

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION
WEDNESDAY, NOVEMBER 16, 2011 AT 9:45 A.M.
CHIEF'S CONFERENCE ROOM, WAILUKU, MAUI, HAWAII**

PRESENT Leil Koch, Chair
Kirk Tanaka, Vice-Chair
Pancho Alcon, Member
Roger Dixon, Member
Tina Gomes, Member
David Jorgensen, Member
Gregg Lundberg, Member
Kelly Ruidas, Member
Ron Vaught, Member

ALSO PRESENT Gary Yabuta, Chief of Police
Danny Matsuura, Assistant Chief Investigative Services
Larry Hudson, Assistant Chief Support Services
Dean Rickard, Captain, Wailuku Patrol
Greg Takahashi, Business Manager
Scott Hanano, Deputy Corporation Counsel

EXCUSED Clayton Tom, Deputy Chief
Victor Ramos, Assistant Chief Uniform Services

**CALL/
QUORUM** Chair Koch called the meeting to order at 9:45 a.m. A quorum was ascertained with nine Commissioners present to conduct business.

A discussion was held regarding the 2012 Police Commission Conference.

RECESS: 10:06 a.m.
RECONVENE: 10:08 a.m.

**OPENING
REMARKS** The opening remarks were offered by Pastor Paul Kaneshiro of Pukalani Baptist Church.

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

Mr. William Sloper offered testimony to the Commission regarding an item on the agenda.

**APPROVAL OF
AGENDA** **A motion to approve the agenda was made by Vice-Chair Tanaka and seconded by Commissioner Jorgensen.**

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION
WEDNESDAY, NOVEMBER 16, 2011
PAGE 2**

A motion to amend Correspondence Items (a, b, c, e) to (a, b, c, d) was made by Commissioner Jorgensen and seconded by Commissioner Lundberg. The motion was carried unanimously.

APPROVAL OF MINUTES **A motion to approve the minutes of October 19, 2011 was made by Commissioner Vaught and seconded by Commissioner Jorgensen. The motion carried unanimously.**

LETTERS OF COMMENDATION (22)

Captain T. Faaumu; Lieutenant W. Ibarra; Sergeant S. Kiyota, T. Nishida, R. Rodrigues; Officers D. Arnds, K. Brown, M. Crowe, R. Ehlers, D. Galarza, B. Hickle, T. Hodgens, C. Kenui, N. Krau, S. Kraytchev, N. Losvar, J. Terry, M. Tevaga, S. Waiohu, D. Yazaki; Ms. K. Ogasawara, Ms. T. Jones

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

(10:28 a.m.) Commissioner Gomes entered the meeting.

CHIEF'S REPORT

Chief Yabuta introduced Lieutenant Jayson Rego of the Lahaina Patrol Division who gave a brief overview of the Halloween festivities on Front Street. Lieutenant Rego wished to recognize Chair Koch who helped to get the command post on top of the old Planet Hollywood building and Commissioner Lundberg for providing meals for the officers. He also recognized the Executive Staff for their guidance and assistance in helping make this event successful.

Chief Yabuta informed the Commission of the reallocation of the Radio Telephone Dispatchers to Emergency Services Dispatchers. Their job descriptions have been revised which reflects the technical demand and multi-tasking for today's world.

Chief Yabuta reported on the Blue Hawaiian helicopter crash on Molokai which claimed the lives of five people. Chief Yabuta wished to commend the Molokai District, detectives conducting the investigation, Chaplin Paul Kaneshiro who headed the peer support team to provide counseling, the Maui Visitors Bureau who assisted with the victims' families and Visitor Oriented Police Officer Alan Brown.

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION
WEDNESDAY, NOVEMBER 16, 2011
PAGE 3**

With regard to the HGEA contract, the County of Maui has a supplemental agreement with HGEA that includes no cut in salaries and retaining 60%-40% of EUTF medical premium rates for Maui County employees.

Groundbreaking for the new Kihei Station is scheduled for December 5, 2011 at 9:00 a.m.

Chief Yabuta announced the MPD's Christmas party will take place on December 9, 2011 at the Wailuku Community Center.

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

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

The Forensic facility will be open for business on December 1, 2011.

Captain Dean Rickard provided the report for the Uniform Services Bureau.

Officers of the Month that were not included in the Highlights:

District 1	Officer Clifford Dagulo
District 2	Officer Edward Ferreira
District 5	Officer Chase Keliipaakaua
District 6	Officer Toma Asuega-Stark

FINANCIAL Mr. Takahashi handed out the Financial Report and the Salaries and Premium Pay Report for the first three months of FY2012. Although our budget for overtime is \$4.0 million, the projected overtime for the year is \$4.8 million.

REPORT

PERSONNEL Mr. Takahashi handed out the Staffing Report as of November 16th, which reflects 31 vacant sworn positions with 21 conditional offers pending. There are currently 20 civilian vacancies, 11 of which are ESD positions.

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION
WEDNESDAY, NOVEMBER 16, 2011
PAGE 4**

CORRESPONDENCE

- a. PC 11-25 Honolulu Police Commission Minutes of September 17, 2011
- b. PC 11-26 Letter from Lenie Lawrence dated of October 6, 2011
- c. PC 11-27 Honolulu Police Commission Minutes of September 21, 2011
- d. PC 11-28 Letter from Greg Vogel dated October 27, 2011

A motion to accept and file the amended correspondence was made by Commissioner Vaught and seconded by Commissioner Alcon. The motion carried unanimously.

A motion to bring back Correspondence Item (b) for discussion was made by Vice-Chair Tanaka. The motion was seconded by Commissioner Alcon and carried unanimously.

Chair Koch recommended a letter be sent to Mr. Lawrence stating it is beyond our purview to address this particular issue.

A motion to send a letter to Mr. Lawrence was made by Commission Alcon and second by Commission Vaught. The motion carried unanimously.

OLD BUSINESS

- a. Community Outreach/Chief Town Hall Meetings

Commissioner Lundberg made a motion to hold the January Police Commission Meeting at the Kihei Community Center on January 30, 2012 at 4:30 p.m. in conjunction with the Police Department's Town Hall Meetings. The motion was seconded by Commissioner Gomes and carried unanimously.

EXECUTIVE SESSION

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

**RECESS: 11:27 a.m.
RECONVENE: 11:32 a.m.**

- a. 2012 Police Commission Conference

This item has been deferred to the December meeting.

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION
WEDNESDAY, NOVEMBER 16, 2011
PAGE 5**

b. Meeting with Chief Yabuta

A motion was made by Commissioner Gomes to defer this item to the December meeting. The motion was seconded by Commissioner Ruidas and carried unanimously.

c. MPC 11-09

This item has been deferred to the December meeting.

d. MPC 11-10

A motion was made by Commissioner Vaught 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 Jorgensen. The motion failed with Commissioners Alcon, Dixon, Gomes, Jorgensen, Ruidas and Vaught voting nay.

A motion was made by Commissioner Dixon there is insufficient evidence to prove the material allegation of the complaint and the complaint is therefore not sustained. Commissioner Alcon seconded the motion. The motion carried with Commissioners Lundberg and Vaught voting nay.

e. MPC 11-11

A motion was made by Commissioner Gomes to defer MPC 11-11 to the December meeting. The motion was seconded by Vice-Chair Tanaka. The motion carried with Commissioner Jorgensen voting nay.

f. MPC 11-12

A motion was made by Commissioner Lundberg to defer MPC 11-12 to Chief Yabuta until such time as an Internal Affairs investigation has been done and reported back to the Commission. The motion was seconded by Commission Dixon and carried unanimously.

g. MPC 11-14

A motion was made by Vice-Chair Tanaka to support denial of the investigation by Police Commission based on Police Commission Rules 13-101-23 (e). The motion was seconded by Commissioner Lundberg and carried unanimously.

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION
WEDNESDAY, NOVEMBER 16, 2011
PAGE 6**

h. MPC 11-15

A motion to defer this item pending future consideration and completion of Internal Affairs report was made by Commissioner Lundberg and seconded by Commissioner Vaught. The motion carried unanimously.

i. MPC 11-16

A motion was made by Commissioner Jorgensen to support denial of the investigation by Police Commission based on Police Commission Rules 13-101-23 (e). The motion was seconded by Commissioner Gomes and carried unanimously.

j. MPC 11-17

A motion was made by Commissioner Jorgensen to support denial of the investigation by Police Commission based on Police Commission Rules 13-101-23 (c). The motion was seconded by Commissioner Vaught and carried unanimously.

k. Request for Legal Representation in Civil No. 11-00130 LEK BMK

A motion was made by Commissioner Jorgensen to approve legal representation and seconded by Vice-Chair Tanaka. The motion carried unanimously.

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

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

ADJOURN (1:35 p.m.) A motion to adjourn was made by Commissioner Vaught and seconded by Vice-Chair Tanaka. The motion carried unanimously.

SUBMITTED BY

Cynthia Sasada, Police Commission Secretary

APPROVED

Leil Koch - Chair

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION
WEDNESDAY, NOVEMBER 16, 2011
PAGE 7**