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COUNTY OF MAUI, STATE OF HAWAII

MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION

JULY 24, 2019 AT 9:59 A.M.

MAUI POLICE DEPARTMENT

CHIEF'S CONFERENCE ROOM

REGULAR MEETING

REPORTED BY: SANDRA J. GRAN, RPR/CSR #424

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APPEARANCES

COMMISSION MEMBERS PRESENT:

- Randol Leach, Chair
- Roger Dixon, Vice Chair
- Lawrence Feinberg (in at 10:03 a.m.)
- Gwen Ohashi Hiraga
- Eugene Santiago
- Sharen Sylva
- Roberta Patnode
- Matthew Mano

STAFF PRESENT:

- Assistant Chief Victor Ramos
- Assistant Chief John Jakubczak
- Assistant Chief Sterling Kiyota
- Melissa Magonigle, Business Administrator
- Amy Lau, Commission Secretary

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(JULY 24, 2019, 9:59 A.M.)

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CHAIR LEACH: (Gavel.) I'd like to call the Maui Police Commission of Maui County July 24th, 2019 meeting to order. Agenda Item: Roll Call.

Commissioner Feinberg. Absent.

CHAIR LEACH: Commissioner Hiraga.

COMMISSIONER HIRAGA: Here. Present.

CHAIR LEACH: Commissioner Mano.

COMMISSIONER MANO: Here.

CHAIR LEACH: Commissioner Patnode.

COMMISSIONER PATNODE: Here.

CHAIR LEACH: Commissioner Redeker. Excused.

Commissioner Santiago.

COMMISSIONER SANTIAGO: Here.

CHAIR LEACH: Commissioner Sylva.

COMMISSIONER SYLVA: Here.

CHAIR LEACH: Vice Chair Dixon.

VICE CHAIR DIXON: Here.

CHAIR LEACH: Chair Leach. Here. We have a quorum. Opening remarks.

CHAPLAIN COLTON: A moment of silence. Let's just bow our heads, please.

Heavenly Father, we thank you for this beautiful day here on Maui and throughout our state. We ask in a special

1 way that you guide and help this commission as it supports and
2 encourages the men on patrol as well as our staff, that means
3 of what we do, we provide safety and protection for our people
4 in many ways they may need it. And thank you for all that our
5 officers were able to do during the recent fires that we have
6 in keeping everyone safe.

7 So guide and protect us, help us, we thank you for
8 all you've allowed us to do and continue to do, I pray for all
9 in Jesus' name. Amen.

10 COMMISSIONERS: Amen.

11 CHAPLAIN COLTON: Thank you, sir.

12 CHAIR LEACH: Thank you.

13 Agenda Item 4: Presentation by the Public of Oral
14 Or Written Testimony on Agenda Items of the Commission. Do we
15 have any today.

16 (No response.)

17 CHAIR LEACH: Seeing or hearing none, we'll move on
18 to the approval of the police commission meeting minutes of
19 June 26, 2019. Is there a motion to approve?

20 COMMISSIONER HIRAGA: Yes. I move that we approve
21 the minutes.

22 COMMISSIONER SYLVA: Second.

23 CHAIR LEACH: Any discussion?

24 (Response.)

25 CHAIR LEACH: Okay. Call for the vote. All in

1 favor, say "aye."

2 (Response.)

3 CHAIR LEACH: Opposed?

4 (No response.)

5 CHAIR LEACH: Okay. Motion carries. Thank you.

6 Like to acknowledge receipt of the Agenda Item 6

7 Letters of Accommodation for six. Well deserved.

8 Agenda Item 7: The Chief's Report.

9 ASSISTANT CHIEF RAMOS: Oh, okay. Good morning,
10 everybody.

11 COMMISSIONERS: Good morning.

12 ASSISTANT CHIEF RAMOS: Chair, Vice Chair,
13 Commissioners, the chief is on -- has been on vacation and
14 training. He just got back from the FBI National Academy
15 Conference in Phoenix, Arizona. He was up there with, I
16 believe, Captain Uedoi and I think he might return on Monday.

17 ASSISTANT CHIEF JAKUBCZAK: Monday.

18 ASSISTANT CHIEF RAMOS: Monday. Deputy Chief
19 Rickard is on vacation too, he's taking time off, but he'll be
20 back on Monday. So you have third string, so it'll be brief,
21 pretty brief.

22 I just wanted to bring up the Waikapu fire and we
23 had -- Waikapu fire and the Safeway fire occurred on July 11th
24 and then a subsequent fire on the next day on the 12th. And I
25 just wanted to bring up the -- how crazy it was. I mean, it

1 was -- it was nuts for patrol. Really good coordination with
2 Wailuku Patrol Lieutenant Micah Adams, Captain Everett
3 Ferreira; Kihei Patrol Captain Randy Esperanza, and Lahaina
4 Patrol Commander Captain Reid Pursley. They did a super good
5 job. I mean, there's not much you can do when you have a
6 large fire that's -- I mean, it was -- it was large when it
7 began and it became immense as it continued and it was running
8 fast because of the wind, so the officers had to continuously
9 find the best location to shut down the roadways.

10 And it was very painful, I know, for the community
11 economically as well, I know that was a large concern for the
12 mayor, but when it got safe enough and when the risk was
13 acceptable, the officers did their best to open up the
14 roadways gradually. And I can't say enough about the
15 coordination of patrol about the fires.

16 We also had Investigative Service Bureau officers
17 out there too, Vice, CID, JCPD officers manning traffic posts
18 so that patrol could go back to their normal duties. Because
19 even though the fire's taking place, we're still getting calls
20 for services going on too. So a lot of hours put in for the
21 11th and the 12th.

22 The Safeway Fire occurred roughly in the afternoon
23 just when pretty much Fire was wrapping up, the first fire,
24 and you could here the oxygen leave the EOC when the start of
25 the second fire took place. And I seen Chief Rylan

1 Yatsushiro's head go down on his head, I mean, that's the way
2 it is. I mean, we train all the time for different scenarios,
3 but you can't really train -- you know, we have a yearly
4 emergency training called Makani Pahili and it's worst case
5 scenarios just to get inter-cooperation of agencies and so on.
6 But this one, you can't -- I mean, it's like you can't dream
7 up this scenario. But it just showed the really good
8 cooperation between fire and police and even the EOC, so just
9 fantastic job.

10 VICE CHAIR DIXON: Chief.

11 ASSISTANT CHIEF RAMOS: Yeah.

12 VICE CHAIR DIXON: I know EOC was stood up for the
13 fires.

14 ASSISTANT CHIEF RAMOS: Yes.

15 VICE CHAIR DIXON: Was there a unified field command
16 in addition or was that needed?

17 ASSISTANT CHIEF RAMOS: I think fire had their own
18 command.

19 VICE CHAIR DIXON: So there was no integrated --

20 ASSISTANT CHIEF RAMOS: No.

21 VICE CHAIR DIXON: -- police/fire on the scene.

22 ASSISTANT CHIEF JAKUBCZAK: It was done through the
23 EOC --

24 VICE CHAIR DIXON: Through the EOC.

25 ASSISTANT CHIEF JAKUBCZAK: Yeah. So we had our

1 personnel --

2 VICE CHAIR DIXON: Right.

3 ASSISTANT CHIEF JAKUBCZAK: -- up there, yeah.

4 VICE CHAIR DIXON: I just wondered if there was a
5 field command.

6 ASSISTANT CHIEF RAMOS: Okay. And as a result of
7 that fire, CID identified a suspect, asked CRU for help, and
8 CRU was doing an outstanding job, as usual, and they located a
9 suspect that had a tattoo of a B on his face, so he was picked
10 up. He was -- he was arrested for arson in the first degree
11 and UCP, which is stolen vehicle, but he was kept on other
12 warrants that he was wanted for, so... Fortunately for us, we
13 caught the responsible.

14 Second, let me see, Wailea fire just occurred
15 recently.

16 COMMISSIONER HIRAGA: Yeah.

17 ASSISTANT CHIEF RAMOS: You guys read, you guys up
18 to date on that.

19 VICE CHAIR DIXON: Right in my neighborhood, yep.

20 ASSISTANT CHIEF RAMOS: Yeah. And then how it
21 started, a young man smoking his weed and ash and all of that.

22 (Chuckling.)

23 ASSISTANT CHIEF RAMOS: I know that AC Jags will
24 cover probably our Speed Team that went up to assist with the
25 TMT protest.

1 And I think, AC Jags, if you don't mind covering
2 fireworks. We did have an operation that patrol put together,
3 that was a question that was brought up prior in this meeting
4 and you've got some good news for the -- for the commission.

5 Lastly, I'd like to just say that the Pacific Youth
6 Sports and Fitness Expo that occurred on the 13th was a huge
7 success. It was from 9:00 to 1:00 and it happened on the 13th
8 of July. It was touch and go for the location because the
9 fires were taking place. The War Memorial was used as a
10 location to bring the tourists that were flying in and so we
11 tried our best and prayed, did a lot of praying, to make sure
12 that they could use other locations instead of that because
13 it's a really good fund-raising for our youth and it was very
14 successful, thousands of people attended.

15 And that's it for me, so I'll go to AC Jags.

16 ASSISTANT CHIEF JAKUBCZAK: Okay. Thank you, Chief.

17 Good morning, Chair, Vice Chair, and Commission
18 Members.

19 COMMISSIONERS: Good morning.

20 ASSISTANT CHIEF JAKUBCZAK: And I see Lila there.
21 How you doing?

22 First of all, okay, lots to cover. I would love to
23 say there's nothing happening, but that'd be very -- it's very
24 wrong because there's a lot of things happening this month.
25 Before I cover those things that the chief mentioned, I want

1 to just go over some of the things that -- recently that you
2 guys might be aware of.

3 On July 21st, Upcountry units were dispatched to a
4 motor vehicle collision involving a vehicle and a motorcyclist
5 on Haleakala Highway near mile marker 7.5. Officers arrived,
6 they observed a blue Suzuki motorcycle in the middle of the
7 roadway with various parts scattered and a white Subaru 4-door
8 sedan having severe damage to the passenger side of the
9 vehicle. The occupant of the vehicle was not injured;
10 however, the motorcyclist sustained life-threatening injuries
11 and was transported to the Maui Memorial Medical Center for
12 medical treatment. Preliminary findings suggest that the
13 vehicle was conducting a U-turn in the middle of the roadway
14 when the motorcyclist collided into him. Okay? An update to
15 this, I believe the motorcyclist was transported to Queen's
16 for further treatment of his life -- his critical injuries, so
17 I don't have an update as far as what he is now, but he was
18 transported out. So that was a classified as a near-fatal
19 motor vehicle accident.

20 On the same day at about 7:24 p.m. a motor vehicle
21 collision occurred at Piilani Highway just north of East
22 Welakahao Road. The collision occurred as Unit 1 was
23 traveling northbound within the inner lane of travel on
24 Piilani Highway and crossed left of center and collided into
25 Unit 2 which was traveling southbound within the inner lane of

1 travel on Piilani Highway. Unit 2 then collided into Unit 3
2 which was traveling southbound within the outer lane of travel
3 of Piilani Highway. The Unit 2 operator, a 49-year-old
4 female, was pronounced dead on scene. The Unit 1 operator was
5 a 43-year-old male was transported to Maui Memorial Medical
6 Center for his injuries. And also he was medevaced to Queen's
7 Medical Center on Oahu for his injuries. A Unit 2 passenger,
8 a 14-year-old juvenile, was transported to Maui Memorial
9 Medical Center in critical condition. The Unit 3 operator, a
10 74-year-old female, was transported to the medical center
11 for -- and was in stable condition. An update on that case,
12 unfortunately, the 14-year-old juvenile male, the son of the
13 49-year-old female in that Unit 2 vehicle, succumbed to his
14 injuries and was -- and had expired in the intensive care
15 unit.

16 Again, these traffic fatalities that are occurring,
17 I mean -- well, going back, the -- alcohol is a factor in this
18 motor vehicle collision. And, unfortunately, it's, I think,
19 No. 13 this year as compared to ten last year. And there was
20 a -- something in the news yesterday, Lieutenant Hankins had
21 gave a press release and I thank Lila, I know she's working on
22 a story right now with Lieutenant Hankins in the Traffic
23 Division. Our guys are -- how should -- for lack of a better
24 word, tired of doing these cases, I mean, senseless cases,
25 having to respond for fatal accidents that could be prevented.

1 And they're gonna continue pushing the message and getting out
2 there and doing what they can, but like Lieutenant Hankins has
3 mentioned, sometimes -- at one point people have to be
4 responsible for their actions and they need to stop this from
5 happening in the future, so that's my little rant. I
6 apologize for that.

7 Just getting away from that, another case that
8 happened on Monday, this past Monday in Lahaina, the officers
9 in Lahaina were monitoring the demonstrators/protesters, if
10 you will, in the area of Honoapiilani Highway and Kaanapali
11 Parkway in Lahaina. They were on the makai side and waving
12 signs to passing motorists, which is fine, we're just making
13 sure that they're safe and everyone's safe, that's our
14 objective. But one of the officers observed a silver-colored
15 SUV traveling southbound past the protesters and the vehicle
16 was, you know, honking his horn in support of the protesters
17 or the demonstrators and I guess he was driving slowly by
18 them. At one point as he passed in front and stopped in front
19 of the protesters, he just stopped right there, stopping all
20 traffic and making them go around, creating a hazard
21 situation, especially that time of day, I think it was about
22 6:00 p.m., pau hana traffic guys going out -- in and out of
23 Lahaina. Officers conducted a traffic stop for impeding
24 traffic.

25 Upon approaching the vehicle, they contacted the

1 operator and the officers observed three rounds of loose rifle
2 ammunition within the open ashtray, they also -- they removed
3 the operator from the vehicle, identified him, the male, a 19-
4 year-old, and they got consent from him to search his vehicle,
5 at which time a bolt-action rifle, unloaded; an additional six
6 rounds of rifle ammunition; 20 rounds of secured rifle
7 ammunition; a pair of brass knuckles; a butterfly knife; and
8 some grams of marijuana were found within the vehicle. So the
9 young man was arrested for place to keep firearm, place to
10 keep ammunition, butterfly knife, deadly weapons prohibited,
11 and promoting a detrimental drug in the second degree and he
12 was released pending further investigation.

13 But, again, our job is not to come down on the
14 people who are legally demonstrating and having their right to
15 First Amendment speech, we're just there to make sure both --
16 everyone is safe, those who are demonstrating and exercising
17 their rights and those who are utilizing the highways to --
18 for traffic, so...

19 Chief mentioned about the fire in Kihei, so I'm not
20 gonna go over that. The last one I want to mention is this
21 happened -- and it's still under investigation -- on Monday.
22 Patrol officers were assigned to respond to the area of Amala
23 Place near Kaa Point, which is Kite Beach, for two males
24 reportedly brandishing firearms. The caller reported that her
25 son's reported stolen Honda 4-door sedan was at that location.

1 So she and her boyfriend went to that location, identified a
2 male there, confronted him about their son's stolen vehicle
3 when that person began calling some other people to -- to his
4 location on the phone. All of a sudden two vehicles showed up
5 and accosted the mother and the boyfriend and they actually
6 assaulted the boyfriend. One of the males brandished a
7 firearm and threatened the female. Police were contacted;
8 however, the group of males and females in the two vehicles
9 were able to flee the area before their arrival. The stolen
10 vehicle was recovered and turned over back to its owner.
11 Through investigation patrol units identified one of the
12 females as an occupant and accomplice to the males. CID also
13 responded and they were assigned to the case and they received
14 further information that one of the vehicles that was utilized
15 in that incident was at Hale Makana O Waiale and the officers,
16 including my Crime Reduction Unit officers, responded and
17 located and arrested a male there for not only this case, but
18 for multiple warrants. And that case still going on, I know
19 that other -- there were three other males who were identified
20 and are being sought for -- I think they were brought in, some
21 of them already.

22 ASSISTANT CHIEF RAMOS: Yeah, some.

23 ASSISTANT CHIEF JAKUBCZAK: Yeah. So we have -- we
24 also have vehicles in our impound that are being -- search
25 warrants are being applied for. In fact, some were executed

1 yesterday and I believe -- I'm pretty sure one firearm so far
2 has been found in one of the vehicles. So that case is an
3 ongoing dynamic case at this point in time, but it just shows
4 you the patrol officers responding, getting information,
5 acting on that; crime reduction officers coming into it with
6 their able -- ability to get information and get to other
7 areas; and the detectives working together to get a positive
8 outcome on this case.

9 So I know I shouldn't say there's no questions,
10 'cause I know there will be questions, so -- but that is my
11 report, Chief.

12 ASSISTANT CHIEF RAMOS: Talk about the deployment of
13 the SPEED Team and the fireworks.

14 ASSISTANT CHIEF JAKUBCZAK: Oh, sorry. Okay. I
15 have so much here.

16 As far as the SPEED Team, last week -- I think the
17 week before, maybe.

18 ASSISTANT CHIEF RAMOS: The 16th.

19 ASSISTANT CHIEF JAKUBCZAK: The 16th the Big Island
20 chief requested to our chief for assistance in responding to
21 their island to assist them with this TMT protest. And,
22 actually, initially it was to assist with the safe convoy of
23 vehicles to the summit of Mauna Kea. By the time we got
24 there -- I think we got there on a Tuesday, last week Tuesday,
25 by that time, obviously, there was protesters or demonstrators

1 there at the access road to Mauna Kea. At that time our
2 objective and our role was to assist Hawaii County Police
3 Department and with the -- and with the knowledge that the
4 state was actually the people in charge 'cause from the access
5 road up to Mauna Kea is under state DOCARE control, along with
6 UH, I believe that's the scientific astrology program.

7 While we were there we were deployed once, that was
8 on the Monday -- excuse me, Wednesday. I was there to make
9 sure our group was -- as a representative for the police
10 department -- chief and our Speed Team. We were activated at
11 one point when the roadway got congested to a point where the
12 roads had to be closed because vehicles were just being parked
13 in the middle of the road and abandoned while people were
14 going to the middle of the access road. So that's the purpose
15 for us to get there, to make sure that everything was safe for
16 everyone on both sides of this situation. Once the roadway
17 was cleared, we were pulled back and, for the most part, the
18 rest of our time there was just in a support role if they need
19 be. Our guys are back, they returned yesterday, and they'll
20 go back to their regular scheduled positions or assignments.

21 Going to the fireworks, on July 4th and from hearing
22 not only from you folks, but from the community with more
23 things needed to be done regarding fireworks, patrol decided
24 to make several special assignments that day along with my
25 CPOs and CRU unit and their job was to basically flood the --

1 especially the central area with a response team to these
2 complaints. Now, they -- whatever fireworks complaints came
3 about, they started to take them. They were able to cite
4 several people for fireworks violations. Again, remember now,
5 fireworks violations are more of an on view, especially the
6 aerials, on view citation, but the officers, I think we -- off
7 the top of my head I don't have all the stats on that, I
8 apologize for that, but I think there were about eight or more
9 fireworks violations that people were cited for. So I think
10 it was very successful that -- you know, people might think,
11 oh, eight, but that's eight more than we've had, you know,
12 previously. It sends a message to the community that we are
13 serious about fireworks and fireworks violations and we're
14 going to do more of these in the future to address these
15 concerns.

16 Chief.

17 ASSISTANT CHIEF RAMOS: Thank you. I appreciate it.

18 VICE CHAIR DIXON: One question on the mutual aid
19 that was required on the Big Island and since the governor
20 declared an emergency, is Maui County going to get any
21 reimbursement for this?

22 ASSISTANT CHIEF JAKUBCZAK: Yes. Reimbursement will
23 be made through the AG's office.

24 VICE CHAIR DIXON: Okay. Good.

25 ASSISTANT CHIEF RAMOS: And, actually, the chiefs

1 have a -- we try to work together, but each jurisdiction and
2 according to the HRS 52D-5, there's a law that protects --
3 that says if one chief requires assistance from another chief,
4 another jurisdiction, as long as there's agreement between the
5 two, they can go into the other person's jurisdiction with all
6 authority and rights and everything else.

7 VICE CHAIR DIXON: I know about mutual aid. I was
8 wondering about the money piece.

9 ASSISTANT CHIEF JAKUBCZAK: Yeah, yeah, yeah. That
10 was agreed upon through the -- the attorney general's office.

11 VICE CHAIR DIXON: Okay.

12 COMMISSIONER PATNODE: My question is just how
13 common is that to go to help another county?

14 ASSISTANT CHIEF RAMOS: We -- not on this scale, not
15 on this huge scale, but it happens quite often, especially
16 with vice officers and CID and sometimes patrol. But on this,
17 this is the first time it's been this large.

18 ASSISTANT CHIEF JAKUBCZAK: If you remember back in
19 day, Green Harvest --

20 COMMISSIONER HIRAGA: Oh, yeah.

21 ASSISTANT CHIEF JAKUBCZAK: That was a common
22 operation statewide, every county would send officers to --
23 over to the Big Island, Maui, Kauai, Honolulu to participate
24 in that as part of an agreement like the chief was mentioning.

25 ASSISTANT CHIEF RAMOS: And so patrol, Chief Jags'

1 unit or bureau, is really busy nowadays. Since TMT took
2 place, there's daily demonstrations in all locations, all
3 different islands.

4 COMMISSIONER HIRAGA: Yeah.

5 ASSISTANT CHIEF RAMOS: And so patrol is just
6 staying on top of it. There's good communication between the
7 people that are demonstrating and our CIU units and our
8 commanders, so that's gonna continue, it's gonna -- it should
9 continue to be safe. We expect no issues or problems with
10 that.

11 ASSISTANT CHIEF JAKUBCZAK: And if I can add on to
12 that, yes, they've been in contact with us, let us know where
13 it's happening, and we respond if we have to just to make sure
14 they're safe as well as other people. So as an example,
15 yesterday there was a demonstration I think by Kahului
16 Shopping Center and one of the organizers contacted us toward
17 the end of it for assistance in crossing the road, it was such
18 a big group, 'cause they were going back to their vehicles or
19 back to the other side to Hoaloha Park side. We had no
20 problem, we responded, helped the people cross the street so
21 everyone's safe and everyone can move on with their day.
22 Again, allowing the people to exercise their First Amendment
23 rights.

24 We've had one at the county building, we've -- in
25 fact, the one at Kahului Shopping Center is gonna continue, I

1 think, the rest of this weeks.

2 COMMISSIONER HIRAGA: Yeah, this week.

3 ASSISTANT CHIEF JAKUBCZAK: Yeah. So, again -- so
4 we don't -- we're not gonna send anybody there just to stay
5 with them the whole time, but we will make periodic checks on
6 them, make sure they're okay. And so far they've been
7 organizing and keeping everyone safe and orderly so we don't
8 have to assign units just to check on -- or to be with them
9 the whole time, in other words. So we're able to do our
10 normal function, patrol function and just make checks to make
11 sure everything is going good and traffic is flowing and
12 whatnot.

13 ASSISTANT CHIEF RAMOS: So the last point I --
14 sorry. Go ahead.

15 COMMISSIONER FEINBERG: In relationship to the
16 fireworks, it's a great thing that you've made some arrests
17 and made a presence in the neighborhood. What about looking
18 at the source for the fireworks?

19 ASSISTANT CHIEF JAKUBCZAK: Yeah. And we -- I think
20 we talked about that once before. A big issue with that is
21 where it comes in. It comes into the harbors and I believe --
22 and what I found out was, I wanna say, and I hope I -- don't
23 quote me on this, the coast guard or someone else has the
24 authority to check on the -- the load, what's coming in, and
25 how far they go to check that load. So the problem is us,

1 unless we have information that the load is in a particular
2 container or that it is outside of what the load should be --
3 so, in other words, going back, there is legal fireworks that
4 come in, it's transported to the island via barge and from
5 there it gets distributed to whomever has purchased the --
6 legally purchased the fireworks, whether it's in Lahaina where
7 there's a show or Wailea or what have you. It's up to the
8 people at the harbor and other agencies to check on the load.
9 Now, if they check off on it, it's good, it goes away. Unless
10 we get some kind of information that some illegal fireworks
11 are bringing -- being brought in, we don't have the
12 information to secure a warrant to get into that container
13 otherwise. So now we're more left to react to fireworks like
14 we've been doing to make a dent into what's going on, so...

15 COMMISSIONER FEINBERG: Yeah, but aren't you guys --
16 have higher authority than they have? I mean, it's -- you're
17 Maui County, as long as it comes into either Maui County water
18 or even the docks are --

19 ASSISTANT CHIEF JAKUBCZAK: Are state.

20 COMMISSIONER FEINBERG: That's state land?

21 ASSISTANT CHIEF JAKUBCZAK: It's state land. It's
22 state -- it's a state agency, there's the harbor police and
23 there's transportation, department of transportation -- state
24 department of transportation has authority in those areas,
25 commerce, as well as federal have jurisdiction in those areas.

1 So, again, before we can even get involved, we'd have to have
2 cooperation, information that there's something illegal coming
3 in through the ports and then we can reach out to them and
4 say, Hey, we need this information, we're working on this, we
5 have this information, and then to get assistance into looking
6 into containers again for warrants.

7 COMMISSIONER FEINBERG: So it's an ongoing -- you
8 know, it's an ongoing problem.

9 ASSISTANT CHIEF JAKUBCZAK: Right, right.

10 COMMISSIONER FEINBERG: I mean, you know, we have it
11 Fourth of July and New Year's Eve, so those agencies should be
12 made aware that it is a primary target for the Maui Police
13 Department. And you're the ones that actually have the
14 ultimate responsibility of patrolling it in the streets.

15 ASSISTANT CHIEF JAKUBCZAK: Right. And we'll
16 continue --

17 (Ms. Lau left the room.)

18 COMMISSIONER FEINBERG: And that's where the bad
19 part is they have to do their job, so you guys can use your
20 influence on them to do their job better. You know, I
21 understand that, you know, Lahaina has it and Kaanapali has it
22 and there are legal fireworks and that what they -- when
23 they're shipped in, I would imagine that they're all -- you
24 know, it's a big container, a 40-foot container, the first 20
25 feet is legal, the second 20 feet you can't see all the way in

1 the back, you know, people, you know, pad their invoices.

2 ASSISTANT CHIEF JAKUBCZAK: Invoices, right, right.
3 And just to let you know, we have had -- in fact, this last
4 July 4th, right prior to that, I think a week prior to that,
5 we reached out and had conversations with our partners in the
6 state, with the Coast Guard, with other agencies to address
7 this same issue you brought up, so we're still working with
8 them, we're still having dialogue with them, and we hope to --
9 in this next coming New Year's, I guess, rotation here, is to
10 have a little more impact on the fireworks issue.

11 COMMISSIONER FEINBERG: Yeah. I would think if the
12 paper would, you know, really push that, that, you know, you
13 guys are on it, we're on it, you know, that -- and that the
14 public should understand that it is very, very dangerous,
15 especially with all these fires that we've been having. And
16 all of these residential areas border the cane fields, the old
17 cane fields that are just tinder, as you can see. And with
18 the wind, it just sweeps through the place and thousands of
19 acres and we're very, very fortunate that in these last couple
20 of fires that no life or property has been damaged and it's
21 all -- you know, it's been here. And I see constantly -- I
22 mean, I live in Pukalani, I look down, I see it's a tinderbox
23 in Central Maui.

24 ASSISTANT CHIEF JAKUBCZAK: Yeah. We'll reach out
25 to our media partners to see --

1 COMMISSIONER FEINBERG: Thank you very much.

2 ASSISTANT CHIEF JAKUBCZAK: Thank you.

3 ASSISTANT CHIEF RAMOS: A lot of credit to the Maui
4 Fire Department too.

5 COMMISSIONER FEINBERG: Yeah.

6 ASSISTANT CHIEF RAMOS: They're doing a --

7 COMMISSIONER FEINBERG: Oh, they're doing terrific.

8 ASSISTANT CHIEF RAMOS: -- yeah, a good job.

9 COMMISSIONER FEINBERG: But you know something,
10 it's -- what happened is that when they closed down the cane
11 field, they sold off all of their firefighting equipment, so
12 all of that stuff that was in place there, the water tankers
13 and, you know, the bulldozers that they cut the fire breaks,
14 those are not there anymore, that you have to depend on the
15 fire department and on the local contractors, the Rojac's and
16 the Goodfellow's, and people like that to prevent that. But
17 it's a -- it's -- that is probably the biggest danger to the
18 county besides invasive species coming in, you know, burning
19 the whole place down.

20 ASSISTANT CHIEF JAKUBCZAK: Yeah. As he mentioned
21 with the fire department, I'd just like to shout out -- shout
22 out to the local construction companies, Goodfellow --

23 COMMISSIONER HIRAGA: Yeah.

24 ASSISTANT CHIEF JAKUBCZAK: -- TJ Gomes. And also
25 the state firefighters at the airport brought their two big

1 trucks with the cannons on them and especially the fire by
2 Safeway, the new Safeway, they helped to fight that fire as
3 well, contain that fire. So like I said, we've always had in
4 Maui County the aloha spirit, people coming together to
5 address these types of disasters as they occur, so we've been
6 very, very fortunate, so...

7 COMMISSIONER FEINBERG: Well, thank you, Chief.

8 ASSISTANT CHIEF RAMOS: Thank you, Chief Jags.

9 Before continuing to AC Kiyota, the last point I
10 wanted to make about the TMT done demonstration was that, the
11 calls for service in our community was never in danger when we
12 had our -- deployed our manpower there. We have ample
13 staffing to take care of all calls of service if this happens
14 in the future and while it took place, so that was never a
15 concern. The community should not be concerned about that,
16 because, again, we have ample manpower.

17 So AC Kiyota.

18 ASSISTANT CHIEF KIYOTA: Thank you, Chief.

19 Good morning, Chair, Vice Chair, and Commissioners.
20 I'll start off with our recruits. So the nine officers of the
21 88th Recruit Class graduated on June 28th at a ceremony at the
22 King Kamehameha Golf Course. So awards were presented to the
23 following recruits: Patrick Fogarty won the notebook award,
24 Nicholas Yuson got the arrest defense tactics, and Recruit
25 Matthew Cardenas received the firearms, scholastic, physical

1 fitness, and outstanding recruit award. And thank you for the
2 commissioners who came to the graduation. All of the nine
3 officers are currently in their first phase of FTO training
4 and doing well.

5 The 13 recruits of the 89th Recruit Class are
6 currently in their CPR, AED, and first responder portion of
7 their training.

8 The first recruit of the 90th Recruit Class started
9 on July 8th and we currently have nine others in various
10 stages of the hiring process.

11 Lieutenant Foster, John Foster of our Communications
12 Section is currently attending the 277th session of the FBI
13 National Academy and he is scheduled to graduate on September
14 13th.

15 We also have one promotion from our bureau,
16 Lieutenant Greg Okamoto of the Community Relations Section has
17 been promoted to the rank of captain and will be assigned as
18 the commander of the Molokai District effective August 1st.

19 That's my report.

20 VICE CHAIR DIXON: Who's gonna be in media?

21 ASSISTANT CHIEF KIYOTA: What was that?

22 VICE CHAIR DIXON: Who's gonna be in media taking
23 his place?

24 ASSISTANT CHIEF JAKUBCZAK: I think --

25 ASSISTANT CHIEF KIYOTA: Well, yeah, right now I

1 think Acting Lieutenant John Sang will be filling that --

2 ASSISTANT CHIEF JAKUBCZAK: He has to write all his
3 own speeches now.

4 VICE CHAIR DIXON: Okay. Well, that's --

5 ASSISTANT CHIEF RAMOS: Thank you, AC Kiyota.
6 Melissa.

7 MS. MAGONIGLE: Hi. Good morning, Chair, Vice
8 Chair, Commissioners. For the financial report, at the end of
9 May we were with a 17 percent balance in our budget, so we're
10 still looking pretty good for hitting our budget target.
11 Premium pay did go over, but that's due to staffing shortages
12 and natural disasters, but overall we still have a 17 percent
13 balance.

14 For the CIP projects, we continue to work on the
15 projects. We're working on the specs for the air
16 conditioning, for the fuel tank, so that's still going through
17 the process. Once we get that, we'll do the request for bids
18 so that we can encumber and spend the money. We have until
19 December to expend that money. And we were approved for some
20 more projects in FY '20.

21 For the grants, just an updated grant report on our
22 balances and what we have expended so far.

23 I also submitted the budget report to everybody, I
24 think Amy had sent that out, so I had presented that to the
25 commanders, the commanders meeting on July 15th. So they had

1 submitted all their requests in September and I think I put a
2 timeline in there just to show process of it. So we did close
3 the gap on that to present to the commanders and show them,
4 Okay, this is what was asked for, this is what got cut, and
5 this is what finally got approved. So that's kind of the --
6 what is in the packet that was submitted to all of you on the
7 budget for FY '20.

8 For the staffing report, for sworn -- and this is as
9 of June 30th. For sworn, we have 46 vacancies, 88 percent
10 staffing. For non-sworn civilian, we have 32 percent
11 vacancies, 77 percent staffing. And overall department-wide,
12 78 vacancies and at 85 percent staffing.

13 As AC Kiyota mentioned we did hire one, we have nine
14 right now in the physical phase, which means they're at the
15 medical stage, so as soon as we get medical clearance, we can
16 set up a hire date for them to join the 90th Recruit Class.

17 I also wanted to point there was a raise, a 2
18 percent raise for all SHOPO members, so they had a 2 percent
19 raise as of July 1st, so I updated the amount that's listed on
20 the staffing report. They also get a lump-sum payment
21 depending on what step level they're at.

22 For our non-sworn -- well, for the dispatchers,
23 HGEA, there's still no contract finalized, so we don't know
24 yet if there's going to be any raises or not, so I'll update
25 that once that's completed. For vacancies, there's 21

1 vacancies and at 52 percent staffing.

2 That's all I have on the reports.

3 CHAIR LEACH: A couple of questions, Melissa. You
4 mentioned the SHOPO, with patrol, what percentage are SHOPO
5 members? I was curious.

6 MS. MAGONIGLE: The percentage? I would say three-
7 quarters of the department are SHOPO members.

8 CHAIR LEACH: Are SHOPO, okay. And then when there
9 is an incident like the fires or, you know, a hurricane and
10 there's extra manpower that's on overtime, where is that in
11 the budget or do we have like a rainy day fund?

12 MS. MAGONIGLE: That would all come out of premium
13 pay, so that would just go into our budget. There's some
14 stuff we do get reimbursed. The fires in Lahaina --

15 CHAIR LEACH: Yeah.

16 MS. MAGONIGLE: -- that was declared an emergency,
17 so we did get -- well, we will be getting reimbursement from
18 FEMA, so that money for the reimbursement will go back into
19 the general fund.

20 CHAIR LEACH: Okay. Good.

21 VICE CHAIR DIXON: The county's general fund.

22 MS. MAGONIGLE: Yeah, the county's general fund.

23 CHAIR LEACH: Yeah.

24 MS. MAGONIGLE: Yeah.

25 CHIEF RAMOS: That's it, Chair.

1 CHAIR LEACH: Okay.

2 ASSISTANT CHIEF RAMOS: Thank you.

3 CHAIR LEACH: Thank you.

4 Anyone else?

5 (No response.)

6 CHAIR LEACH: Okay. Thank you.

7 Okay. Number -- Item 10: Old Business, Discussion
8 of Police Commission Investigator. Roger has an update. And
9 I want to thank him for his diligence and hard work on getting
10 us to where we are now on that.

11 VICE CHAIR DIXON: The last few months we've
12 discussed as a group finding an investigator because of the
13 difficulties we've been having lately. I talked to Moana,
14 corp counsel, and she pledged that her investigator they just
15 hired two weeks ago will be able to do the investigations for
16 the police commission, which is a great thing. See, our
17 government works really well. So we don't have to go out and
18 contract -- interview and contract with a private, we're able
19 to do it in government. And we have two pending, I think, for
20 investigation -- one in progress and one pending. And we'll
21 talk about that in executive session, yeah. So that's where
22 we're at, so we don't have to form subcommittees, we don't
23 have to do this and that, just -- let's just go.

24 COMMISSIONER FEINBERG: I have a question. I
25 wasn't -- I wasn't at the last meeting. What happened to the

1 investigator from Oahu?

2 VICE CHAIR DIXON: Well, we'll get into that in
3 executive.

4 COMMISSIONER FEINBERG: Oh, okay.

5 CHAIR LEACH: Anything else on that?

6 VICE CHAIR DIXON: No.

7 CHAIR LEACH: Thank you, Commissioner.

8 Next Agenda Item 10.b, the 2020 -- the first time
9 I've said that, 2020 -- Maui Police Commissioners Conference
10 Subcommittee Report. Gwen.

11 COMMISSIONER HIRAGA: I'll start off and then ask
12 Roger and Sharen to add in, but -- Roger, Sharen, and I met
13 today, our first meeting, to start planning for the Police
14 Commissioners Conference, the 2020 Police Commissioners
15 Conference, and we talked about possible dates, possible
16 venues, possible topics. And we have decided to meet every
17 month just prior to our commission meeting for ongoing
18 planning and we'll provide monthly updates.

19 Roger.

20 VICE CHAIR DIXON: We have identified a venue. It's
21 gonna be in Las Vegas.

22 (Laughter.)

23 COMMISSIONER SANTIAGO: You read my mind.

24 VICE CHAIR DIXON: Yeah. Everybody wants to go.

25 We're working on venue. The date -- or the venue

1 will pretty much dictate the date in March or April we'll have
2 the conference. So if we can get a good price at a venue,
3 we'll build the date around that. And we've done this before,
4 the commission -- all commissions do, so we're not -- we're
5 trying not to reinvent the wheel, just go with what we know,
6 and -- but, of course, changing topics. A number of topics
7 that Sharen and I and Gwen discussed, we're trying not to be
8 boring, you know.

9 COMMISSIONER SANTIAGO: Maui's hosting?

10 COMMISSIONER HIRAGA: Maui's hosting.

11 VICE CHAIR DIXON: Yeah, Maui's hosting.

12 ASSISTANT CHIEF JAKUBCZAK: What about Molokai?

13 COMMISSIONER HIRAGA: Molokai?

14 VICE CHAIR DIXON: Yeah.

15 (Laughter.)

16 COMMISSIONER PATNODE: You know, I have had a
17 thought, you know how Jeff has not been able to attend any of
18 our conferences, he said, because it comes during the budget
19 season and I was wondering if we could try to find out when he
20 would be available.

21 VICE CHAIR DIXON: Well, he won't because we lost
22 him.

23 CHAIR LEACH: He's not our attorney.

24 VICE CHAIR DIXON: He's no longer our attorney.

25 COMMISSIONER HIRAGA: He's not assigned.

1 COMMISSIONER PATNODE: He is not?

2 VICE CHAIR DIXON: No. He's currently in the
3 Molokini Ward.

4 (Laughter.)

5 VICE CHAIR DIXON: Being debriefed.

6 COMMISSIONER HIRAGA: Right.

7 (Laughter.)

8 COMMISSIONER MANO: Finally.

9 COMMISSIONER FEINBERG: We're without an attorney?

10 VICE CHAIR DIXON: No. We have an attorney, yeah,
11 the corp counsel has appointed.

12 COMMISSIONER FEINBERG: They're not here.

13 VICE CHAIR DIXON: Yeah.

14 COMMISSIONER HIRAGA: And, in fact, Gary is not here
15 now, but Amy is calling him. I asked her to call him because
16 he's not at our meeting.

17 VICE CHAIR DIXON: Yeah.

18 COMMISSIONER PATNODE: So it would be Gary?

19 VICE CHAIR DIXON: Yeah.

20 COMMISSIONER HIRAGA: At least temporarily.

21 COMMISSIONER PATNODE: And will there be a conflict
22 with Gary -- I mean, 'cause Jeff's conflicts was that he was
23 assigned to the budget committee as well, so I don't know if
24 there'd be a conflict and -- which would prevent them from
25 attending, but I think it would be very important to have

1 them.

2 COMMISSIONER HIRAGA: I think that's a good point.

3 (Ms. Lau entered the room.)

4 COMMISSIONER PATNODE: Just in case it's a conflict,
5 if we -- are we stuck with March and April as --

6 VICE CHAIR DIXON: We kind of area, yeah, because of
7 the other conference is in the fall, we're on summer and then
8 we've got --

9 COMMISSIONER PATNODE: So earlier in March would be
10 better --

11 COMMISSIONER HIRAGA: Yeah.

12 COMMISSIONER PATNODE: -- because before the budget
13 starts, so...

14 VICE CHAIR DIXON: Yeah.

15 CHAIR LEACH: That's a good point.

16 COMMISSIONER PATNODE: Just a thought I had.

17 VICE CHAIR DIXON: Yeah.

18 CHAIR LEACH: Yeah.

19 COMMISSIONER HIRAGA: Good point.

20 CHAIR LEACH: Okay. Thank you.

21 COMMISSIONER HIRAGA: Sharen, anything you want to
22 add?

23 COMMISSIONER SYLVA: No. I think -- that was our
24 first meeting, so...

25 CHAIR LEACH: We'll move forward. Good job. Thank

1 you.

2 Okay. That's really gonna end our regular session,
3 so we'll --

4 VICE CHAIR DIXON: Make a motion we take a rest for
5 ten minutes.

6 CHAIR LEACH: Is there a second?

7 COMMISSIONER SANTIAGO: Second.

8 CHAIR LEACH: Any discussion? No one wants to stay
9 and --

10 COMMISSIONER PATNODE: I don't think we need a rest.
11 I think we should just keep on going.

12 CHAIR LEACH: Okay. So we'll take a ten-minute
13 recess. (Gavel.)

14 (The proceedings were adjourned at 10:41 a.m.)

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