

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION
WEDNESDAY, APRIL 18, 2012 AT 10:00 A.M.
CHIEF'S CONFERENCE ROOM, WAILUKU, HAWAII**

PRESENT Kirk Tanaka, Chair
David Jorgensen, Vice-Chair
Pancho Alcon, Member
Roger Dixon, Member
Lawrence Ing, Member
Gregg Lundberg, Member
Kelly Ruidas, Member
Ron Vaught, Member
Michael Wilson, Member

ALSO PRESENT Gary Yabuta, Chief of Police
Clayton Tom, Deputy Chief
Danny Matsuura, Assistant Chief Investigative Services
Victor Ramos, Assistant Chief Uniform Services
Larry Hudson, Assistant Chief Support Services
Greg Takahashi, Business Manager
Gary Murai, Deputy Corporation Counsel
Scott Hanano, Deputy Corporation Counsel

**CALL/
QUORUM** Chair Tanaka called the meeting to order at 10:00 a.m. A quorum was ascertained with nine Commissioners present to conduct business.

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

Chair Tanaka welcomed Lawrence Ing and Michael Wilson to the Commission.

PRESENTATION **By the Public of Oral or Written Testimony on Agenda Items of the Commission:** None

**APPROVAL OF
MINUTES** Chair Tanaka wished to amend the minutes as Sergeant Gregg Okamoto was promoted to the rank of Lieutenant and not Captain.

A motion to approve the minutes of March 22, 2012 as amended was made by Commissioner Vaught and seconded by Vice-Chair Jorgensen. The motion carried unanimously.

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION
WEDNESDAY, APRIL 18, 2012
PAGE 2**

LETTERS OF COMMENDATION (13)

Detective E. Correa; Sergeants N Krau, T. Krau; Officers W. Ahuna, A. Aquirre, K. Badayos, C. Desamito, T. Kamakawiwoole, R. Kealoha, M. Matsui, R. Nagata, J. Terry; Ms. T. Jones

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

**CHIEF'S
REPORT**

Chief Yabuta welcomed new Commissioners Lawrence Ing and Michael Wilson.

Chief Yabuta introduced Officer David Leffler of the Juvenile Crime Prevention Division who gave a brief presentation on the Keiki Rap Program and the Second Chance Program provided to the outer districts of Molokai, Lanai and Hana.

Chief Yabuta reported the FY2013 budget is approximately \$44 million, which is \$600,000 less than last year's budget. The main difference is that the Information and Technology staff and operations migrated to County of Maui MIS Program; that is the biggest difference from this year's budget and last year's budget. Of concern is the overtime budget; it is flat from last year about \$3.9 million, and the department anticipates expending about \$4.6 million by the end of this fiscal year. \$4.6 million is a lot better than the \$5.1 million spent FY2011. Chief Yabuta thanked Chair Tanaka for attending the budget hearing and for his support.

Chief Yabuta informed the Commissioners that Judge Shackley Raffetto will be retiring at the end of the month. He has been an integral component of the Project POI program, as well as, a pioneer in implementing the Maui Drug Court program in Maui County.

The Troy Barboza Law Enforcement Torch Run will be held on Saturday, April 21, 2012. Chief Yabuta provided the background of Troy Barboza and invited the Commission to participate in the Run/Walk.

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION
WEDNESDAY, APRIL 18, 2012
PAGE 3**

Deputy Chief Tom announced they will be interviewing and promoting two sergeants.

The Traffic Section will be filling a V.H.U Officer position and OUI Task Force Officer position.

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

A.C. Matsuura reported the changes that have taken place in Criminal Investigation Division: Lieutenant Jayson Rego has taken over Crimes Against Persons and Detective Scott Migita will assume the role of Domestic Violence Sergeant.

Assistant Chief Ramos gave the report for the Uniform Services.

A.C. Ramos reported the 14 members of the 75th Recruit Class are in the FTO portion of their training.

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

A.C. Hudson thanked the Commissioners for attending the 75th Recruit Graduation.

Graduation for the 76th Recruit Class will be held on September 14, 2012.

The Dare Rally will be held on May 10th, at the Iron Maehara Baseball Stadium.

April 8–12, 2012 was National Public Safety Telecommunicators Week. The observance is a tribute to The Emergency Service Dispatchers.

**FINANCIAL
REPORT**

Mr. Takahashi handed out the Financial Report and the Salaries and Premium Pay Report for March 31, 2012. He reported overtime spending of \$4.6 million is anticipated, which is about \$600,000 more than what was budgeted for this year. Reported approximately \$3.4 million in salary savings is based on vacancies. A carryover savings of \$2.8 million is expected. The FY2013 budget is a little less: \$35.6 million in salaries and wages, \$7.7 million in operating expenditures, and \$1.1 million in equipment. Total of \$44.4 million compared to this year's budget of \$45 million. Major differences were due to the Information and Technology Section moving over to the County of Maui MIS.

**PERSONNEL
REPORT**

Mr. Takahashi handed out the Staffing Report as of April 18, 2012 which reflected 31 vacant sworn positions with 25 conditional offers pending. There are currently 15 civilian vacancies 9 conditional offers.

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION
WEDNESDAY, APRIL 18, 2012
PAGE 4**

Chief Yabuta reported that Deputy Corporation Counselor Adrienne Heely was nominated as judge of the District Family Court of the Second Circuit. In the department's perspective, she is a great choice, although a loss because she was instrumental in the contracting work for the Kihei Station.

The department sent a letter of recommendation to the State Legislature on her behalf and it may be something the Police Commission may want to consider doing. Counselor Murai related because legislative session is almost over, time is really compressed. Ms. Heely goes before the Senators on Friday and her confirmation hearing may be as early as Monday. Chair Tanaka asked if the Commission can submit an email testimony on behalf of Ms. Heely's appointment pending Senate confirmation to which Counselor Murai said yes.

A motion was made by Vice-Chair Jorgensen that Chair Tanaka will submit a testimony on behalf of the Commission. Commissioner Lundberg seconded the motion and carried unimously.

CORRESPONDENCE

None

RECESS: 11:15 a.m.
RECONVENE: 11:25 a.m.

OLD BUSINESS

- a. 2012 Police Commission Conference

Chair Tanaka updated the Commission on the conference. The Commission had a discussion regarding the speakers.

NEW BUSINESS

- a. Kauai County Charter – Police Department

A motion was made by Commissioner Lundberg to request Corporation Counsel to provide an opinion letter on who has the authority over the Chief of Police in regards to disciplinary action and accountability in his job duties. Commissioner Wilson seconded the motion and carried unanimously.

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION
WEDNESDAY, APRIL 18, 2012
PAGE 5**

EXECUTIVE SESSION

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

- a. Chief's Evaluation

Vice-Chair Jorgensen gave a report on the Policy Committee meeting he attended.

- b. MPC 12-03

A motion was made by Vice-Chair Jorgensen to deny Police Commission Complaint MPC 12-03 for investigation based on the discussion Chair Tanaka had with the complainant that she is satisfied with the resolution and is withdrawing her complaint. Commissioner Alcon seconded the motion and carried unanimously.

- c. MPC 12-05

A motion was made by Commissioner Lundberg to support the denial of investigation by the Police Commission based solely on Police commission Rule 13-101-23 (a). The motion was seconded by Commissioner Alcon and carried unanimously.

(12:10 p.m.) Vice-Chair Jorgensen exited the meeting.

A motion was made by Commissioner Lundberg to send a letter to Chief Yabuta expressing concern about an officer. Commissioner Vaught seconded the motion and carried unanimously.

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

RATIFY A motion was made by Commissioner Vaught to ratify the actions taken in Executive Session including Police Commission Complaint MPC 12-03, to deny investigation by the Police Commission based on a phone conversation on April 11, 2012 @ 5:40 p.m. with Chair Tanaka and the complainant indicating her satisfaction with the resolution, and is withdrawing her complaint; and the denial of

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION
WEDNESDAY, APRIL 18, 2012
PAGE 6**

investigation for Police Commission Complaint MPC 12-05 based solely on Police Commission Rule 13-101-23(a). The motion was seconded by Commissioner Alcon and carried unanimously.

ADJOURN (12:25 p.m.) A motion to adjourn was made by Commissioner Dixon and seconded by Commissioner Lundberg. The motion carried unanimously.

SUBMITTED BY

Cynthia Sasada, Police Commission Secretary

APPROVED

Kirk Tanaka, Chair