

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION
WEDNESDAY, JANUARY 19, 2011 AT 10:00 A.M.
CHIEF'S CONFERENCE ROOM, WAILUKU, MAUI, HAWAII**

PRESENT Keone Ball, Chair
Leil Koch, Vice-Chair
Sean Connolly, Member
Roger Dixon, Member
David Jorgensen, Member
Gregg Lundberg, Member
Kirk Tanaka, Member
Ron Vaught, Member
Jeffrey Ueoka, Deputy Corporation Counsel

ALSO PRESENT Gary Yabuta, Chief of Police
Clayton Tom, Deputy Chief of Police
Wayne Ribao, Assistant Chief Investigative Services
Danny Matsuura, Assistant Chief Uniformed Services
Larry Hudson, Assistant Chief Support Services
Greg Takahashi, Business Manager
M. Greer Prince, Research Analyst

DELAYED Tina Gomes, Member

**CALL/
QUORUM** Chair Ball called the meeting to order at 10:00 a.m. A quorum was ascertained with eight 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:** None

**APPROVAL
OF AGENDA** A motion to approve the agenda was made by Commissioner Tanaka and seconded by Vice-Chair Koch. Chair Ball then stated he wished to amend the agenda by moving Correspondence d) PC 11-04 and e) PC 11-05 to Executive Session.

A motion to approve the agenda as amended was made by Commissioner Tanaka and seconded by Vice-Chair Koch. The motion carried unanimously.

**APPROVAL OF
MINUTES** **A motion to approve the minutes of December 15, 2010 was made by Commissioner Lundberg and seconded by Commissioner Tanaka. The motion carried unanimously.**

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LETTERS OF COMMENDATION (14)

Officers D. Agarano, T. Asuega-Stark, M. Irish, E. Gilo, V. Gosney, J. Jones, S. Kunioka, C. Kusonoki, O. Martin-Del Campo, H. Marfil, R. Nagata, G. Ornellas, B. Stice, A. Yazaki

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

Chair Ball expressed his thanks to the Department for supporting the Maui Lani Community Association Christmas Parade, a great community event.

CHIEF'S REPORT Assistant Chief Larry Hudson gave a presentation on the new Forensic Facility. The blessing of the new facility was held on December 28, 2010.

Chief Yabuta informed the Commission that the Department completed the mock CALEA inspection from January 10th through the 13th. Inspection shows we are on target to pass re-accreditation; however, we do need to work on evidence storage. As Assistant Chief Ribao and Assistant Chief Hudson are newly assigned to their bureaus, they will be re-defining their performance measures in accordance with the goals and objectives established as of last year.

Chief Yabuta reported the Town Hall Meetings have been completed and will start again in January 2012.

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

Chief Yabuta reported that during the recent storm, the Kihei station was flooded out and operations had to be moved to the fire station. Two patrol vehicles were lost due to the flooding. Chief Yabuta reported the Kihei officers did a great job and all bureaus, including the recruits, pitched in to help with traffic control, evacuations, etc. Everyone did an outstanding job.

Chief Yabuta announced that the 73rd Recruit Class will graduate on February 18th. The 74th Recruit Class began January 10th. As of January 15th, a new pre-employment physical fitness requirement was implemented for all police applicants.

Deputy Chief Tom announced that Lieutenant Tivoli Faaumu of the Plans, Training, Research & Development Section, and Lieutenant Mollie Klingman of the Juvenile Section have been promoted to Captain. Captain Faaumu will be assigned to the Kihei

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District and Captain Klingman will be assigned to Technical Services. Their promotions took effect January 16th. Sergeant Stirling Kiyota of the Vice/Gambling Section and Sergeant Richard "Danny" Dods of Internal Affairs have been promoted to Lieutenant. Their promotions will take effect February 1st, and both new lieutenants will be temporarily assigned to the Wailuku District. Three more lieutenants and three sergeants will be promoted in the near future.

Deputy Chief Tom also reported that the Law Enforcement Coalition met with the Attorney General, and the Prosecutors and Chiefs of the four Counties. They are looking at two bills, both related to the penal code. One has to do with Murder and the wording they want to include regarding the intent to cause serious bodily injury to another. The second bill relates to Protective Orders issued by the courts, so that it includes better protection for the victims, and hopefully encourages more victims to seek help.

With regard to medical Marijuana, all four Chiefs of Police and Prosecuting Attorneys are working to bring the original intent of the bill back to order. Currently, only 1% to 2% of those holding a medical Marijuana permit are being treated for Cancer, Glaucoma or AIDS which was the original intent of the bill.

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

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

Officer of the Month

Officer of the Quarter

District 1 - Officer Angela Kahoohanohano	Officer Angela Kahoohanohano
District 2 - Officer Kirk Pyland	Officer Kirk Pyland
District 3 - Officer Nicholas Losvar	Officers Nicholas Losvar & Nicholas Angell
District 4 - Officer Travis Arase	Officer Matthew Brown
District 5 - Officer Kyle Bishaw-Juario	Officer Stafford Caparida
District 6 - Officer Emily Kibby	None Selected as of Meeting Time

Assistant Chief Larry Hudson gave the report for the Support Services Bureau.

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FINANCIAL Mr. Takahashi handed out the Financial Report – Internal, Fiscal Year 2011- Actual which reflected 51% remaining in the budget. Overtime expenditure to date is \$2.7 million and should end up at around \$5.5 million. Overtime was budgeted at \$4.8 million.

PERSONNEL Mr. Takahashi handed out the Staffing Report as of January 19th which reflected 36 vacant sworn positions with 11 conditional offers pending. There are 13 civilian vacancies with 3 conditional offers pending. There were ten retirees during 2010.

RECESS (11:50 a.m.)

RECONVENE (11:55 a.m.)

CORRESPONDENCE

- a. PC 11-01 Kauai Police Commission Minutes of November 29, 2010
- b. PC 11-02 Honolulu Police Commission Minutes of November 3, 2010
- c. PC 11-03 Honolulu Police Commission Minutes of November 17, 2010
- d. PC 11-06 Letter Dated 12/28/10 from Maui Lani Community Association

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

NEW BUSINESS

- a. Discussion of Revising Monthly Police Commission Report

Chair Ball stated he would like the Commission to receive a more current presentation and requested that more up-to-date highlights be provided during the meeting. If Commissioners have a question on a specific incident from the material they've received in the Commission Report, they'll raise that issue at the meeting.

Chair Ball would also like to streamline the process of providing the information to the Commission secretary so everything doesn't need to be re-typed.

- b. Discussion to Receive Police Commission Packet Material via E-mail

Chair Ball proposed that all non-confidential material be sent to Commissioners and staff via e-mail. Complaints, Executive Session Minutes and items that require review before action can be taken at the meeting will be sent to Commissioners via U.S. Mail as is the current practice. Confidential items that do not require action will be handed

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out at the meeting. Deputy Corporation Counsel Ueoka stated he did not foresee any problem with the proposed procedure as there is no change with regard to mailing confidential information.

Chief Yabuta stated all material coming from the Department to the Commission should be considered confidential. Chief Yabuta requested that a synopsis of the new procedure be submitted to him and Corporation Counsel before it is implemented and that Corporation Counsel prepare a confidential correspondence disclaimer for all materials going out via e-mail.

(12:15) Administrative Staff exited the meeting.

OLD BUSINESS

- a. N.A.C.O.L.E. Report by Commissioner Gomes

Commissioner Gomes reported the networking with people from around the country was great. She did feel some of the sessions she attended were geared more toward police personnel rather than civilian oversight in law enforcement.

EXECUTIVE SESSION

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

- a. MPC 10-16

Chair Ball advised the Commission that only a portion of this complaint was within the jurisdiction of the Police Commission and the Police Commission Investigator would be advised to only investigate that portion of the complaint. Another issue in the complaint was not within the jurisdiction of the Commission and would be referred to the Office of the Chief.

A motion to investigate the portion within the jurisdiction of the Police Commission was made by Commissioner Dixon. The motion was seconded by Commissioner Vaught and carried unanimously.

- b. MPC 10-17

Chair Ball denied investigation of this complaint based on Police Commission Rules, Section 12-101-23(b).

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A motion to support denial for investigation by the Police Commission was made by Commissioner Lundberg and seconded by Commissioner Jorgensen. The motion carried unanimously.

(12:45 p.m.) Commissioners Jorgensen and Lundberg exited the meeting.

- c. PC 11-04 Letter from Frank Gomes
- d. PC 11-05 Letter from Frank Gomes

A motion was made by Commissioner Dixon to send a letter of response to Brother Frank Gomes. The motion was seconded by Commissioner Tanaka and carried unanimously.

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

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

ADJOURN (12:55 p.m.) A motion to adjourn was made by Commissioner Connolly and seconded by Commissioner Tanaka. The motion carried unanimously.

SUBMITTED BY _____
Jeanne Berrigan, Police Commission Secretary

APPROVED _____
Keone Ball, Chair