

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION  
WEDNESDAY, MAY 28, 2014 AT 9:30 A.M.  
KIHEI STATION-COMMUNITY ROOM, KIHEI, HAWAII**

**PRESENT** Roger Dixon, Chair  
Kelly Ruidas, Vice-Chair  
Pancho Alcon, Member  
Howard Hanzawa, Member  
Lawrence Ing, Member  
Gregg Lundberg, Member  
Kevin Tanaka, Member  
Michael Wilson, Member

**ALSO PRESENT** Gary Yabuta, Chief of Police  
Clayton Tom, Deputy Chief of Police  
Greg Takahashi, Business Manager  
Jeffrey Ueoka, Deputy Corporation Counsel  
Jerrie Sheppard, Deputy Corporation Counsel  
Arza Brown, Chaplain  
Cynthia Sasada, Secretary  
Lila Fujimoto, The Maui News

**EXCUSED** Nora Kawasaki, Member  
Danny Matsuura, Assistant Chief, Investigative Bureau Services  
Dean Rickard, Assistant Chief, Support Bureau Services  
Victor Ramos, Assistant Chief, Uniform Bureau Services

**CALL/  
QUORUM** Chair Dixon called the meeting to order at 9:35 a.m. A quorum was ascertained with seven Commissioners present to conduct business.

**OPENING  
REMARKS** The opening remarks were offered by Chaplain Arza Brown.

Chair Dixon recognized Ron Vaught for serving two different five-year terms on the Police Commission.

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

**APPROVAL OF  
MINUTES** A motion to approve the minutes of April 23, 2014 was made by Commissioner Lundberg and seconded by Commissioner Hanzawa. The motion carried unanimously.

**LETTERS OF COMMENDATION (4)**

Sergeant Jonathan Acosta; Officers D. Agarano, R. Cabral, C. Tom

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

#### **CHIEF'S**

**REPORT** Chief Yabuta read a Letter of Appreciation from Mayor Arakawa to Commissioner Ron Vaught and presented him with a Certificate of Appreciation for his years of service to the Police Commission.

Chief Yabuta thanked Commissioner Vaught for the many years he dedicated to serving on the Police Commission. Stated Mr. Vaught is a true contributor to this community and County of Maui.

Chief Yabuta informed the Commission the County departments have submitted and defended their budget. It seems like all the questions that needed to be asked and answered were done at deliberations, yet we were notified of the severe cuts. Related the Deputy and I were asked to return to Council to answer further questions, however, we were attending a conference, so Assistant Chief Ramos and Mr. Greg Takahashi were able to fill in. They did a wonderful job and were able to salvage some of the budget items that were cut, specifically the motorcycles, supervisor position, etc. The Council cut a lot of the vehicles on our list, which is important to us because MPD does not have subsidized vehicles. All of our vehicles are department owned and have to be cycled in and out to reduce the repair costs associated with older vehicles. We are awaiting the final budget print out and the CIP Project for the new Molokai Station land acquisition and a footprint for the Lahaina Station. He thanked the Commissioners who were able to attend the budget hearings.

#### **Commissioner Alcon entered the meeting at 9:53 a.m.**

Chief Yabuta announced he will retire in July after 31 years of service at the Maui Police Department. Chief Yabuta stated it has been his greatest honor to have served as Chief of Police for the Maui Police Department. He will assume a federal position as Director of the High Intensity Drug Trafficking Areas (HIDTA) on Oahu.

Deputy Chief Tom thanked Mr. Ron Vaught for serving on the Maui Police Commission and providing the public service announcements on behalf of the Maui Police Department.

Deputy Chief Tom announced the promotion of seven sergeants: Oscar Martin Del Campo; Frank L.K. Abreu; Mark Hada; LeAnn Galario-Guzman; Edith Quintero; Mike Crowe; and Michael McCutcheon. Promotions are effective June 16, 2014, and assignments are pending.

The 79<sup>th</sup> Recruit Class graduation will be held at the King Kamehameha Golf Course on Friday, May 30, 2014.

The 80<sup>th</sup> Recruit Class continues with nine recruits.

**FINANCIAL REPORT**

Mr. Takahashi handed out the Financial Report as of April, 2014. He reported based on the first ten months, there is a projected carryover savings of \$1 million. Related the estimated overtime for FY2014 is about \$5.2/\$5.3 million, which is more than the budget anticipated of \$3.9 million. FY2015 budget: the only adjustment made by Council on May 5th is the addition of five motorcycles (total of \$175,000) for the Motorcycle Unit. For FY2015, we were looking at a budget of \$52 million. They cut about \$3 million, however, most were added back. Of significance, as far as expansion positions: one Motorcycle Sergeant; reallocated four other positions to become part of the five person Motorcycle Unit; Supervisor ESD in Molokai; PSA for Lahaina; and two School Crossing Guards. He reported overtime was reduced by about \$500,000. As far as equipment, we requested about 40 vehicles and ended up with 16 replacement patrol vehicles and four SUV's were added. For the Police Commission: \$4,000 was removed from contractual services.

**PERSONNEL** Mr. Takahashi handed out the Staffing Report for April 23, 2014, which reflects 35 vacant positions with 18 conditional offers pending. There are currently 30 civilian vacancies, 16 of which are ESD positions.

Chief Yabuta introduced Officer Taylor Kamakawiwo'ole and Jan Pontanilla of the Community Policing Program, who gave a brief presentation addressing community concerns: civil matters, noise, homeless and vagrants issues.

**CORRESPONDENCE**

- a. PC 14-12 Hawaii Police Commission Minutes dated March 13, 2014
- b. PC 14-14 Honolulu Police Commission Minutes dated March 5, 2014

**A motion to file the Correspondence was made by Commissioner Lundberg and seconded by Commissioner Hanzawa. The motion carried unanimously.**

**OLD BUSINESS**

- a. Review of the State of Hawaii Police Commissioners' Conference

Chair Dixon stated he was impressed with the program the Hawaii Police Commission put together for state-wide conference this year, which was one of the best he has attended. He said the presenters were engaging and entertaining. Commissioner Lundberg echoed Chair Dixon's comments that it was the best one that he has attended so far.

**RECESS: 10:50 A.M.**  
**RECONVENE: 10:56 A.M.**

## **NEW BUSINESS**

### **a. Retirement of Chief Yabuta**

Chief Yabuta announced he will be retiring on July 31, 2014 with an addendum of mid-July.

### **b. Determination of Process for the Police Chief Selection**

1. Review of Recruitment
2. Recruitment Posting
3. Application Deadline
4. Discussion of Interview Questions
5. Number of Applicants to be Interviewed/Final List

A motion was made by Commissioner Lundberg to set the application deadline at 45 days from the date of the first publication of advertising the position. Commissioner Ruidas seconded the motion. The motion passed unanimously.

A motion was made by Commissioner Tanaka for the recruitment posting to require that applicants for police chief have: a Bachelor's degree and/or a graduate of the FBI National Academy; 15 years' experience in law enforcement, with at least five of those years being at the administrative level; citizen of the United States and a resident of the State of Hawaii within 60 days of appointment. Commissioner Ing seconded the motion and carried unanimously.

Commissioner Wilson made a motion to advertise the recruitment in the Star Advertiser, Maui News, International Association Chief of Police, County of Maui website, MPD Facebook and MauiNow.com. Commissioner Alcon seconded the motion and carried unanimously.

Commissioner Hanzawa made a motion to advertise the recruitment for a minimum of three times in each of the publications. Commissioner Tanaka seconded the motion.

Deputy Corporation Counselor Jeffrey Ueoka stated the Police Commission Rules require publishing at least once in the newspaper of general circulation in the state.

Commissioner Hanzawa amended the motion to advertise the recruitment for a minimum of three times in each of the publications, and if necessary more during that period of time. Commissioner Wilson seconded the motion and carried unanimously.

The interview questions will be emailed to the Commission Secretary.

The final list will be discussed at the June meeting.

### **c. Creation of Selection Committee**

1. Membership

## 2. Scope of Committee's investigation

Vice-Chair Ruidas moved to create an investigative group in accordance with Section 92-2.5(b)(1), Hawaii Revised Statutes, which shall be referred to as the Police Chief Selection Committee, Commission Members: Pancho Alcon, Gregg Lundberg, and Howard Hanzawa shall make up the membership of the Committee with Commissioner Kelly Ruidas as the Chair, each member shall have equal authority in decision-making, with the Chair making the determination in the event of a tie, and the Committee's investigation shall be limited to creation of the application form, the review and scoring of the application received and making the determination of the applicants that will make the final list and be interviewed in person or by phone. Commissioner Ing seconded the motion and carried unanimously.

### **EXECUTIVE SESSION**

**A motion to move into Executive Session was made by Commissioner Tanaka and seconded by Vice-Chair Ruidas. The motion carried unanimously.**

- a. Approval of Executive Session Minutes of April 23, 2014

**A motion was made by Commissioner Lundberg to approve the Executive Session Minutes of April 23, 2014. Commissioner Hanzawa seconded the motion and carried unanimously.**

- b. Request of Legal Representation Civil No. 13-00066 DKW/KSC

**A motion was made by Commissioner Lundberg to approve legal representation. Commissioner Hanzawa seconded the motion and carried unanimously.**

- c. Request of Legal Services dated April 29, 2014

The Commission discussed a legal opinion to clarify what records or documents the Police Commission can disclose to the media during a Commission Meeting.

- d. Evaluation of the Chief of Police

Commissioner Lundberg consolidated individual evaluations into a final document. The Commissioners will sign the final evaluation at next month's Commission Meeting. Chair Dixon thanked the sub-committee.

**REGULAR SESSION A motion to return to Regular Session was made by Commissioner Tanaka and seconded by Commissioner Ing. The motion carried unanimously.**

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

**ADJOURN (1:15 p.m.) A motion to adjourn was made by Commissioner Wilson and seconded by Commissioner Tanaka. The motion carried unanimously.**

**SUBMITTED BY**

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**Cynthia Sasada, Police Commission Secretary**

**APPROVED**

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**Roger Dixon, Chair**