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COUNTY OF MAUI, STATE OF HAWAII

MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION

JUNE 17, 2020 AT 2:08 P.M.

HELD VIA BLUE JEANS VIDEO CONFERENCE

REGULAR MEETING

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

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APPEARANCES

COMMISSION MEMBERS PRESENT:

- Roger Dixon, Chair
- Roberta Patnode, Vice Chair
- Randol Leach
- Mark Redeker
- Eugene Santiago
- Sharen Sylva
- Matthew Mano
- Janet Kuwahara
- Frank De Rego, Jr.

STAFF PRESENT:

- Chief Tivoli Faaumu
- Melissa Magonigle, Business Administrator
- Jennifer Oana, Deputy Corporation Counsel
- Amy Lau, Commission Secretary

1 (June 17, 2020, 2:08 p.m.)

2 * * *

3 CHAIR DIXON: It is now 2:08 p.m. and we're meeting
4 via Blue Jeans audio/video. And just a couple of quick
5 things: Please, just turn your cellphones to silent. I'm
6 gonna -- when we do role calls or votes, I'll ask you to put
7 your hand next to your face and then also, you know, voice
8 your vote or your presence so that we can both see and hear
9 you. And then we now have a court reporter back, so the court
10 reporter is present and will be transcribing our usual
11 meetings like we had for a number of years. So that's kind of
12 the basic of it.

13 Okay. Let's start with the roll call. Bobbie?

14 VICE CHAIR PATNODE: Present.

15 CHAIR DIXON: Frank?

16 COMMISSIONER DE REGO: Commissioner De Rego present.

17 CHAIR DIXON: Janet?

18 COMMISSIONER KUWAHARA: Present.

19 CHAIR DIXON: We had Janet. There she is. Janet?

20 COMMISSIONER KUWAHARA: Present.

21 CHAIR DIXON: Okay. Thank you.

22 Randol?

23 COMMISSIONER LEACH: Present.

24 CHAIR DIXON: Okay. Matt?

25 COMMISSIONER MANO: Present.

1 CHAIR DIXON: Mark? Mark Redeker?

2 COMMISSIONER REDEKER: Here. You said put hands up.

3 CHAIR DIXON: Okay. Thank you. I can't even see
4 your picture. There you are. Okay.

5 And Eugene?

6 COMMISSIONER SANTIAGO: Present.

7 CHAIR DIXON: And Sharen?

8 COMMISSIONER SYLVA: Present.

9 CHAIR DIXON: Thank you, everybody.

10 Okay. Next we're going to move on to presentation
11 by the public of oral or written testimony on agenda items.
12 This is No. 3 on your agenda that you have that was mailed to
13 you. We have two items of written testimony: One is from
14 Tamara Paltin from the county representing one of her
15 constituents and we just note that we received it and
16 acknowledge receipt and move to file; and the second piece of
17 written testimony is a letter from Ms. Patricia Hunt and that
18 was dated June 16th, also move to file.

19 And, Amy, on other end, can you please let us know
20 if we have any oral testimony?

21 MS. LAU: Is there anyone calling from a land line
22 that wishes to give any oral public testimony?

23 (No response.)

24 MS. LAU: No testimony.

25 CHAIR DIXON: And, Amy, do we have -- do we have

1 anybody signed up?

2 MS. LAU: I don't see anyone.

3 CHAIR DIXON: Okay. Moving on. No oral testimony
4 presentation for the commission, close public testimony at
5 this time.

6 No. 4, Approval of Police Commission Regular Meeting
7 Minutes of May 27th, 2020. Do I hear a motion?

8 COMMISSIONER LEACH: So moved.

9 COMMISSIONER REDEKER: Second.

10 CHAIR DIXON: And that was Randol. Okay. Randol
11 said motion. The second was?

12 Mark Redeker, for the court reporter, seconded it.
13 All in favor of the motion as stated, raise your hand and say
14 aye, please.

15 (Response.)

16 CHAIR DIXON: Okay. That is unanimous. And Bobbie.
17 Okay.

18 Letters of Commendation, we have 43 letters
19 received. It's an accumulation of a couple of months because
20 of the COVID-19 issue, but a number of great commendations and
21 letters of appreciation from the public, a lot of good work
22 that the officers and civilians of the police department are
23 doing, so thank you for the receipt of those.

24 And then Correspondence, Item No. 6, this is Police
25 Commission 20-05, the letter from Lieutenant Audra Sellers,

1 having -- regarding DARE. And then Police Commission 20-06, a
2 letter from Kelly Swanson, the salary commission. And PC
3 20-07, a letter from Mr. Paul Ferreira, Hawaii Police
4 Commission -- or Police Department. Motion to move to file?

5 COMMISSIONER REDEKER: So moved.

6 CHAIR DIXON: Mark Redeker motion. And second? My
7 second was? Raise your hand.

8 (No response.)

9 CHAIR DIXON: Okay. Can somebody clarify who the
10 second was?

11 COMMISSIONER MANO: I didn't hear one.

12 CHAIR DIXON: Bobbie, did you second?

13 VICE CHAIR PATNODE: I'll second it.

14 CHAIR DIXON: Thank you. All in favor of the
15 motion, raise your hand and aye voice vote. Okay. And
16 Bobbie, you're good?

17 VICE CHAIR PATNODE: I am.

18 CHAIR DIXON: Eugene?

19 COMMISSIONER SANTIAGO: I second. I mean, aye.
20 Yes.

21 CHAIR DIXON: Eugene's in. Okay.

22 Moving on, Item No. 7, the Chief's Report. We have
23 the chief going to appear for us and verify with Amy that it's
24 all set. There's the chief.

25 VICE CHAIR PATNODE: Oh, there he is.

1 COMMISSIONER REDEKER: Hi, Chief.

2 CHIEF FAAUMU: Good afternoon. Good afternoon,
3 Mr. Chairman and Members. It's nice to get back to the
4 meeting and get to see every one of you. I see Commissioner
5 Santiago, I think you were waiting for that haircut, he
6 decided to do it all at one time and get everything off.

7 Chair, what I was asked to speak about is what the
8 department has done the past three, three months during the
9 pandemic, so what I'll do, I'll give you a recap of everything
10 that we have done and take you up to where we are today. So
11 it's a quick snapshot of the journey that we went through.

12 To start off with, as you all know, the last
13 pandemic in the United States was 1918. What I'm trying to
14 get at is the department did not have any protocol or
15 procedures relating to a pandemic. We have everything else
16 but pandemic. Nevertheless, we -- we learned a lot. In the
17 first week of our journey that was started out in March, in
18 the beginning of March, there were a lot of changes from the
19 get-go. The first thing the department did was we look at our
20 manpower, we change our patrol division from their regular 5-9
21 schedule to a 12-hour shift so that way we'll eliminate one
22 shift and we have folks in the middle. We talked with the
23 union about it, we did ask -- the only way I can get around
24 that without collective bargaining negotiation is to pay
25 everybody overtime pre-shift and post-shift, which everybody

1 agreed to. That's what happened with our patrol division.

2 The rest of the department was -- we put them on
3 12-hour shifts, but we also tried to minimize the contact that
4 our officer will have with the public, so we -- we take our
5 call for services and, basically, analyze it so minor
6 misdemeanors, petty misdemeanors, lost properties, personal
7 assistance, those when called went through our alternative
8 call for services. So we set up an alternative call for
9 services station and then the support -- the non-patrol
10 element basically manned those posts 12 hours a shift and
11 24/7.

12 We looked at our -- I guess you can call it casualty
13 or exposure, if any of employees got exposed. So the
14 department realized that we can lose five officer a week to
15 the pandemic, we can sustain that. Anything more than that,
16 then we have to rethink about what we are doing. And so we
17 did really good with that. In the first week, we lost four
18 officers; and then we lost one or two the week after; and then
19 when the hospital -- when the cluster at the hospital kick in,
20 we lost nine officers from there, so at that point we were
21 very, very concerned about everything. So we start
22 eliminating some of the positions, you know, in the
23 specialized unit and get them prepared to get on the road, so
24 we moved forward with everything. So far, so good.

25 As we are moving, then we have different tasks that

1 add on to what we are doing. We start off now we have to
2 patrol the beach, now we have to enforce the quarantine law,
3 the rules and -- and regulation put out by the governor and
4 the mayor. Bear in mind, it was really a struggle for us,
5 because something -- activity that our citizens are doing on a
6 daily basis, now we've gotta criminalize them, that was the
7 biggest (inaudible). So our first -- our first enforcement
8 role was education, so we -- we got out on the road and we
9 educate people on the pandemic, the rules and order from the
10 governor and the mayor, and we did that for one week; and then
11 we escalate to more of a warning and reprimand on the second
12 and third week; and then on the fourth week, we went into
13 issuing a citation if they failed to follow the rules.

14 We spent a lot of time patrolling the beach parks.
15 As you all know, a lot were going on, and then as we got on to
16 the second and third month -- the second month, then a lot of
17 folks were out there protesting, looking to reopen the -- the
18 state, so we refocused some of our attention to that and we
19 addressed those issues. But those protests was -- didn't get
20 anywhere. Most of the folks, basically they -- 'cause
21 majority of our citizens work for the industry, the
22 hospitality industry, so what they want is to, like, let's
23 move forward so we can open up the county. So the protests
24 for reopen of the state was not a big issue for us.

25 The other issue came up for us was the airport, the

1 airport and also the rental car storages. So as you all know,
2 it's a crime of opportunity, a lot of folks decided to -- if I
3 need new tires or need parts for my vehicles, the best way to
4 shop is to address those thing. So we worked with the -- the
5 airport personnel and we were able to set up something where
6 we blocked off the Kuikahi Extension, which is that road
7 behind -- right by the runway on both sides off business hours
8 and then open it later on. We were moving forward, but we
9 realized the demand on us was still too much, so we
10 established a memorandum of agreement where we brought in the
11 department of land and natural resources, the sheriff, and the
12 national park services. We formulated a task force and
13 created a memorandum of agreement and set it up for approval
14 from the leadership of DLNR and the sheriff.

15 The national park services were willing to work with
16 us, we deputized about nine of their officers, and then they
17 worked side by side with us. We put them in on-the-job
18 training right along with our officers and allowed them to
19 work. Now, the airport was still an issue for us and the
20 National Park Services decided to support us with that, so
21 they took on that task, the one at the airport where they
22 worked with the airport and deal with some of the folks that
23 are coming in on inbound flights and also patrol the storage
24 area for the rental cars.

25 The other challenge for us that came around is, as

1 you all know, most of our hotel, in fact, all of them, the
2 majority in Kaanapali and South Maui, shut down and they have
3 skeleton security on properties. So there become a task where
4 we have to patrol those areas, the hotels, and then we look at
5 Paia, the businesses, and then we look at Lahaina, those area
6 at -- and Central Maui to minimize crime of opportunity for
7 those as you can see what's going on elsewhere. We think we
8 got it under control.

9 Then -- then we -- we got into the testing and as
10 you all know, the food distributions, so that really take a
11 lot of our manpower into getting out there, helping them
12 organizing traffic, and working with -- with the -- this
13 nonprofit organization that were doing all of that.

14 And the last thing that came up was the call center
15 where they -- they need officers to follow up on those. They
16 come on -- into the island and fail to follow the quarantine
17 law and we -- we work very closely with them, but, you know,
18 again, it was a challenge. And it was at the point where
19 we -- we get concerned looking at overworking our officers
20 and -- and with that, then they are -- the potential of them
21 catching the COVID-19 was -- was pretty high.

22 We also learned that one -- in the beginning, that
23 one of the reason why these officers are exposed to it because
24 of the training. For example, on motor vehicle accidents,
25 they came -- the first officer arrive on scene, the operator

1 of the first -- of the vehicle that got involved really need
2 medical attention, so the officer got in, did what he needs to
3 do, and then come to find out there is a potential for
4 exposure as the operator was -- had the symptoms of the corona
5 virus. So we were trying to be creative and see how are we
6 gonna address this and we came up with a sticker, red sticker.
7 Red sticker, we put it on the -- on the driver's door so when
8 the officer open the door, you see this red sticker, and it
9 says, PWC, basically it's Proceed With Caution. So we put a
10 red sticker on the driver's door and then we also put a red
11 sticker by their terminals, their computer terminals,
12 somewhere around them so they see and keep reminding them.

13 We also put them on their uniform, we changed their
14 uniform. Because we don't have long-sleeve shirts, we put
15 them on the utility uniform where they have long-sleeve shirts
16 and we -- we think we got everything moving along pretty good
17 where we're still concerned, but then the deployment of the
18 National Guard was really a big help for us because when they
19 got on board, when they were boots on the ground, they took
20 care of the -- the testing site, they took care of the food
21 distributions, and then they also help us with passing out
22 fliers and educating the public. They help us with patrolling
23 the parks and talking to the folks out there.

24 And it was really a success as we move forward up
25 until about two, three weeks ago, and then we deal with the

1 Black Lives Matter, and then that pretty much is -- I'm
2 looking at my notes. That pretty much put us back to where we
3 start off. And so we respond to that and -- and, yes, we
4 don't have a lot of officers. If you had passed by some of
5 these protests, sign waving, you didn't see a lot on the front
6 line, but, you know, those officers were our criminal police
7 officers -- I mean, our community police officers and other
8 officers that were there just talk with the organizer and the
9 sign wavers and protesters. But behind the scene, we still
10 have to establish a force that in case things go south on us,
11 as we see in what's going on in the mainland, then we are
12 prepared for that. And we did that for about two, three
13 weeks. It was really taxing on our manpower.

14 So moving on, too, we also suspended the academy for
15 one month as we need more manpower to man our -- our receiving
16 desk area and also to help with our records section. As you
17 all know, firearm registration is still a -- our
18 constitutional right and so we have them work with our records
19 section and our -- our receiving desk.

20 The other thing that came on board, too, to us was
21 the telecourt where the judiciary had asked the department to
22 see if we can have court hearing from our cellblock, so we got
23 that done and we were able to make that happen. It did take a
24 lot of our manpower. Just to give you an idea of how that
25 happened is when the -- when the court procedures started --

1 prior that, we have to move all prisoners in our cellblock to
2 our Kihei Station and hold them there until the end of the --
3 the court procedure, then we transport them back. So it was a
4 challenge, but we were able to work with these folks.

5 As you all know, so far, so good. We're hoping that
6 things will stay this way. And I think that's kind of give
7 you a -- a snapshot of -- of what the department went through
8 from the time the -- the COVID-19 started off, which was the
9 beginning of -- of March, and until where we are today. Also,
10 there were orders that I put out to members of the department,
11 everybody stayed put. You have to submit a request to the
12 office of the chief to get some time off if you need to. In
13 the meantime, all the vacation leave were put on hold. As
14 that goes to the deputy, myself, and the excluded management,
15 we were on seven days.

16 And hold on there, let me look at my notes. And
17 things are slowing down now, so we are able to allow our
18 officers to (pause) -- we are able to allow them to take the
19 time they need. Thank you.

20 CHAIR DIXON: Thank you, Chief, very much. And I
21 know I do and I'm sure the other commissioners appreciate all
22 the effort, manpower, and staffing that went into all the work
23 you did over this period, tremendous double shifts. I know I
24 saw the officers a lot and, you know, they couldn't go
25 anywhere to eat on their break, you know, I mean, they were --

1 they were regulated too. We appreciated them being out there
2 away from their families, so...

3 Anybody else want to add in? Mark.

4 COMMISSIONER REDEKER: Yeah.

5 CHAIR DIXON: Mark Redeker.

6 COMMISSIONER REDEKER: Chief, are we -- are we in
7 the near future gonna be going back to more reasonable hours
8 of shifts?

9 CHIEF FAAUMU: Yes. What we are looking at now is
10 we're going to take it until the end of June and then with the
11 outside district, which is Lanai, Molokai, and Hana, will go
12 back to their normal schedule. I forgot to mention that they
13 have to submit a situation report to my office and on -- at
14 the end of their shift. So looking at the situation report or
15 sit rep that I review on a daily basis, it appears that things
16 are settling down. And as you all know, that there is no new
17 cases has been going on the, state has opened up and the
18 island. And so July 1st the outside district, Hana, Molokai,
19 and Lanai, will go into their regular shift. The big
20 districts, it looks like that Kihei might go back and continue
21 their -- their pilot program on their schedule that they were
22 trying to accomplish. District 1, we're still short on
23 manpower, so we are going to put District 1 on 12-hour shift
24 until -- I'm hoping I can build the manpower up to at least 87
25 percent or close to 90 before I can turn that off. Lahaina

1 district, I'm still -- working with the commander, they have a
2 few vacancies compared to District 1. So to answer your
3 question, yes, at the end of the fiscal year, so beginning of
4 July 1st.

5 COMMISSIONER REDEKER: I -- I can appreciate what
6 you've done. I mean, you've -- you've filled a -- you took a
7 cup that was three-quarters empty and you only made it half
8 empty. You've done a -- you've done a great job. The concern
9 I have is these guys are raking up some serious overtime and,
10 you know, I used to be known as the overtime king when I was a
11 cop, but after 40, 50, 60, 70 hours of overtime, your mind
12 gets slow. So I just -- you know, I -- I can appreciate
13 whatever you can do to get the people back to a more normal
14 shift. I think you're doing a great job and I would say keep
15 up the good work.

16 CHIEF FAAUMU: Thank you, Commissioner.

17 CHAIR DIXON: Thank you, Mark.

18 We have Melissa on, I believe is still on.

19 MS. MAGONIGLE: Yes, I'm here.

20 CHAIR DIXON: Are you going to be video or just
21 audio?

22 MS. MAGONIGLE: I can do video. Has it come up?

23 CHAIR DIXON: Okay. Great. Melissa is going to
24 continue with the chief's report for us.

25 MS. MAGONIGLE: Okay. Good afternoon, everybody.

1 See some new faces. I'll be going over the financial report
2 and the staffing report. So for the financial report, it's as
3 of April 30th, at that time we -- the department still has a
4 24 percent balance. So we're still tracking for the rest of
5 the fiscal year, we assume with all the overtime we will be
6 able to sustain getting through the fiscal year with our
7 budget.

8 With that, the FY '21 budget, we're still waiting
9 for the very final approval from the mayor's office, so
10 next -- next month, I'm sorry, I'll have a report for every --
11 with details of what was requested, what was approved, and
12 I'll be able to provide more information once -- once it's
13 officially signed. So I'll get all the FY '21 budget
14 information to you once that's finalized. I don't want to put
15 cart before the horse, I just want to make sure it's all
16 officially approved.

17 As far as the grants go, I provided the grant
18 balances also as of April 30th. I did just want to mention,
19 we did apply for a couple of grants. One was the Coronavirus
20 Emergency Supplemental Funding program, the CESF, so that one,
21 \$260,000 was allocated for Maui County. So we split that up
22 with the prosecutor's office, so we did get some money from
23 that federal grant. And, again, I'll provide details for you
24 next month once it's, you know, all signed.

25 We also did apply for a portion of the CARES Act

1 Grant, so mostly what we were asking for is reimbursement on
2 the overtime on the -- that was spent for the officers working
3 their 12-hour shifts, so we'll be requesting money
4 reimbursement for the overtime costs that were expended for
5 coronavirus. And all of this has to be directly related to
6 coronavirus, the reimbursements for it.

7 For CIP, we still have our projects for FY '20.
8 This month or early next month we'll be putting out bids for
9 the Wailuku Police Station repaving project and for the fuel
10 tank, so those are the two projects that are on the table. We
11 also just got a new position of a CIP coordinator, so it's a
12 non-sworn civilian position, SR 24. So we have one applicant
13 right now who's going through the process, so, hopefully,
14 he'll start in the near future and that'll take that off the
15 Tech Services captain's plate. So we'll have a civilian
16 that'll be running all our CIP projects that'll -- you know,
17 that'll really help. That's it for the financial.

18 For the staffing, the staffing report is as of May
19 30th. For sworn, 82 percent staffing; civilian, 65 percent
20 staffed, with the majority of it being dispatcher vacancies;
21 total, 78 percent staffing. For the police officers,
22 currently we have 17 conditional offers that are out there, so
23 four in the (inaudible), one scheduled for the psychological,
24 nine scheduled for polygraph, and three in the background
25 investigation. So we also have PO1 interviews tomorrow, so we

1 have seven applicants scheduled tomorrow to do their
2 interview, so, hopefully, we'll get -- we'll get some more
3 numbers tomorrow.

4 We did -- working with the National Guard, it was a
5 great collaboration not only with their support, but we found
6 out a lot of them are interested in being police officers. So
7 Lieutenant Sellers from Community Relations worked with
8 their -- their point of contact, their NCO, so we got a lot of
9 them. And, luckily, DPS supported us, we did a fast track for
10 a lot of the -- not a lot, but quite a few of the National
11 Guard soldiers. So we set it up, they came in, they did the
12 test, and out of that, we were able to get eight soldiers to
13 pass the tests and that are now in the process, our process,
14 the hiring process, so, of course, they passed the agility
15 test, they're doing the interview. So that was a good
16 resource to tap into to try to get some more applicants for
17 us.

18 There was also --

19 CHAIR DIXON: (Inaudible.)

20 MS. MAGONIGLE: -- a hiring freeze, so with the
21 exception of dispatchers and police officers, for pretty much
22 most of the civilian positions. So we did request through the
23 mayor's office if we can have an exemption for our essential
24 positions, we just got approved that I'd say about a week and
25 a half, two weeks ago, so we are now moving forward with

1 hiring our office operations assistants, they're the ones that
2 do the time sheets, you know, for the patrol officers; our
3 public safety aides that process the prisoners, our cadets.
4 So we had to -- there was a hold on that for about a month or
5 so until we could get the exemption, so that just came through
6 too.

7 Also, we had to put a freeze, of course, on our
8 interisland applicants and our mainland applicants, so now
9 that they're (inaudible). That's all I have for my report.

10 CHAIR DIXON: Melissa.

11 MS. MAGONIGLE: Yes.

12 CHAIR DIXON: Roger. (Inaudible) was brilliant.
13 That recruiting platform with the guard was really excellent.

14 MS. MAGONIGLE: Yeah. Yeah, it was --

15 CHAIR DIXON: Nicely done.

16 MS. MAGONIGLE: -- great. Yeah.

17 CHIEF FAAUMU: You know, may I chime in.

18 CHAIR DIXON: I like the -- Frank.

19 COMMISSIONER DE REGO: I thought we were supposed to
20 raise our hands.

21 CHAIR DIXON: Yes, Frank.

22 COMMISSIONER DE REGO: Just a question about the
23 budget. Is it possible to get a breakdown of -- from the
24 budget figures between premium pay and regular pay on the
25 budget for employees for your A account?

1 MS. MAGONIGLE: Let me see if -- yes. I'll get that
2 to you.

3 COMMISSIONER DE REGO: Okay. Thank you. Also, is
4 it possible to meet with you sometime to talk about
5 operations? 'Cause I'd like to understand that more. And the
6 budget.

7 MS. MAGONIGLE: Sure. Sure.

8 COMMISSIONER DE REGO: Okay. Thank you.

9 MS. MAGONIGLE: Yeah, that's no problem.

10 COMMISSIONER DE REGO: Thank you.

11 MS. MAGONIGLE: Yeah. You're welcome.

12 CHAIR DIXON: Anybody else have any questions for
13 Melissa?

14 (No response.)

15 CHAIR DIXON: Okay. Well, Melissa, thank you very
16 much. Very informative. We appreciate it.

17 MS. MAGONIGLE: Thanks.

18 CHAIR DIXON: Okay.

19 VICE CHAIR PATNODE: Mr. Chair.

20 CHAIR DIXON: Yes.

21 VICE CHAIR PATNODE: Roger, the chief, the chief
22 wants to say something.

23 CHAIR DIXON: Oh, Chief, there you are.

24 CHIEF FAAUMU: Yes. I just wanted to conclude my
25 report to you. And Ms. Magonigle mentioned to you that we did

1 work with the National Guard. And one thing that we also
2 did -- as you all know, I do have members of my department who
3 are members of the National Guard. One of the -- the requests
4 for assistance that I had sent out when they were in the
5 process of activating the National Guard was to request to
6 exempt law enforcement from being activated, because if they
7 were included, then, that will be a lot from my manpower who
8 go right into that.

9 The other thing I wanted to close up with, we had --
10 the deputy and the executive staff has done so well working
11 with the officers, we do have some challenges, as was
12 mentioned by Commissioner Redeker, as the long hours for our
13 officers working, but as we keep them abreast on our --
14 through our monthly commanders meeting through Blue Jeans, we
15 reassure them to keep that -- keep the momentum going, keep
16 the battery of them going, and, hopefully, toward the end of
17 the fiscal and by the end of the month, we're looking at --
18 we'll be able to get back to at least a new normal, as we
19 refer to now. Yes.

20 So in conclusion, I think they did pretty -- a
21 pretty good job, you know. (Inaudible) our dispatchers were
22 put on 12-hour shift too, so they're on 12-hour shift as we
23 speak. So if there is no questions, Mr. Chairman, that
24 concludes my report.

25 CHAIR DIXON: Thank you, Chief, very much.

1 Appreciate it. And take care.

2 COMMISSIONER REDEKER: Thank you, Chief.

3 CHAIR DIXON: Okay. Moving on, Item No. 10, Old
4 Business. The only thing under Old Business was the final out
5 on the spring conference of 2020 for statewide police
6 commissioners held on Maui, which was not held on Maui because
7 of the state and county regulations because of the COVID-19.
8 So that has been closed out. Gwen, our esteemed commissioner
9 that just left the panel in April, finished the financial end
10 of it the other day and everything that we obtained has been
11 returned or accounted for and so it's done until next year and
12 another county can host it. So that's -- that's it.

13 Okay. We're coming up -- we're coming up to
14 executive session now, so I'd love to entertain a motion to
15 leave regular session. Mark Redeker. And do I have a second?

16 COMMISSIONER REDEKER: I move to executive.

17 CHAIR DIXON: Do I have a second?

18 COMMISSIONER SYLVA: Second. I second.

19 CHAIR DIXON: Sharen seconds. Okay. All in favor?

20 (Response.)

21 CHAIR DIXON: I see -- I see everybody. Bobbie and
22 Eugene I don't see.

23 VICE CHAIR PATNODE: I'm saying aye.

24 CHAIR DIXON: Eugene. Okay. Thanks, Bobbie.

25 Okay. We're moving out of regular -- oh, there's

1 Eugene -- and we're going to switch over. And everybody
2 recalls how we switch over to executive session, so you log
3 out of here, keep this app because you're going to back after
4 to executive session. So five minutes we'll go back to
5 executive session. So we are now out of regular. Thank you.

6 (Pause in Proceedings: 2:46 p.m.-3:19 p.m.)

7 CHAIR DIXON: Okay. We're looking for Sharen. Give
8 it just a second. We'll wait for Sharen to pop in.

9 (Pause in proceedings.)

10 COMMISSIONER LEACH: We're all back. Bobbie's still
11 on; correct?

12 VICE CHAIR PATNODE: Yes, still here.

13 CHAIR DIXON: Okay. Okay. I would entertain a
14 motion to -- to ratify all actions taken in executive session.
15 Somebody?

16 Mark makes the motion. Anybody? Who's the second?
17 That would be Eugene. Okay. Eugene seconded. So
18 now --

19 COMMISSIONER SANTIAGO: I second.

20 CHAIR DIXON: Yes. Okay. All in favor, raise your
21 hand, please, so I can see you.

22 (Response.)

23 CHAIR DIXON: Okay. Unanimous for all actions
24 taken.

25 We are now in regular session. Our next meeting is

1 scheduled for Wednesday, July 15th at two o'clock via Blue
2 Jeans unless something drastically changes in the health and
3 welfare of this community, which I certainly hope it does. So
4 thank you, everybody, for --

5 COMMISSIONER LEACH: What time was that?

6 CHAIR DIXON: Two o'clock.

7 VICE CHAIR PATNODE: I just want to ask one thing,
8 if I can.

9 CHAIR DIXON: Yeah.

10 VICE CHAIR PATNODE: Given everything that's going
11 on with the Black Lives Matter movement, is there any
12 discussion that we, as a commission, feel would be important
13 to have on that topic and so should that become an agenda item
14 for next month?

15 CHAIR DIXON: Do you want the chair's opinion?

16 VICE CHAIR PATNODE: I want everybody's opinion.

17 CHAIR DIXON: Okay. The chair would say no.

18 COMMISSIONER SYLVA: I'm not getting your (pause) --

19 CHAIR DIXON: Mark?

20 COMMISSIONER REDEKER: I agree.

21 CHAIR DIXON: I see Janet. (Inaudible), please.

22 COMMISSIONER KUWAHARA: (Inaudible.)

23 CHAIR DIXON: Janet. We can't hear you, Janet.

24 COMMISSIONER KUWAHARA: I said I agree that we don't
25 need to.

1 CHAIR DIXON: Okay.

2 COMMISSIONER SANTIAGO: I just wanted to ask a
3 question, Chair, if I may, regarding and address it to Bobbie.
4 Bobbie, I had kind of feel your concern, but what would be
5 the -- the purpose or the reason be behind this, behind your
6 request?

7 VICE CHAIR PATNODE: Because I -- it seems like
8 every -- all of the police departments we hear about on the
9 news and the civic organizations are doing some kind of self-
10 examination to be sure that they don't have an issue with
11 systemic racism, so I'm -- I would say, you know, my
12 experience is that I don't think we do, but would it make
13 sense for us to do some kind of formal assessment and -- and
14 make sure that that's true. Because in our position, we may
15 not actually know if there is an issue unless we ask the
16 question, so that's my only -- my only thinking, is that we as
17 a police commission would be the people to do that if anybody
18 was.

19 COMMISSIONER SANTIAGO: Okay. Thank you. The
20 reason why I asked is 'cause I -- I share similar sentiments
21 only because I want to make sure, too, at the same time that
22 the chief is addressing these issues with the department, but
23 not so much only (inaudible), but also having certain actions
24 in place to be implemented. So along the same lines of your
25 concern, Bobbie, I think what I wanted to ask, perhaps, is

1 maybe an opportunity to hear from the chief, if he could
2 address us and maybe just kind of provide a few minutes as to,
3 you know, what plans of actions is the department taking with
4 this particular issue. And really --

5 CHAIR DIXON: I think that's -- that's a pretty
6 reasonable --

7 COMMISSIONER SANTIAGO: (Inaudible) the community
8 that, you know, the department --

9 CHAIR DIXON: Okay. Frank.

10 VICE CHAIR PATNODE: (Inaudible.)

11 COMMISSIONER SANTIAGO: For myself, based on my own
12 experience, I know that even though the issues has -- has
13 risen and is something that we're dealing with, I want to make
14 sure that a lot of our young officers at the same time do
15 understand the seriousness of this particular matter and that
16 they do have in place and they exercise as much as possible
17 restraint. Because I can see some of these issues arising
18 through the reports -- report, perhaps, excessive use of
19 force, as an example. And it doesn't have to be a racism
20 thing, but, nevertheless, it's -- if it's not stuck in their
21 head that they need to more so exercise restraint, especially
22 under these conditions, then our department and the chief
23 himself will continuously be under attack for not, you know,
24 monitoring or managing these officers' actions. So I just
25 kind of want to say kudos for Bobbie for bringing that up, but

1 I too am concerned. I'd -- I'd like to be able to hear from
2 the chief could address us and maybe reassure us that, you
3 know, all of these measures are -- are basically in place.

4 CHAIR DIXON: Okay. We'll have him -- we'll put him
5 on the schedule for next month.

6 COMMISSIONER SANTIAGO: Okay.

7 CHAIR DIXON: He'll be there.

8 Frank?

9 COMMISSIONER DE REGO: Yeah, I just want to --

10 COMMISSIONER SANTIAGO: (Inaudible) not to take.

11 COMMISSIONER DE REGO: I just wanted to echo the
12 sentiments that have been expressed. I'm not sure you know
13 OHA, Office of Hawaiian Affairs, did a report from some
14 pretty -- consultant that looked at Native Hawaiians in
15 incarceration and arrests and they have a higher number of
16 incarcerations and arrests than other group in -- in Hawaii.

17 VICE CHAIR PATNODE: Can I just interject for a
18 moment really quick here?

19 COMMISSIONER DE REGO: Yeah.

20 VICE CHAIR PATNODE: I don't think we're supposed to
21 actually have a discussion today.

22 CHAIR DIXON: No, we're not. I was just going to
23 bring that up.

24 COMMISSIONER DE REGO: Yeah. Okay. Yeah.

25 CHAIR DIXON: We're off -- we're off with --

1 COMMISSIONER DE REGO: I'm just saying I support
2 the -- based on what I know, I -- I support the discussion of
3 the issue.

4 CHAIR DIXON: Okay. Jen, please.

5 COMMISSIONER DE REGO: Maybe just not a report from
6 the chief.

7 CHAIR DIXON: Okay. Jen.

8 CORPORATION COUNSEL: So I just wanted to, you know,
9 go back to what your powers and duties are under the charter.
10 And I understand why everybody is so concerned about this and
11 so am I, but, you know, you guys really have about four duties
12 and jurisdiction under the charter, which is to, you know,
13 adopt rules which you may consider necessary for the conduct
14 of your business, review the budget, review complaints and
15 investigation, and then annually review the chief. So if you
16 can -- so if this topic is important to you, which it is to me
17 too, it has to fall within the four functions that you have
18 authority for. So in terms of opening up an investigation or
19 anything like that regarding this, which doesn't fall through
20 the complaint process, that's not appropriate, but, you know,
21 you do have the opportunity to ask questions to the chief
22 during his reports to you, but we can't really go outside of
23 the four, you know, major functions that you guys have.

24 CHAIR DIXON: Thank you, Jen. Yeah, we -- we've got
25 to stay on charter.

1 VICE CHAIR PATNODE: Okay. So I just -- I'm sorry I
2 have to butt in because I can't raise my hand. So to me, what
3 we would be looking at is: Are the rules that the commission
4 has such that they are not systemically racist? So just as an
5 example, my first thought was our complaint process, is our
6 complaint process open enough so that everybody feels they
7 have access to it? Just that's the type of question I think
8 we as a commission should be asking.

9 CHAIR DIXON: Okay.

10 VICE CHAIR PATNODE: I'm done.

11 CHAIR DIXON: Okay. So it'll be a meeting with the
12 chief, the chief next month. We'll -- we'll broach the topic
13 under his leadership of the department. And I thank everybody
14 very much for going through all of this, all the hoops to get
15 to this place today very much. So I would entertain a motion,
16 if we could, to adjourn. Mark.

17 COMMISSIONER REDEKER: Motion to adjourn.

18 COMMISSIONER SANTIAGO: I move.

19 CHAIR DIXON: Second is Eugene.

20 COMMISSIONER SANTIAGO: I second.

21 CHAIR DIXON: All in favor, please say aye.

22 (Response.)

23 CHAIR DIXON: I see hands. Lots of hands. Bobbie?

24 VICE CHAIR PATNODE: Aye. Aye.

25 CHAIR DIXON: Okay. The meeting -- the meeting of

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June 17th adjourned. Thank you.

(The proceedings were adjourned at 3:33 p.m.)

C E R T I F I C A T E

1
2 STATE OF HAWAII)
3 COUNTY OF MAUI) SS.
4

5 I, Sandra J. Gran, Certified Shorthand Reporter for
6 the State of Hawaii, hereby certify that on June 17, 2020, at
7 2:08 the proceedings was taken down by me in machine shorthand
8 and was thereafter reduced to typewritten form under my
9 supervision; that the foregoing represents, to the best of my
10 ability, a true and correct transcript of the proceedings had
11 in the foregoing matter.
12

13 I further certify that I am not an attorney for any
14 of the parties hereto, nor in any way concerned with the
15 cause.
16

17 DATED this 1st day of July, 2020, in Maui, Hawaii.
18
19
20

21 

22 _____
23 Sandra J. Gran, RPR
24 Hawaii CSR 424
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