF COMMENDATION (3)

Sergeants W. Hankins, R. Uedoi; Officer L. Becraft

A motion to file the Letters of Commendation was made by Commissioner Vaught and seconded by Commissioner Tina Gomes. The motion carried unanimously.

MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION
WEDNESDAY, DECEMBER 16, 2009
PAGE 2

**CHIEF'S
REPORT**

Assistant Chief Kikuchi introduced Vince Souki, the Evidence Specialist assigned to the Criminal Investigation Division. Mr. Souki did a presentation on the training provided for the Maui Fire Department Dive Teams on the Maui Police Department's underwater evidence recovery procedures using MPD underwater equipment, including the submersible metal detector.

(10:30 a.m.) Captain Matsuoka and Mr. Souki exited the meeting.

Chief Yabuta reported the Executive Staff participated in a labor management meeting which included the police departments statewide, the Department of Personnel Services, and S.H.O.P.O. This was a critical meeting because we'll be entering collective bargaining negotiations next year. It also provided an opportunity for most of the Executive Staff to meet HPD Chief Louis Kealoha.

Chief Yabuta reported our department is now seeing the benefits of aggressive recruitment and he thanked Mr. Greg Takahashi and the Community Relations Section personnel for their efforts. There will be 16 new officers on the road now that they've completed their FTO Program. With that, we'll be able to fill our special assignments and plainclothes units. Chief Yabuta thanked the Commissioners who were able to attend the graduation of the 11 Recruits of the 71st Recruit Class. They are now in their FTO Program and will complete that in April 2010.

(10:40 a.m.) Commissioner Sean Connolly entered the meeting.

Chief Yabuta said the department is now planning the FY 2011 budget and it's a long and tedious process. Some programs had to be suspended and one of them was the Police Cadet Program. The positions are not being done away with; they just won't be funded in the next fiscal year.

Chief Yabuta thanked the Commissioners for their support throughout the year and wished everyone Happy Holidays.

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

Assistant Chief Danny Matsuura gave the report for the Uniformed Services Bureau.

Officers of the Month for November were:

District 1 - Officer Joy Medeiros
District 3 - Officer Travis Abarra
District 4 - Officer Matthew Brown
District 5 - Officer Nathaniel Hubbard
District 6 - Officer Mike Crowe

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION
WEDNESDAY, DECEMBER 16, 2009
PAGE 3**

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

Deputy Chief Tom thanked the Commissioners who were able to attend Family Night and stated there were over 400 retirees, employees and their families in attendance. He also thanked the Commissioners for their service through the past year and said he looks forward to working with them next year.

FINANCIAL BUDGET Mr. Takahashi handed out the Financial Report – Internal Fiscal Year 2010 General Fund Expenditures for the period July 1, 2009 through October 31, 2009. There is \$20 million in funding still available, so we are okay overall. The FY 2011 economic outlook is not good and we are still in the process of talking with the budget office. All departments have been asked to cut an additional 10% from their budget and that is not possible without cutting programs. They are meeting next month with the Mayor and hopefully at that time they'll receive better news.

PERSONNEL Mr. Takahashi handed out the Staffing Report as of December 1, 2009 which reflects 32 sworn vacancies and 14 civilian vacancies. There are 29 conditional offers pending for sworn personnel. Of the 14 civilian vacancies, eight are for RTO positions, with 6 offers of employment pending. We are at the highest level of staffing we've ever been.

Chair Doreen Gomes thanked Mr. Takahashi for all his hard work on the budget, with recruitment and the detailed personnel information he provides.

CORRESPONDENCE

- a. PC 09-36 Hawaii County Police Commission Minutes of September 18, 2009
- b. PC 09-37 Letter from Her Highness Makaoiaio with Her Hawaiian Kingdom Government Documents
- c. PC 09-38 Hawaii County Police Commission Minutes of October 20, 2009

A motion to file the correspondence was made by Commissioner Connolly. The motion was seconded by Commissioner Tanaka and carried unanimously.

OLD BUSINESS

- a. 2010 State of Hawaii Police Commissioners' Conference - Suggestions for Topics

Along with Homeland Security as a suggested topic, it was suggested that incoming NACOLE President Andre Birotte speak at the conference. Deputy Corporation Counsel Heely stated considering the current budgetary constraints each department is facing,

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION
WEDNESDAY, DECEMBER 16, 2009
PAGE 4**

and with the S.H.O.P.O. collective bargaining agreement coming up, perhaps the Commissioners could have a roundtable and discuss whether they should write letters in support of which programs should or should not be cut or what the negotiating team should focus on when they're discussing their negotiations with S.H.O.P.O. Chief Yabuta said he thought this was a good suggestion and by then the Department would have a more definitive idea of what the budget is and if cutoffs have to be prioritized. The Commission secretary will forward the suggestions to the Hawaii County Police Commission secretary.

RECESS 11:15 a.m.
RECONVENE 11:30 a.m.

EXECUTIVE SESSION

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

a. MPC 09-09

Commissioner Koch made a motion that the incident complained of occurred, but the act or conduct of the department or employee was lawful and proper and the accused is exonerated. The motion was seconded by Commissioner Connolly and carried unanimously.

b. MPC 09-11

Commissioner Connolly made a motion that the incident complained of occurred, but the act or conduct of the department or employee was lawful and proper and the accused is exonerated. The motion was seconded by Commissioner Vaught and carried unanimously.

c. MPC 09-20

Vice-Chair Ball denied investigation of this complaint because there is no actual complaint.

Commissioner Connolly made a motion the complaint was not based on facts, or the alleged incident did not occur and the complaint is unfounded. The motion was seconded by Commissioner Vaught.

Chair Doreen Gomes advised the Commission that the complaint had been denied for investigation. The vote should be on whether or not to accept the denial.

Commissioner Connolly retracted his motion and Commissioner Vaught retracted his second.

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION
WEDNESDAY, DECEMBER 16, 2009
PAGE 5**

Commissioner Jorgensen made a motion to support the denial of the investigation based on the lack of information about her personal information as well as the incident itself.

Commissioner Jorgensen then withdrew his motion because the complainant had been in contact with him previously and discussed issues with him.

Commissioner Connolly made a motion to support denial of the investigation. This motion was seconded by Commissioner Vaught and carried unanimously.

REGULAR SESSION A motion to return to regular session was made by Commissioner Connolly. The motion was seconded by Commissioner Jorgensen and carried unanimously.

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

Deputy Corporation Counsel Heely advised the Commission that the revision of the Commission rules are under review in her office. It will probably be back on the agenda in February, after the posting. Commissioner Jorgensen asked that a copy of the rules be provided to the sub-committee before appearing on the agenda.

Chair Doreen Gomes thanked Vice-Chair Ball and the Commissioners for their work during the year.

ADJOURN (11:50 p.m.) A motion to adjourn was made by Vice-Chair Ball and seconded by Commissioner Tanaka. The motion carried unanimously.

SUBMITTED BY

Jeanne Berrigan, Police Commission Secretary

APPROVED

Doreen N. Gomes Chair