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COUNTY OF MAUI, STATE OF HAWAII

MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION

OCTOBER 21, 2020 AT 2:02 P.M.

VIA BLUEJEANS

REGULAR MEETING

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

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APPEARANCES

COMMISSION MEMBERS PRESENT:

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

STAFF PRESENT:

- Deputy Chief Dean Rickard
- June Nouchi, Administrative Assistant I
- Jennifer Oana, Deputy Corporation Counsel
- Amy Lau, Commission Secretary

1 (OCTOBER 21, 2020, 2:02 P.M.)

2 * * *

3 VICE CHAIR PATNODE: Okay. I'm supposed to have a
4 gavel, but I don't, so I'm just -- I'll make a noise here.

5 (Knocking.) Okay. Good afternoon. Today is October 21st,
6 2020, and the time is 2:02 p.m. I would like to call the Maui
7 Police Commission, October 21st, 2020 meeting to order and
8 we're going to start with roll call. I am present.

9 Commissioner De Rego.

10 COMMISSIONER DE REGO: Present, Chair. This is
11 Commissioner De Rego. Aloha to everyone.

12 VICE CHAIR PATNODE: Commissioner Kuwahara.

13 COMMISSIONER KUWAHARA: Aloha. This is Janet.

14 VICE CHAIR PATNODE: Commissioner Leach.

15 COMMISSIONER LEACH: Aloha. Present.

16 VICE CHAIR PATNODE: Commissioner Mano. Matt.

17 COMMISSIONER MANO: Aloha.

18 VICE CHAIR PATNODE: Okay.

19 COMMISSIONER MANO: Present.

20 VICE CHAIR PATNODE: Commissioner Redeker.

21 COMMISSIONER REDEKER: Here.

22 VICE CHAIR PATNODE: Commissioner Santiago. Gene,
23 you have to unmute.

24 COMMISSIONER SANTIAGO: Commissioner Santiago
25 present.

1 VICE CHAIR PATNODE: Great. Commissioner Sylva.

2 COMMISSIONER SYLVA: Here.

3 VICE CHAIR PATNODE: Great. We have a quorum.

4 Okay. I would like to -- next up is oral and
5 written testimony and I'd like to open the floor to public
6 testimony on agenda items only. Public testimony shall be
7 limited to three minutes per agenda item.

8 Amy, do we have any written testimony?

9 MS. LAU: We have no written testimony today.

10 VICE CHAIR PATNODE: Thank you. Amy, do we have any
11 video testimony?

12 MS. LAU: I didn't have a chance to query the panel.

13 Is there anyone here who would like to give video
14 testimony today on agenda items?

15 (No response.)

16 MS. LAU: No one has responded, Vice Chair.

17 VICE CHAIR PATNODE: Okay. So do we have any oral
18 testimony?

19 MS. LAU: Is there anyone here who would like to
20 provide oral testimony?

21 (No response.)

22 MS. LAU: No response, Vice Chair.

23 VICE CHAIR PATNODE: Okay. So we're going to move
24 on to approval of the police commission regular meeting
25 minutes of September 16th.

1 COMMISSIONER DE REGO: Point of order, Chair. We've
2 got to close testimony first before you go on to the next
3 item, so I move that public testimony be closed.

4 VICE CHAIR PATNODE: Do we have a second?

5 COMMISSIONER SANTIAGO: I second. Commissioner
6 Santiago.

7 COMMISSIONER DE REGO: Oh, wait. I'm sorry. It
8 doesn't need to be a motion. You have to declare it closed.
9 I'm sorry.

10 VICE CHAIR PATNODE: Okay. Well, you had me
11 confused there, Frank.

12 COMMISSIONER DE REGO: Okay. Yeah, yeah. I'm
13 sorry.

14 VICE CHAIR PATNODE: Okay. Okay. So I declare
15 public testimony closed.

16 COMMISSIONER DE REGO: Okay. Good.

17 VICE CHAIR PATNODE: Okay. So now we're going to
18 approval of police commission regular meeting minutes of
19 September 16th.

20 COMMISSIONER REDEKER: Redeker moves to approve.

21 COMMISSIONER KUWAHARA: This is Janet. I second the
22 motion.

23 VICE CHAIR PATNODE: Great. All in favor?

24 (Response.)

25 COMMISSIONER SANTIAGO: (Inaudible) the meeting.

1 VICE CHAIR PATNODE: Excuse me. Somebody just
2 spoke.

3 COMMISSIONER SANTIAGO: Commissioner Santiago. I'll
4 abstain since I wasn't at the last meeting.

5 VICE CHAIR PATNODE: Okay. Thank you, Gene. So I
6 think that's unanimous except for Gene, so we will go ahead
7 with that, then. I'm not -- I'm not gonna do a roll call on
8 that.

9 Okay. So the next thing up is election of officers.
10 We have an election of chair due to the resignation of Roger
11 Dixon, so we're going to conduct an election for the new
12 chair. Do we have any nominations?

13 COMMISSIONER SYLVA: I nominate Randol.

14 COMMISSIONER SANTIAGO: Santiago. I would like to
15 (inaudible).

16 VICE CHAIR PATNODE: Okay. Sharen has nominated
17 Randol. Randol, do you accept the nomination?

18 COMMISSIONER LEACH: No, I have to respectfully
19 decline. But thank you anyway.

20 VICE CHAIR PATNODE: Okay. Commissioner Santiago.

21 COMMISSIONER SANTIAGO: Yes. I'd like to nominate
22 Commissioner De Rego.

23 VICE CHAIR PATNODE: Okay. Commissioner De Rego, do
24 you accept the nomination?

25 COMMISSIONER DE REGO: Okay. Yeah, I accept the

1 nomination.

2 VICE CHAIR PATNODE: Okay.

3 COMMISSIONER SANTIAGO: Thank you.

4 VICE CHAIR PATNODE: Thank you, Frank.

5 Any other nominations?

6 COMMISSIONER KUWAHARA: Hey, Bobbie, can we ask
7 people to mute themselves, 'cause there's a lot of background
8 noise.

9 VICE CHAIR PATNODE: Yes, that's a great idea. I
10 think I'm particularly seeing background coming out of Matt's
11 box. I don't know what you're doing, Matt.

12 COMMISSIONER MANO: My fan.

13 VICE CHAIR PATNODE: Oh, okay.

14 Okay. So I will close the nominations, since we
15 have no further nominations, and now would like to -- I guess
16 I'm supposed to ask if there's a second for Frank. Is there a
17 second for Frank's nomination?

18 COMMISSIONER SYLVA: I second the motion.

19 VICE CHAIR PATNODE: Thank you, Sharen. That was
20 Commissioner Sylva.

21 Okay. So let's vote now. All in favor of electing
22 Frank De Rego as our new chair, please raise your hand.

23 COMMISSIONER MANO: Should be automatic.

24 VICE CHAIR PATNODE: One, two, three -- Mark, are
25 you voting in favor or not?

1 COMMISSIONER REDEKER: I'm going to -- I'm going
2 abstain from voting because I have -- I have a problem with --
3 with what has taken place.

4 VICE CHAIR PATNODE: Okay. So I'm going to go for a
5 roll call vote, then. So starting at the top, again, I --
6 Commissioner De Rego.

7 COMMISSIONER DE REGO: I'll abstain.

8 VICE CHAIR PATNODE: Okay. Commissioner Kuwahara.

9 COMMISSIONER KUWAHARA: So what are we supposed to
10 be -- are we voting saying the name we want or are we saying
11 yes for De Rego?

12 VICE CHAIR PATNODE: We are voting for Frank.

13 COMMISSIONER KUWAHARA: Yes.

14 VICE CHAIR PATNODE: It was a yes?

15 COMMISSIONER KUWAHARA: Yes.

16 VICE CHAIR PATNODE: Sorry. Didn't hear you.

17 COMMISSIONER KUWAHARA: Yes.

18 COMMISSIONER DE REGO: Can -- Chair, can I make a
19 point of order? Actually, after the nomination, there can be
20 discussion instead of going straight to the vote, so, you
21 know, this would be a --

22 VICE CHAIR PATNODE: Sure.

23 COMMISSIONER DE REGO: -- place for Commissioner
24 Redeker to voice his objections at this point.

25 VICE CHAIR PATNODE: Okay. Great. Thank you for

1 that suggestion, Frank.

2 Let's have discussion on the nominations. So, Mark,
3 did you want to talk a little bit?

4 COMMISSIONER REDEKER: Is Jennifer on the line?

5 VICE CHAIR PATNODE: I see her. Jennifer Oana is
6 there.

7 MS. OANA: Yes. Hello.

8 COMMISSIONER REDEKER: Hello. You know, you sent us
9 a nice packet on all the rules and regulations and things,
10 I -- I like Frank, normally I would not even question voting
11 for Frank, but it isn't about Frank, it's about the issue that
12 took place last week when we were trying to figure out who may
13 or may not want to be the chairman. And I did receive a phone
14 call on Friday stating that we were going to -- we were going
15 to elect Frank as the chairman because he is open minded and
16 he has, you know, got a lot of experience. Which I agree
17 with, I have no problem with, but there were phone calls being
18 made behind the scenes to various people about voting for
19 Frank and this is obviously not allowed due to the Sunshine
20 Law. So I'm not going to vote for Frank because if I vote for
21 Frank, then I would be agreeing with what took place behind
22 the scenes and I'm not going to do that.

23 So I'm going to recuse myself from voting yea or
24 nay, which is sad, because I think Frank would make a very
25 good chairman, but I think that the phone calls that were made

1 and talking to people about who should or shouldn't be
2 chairman I think were -- were over the line. I think that
3 that's going to tarnish my opinion as to where this -- where I
4 would vote. Okay? So that's -- that's why I am not voting.

5 MS. OANA: Okay. If I can respond to that, you're
6 totally right, Commissioner Redeker, there is, you know, the
7 Sunshine Law that says, you know, two members can't discuss
8 outside of a meeting board business. And we all knew this
9 election was coming up, I think everybody knew ex-Chair Dixon
10 resigned, but under the Sunshine Law, there are exceptions to
11 board members talking about board business outside of a
12 meeting, board business being the election of a chair.

13 Now, I was not involved in any of these phone calls,
14 obviously, but the rule is you can discuss the election of
15 officers as long as no commitment to vote is made or sought.
16 So I don't know what these conversations entailed, whether it
17 was, Will you vote with me on this, or, you know, Will you
18 vote for Frank, or whether it was, I think Frank would be a
19 great chair. Now, if you say something like that, I think
20 Frank would be a great chair, that's not really a commitment
21 to vote for Frank, that's not really asking for a vote for
22 Frank, it's just kind of stating, you know, the fact that he
23 would make a great chair. So there is a line that we can't
24 cross, but we can talk about, you know, the election of
25 officers.

1 So I don't know what the conversations entailed at
2 all, but I just wanted to point that out that, yes, we can't
3 talk about board business, but there is this exception for
4 discussing election of officers, but you can't say, Vote with
5 me on this. So that's all I wanted to say.

6 COMMISSIONER REDEKER: Well, the -- the thing
7 that -- that struck me was, We've decided that Frank's gonna
8 to be the chairman. So when I hear that, you know, I -- I
9 didn't want to be confrontational, I just said, Okay. Well,
10 whatever, and that was it. Now, if -- if we're making a
11 decision on the phone, I was a little offended that I wasn't
12 included in the discussion of why we're making Frank the
13 chairman, so that's what -- that's what got my craw a little
14 bit. If you're going to -- if you're going to do that, you're
15 going to back somebody, if you're going to try to quid pro quo
16 or do something and get somebody, you should at least tell
17 everybody what you're doing, not just a select few. And
18 that's why I am not gonna vote on this at all, I'm gonna step
19 back and whatever happens, happens.

20 Frank's a great guy, I think he'd do a great job for
21 us, and, like I said, I normally would back him to the hilt;
22 but because of the way it was presented, being left out -- and
23 I've gotta be honest with you, I can certainly understand what
24 Larry Feinberg felt like a year ago when he thought he was
25 getting left out. But, anyway, that's my concern, that's why

1 I'm not going to vote. You guys go ahead and do what you're
2 gonna do.

3 VICE CHAIR PATNODE: Okay. I think Sharen has
4 something she wanted to say.

5 COMMISSIONER SYLVA: I never got that phone call or
6 anything or any suggestion that, you know, Frank was gonna be
7 selected as a vice -- as chair, so just to let you know.

8 COMMISSIONER REDEKER: Thank you.

9 COMMISSIONER KUWAHARA: This is Commissioner
10 Kuwahara.

11 COMMISSIONER MANO: I also didn't get that phone
12 call.

13 COMMISSIONER KUWAHARA: This is --

14 COMMISSIONER MANO: So I didn't get the phone call
15 too, so --

16 VICE CHAIR PATNODE: I'm sorry. Janet, I --

17 COMMISSIONER MANO: (Inaudible.)

18 VICE CHAIR PATNODE: We want to -- I think first
19 Matt and then Janet, please. Go ahead, Matt.

20 COMMISSIONER MANO: Okay. This is Matt. I didn't
21 get any phone call, either, just like Sharen. I mean, so I
22 didn't know about this, about everybody was gonna -- Frank is
23 a good guy, I believe he would make a good chair, but if you
24 guys are gonna do stuff like this, you guys need to include
25 everybody so that we all know what's going on. 'Cause right

1 now me and Sharen is in the dark. I don't know who else is in
2 the dark.

3 COMMISSIONER PATNODE: Okay.

4 COMMISSIONER KUWAHARA: This is Commissioner
5 Kuwahara and I'm in the dark, too. I know nothing about this.

6 VICE CHAIR PATNODE: Okay. Are we ready to go --
7 are we ready to vote?

8 COMMISSIONER SANTIAGO: You know, I'd like to maybe
9 get a little bit more guidance from our corp counsel on this
10 because there's -- I know if we don't resolve this, you know,
11 there's gonna be some division amongst the board and -- of
12 course I don't want to see any of that lingering amongst
13 ourselves. I, too, was actually contacted, I was asked if I'd
14 be a -- if I would be the chair, if I would consider, and, of
15 course, I told Bobbie that, unfortunately, I would have to
16 decline because I don't think I can fully commit. Bobbie did
17 ask who I -- I thought would, then, perhaps, you know, be
18 someone qualified and I -- I mentioned -- I did mention
19 Frank's name. So I don't know if that would disqualify, you
20 know, myself as well, because I did have the conversation over
21 the phone with Bobbie and I did mention a name. Versus, if it
22 was -- you know, we have a -- I guess a job to select a chair
23 and we can take it up at the next meeting and we can then
24 nominate, but it seems like I too -- I feel kind of bad that
25 maybe I'm put on a spot that I've had this conversation with

1 Bobbie and I just want to be open and transparent with
2 everybody so that, you know, we can move along and we can do
3 it right.

4 So if I can -- maybe Jennifer can, you know, kind of
5 weigh in on this for us before we vote.

6 VICE CHAIR PATNODE: Yes. Please go ahead,
7 Jennifer.

8 MS. OANA: You know, this discussion is kind of
9 going towards the commissions' or individual commissioner's
10 liability as well as your duties and responsibilities, so I
11 suggest we go into executive session to discuss this. Because
12 this is not a planned executive session, we would need two-
13 thirds of an affirmative vote for executive session, but that
14 would be my suggestion, is that we discuss this in executive
15 session.

16 VICE CHAIR PATNODE: Okay. Commissioners, I will
17 entertain a motion to enter executive session. Okay. That --
18 I've got very bad audio. I think that was coming from me.
19 Amy, I can --

20 COMMISSIONER DE REGO: Amy, I think you need to mute
21 yourself.

22 MS. LAU: Okay. I was muted.

23 VICE CHAIR PATNODE: Amy, you're showing up in two
24 boxes on the screen, so you maybe have to mute both of those
25 boxes.

1 MS. LAU: Okay. I turned my volume down.

2 VICE CHAIR PATNODE: Can you mute?

3 MS. LAU: Okay. I muted my volume.

4 VICE CHAIR PATNODE: You're showing up in two
5 places --

6 MS. LAU: But now I can't hear you.

7 VICE CHAIR PATNODE: -- getting an echo.

8 MS. LAU: Okay. So are we going to go into
9 executive?

10 VICE CHAIR PATNODE: Well, first I'm asking for a
11 motion to go to executive session.

12 COMMISSIONER DE REGO: I make a motion, Chair, that
13 we go into executive session.

14 COMMISSIONER PATNODE: Second?

15 COMMISSIONER KUWAHARA: This is Commissioner
16 Kuwahara. I second it.

17 VICE CHAIR PATNODE: Okay. So that was Commissioner
18 De Rego for going, Commissioner De Rego made the motion and
19 Commissioner Kuwahara seconded. So now we should go -- we
20 should stop this meeting and go to our executive session
21 BlueJean meeting.

22 MS. OANA: Let's vote on that, Chair.

23 COMMISSIONER PATNODE: Oh.

24 MS. OANA: I need a two-thirds --

25 VICE CHAIR PATNODE: Oh, sorry about that. Can we

1 now vote on the motion? Gotta put your hand up high.

2 MS. OANA: All in favor?

3 VICE CHAIR PATNODE: All in favor, raise your hand.
4 I'm seeing one, two, three, four, five, six, plus myself. I
5 think that's everybody.

6 COMMISSIONER DE REGO: Yeah.

7 VICE CHAIR PATNODE: Okay. We're gonna go to
8 executive session now. So I think we can use that BlueJean
9 meeting notice that Amy sent us with the agenda. Is that
10 correct?

11 MS. LAU: Yes.

12 VICE CHAIR PATNODE: Okay. So I'm leaving this
13 meeting now.

14 (Pause in Proceedings: 2:22 p.m.-2:55 p.m.)

15 VICE CHAIR PATNODE: Okay. Are we ready to go?
16 Okay. We are going to do a roll call vote on our election of
17 chair and we are voting on the nomination of Frank De Rego.
18 So, Commissioner De Rego, you're up first.

19 COMMISSIONER DE REGO: I vote aye.

20 VICE CHAIR PATNODE: Thank you.

21 Commissioner Kuwahara.

22 COMMISSIONER KUWAHARA: Aye.

23 VICE CHAIR PATNODE: Commissioner Leach.

24 COMMISSIONER LEACH: Aye.

25 VICE CHAIR PATNODE: Commissioner Mano.

1 COMMISSIONER MANO: Aye.

2 VICE CHAIR PATNODE: Commissioner Redeker.

3 COMMISSIONER REDEKER: Aye.

4 VICE CHAIR PATNODE: Commissioner Santiago.

5 COMMISSIONER SANTIAGO: Aye.

6 VICE CHAIR PATNODE: Commissioner Sylva.

7 COMMISSIONER SYLVA: Aye.

8 VICE CHAIR PATNODE: Commissioner Patnode also votes
9 aye. So, thank you, everybody, and I would like to now turn
10 the meeting over to our new chair, Commissioner Frank De Rego.
11 Thank you, Frank.

12 CHAIR DE REGO: Thank you, Commissioner Patnode, and
13 thank you to the board, the commission for their vote of
14 confidence today. And my door is always open, right, and my
15 ears are always open to any suggestions and anything that you
16 would like to share in terms of making these meetings more
17 efficient and better for everyone. So thank you very much.

18 I think now we can go on, since we've spent quite a
19 bit of time trying to get in and out of -- of BlueJeans, on to
20 No. 6 on the agenda. Without objection, if we could take 6
21 and 7 together to kind of expedite things. First of all, the
22 letters of commendation for Officer Farmer and Officer Miles.
23 I hope you've gotten the chance to read the commendations.
24 You know, it's heartwarming to see our officers be of service
25 to the community and have that recognized, whether it's within

1 the force itself or by members of the public.

2 And second of all is the correspondence from the
3 resignation of Roger. We know Roger has served us well and
4 with good humor and with gentleness and we wish him well and,
5 also, I think that we definitely are gonna miss him. He
6 was -- he was an excellent presence among us and I wonder,
7 maybe later on, if there's some way of sending him a note of
8 thanks from the board in terms of a letter or something, you
9 know, in terms of his service. So maybe we could put that
10 out -- on the agenda for the next meeting, 'cause I think it
11 would be nice to recognize him. Being chair is always a
12 challenge.

13 So taking these two together, do I hear -- I'd like
14 to entertain a motion to file both the letters of commendation
15 and the correspondence. I see Commissioner Redeker's hand up
16 that he's making the motion to file the communications, the
17 commendations and the correspondence.

18 Second? I saw Matt Mano raise his hand.

19 So can we just do voice votes at this point so it's
20 on the record, so let's go down the line. Janet Kuwahara,
21 Commissioner Kuwahara.

22 COMMISSIONER KUWAHARA: Aye.

23 CHAIR DE REGO: Commissioner Leach.

24 COMMISSIONER LEACH: Aye.

25 CHAIR DE REGO: Commissioner Mano.

1 COMMISSIONER MANO: Aye.

2 CHAIR DE REGO: Commissioner Redeker.

3 COMMISSIONER REDEKER: Aye.

4 CHAIR DE REGO: Commissioner Santiago.

5 COMMISSIONER SANTIAGO: Aye.

6 CHAIR DE REGO: And Commissioner Sylva.

7 COMMISSIONER SYLVA: Aye.

8 CHAIR DE REGO: Okay. That's -- including me,
9 that's -- oh, I'm sorry. Commissioner -- Vice Chair Patnode.
10 I'm sorry.

11 VICE CHAIR PATNODE: Aye.

12 CHAIR DE REGO: Okay. You're on the other side of
13 the letter I'm using for a prompt. (Laughter.) I'm using
14 our -- I'm kind of on the spot here, so -- so, yes, so Vice
15 Chair Patnode. Thank you.

16 Thank you. So that's -- that is unanimous, we'll
17 file all those three documents.

18 Okay. So we'll move on to the chief's report.
19 Chief Rickard, are you here for Chief Faaumu. Oh, God.

20 DEPUTY CHIEF RICKARD: Faaumu.

21 CHAIR DE REGO: Faaumu. Sorry about that.

22 DEPUTY CHIEF RICKARD: Yes, I'm -- I'm here for
23 Chief Faaumu. He was called away on a last-minute meeting
24 today, so --

25 CHAIR DE REGO: Okay.

1 DEPUTY CHIEF RICKARD: -- I'm taking his place.

2 CHAIR DE REGO: It's all yours, sir.

3 DEPUTY CHIEF RICKARD: Okay. Thank you, sir. And
4 first of all, congratulations on your newly appointed position
5 as chair. We look forward to working with you as well as the
6 rest of the commissioners. And, you know, we wish the
7 outgoing Chair Dixon all the best. And, you know, if you --
8 whatever you need, you let us know. And, again, good
9 afternoon to all the commissioners.

10 Real brief, like I said, I was just notified today,
11 so I don't really have a lot to report, but I have enough.
12 And I want to go across the boards the -- I mean, not the
13 board, but the different bureaus.

14 In our Investigative Services Bureau, some of the
15 things that are happening is, of course, our Vice officers,
16 the Vice Divisions are currently actively working some -- some
17 complicated narcotics investigation. I can't discuss it, but
18 they're busy doing what they need to do. But with that said,
19 they're gonna get some help with the purchase coming up of a
20 third canine for our Canine Division. The funding is being
21 provided by the Hawaii High Intensity Drug Trafficking Area
22 Grant. So we look forward to purchasing that canine within
23 the next three months or so and it's going to be assigned to
24 the new supervisor of that unit, Sergeant Lance Kaupalolo. So
25 he's going to be partnered with the new canine and he's going

1 to go through -- through his certification training and become
2 a train-the-trainer type of certification. So, again, you
3 know, that will benefit the department, the division, and
4 everyone for years to come with that certification.

5 As well as in the Vice Division, we welcome the
6 arrival of our new forfeiture sergeant. That position has
7 been vacant for some time now and the -- some cases I'm gonna
8 give you, cover will kind of tie into that because we have a
9 lot of -- a lot of forfeited funds that are just waiting to be
10 processed. So he's already working hard at it and going
11 through the normal process with the AG's office, so -- and he
12 is Sergeant Miguel Munoz, he's the new forfeiture sergeant for
13 the department.

14 Vice is also welcoming a new narcotics investigator,
15 the investigator is Officer Korey Harris, who came from
16 Wailuku Patrol, so now he's going to be a narcotics officer.

17 As far as our Criminal Investigations Division, they
18 continue to do work and collaborate with the various patrol
19 districts investigating serious crimes investigation -- cases.
20 And we also welcomed into CID, he was a former sergeant out in
21 District 4, Lahaina, Sergeant Taylor Kamakawiwo'ole. He'll be
22 joining the Criminal Investigation Division as a detective in
23 Wailuku on November 1st.

24 Juvenile Division, last week Thursday they restarted
25 the POI Program, which is our prevention program, Positive

1 Outreach Intervention Program, so they started with seven
2 families participating, of course, exercising all the
3 precautionary measures with regards to COVID. So that's
4 something that they're excited about getting back going, so --
5 they're also gonna be beginning their virtual Second Chance
6 Program this week and we'll see how that works out and, you
7 know, if there's any bugs that needs to be worked out with
8 that program. But that's it from our Investigative Services
9 Bureau.

10 As far as our Support Services Bureau, which is
11 always the unsung heroes of the department, Plans and Training
12 Division has been working the past two years on acquiring a
13 firearms use of force simulator. We've had -- we've got the
14 funding, it was grant funded, and the virtual simulator is --
15 will be set up in Kihei. Training for the use of the
16 simulator with the training staff from the Plans and Training
17 Division will be conducted this month -- I mean, this week and
18 next week and personnel being trained are from the not only
19 Plans and Training, but from the Quality Assurance Section.
20 So we look forward to that -- getting that on line and we can
21 utilize -- you know, addressing some training needs, use of
22 force concerns. And once we get the program going, we'll even
23 plan on inviting members of the -- of course, the county
24 council, commissioners, as well as the public to come and see
25 what that program is all about and how we'll utilize it into

1 training of our officers to address use of force issues. We
2 look forward to that.

3 Annual recall training for 2020 is being conducted
4 online via Police One Academy due to COVID measures. Training
5 courses are sent out -- are being sent out this week and they
6 have a -- all the officers that are required to finish their
7 annual training will be -- will have until the end of the year
8 to -- to complete it.

9 The 91st Recruit Class has eight members now with
10 the current hire of Stanley -- Recruit Stanley Guzman, who
11 started on October 1st. And I believe June will cover -- we
12 have four applicants that are just cleared with their
13 physicals, so looks like they're going to be joining this next
14 class bringing it up to possibly 11 or 12.

15 Our Community Relations Section has several
16 campaigns going on right now. One of them, as you can see,
17 I'm participating in, it is the Color For the Cure as well as
18 the Bearded Up Campaign. And you'll see a lot of our officers
19 out there sporting beards and our female officers are coloring
20 their hair. This is all to benefit cancer research for
21 pediatric cancer as well as breast cancer. Both campaigns run
22 through the end of December. Our goal is \$10,000, as of
23 yesterday, we've already raised 9,255 and we foresee that
24 we're gonna probably surpass that. And we actually are
25 leading the nation of all departments in our Bearded Up

1 Campaign, so...

2 Community Relations is selling pink patches for the
3 Pacific Cancer Foundation and purple patches for domestic
4 violence awareness. And also we'll be doing a food donation
5 with the Community Relations Section, a food drive beginning
6 November 1st for the Maui Food Bank, so that's something that
7 we do annually.

8 Citizens on Patrol based out of Kihei is awaiting
9 the arrival of a new 2020 Nissan Kicks vehicle. This was
10 purchased with a Dorsey Grant with the assistance from the
11 Maui Police Foundation. So, again, thanks to the Maui Police
12 Foundation for that funding.

13 We have nine police officer cadets who are the first
14 members of the new program that we have instituted. They'll
15 be starting on November 2nd with their training.

16 And Community Relations Section selected a new
17 officer to fill in the -- they've been short for some time
18 now, they've been really busy, especially with the pandemic
19 responses and social media contacts and, you know, getting the
20 community messages out. We selected -- they selected Officer
21 Marvin Miles, so he'll be joining the Plans -- I mean, the
22 Community Relations Section on November 1st. So
23 congratulations to him on his selection.

24 As far as patrol, the backbone of the department, I
25 have two significant cases to report. On October 12th our

1 Crime Reduction Unit, which is -- we often call them CRU and
2 sometimes the chief probably talks about them a lot. They're
3 very, very proactive enforcement unit. On October 12th they
4 received information from a CI regarding a female and her
5 boyfriend distributing large amounts of narcotics from their
6 Harbor Lights apartment, which is in Kahului. The female also
7 had an outstanding bench warrant and when arrested on the
8 bench warrant, she was found to be in possession of a large
9 amount of heroin. Of course, it was recovered. At the same
10 time, the female gave consent to search the rest of her
11 belongings, to which more drugs were recovered in the form of
12 crystal meth, heroin, methadone pills.

13 Her boyfriend, who was also in the apartment,
14 consented to the search of the apartment and that resulted in
15 the recovery of 28 grams of marijuana, Diazepam pills, as well
16 as a hundred grams of heroin. As we can see, heroin seems to
17 be making a major comeback now in the drug scene. And along
18 with that, \$49,000 in cash was also confiscated from that
19 search, so -- this case has been -- will probably be adopted
20 by our DA partners here on Maui and it's being actively worked
21 on as we speak, so I can't go into further details with
22 regards to that.

23 As far as Wailuku Patrol, it just goes to show that,
24 you know, our officers, no matter what they're tasked with as
25 additional responsibilities dealing with COVID and the

1 pandemic crisis, they still have time to get out there and
2 take care of what needs to be taken care of on their beat and
3 Officer Kamaka is no exception. He received information from
4 a CI regarding numerous narcotic activity taking place on a
5 residence in Kahului on West Papa Avenue. Officer Kamaka was
6 able to use a CI to purchase drugs from the targeted residence
7 and secure two search warrants which were executed on
8 October 14th. A search resulted with the recovery of, again,
9 heroin, 10.83 grams, 11 grams of methamphetamine, codeine
10 pills, marijuana and THC concentrates, and also \$23,000 in
11 cash.

12 So there's a lot of narcotics activities that are
13 going on and not only being addressed by our Vice Division,
14 which specializes in that type of investigation, but also by
15 Wailuku Patrol. And not only Wailuku Patrol, but all the
16 patrol elements. And this just goes to show the initiative
17 that are taken by our regular patrol officers, who are, you
18 know, taking an active role in addressing concerns on their
19 beats that are being brought forth by, you know, community
20 members and, you know, rather than just passing it off to the
21 Vice people, who are already busy with their major
22 investigations, they're taking the opportunity to get that
23 knowledge and experience in applying for search warrants and
24 executing search warrants and, you know. So again, you know,
25 I just wanted to recognize that -- them for that effort and,

1 again, commend all our patrol units for their diligence and
2 service in this area in addressing the community concerns.

3 I -- that's all I have for the report from the
4 different bureaus. I'll probably turn it over to June, if
5 she's on. I believe she's on. Ms. Nouchi is replacing for
6 Melissa Magonigle.

7 MS. NOUCHI: Chief, I'm here.

8 DEPUTY CHIEF RICKARD: Okay. There you are. June,
9 if you don't mind.

10 MS. NOUCHI: Thank you.

11 Hello, Commissioners. Let's see. I'm covering for
12 Melissa, who is not here at this moment. So our staffing
13 report, we have -- we're at 80 percent for sworn and 70
14 percent for civilians. Right now on our sworn we have 23
15 total offers, hopefully we get more offers tomorrow. We
16 look -- we're looking at maybe hiring six, six more, they're
17 in the physical phase now, and then we're going to rehire one
18 officer next -- early next month, and we have nine -- nine
19 right now in the psychological phase. We're looking at, also,
20 with the state opening up, to bring in the neighbor island
21 people for -- for the psychological portion. That's been a
22 big hang-up. And also for out-of-state candidates to come
23 over for psyche, but we're -- we're waiting to see how -- how
24 safe it is first.

25 And also for the nonsworn, we have conditional

1 offers outstanding. We have 39 vacancies. We just created a
2 new public -- public safety aide position for Molokai that
3 should be in open recruitment.

4 Any -- do you have any questions regarding our
5 recruitment efforts?

6 Oh. And also we're going to -- we are hiring eight
7 cadets, police cadets. They are students, they have to be
8 verified students, and they're gonna be working in Community
9 Relations as of November 4th.

10 And also there's the financial report. I'm not sure
11 if you have any questions regarding the numbers, but this is
12 covering up to August 31st.

13 CHAIR DE REGO: Any questions, Commissioners, on the
14 financial report?

15 COMMISSIONER SANTIAGO: There's a -- Chair.

16 CHAIR DE REGO: Yes.

17 COMMISSIONER SANTIAGO: I just wanted to just ask
18 June again, so you said there's a PSA position opening up for
19 the Molokai station?

20 MS. NOUCHI: Yes.

21 COMMISSIONER SANTIAGO: And then that one is already
22 posted?

23 MS. NOUCHI: I think DPS is beginning to post it or
24 ask for recruitment. And also --

25 COMMISSIONER SANTIAGO: Okay.

1 MS. NOUCHI: There's gonna be a dog warden, he's
2 gonna be hired on the 4th for Molokai Station.

3 COMMISSIONER SANTIAGO: Yeah, I seen that.

4 MS. NOUCHI: Yeah.

5 COMMISSIONER SANTIAGO: Okay. Thank you.

6 CHAIR DE REGO: That was Commissioner Santiago.
7 Yes. Just so we get your name on there for the -- the person
8 who's doing the court reporting.

9 Any other questions?

10 COMMISSIONER SANTIAGO: Yeah. I just have one
11 question for Chief, if I may.

12 CHAIR DE REGO: Sure.

13 COMMISSIONER SANTIAGO: Chief, I just wanted to --
14 if there's an update on the -- the Molokai Police Station,
15 any -- anything going on with that project?

16 DEPUTY CHIEF RICKARD: Well, the project has been
17 stalled by Councilmember Rawlins-Fernandez. She's against it.
18 The funds has been allocated, but put on hold. We have until
19 the end of the year, so if you have any influence in trying to
20 change her mind. Apparently, she held some community meetings
21 and -- I mean, we've been working at it for four years, I
22 mean, it's been a long overdue project and the monies were
23 appropriated and approved, but put on hold and -- yeah,
24 that's -- that's all we know for now. So until she or council
25 is able to get it on their agenda and approve the final

1 purchase of the land, we're kind of at a quandary right now
2 waiting to see what's gonna happen with that. We've already
3 put in our request to have it reviewed again and again and so
4 far we haven't had any response from the council member. And
5 our captain on Molokai has been in -- has been in contact with
6 their office, but as far as -- as of right today, no word
7 on -- one way or the other, so -- but the money is still there
8 until the end of the year.

9 COMMISSIONER SANTIAGO: But -- but is she just
10 opposing spending the money or just opposing having that
11 project?

12 DEPUTY CHIEF RICKARD: Yeah. My understanding is
13 that the community doesn't support the location for that
14 station. And we went and gave numerous presentations, we did
15 our own community presentations, and it was just the opposite,
16 we felt that they were desire -- they desired the station and
17 the location and they were okay with it, but it was reported
18 back from her office with her constituents that they had
19 issues with the location, so that's what put the stall on it
20 and that's where it's at right now.

21 COMMISSIONER SANTIAGO: Okay. All right. Thank
22 you.

23 CHAIR DE REGO: Any other questions?

24 DEPUTY CHIEF RICKARD: Ah.

25 CHAIR DE REGO: No. Go ahead, Chief.

1 DEPUTY CHIEF RICKARD: No. I was just gonna add
2 some alibis that I wanted to touch upon.

3 CHAIR DE REGO: Sure.

4 DEPUTY CHIEF RICKARD: As far as the budget, we --
5 first of all, I want to thank Chair De Rego, who attended our
6 budget preparation meeting, I know he took part in it. It
7 took place last -- two weeks ago and I know he was able to
8 BlueJean in on it, so -- again, it was just the preliminary
9 budget. It's kind of flat across the board as far as the
10 operational expenses are concerned, as we're not really asking
11 for any additional positions at this time, especially with the
12 current state of the county and where we're at right now with
13 the pandemic. But, of course, there's gonna be certain needs
14 that's comes along with equipment and capital improvement
15 projects that are gonna be requested. But, again, everything
16 is gonna be kept to a minimum. And then once we complete
17 our -- finalize the budget with all the various commanders and
18 prioritize it, we will get it before you folks for review.
19 And I believe it needs to be submitted by the third week in
20 November, if I'm not mistaken, to our finance -- to our budget
21 director up at the mayor's office, so you can look forward to
22 that.

23 And tonight we actually have our -- well, the mayor
24 has his community budget meetings that's been going on for the
25 last two-three weeks and I believe it's our turn up at the

1 table, so we'll be taking part in that tonight at 5:30 via
2 BlueJeans. I -- the information is available on the county
3 website as far as how to link in. It'll be us, prosecutors --
4 us, prosecutors, who else is in for -- oh, prosecutors -- oh,
5 corporation counsel.

6 CHAIR DE REGO: Corporation counsel, yeah.

7 DEPUTY CHIEF RICKARD: Yeah, corporation counsel,
8 so -- so, yeah, if you folks aren't doing anything and you
9 can -- you want to BlueJean yourself out, you can join us
10 tonight at 5:30, so...

11 Oh, and one final thing, I can't forget our Traffic
12 Division, yeah. I just wanted to make note they had their
13 national campaign, which was the National Highway Traffic
14 Safety Administration's You Text, You Pay. You might have
15 seen it in the -- the advertisements in the newspaper. From
16 October 5th to the 12th we took part in it for the -- it was
17 mainly for distracted driving, but also other traffic
18 violations. The results of the campaign resulted with 197
19 mobile electronic device prohibited citations being issued,
20 169 citations for seatbelt, two child restraint citations, 35
21 other moving violations type of citations as well as two
22 arrests. And one of the arrests was actually for a female who
23 was observed driving and cruising through Wailuku Town with a
24 two-year-old in her lap unseatbelted, so just to give you an
25 idea of the mentality of our people out there and why our

1 traffic people are so important to be out there enforcing
2 these laws, so, you know -- and, again, they'll continue to
3 show a strong presence on our roadways, as they always have,
4 and, you know, our ultimate goal is to make sure, you know,
5 we -- everyone can utilize the roadway as safely as possible.

6 So that's all I have, unless anybody has any
7 questions for me, Chair.

8 CHAIR DE REGO: Yes. Commissioner Leach.

9 COMMISSIONER LEACH: Yes. I just had a question for
10 the chief. At one time there was a trial period with patrol
11 cars with their blue lights on all the time and that's not the
12 policy now; is that correct?

13 DEPUTY CHIEF RICKARD: At night we encourage our
14 offices to utilize their blue lights, yes. They're -- you're
15 talking about the pilot lights? Yes, they're --

16 COMMISSIONER LEACH: Yes.

17 DEPUTY CHIEF RICKARD: At nighttime, they should
18 have it activated.

19 COMMISSIONER LEACH: Oh, so they're --

20 DEPUTY CHIEF RICKARD: While on routine patrol.

21 COMMISSIONER LEACH: Yeah. But during the day,
22 they're not?

23 DEPUTY CHIEF RICKARD: During the day, yeah, it's
24 not really useful during the day.

25 COMMISSIONER LEACH: Yeah.

1 DEPUTY CHIEF RICKARD: So nighttime, you know, it
2 serves as a preventive measure as well as an identification
3 measure.

4 COMMISSIONER LEACH: Yeah. Good. Thank you.

5 DEPUTY CHIEF RICKARD: Yes. And that's all I have.

6 CHAIR DE REGO: I have a question -- no. Go ahead,
7 Chief.

8 DEPUTY CHIEF RICKARD: No. Go ahead.

9 CHAIR DE REGO: I have a question about the opening.
10 Has this put any more pressure on the police department? Have
11 we seen a lot of visitors coming in? What are the contingency
12 plans once people start coming back? I know that's -- you
13 know, you've been under pressure a lot just for COVID locally
14 in terms of shifts and things like that, so what are you guys
15 projecting for the opening?

16 DEPUTY CHIEF RICKARD: Well, the reports that we
17 get -- we meet with the mayor, the mayor's office every
18 Monday, Wednesday, Friday, us as a public safety entity to go
19 over, you know, whatever the mayor feels are important needs
20 to be addressed. But from my understanding, I mean, we both
21 seen the lines at the airport, the influx of tourists coming
22 to the islands now, so, yeah, it certainly has increased in
23 the last -- over the weekend. But the word we're getting from
24 our airport here on Maui is that they're starting to see a
25 decline in the number of passengers that are coming in. But

1 as far as keeping us busy, for us, it's kind of status quo
2 from a law enforcement perspective. We're just gonna continue
3 doing what we're doing. I think it's more of an issue on
4 trying to expedite the processing of the -- the incoming
5 passengers at the airport, so it's more a state issue and a
6 department of transportation issue, department of health issue
7 than it is law enforcement and county, which is the reason
8 that we're all working in unison to try and, you know, address
9 it as best as can. But for our officers on the front line,
10 you know, they're being -- they're being tasked with
11 additional duties that aren't normally within our scope of
12 responsibility, but, you know -- and they're stepping up to
13 the plate, but, you know, we just gotta continue.

14 We have our Community Relations Section, who has
15 been wonderful at getting the message out through their
16 sometimes playful videos, but it's a reminder. You know,
17 people tend to listen when you can enjoy watching a video
18 rather than just being told by some authoritative figure do
19 this, do this, do that. But if you do it in a proper way or a
20 fun way, you know, they can get the message across and you can
21 remember it much better.

22 We have our officers out in the high tourist impact
23 areas, because a lot of the complaints coming in right now are
24 being -- are about these tourists who aren't wearing masks who
25 are walking down Front Street, Makawao Town, Paia, on the

1 beaches. And, granted, the mask policy is in place, it's
2 the -- it's the governor's rule as well as a mayor's rule.
3 But our officers are out there still conducting checks as well
4 as issuing warnings and then, of course, the ultimate is
5 citations before any type of arrest will be made. So
6 discretion is being used, but at the same time, you know, we
7 gotta continuously educate, educate, and educate, and, you
8 know, everybody gotta remember that they've gotta do their
9 part. And that's what we keep telling our officers, to
10 remember that.

11 You go down Front Street, you know, and business has
12 increased. I live in Lahaina, I've seen it. I mean, there's
13 more people there now than it was the last several months.
14 And you see in Kihei get a little bit more active, and
15 Makawao, Paia, so it's -- it's back. It's not to the point
16 where it was before, but, yeah, we just -- we still gotta
17 remain cautious and optimistic and hopefully everything will
18 work itself out.

19 As far as Lanai, Commissioner Mano can attest to
20 this, I mean, Lanai was, you know, COVID free for all these
21 months and then, you know, it was a travel related -- from
22 what we heard, it was a travel-related incident and now
23 it's -- with the contact tracing, they're doing further
24 testing and it'll probably have a little bit more positive
25 cases that will come about in the next day or two, so we'll

1 see.

2 CHAIR DE REGO: Thank you, Chief.

3 DEPUTY CHIEF RICKARD: I mean, we already saw an
4 increase from yesterday to today, so -- but, yeah, I mean,
5 we're prepared, we're making contingency plans, we have them
6 in place, and, you know, just be safe out there, so...

7 CHAIR DE REGO: Thank you. Thank you very much,
8 Chief.

9 Just to go back on what's on the agenda, I know that
10 Chief Faaumu was --

11 DEPUTY CHIEF RICKARD: Faaumu.

12 CHAIR DE REGO: Faaumu, okay, was -- and I'm
13 Hawaiian, I should be able to say this right, so --

14 DEPUTY CHIEF RICKARD: That's a Tongan name.

15 CHAIR DE REGO: Tongan, okay. So if you could ask
16 him when he comes back, there was the chief's response to
17 Commissioner Redeker's questions regarding records, if --
18 we're gonna put that back on the -- if we could put that back
19 on the agenda when he is able to.

20 Commissioner Redeker.

21 COMMISSIONER REDEKER: There's no need. They
22 responded in writing and --

23 CHAIR DE REGO: Okay.

24 COMMISSIONER REDEKER: -- frankly, I didn't want a
25 response, I was just letting them know that they were gonna

1 have a significant increase from the end of November, first
2 part of December. I didn't really expect anyone to get back
3 to me. I was just trying to let them know that they're
4 looking at 50 more persons per week showing up down there.
5 I -- you know, it's very kind that they sent something back
6 that they're fine, but, you know, I'm planning on putting 200
7 people a month down in records, so that's --

8 DEPUTY CHIEF RICKARD: That's fine.

9 COMMISSIONER REDEKER: Yeah. That's a significant
10 increase and they said that they're fine and that's fine with
11 me. I was just trying to give them a heads-up.

12 CHAIR DE REGO: Thank you.

13 DEPUTY CHIEF RICKARD: Yes, Commissioner Redeker, we
14 appreciate that. Thank you. And, yeah, you're right, again,
15 contingency plans are in place, we've cross trained a lot of
16 the current personnel in there, so hopefully that'll address
17 the problem. And if there is a need, then we'll definitely
18 reevaluate, as I stated in last month's commission meeting.
19 So, again, thank you for that concern, appreciate it.

20 COMMISSIONER REDEKER: Okay.

21 CHAIR DE REGO: Thank you, Commissioner Redeker.
22 And thank you, Chief.

23 Okay. I think, if there's no other questions,
24 that's it, Chief, and thank you.

25 I'm trying to find her, unless she's gone --

1 DEPUTY CHIEF RICKARD: Yeah, Nouchi, June Nouchi.

2 CHAIR DE REGO: Okay. Yes. Thank you very much for
3 being here today and joining us.

4 DEPUTY CHIEF RICKARD: Okay.

5 CHAIR DE REGO: Thank you very much.

6 DEPUTY CHIEF RICKARD: Okay. You folks have a safe
7 day. Thank you.

8 CHAIR DE REGO: Same to you. Take care.

9 COMMISSIONER: Aloha, Chief.

10 DEPUTY CHIEF RICKARD: Aloha.

11 CHAIR DE REGO: So let's go down to the Legal Issues
12 Refresher. Jennifer.

13 MS. OANA: Thank you, Chair.

14 So I'm going to share my screen. I made a
15 PowerPoint. Does everybody see that?

16 COMMISSIONERS: Yes.

17 CHAIR DE REGO: Yes, I can see it.

18 MS. OANA: Okay. So like the agenda says, I just
19 wanted to give a little bit of legal issues refresher. The
20 new commissioners who came on, I had them read all of the
21 rules, but I know we didn't have any orientation this year
22 yet. Usually it's done around April, May, or June, but that's
23 when, you know, we started having these BlueJeans meetings and
24 it kind of took us a while to get going on this, so we -- we
25 didn't have one. And so I wanted to kind of do one,

1 especially since we do -- you know, I was anticipating a new
2 chair.

3 So I'm just gonna run through this as fast as I can,
4 because it's already 3:35 and we still have our other items in
5 executive session. So I'll try to go real fast and then if
6 you guys have any questions, you guys can always email. I'm
7 sure I'm on an email that Amy sent, so you have my email
8 address, and you can always call me at my office too.

9 So I wanted to start off with what it says in the
10 Hawaii Revised Statutes at Section 52D-1. And I know Amy gave
11 you a printout of this section already. I'm gonna have to
12 move --

13 So the Hawaii Revised Statute says, A police
14 commission is created for each of the counties. The
15 composition, appointment, terms of office, staff, powers,
16 duties, and functions of each police commission shall be
17 prescribed by the charter of each county.

18 So just FYI, 52D is the section on police
19 department. It starts with No. 1, which is the police
20 commission.

21 Okay. So the Charter of the County of Maui, as you
22 know, Section 8-12.2 is the police commission and this is
23 where you guys get all of your powers, what you are authorized
24 to do, what, you know, they say that you can do.

25 So the first part of it is you are -- you consist of

1 nine members appointed by the mayor with approval of the
2 council.

3 And then there's four things, or five. The police
4 commission shall:

5 1. Adopt rules as it may consider necessary for the
6 conduct of its business and regulation of the matters
7 committed to its -- to its charge by law.

8 So that is those Maui Police Commission rules that
9 you guys all have.

10 Review and submit to mayor the department's request
11 for an annual appropriation for the operation of the
12 department.

13 So that's budget review and I know, you know, we
14 have -- I think we have a small TIG for that one that you guys
15 were talking about last couple of meetings.

16 The police commission shall:

17 Receive, review, and investigate any charges brought
18 forth by the public against the conduct of the department or
19 any of its members and submit a written report of its findings
20 and recommendations to the chief of police for the chief's
21 disposition.

22 So you guys are all -- so all are also familiar with
23 this as you have at least one per meeting that you guys see.

24 And No. 4. Annually review and evaluate the
25 performance of the chief of police and submit a report to the

1 mayor and the council.

2 So that's another thing we have a TIG on, is the
3 evaluation of the chief.

4 And No. 5 is: Have such other powers and duties as
5 may be provided by law.

6 I also wanted to point out to you Charter
7 Section 13-2, that's the section that applies generally to all
8 boards and commissions. So I'm not going to read this out to
9 you, but it's -- I do want to read one, one section of it
10 that's pretty important. It comes up in a lot of the boards
11 and commissions that I staff and it's -- really has to do with
12 the board's authority or the commission's authority, what it
13 can and cannot do. And a lot of times boards and commissions
14 kind of want to -- or certain board members or commissioners
15 want to go outside of the scope of their authority, which in
16 your case is -- it states in the charter.

17 And also, in this particular commission too, I've
18 noticed -- and as you guys all know, that I'm pretty new to
19 this commission, but over the last few months, I've noticed
20 some public testimony with regard to things that people are
21 concerned about and they are rightfully concerned about it, so
22 am I, but, you know, it doesn't really fall into this
23 commission's jurisdiction. People want you guys to tell the
24 department what it should do.

25 So I just wanted to point out this one in bold:

1 Except for purposes of inquiry and as otherwise provided by
2 the charter or by law, no board or commission nor its
3 membership shall interfere in any way with the administrative
4 affairs of the department.

5 So, you know, what we are charged to do, what you
6 are charged to do as a commission are those, you know, five
7 things that are stated in the charter, but, you know, people
8 tell you, Well, I'm really concerned about, you know, this
9 issue and you should tell the chief of police that he's gotta
10 do this. You know, if it's not a complaint brought before you
11 or evaluating the budget or the chief, you know, it's not
12 within your authority and you cannot tell the department or
13 the police chief, you know, what they have to do. In some
14 certain circumstances you can advise, you know, through your
15 correspondence to the chief regarding complaints or things,
16 advise and make recommendations, but we cannot dictate to the
17 department what it has to do.

18 So, you know, this is the number -- this showed up
19 in No. 1 of your duties in the charter to adopt rules. And so
20 previous commissions did adopt rules and Amy gave it to you in
21 your binder as well as gave it to you with your meeting
22 materials today. I'm not going to go over everything, some
23 things, you know, you can just read and it's pretty self-
24 explanatory. If you guys have any questions on any of that,
25 you know, you can call me or if you want me to discuss it in a

1 meeting, you know, let me or Amy know and I'll be happy to do
2 that.

3 I wanted to kind of get to the meat of the things
4 today and so I'm gonna be talking about only four -- two
5 subchapters, Subchapter 4 and Subchapter 8, because that's
6 what you guys see regularly, like I think almost every meeting
7 we have one or two of these things that come up.

8 So Subchapter 4 in your rules is complaints brought
9 by the public, so I kind of want to just go over each rule so
10 that, you know, we can all understand it. And if you have any
11 questions now or even --

12 So 13-101-21, the Filing of Complaints. A complaint
13 against the conduct of the department or any of its officers
14 and employees shall be in writing and sworn to by the
15 complainant.

16 So that's why you see that little notary stamp at
17 the bottom of all the complaints that we get.

18 Any member of the public may file in person or by
19 mail a complaint with the commission secretary, Amy, any
20 district commander or with any of you. Complaints shall
21 include the date, time, place of the alleged misconduct, the
22 alleged responsible party's name, complainant's name and
23 address, and facts surrounding the alleged misconduct.
24 Complaints shall be made upon forms prescribed by the
25 commission.

1 There is a section on withdrawal of the complaints,
2 which I personally haven't seen in my short time here, but
3 people can make -- can withdraw their complaint.

4 So we -- 13-101-23 is the processing of the
5 complaints, so this is really, you know, the first step.

6 All filed complaints shall be immediately forwarded
7 to the commission secretary who shall assign each complaint a
8 file number and forward the complaint to the chair of the
9 commission. It says, or that individual's designated
10 representative, but I don't really know what that means, so,
11 you know, Amy just forwards it to the chair. The chair shall
12 refer the complaint to a commission investigator with
13 instruction to submit a report thereon; however, no complaint
14 shall be referred for investigation or processed where --

15 And then the next item that I'll go over is A, B, C,
16 D, and F.

17 This rule, it does -- I want to point out that it
18 does say the chair shall review it and refer the complaint to
19 the commission investigator on his -- on his or her own, but I
20 want to just remind everybody about three meetings ago, maybe
21 it was four or five meetings ago, we did have a little
22 discussion in the meeting and I believe it was the
23 commission's preference that the chair just put it on the
24 agenda so the entire commission can make a decision, but, you
25 know, the chair does have this, you know, authority that they

1 can, you know, review it and forward it to the commission
2 investigator on his or her own.

3 Okay. So no complaint shall be referred for
4 investigation or processed where, and these are the, you know,
5 A, B, C, D, E, F that we always talk about.

6 The complaint is not filed within 60 calendar days
7 of the occurrence of the event which is the basis of the
8 complaint; or

9 The complaint on its face is speculative,
10 hypothetical, or not based on factual circumstances, or

11 C) The identical allegations of the complaint are
12 being or will soon be litigated in a criminal action; or

13 D) The complainant has given notice of the
14 complainant's intention to seek remedies through a civil suit.

15 And as you all know, there's a little box on the
16 complaint form that says, Are you going to file a civil suit?

17 And E) The subject matter of the complaint is not
18 within the jurisdiction of the commission; or

19 F) The complainant's interest is not of the type
20 which would give that individual standing to maintain an
21 action in a court of law, and the complainant is not an
22 eyewitness to the events which are the basis of the complaint.
23 Complaints where the complainant has standing or is an
24 eyewitness will be processed.

25 So I just want to go back up here. So, you know, we

1 talked about this maybe, you know, a few meetings ago.
2 Basically, when we get the complaint, it's -- you know, you
3 all review it and you either forward it to the investigator to
4 investigate and submit a report to you or the option is you
5 don't process it because of one of these six reasons.

6 So, you know, there's additional reasons later on
7 after, you know, a hearing or after you review the
8 investigation report to find whether the complaint should be
9 dismissed or not, but that's a separate list of things. At
10 this very beginning stage, once you get the complaint, review
11 it, the options are you either, according to these rules,
12 forward it to the investigator for investigation and report or
13 find one of these six reasons not to process it.

14 So this rule continues: Whenever the complaint is
15 not processed for any of the reasons above, the commission
16 shall review the decision of the chair at its next meeting, if
17 it's the chair that makes the decision. The commission may,
18 for good cause, waive any of the bars to processing complaints
19 and may sustain or reverse the original decision by a majority
20 vote. Where the commission decides that a complaint should
21 not be processed, it shall inform the complainant of its
22 decision in writing, giving its reasons therefor, and, where
23 applicable, inform the complainant of alternative remedies.
24 Except for good cause appearing on the record, the commission
25 shall not defer or postpone processing of complaints for more

1 than 30 days.

2 So this next step is when you folks vote to actually
3 refer it to investigation. You're not not processing it, you
4 are processing it and you're gonna forward it to the
5 investigator.

6 So the accused employee of the department, the
7 chief, and the complainant shall be informed that the
8 complainant -- that the complaint has been referred for
9 investigation as soon as possible. The accused employee and
10 the chief shall also be given a copy of the written complaint
11 and be informed of the nature of the investigation to be
12 conducted.

13 And, then, you know, B says how to serve the accused
14 employee with the notice. And I'm gonna just skip over that
15 'cause it takes too much time. I'm really reading the rules,
16 but I kind of want to go one by one just because we see this
17 so often, I want to make sure we all have read through it
18 really well.

19 So the next is when we get the reports from the
20 investigator.

21 The commission investigator shall prepare a detailed
22 investigation report and submit said report to the commission
23 when the investigation is completed.

24 The commission shall review the investigation report
25 in closed session.

1 And then this is what you can do once you review it.

2 The commission may:

3 1) Request further investigation by the commission
4 investigator; or

5 2) Determine that the findings contained in the
6 report are sufficient for the commission to take final action
7 without a hearing right then and there at that meeting; or

8 3) Determine that the commission requires a hearing
9 to supplement or clarify the findings of the report.

10 So in my experience with you folks, I have seen an
11 investigation report come back from the investigator and then
12 you guys chose, you know, No. 2, Determine that the findings
13 contained in the report are sufficient for you to take action
14 without a hearing.

15 Now we get to the actual hearing. So after the
16 report is given to you and you decide not to dismiss it or
17 send, you know, something to the chief saying that you find
18 the complaint valid, you want a little bit more information,
19 you have a hearing before the commission on complaints -- the
20 complaint.

21 So you shall determine the place, date, and time of
22 any hearing on a complaint. Both the complainant and the
23 accused shall be notified of the hearing and be afforded an
24 opportunity to testify as witnesses. Such a hearing shall be
25 closed to the public and be inquisitorial in nature.

1 These kinds of hearings don't necessarily have to be
2 at a meeting, a regular meeting date. Sometimes these
3 hearings may be really long, it could be a half day all by
4 itself, it could be a whole day, it could be multiple days,
5 and so we may have to do some scheduling of these hearings.

6 Okay. So the hearing procedure is:

7 The commission may call all witnesses including the
8 complainant and the accused party to testify on issues before
9 the commission.

10 The commission may request its counsel to examine
11 all the witnesses and each commissioner may, in turn, examine
12 the witnesses subject to the recognition of the chair.

13 Any oral or documentary evidence may be received by
14 the commission and the rules of evidence shall not be
15 applicable.

16 So rules of evidence basically are like hearsay,
17 admissibility types of rules that a court applies, but in
18 contested case hearings like this, those don't apply.

19 However, it says, Irrelevant or immaterial or unduly
20 repetitious evidence shall be excluded. Things have to be
21 relevant.

22 The commission shall give effect to the rules of
23 privilege recognized by law.

24 So, you know, attorney-client privilege, physician-
25 patient privilege, you know, those kinds of privileges, but

1 there are exceptions to that which, if we ever get to that
2 point, I can discuss further.

3 Any witness including the complainant and the
4 accused may be accompanied and be advised by counsel.

5 The commission may take notice of judicially
6 recognizable facts.

7 And an audio recording shall be made of all
8 hearings.

9 So after the hearing, this is what you folks have to
10 decide. Okay. So after hearing or upon -- or upon review of
11 the investigation report -- so that means, you know, either
12 after the hearing or you guys determine that you have enough
13 in the investigation report to make a finding and conclusion
14 without a hearing, the commission shall make findings of fact
15 and a conclusion. Said findings of fact and conclusion shall
16 be ratified in open session without disclosing the names of
17 the complainant or the accused employee.

18 The commission may find:

19 1) The complaint was not based on facts, or the
20 alleged incident did not occur and the complaint is unfounded;
21 or

22 2) There is insufficient evidence to prove the
23 material allegations of the complaint and the complaint is
24 therefore not sustained; or

25 3) The incident complained of occurred, but the act

1 or conduct of the department or employee was lawful and proper
2 and the accused is exonerated; or

3 4) There is sufficient evidence to support the
4 allegation of the complaint and ground to justify a
5 recommendation that remedial action be taken.

6 I just want to highlight that this list is different
7 from the list that you folks have to kind of choose from when
8 we are first reviewing a complaint. I don't want you guys to
9 get confused with that, because they're pretty different.

10 Okay. And then the commission shall make written
11 findings of fact and conclusions of each complaint, and shall
12 transmit a copy thereof to the accused and the chief. Where
13 the commission finds that remedial action should be taken, a
14 written recommendation as to such action shall be made to the
15 chief. The complainant shall in each case be notified in
16 writing of the commission's final decision.

17 Okay. That's it for complaints. The other
18 subchapter I want to go over with you guys really quickly is
19 8, which is the legal representation section.

20 So if a police officer desires legal representation
21 to be provided by the County of Maui in civil or criminal
22 proceedings, the police officer shall submit a written request
23 to the commission within 30 calendar days of the officer being
24 formally notified of the pending civil or criminal matter.
25 The officer may submit a written statement setting forth facts

1 and supporting analysis that the actions were done in the
2 performance of duty as a police officer so as to entitle the
3 police officer to be represented by legal counsel provided by
4 the county. The commission may extend the time to submit a
5 written request upon a showing of good cause.

6 Now, here I've noticed that the -- the submission --
7 the submittals of the officers pretty much just say -- and
8 it's usually a letter to the chief. Dear Chief, I've been
9 sued, I was -- I was on duty at the time, I'm requesting legal
10 counsel. But this rule actually says that they may submit a
11 written statement setting forth the facts and supporting
12 analysis that their actions were done in the performance of
13 duty as a police officer. So, you know, we can go with what
14 we've been getting, that's -- that's okay, but I also want to
15 let you know that we can ask for more if you guys want.

16 If you look at HRS 52D-8 and -9, it also talks about
17 counsel for these police officers and it generally says the
18 same thing as your rules. Your rules were made off of these
19 HRS statutes, so, you know, that's where your rule comes from,
20 really, is these statutes.

21 So upon receipt of the officer's written request,
22 the commission shall request that the chief or the chief's
23 designee prepare and submit a written report to the commission
24 informing the commission of the current status of the
25 department's investigation with regard to which the police

1 officer is seeking legal representation. The written report
2 shall include all relevant police reports and any other
3 documents pertaining to the matter. The report shall be
4 submitted to the commission within seven calendar days of
5 filing of the request. The commission, may, in its
6 discretion, extend the time for submittal of the report.

7 We had a little bit of problem with that a couple
8 months ago.

9 Okay. So in determining whether the acts for which
10 the police officer is being sued or prosecuted was done in the
11 performance of the officer's duty, the commission may use the
12 following guidelines:

13 1) Was the officer acting in a manner in which the
14 department or the county had an interest?

15 Was the officer on duty or off duty?

16 Was the police officer doing what the officer was
17 trained to do by the department and/or authorized by law to do
18 so?

19 Was the police officer's motivation in engaging in
20 the act an effort to serve the department or county or was the
21 police officer's actions purely personal in nature?

22 This one just says that before you make a decision,
23 you can ask me and we may make a recommendation to the
24 council. I've been told by my predecessor that I should not
25 make that recommendation to you, so I have asked a litigator

1 to make recommendations to you if we ever have to go there.
2 'Cause I will be the one who, if you plan to deny
3 representation, we'd have to have a contested case hearing and
4 I'll be the one advising you at the contested case hearing.

5 Here's a slide for that.

6 The commission shall provide a police officer with
7 an opportunity for a contested case hearing prior to denying
8 the police officer's request for legal counsel.

9 I'm gonna just kind of skip over this, some things,
10 just because I don't want -- I have a lot more to say.

11 Okay. So for a contested case hearing on a request
12 for legal representation, basically the officer has the burden
13 of proof and the burden of producing evidence and the burden
14 of persuasion. So they bring all the facts to you, they have
15 to bring evidence to you, and they have to persuade you by a
16 preponderance of the evidence, more likely than not, which
17 kind of means 51 percent that they should be entitled to legal
18 representation.

19 Decision and order: Within a reasonable time after
20 the contested case hearing, the commission shall render a
21 decision and order accompanied by written findings of fact and
22 conclusions of law. And we've gotta give it to the police
23 officer in person or by mail.

24 And with regard to that last section, that officer
25 can appeal your decision pursuant to that section and that

1 section basically says that they can appeal it to the circuit
2 court within 30 days of your final order, final decision.

3 Okay. So Sunshine Law, I have lots to say, so I'm
4 gonna try to go fast. And I'm sorry for trying rush this
5 through and I don't mean to, but it's already four o'clock and
6 I don't want you guys --

7 So Sunshine Law is Hawaii open meeting law. It
8 imposes requirements and restrictions on how all state and
9 county boards and commissions conduct their business.

10 The state Office of Information Practices offers
11 training videos and other materials, and that's the website
12 you can go to. It's a great website. I've been there
13 multiple times. And then they also publish that document,
14 Open Meetings, Guide to the Sunshine Law, which Amy did
15 include in your meeting materials today, which is an
16 excellent, excellent guide and I suggest everybody read it
17 like three times because it pretty much can tell you what you
18 need to know about the Sunshine Law.

19 So why do we have a Sunshine Law? Because it opens
20 up the governmental process to public scrutiny and
21 participation by requiring boards to conduct their business as
22 openly as possible.

23 There are exceptions to the Sunshine Law, but there
24 are to be construed strictly against closed meetings.

25 Absent a specific statutory exception, it must be

1 named in the statute or the board's business cannot be
2 discussed in secret.

3 So generally open meetings mean all meetings of
4 county boards are required to be open to the public unless
5 there's an executive meeting or other exception.

6 And this applies to the meetings of the board's
7 committees or subgroups, that's why I kind of -- a couple
8 meetings back, we had the budget subgroup and the chief's
9 evaluation subgroup and I wanted to make it a TIG instead of a
10 subgroup, because if it's a subgroup, we have to do agenda, we
11 have to have minutes, Amy has to be there, I have to be there.
12 So if you guys want to actually go out on your own without all
13 of this hoopla, then we have to make it a TIG, a temporary
14 investigative group.

15 The open meetings require that written public notice
16 at least six calendar of the -- calendar days before the
17 meeting be noticed, agendized, that's your agenda.

18 If the notice required is not met, the meeting is
19 canceled as a matter of law.

20 A list of all items must be considered at the
21 meeting, it must be sufficiently detailed to give the public
22 an idea of what will be discussed, affording them the
23 opportunity to decide whether to participate.

24 Have the date, time, place of the meeting.

25 No additions once agenda is filed unless two-thirds

1 affirmative vote of all members to which the board is
2 entitled.

3 But, no item shall be added if it's of reasonably
4 major importance and action thereon will affect a significant
5 number of persons, which makes sense.

6 So open meetings also allow for the opportunity for
7 public testimony. All interested persons shall have an
8 opportunity to submit data, views, arguments on any agenda
9 item.

10 Specifically, it does say agenda item, so it doesn't
11 really say you can testify, again, about anything. Some
12 chairs do give the public a little latitude to testify on
13 anything, but, you know, it does say any agenda item. So if
14 you need to be strict on that or if there's so many testifiers
15 you need to be strict, you can really just say it has to be on
16 an agenda item.

17 So the board may make reasonable time limit of oral
18 testimony and in your rules it does say -- there's a rule on
19 that. So it's three minutes on any agenda item, additional
20 minute at the discretion of the chair, and if unable to
21 conclude, you can give an additional three minutes after all
22 others have been heard.

23 So this is minutes, mandatory.

24 Date, time, and place of meeting.

25 Members of the board recorded as present or absent.

1 Substance of all matters proposed, discussed, or
2 decided.

3 We really don't have to worry about this because we
4 have, you know, verbatim minutes. I do want to let the chair
5 know at -- if he can do roll call votes, that would be the
6 best instead of, you know, everyone who votes yes, please
7 raise your hand; no, raise your hand. You can't really see
8 that and the court reporter can't, you know, report that, so
9 the roll call votes is the best way. And, actually, under
10 OIP's new guidance, because of this COVID situation, they do
11 require that.

12 Meeting means a convening of the board for which a
13 quorum is required to make or deliberate towards a decision
14 upon a matter over which the board has supervision and
15 control, jurisdiction, or advisory power.

16 You have nine members, five is quorum. Need five to
17 hold a meeting. You need affirmative vote of five to take an
18 action on anything.

19 Okay. So, generally, members of the board cannot
20 gather to discuss board business outside of a meeting unless
21 an exception applies.

22 No serial communications.

23 Commissioner Redeker is entirely correct. The
24 county council actually got in trouble for that one time.

25 Board members cannot discuss board business by

1 phone, fax, email, or social media. What you cannot do face
2 to face, you can't do by other, you know, technological means.

3 Social gatherings, meeting -- seeing someone at
4 Costco, those are chance meetings, just don't discuss board
5 business.

6 Can you discuss board business with nonmembers?
7 Generally, yes, but when there's executive meeting discussions
8 or closed session discussions, you cannot discuss anything you
9 learned in that.

10 So what is board business? They are matters over
11 which the board has supervision, control, jurisdiction, or
12 advisory power and that are before or reasonably expected to
13 come before the board.

14 So there are, as mentioned earlier, statutory
15 exceptions to discussing board business outside of a meeting.
16 They're called permitted interactions and there are only eight
17 of them.

18 I'm gonna kind of skip over.

19 So the first one is two board members. Two board
20 members may discuss board business outside of a meeting as
21 long as no commitment to vote is made or sought. But, again,
22 don't do any serial communication.

23 Okay. This is permitted or temporary investigative
24 group, PIGs or TIGs.

25 Two or more, but less than quorum to investigate

1 matters concerning board business.

2 They can be used to gather information relevant to a
3 matter before the board.

4 So we are doing that with our budget and police
5 chief evaluation. We've already had -- we already did letter
6 A) Scope of the investigation and scope of each member's
7 authority are defined at a meeting of the board. Who they are
8 and what they're gonna do, what they're authorized to do.
9 They go out, they do what they're going to do, and then we
10 come to the B meeting.

11 All findings and recommendations must be presented
12 to the entire board at a meeting of the board.

13 That's the second meeting and not -- it doesn't have
14 to be, you know, the next month. It could, you know, take six
15 months, but that's the second meeting with regard to the PIGs
16 or TIGs.

17 So the -- so the B meeting is just giving the
18 findings and recommendations to the board. You know, there
19 can be questions asked, but, really, the deliberation and
20 decision-making, which is the C meeting, occurs at a next
21 meeting of the entire board. Okay? And that's because, you
22 know, we're -- the TIG or the PIG is presenting the
23 information to the board at that meeting. The board has to
24 review it, digest it. The public also has to review it and
25 digest it and it's really not fair to the public at that point

1 for the board to take action on it because they haven't --
2 they maybe haven't seen the report. So that's why any
3 deliberation or decision-making does occur at the next
4 meeting, so if the public wants to object or praise the report
5 or whatever, the public has that opportunity. So it does take
6 a minimum of three meetings to take action.

7 Okay. The next permitted interaction is
8 presentations, negotiations, and discussions. The board may
9 assign two or more members, but less than quorum to present,
10 discuss, or negotiate any position that the board has formally
11 adopted at a meeting.

12 The board member should not represent the board
13 unless formal authority has been given at a meeting.

14 So, you know, if you want to testify in front of the
15 council as a representative of the -- of the police
16 commission, you know, we can do it that way if there's, you
17 know, two or more, but less than quorum.

18 Selection of board officers: Two or more members,
19 but less than quorum, can discuss between themselves the
20 selection of board officers. Like I said, yeah.

21 Permitted interaction: Testimony and presentations
22 at a canceled meeting. If a meeting is canceled because
23 there's no quorum or technology problems, if you have
24 something on the agenda like a presentation, you can continue
25 with the presentation or you can continue with any testimony.

1 Members may question testifiers and presenters, but
2 there's no deliberation or decision-making at that meeting
3 'cause it's not really a meeting.

4 So what happens next is at the next meeting, whoever
5 was present at this meeting that was canceled has to make a
6 report to the absent members and anything received at that
7 canceled meeting has to be given to all the absent members.

8 Attendance at other meetings is an exception.

9 Two or more members, but less than quorum may attend
10 informational meetings or presentations on matters relating to
11 board business, including a meeting of another board or the
12 county council.

13 Members may participate in discussions, so long as
14 the discussions occur as part of the informational meeting or
15 presentation.

16 No commitment relating to a vote on the matter may
17 be made or sought.

18 And then you must report your attendance and the
19 matters presented and discussed that relate to board business
20 to the board or commission at the next meeting.

21 I'm going to skip over this one. I don't think you
22 guys are going to be discussing anything with the governor.

23 I'm going to skip over this one, because we don't
24 have a board budget, I don't think, or anyone that we employ.

25 And then we go to executive meetings.

1 They're closed to the public.

2 If they're anticipated in advance, they should be on
3 the agenda.

4 If they are unanticipated, like we had today, a vote
5 must be taken to amend the agenda to add the executive
6 meeting. The vote requires two-thirds affirmative vote of the
7 members present and members voting in favor must also make up
8 a majority of all members total.

9 The purpose has to be announced, like to consult
10 with the board's attorney on questions relating to
11 liabilities.

12 There's only eight reasons why you can have an
13 executive meeting.

14 The first one, you know, we do this, you folks have
15 done this already: Evaluate personnel information of
16 applicants or professional -- or, I'm sorry, that's not the
17 one you do.

18 Consider the hire, evaluation, dismissal, or
19 discipline of an officer or employee or charges brought
20 against the officer or employee where matters affecting
21 privacy are involved.

22 The highlighted one is the one you frequently see
23 and a lot of county boards and commissions meeting cover this.

24 Okay. Sunshine Law violations, what happens if
25 there's a violation.

1 Decisions may be voided.

2 You can get a -- someone can get an injunction from
3 the court.

4 Attorneys' fees and costs are awarded to the
5 prevailing party.

6 Willful violations of the Sunshine Law, members can
7 be found guilty of a misdemeanor or removed from the board.

8 I'm just going to skip over Robert's Rules of Order
9 based on Frank, he knows how to run a meeting.

10 Quickly I'm gonna go over ethics. Now, the Code of
11 Ethics is in the County Charter under Article 10.

12 In 10-4, it says, Prohibitions. So no member shall:
13 Accept gifts or money.

14 No member shall disclose information by law --
15 which, by law, is not available to the public and which the
16 member acquires in the course of his official duties or use
17 such information for his personal gain or the benefit of
18 anyone.

19 This section will pretty much -- only maybe refers
20 to your executive session or closed session meetings, not --
21 we can't disclose any information we learn in those meetings.

22 No member shall engage in any business transaction
23 or activity or have a financial interest that is incompatible
24 with the proper discharge of the board member's official
25 duties or may tend to impair a board member's independence of

1 judgment in the performance of official duties.

2 No member shall use county property or personnel for
3 other than a public activity or purpose.

4 No member shall fail to disclose a financial
5 interest or vote on a matter affected by an action of a county
6 agency.

7 So when in doubt, a board member should:

8 Disclose any potential conflict to the board.

9 You also may request a deferral, hold off on the
10 item we're deciding on, and seek an advisory opinion on the
11 specific issue from the Board of Ethics.

12 The Board of Ethics is just like -- you know,
13 they're chosen just like you, they're chosen by the mayor,
14 confirmed by the council. They're volunteer citizens on this
15 board and they're -- you know, they have a multiple duties.

16 One is to give advisory opinions. So if a board
17 member, commission member, employee wonders if they have a
18 conflict and wonders what they can do or cannot do because
19 they have the conflict, they can ask the Board of Ethics for
20 as advisory opinion, which basically it's a letter to the
21 Board of Ethics. My name is this, I am a board member of this
22 or I am employed in the department of whatever and this is
23 what I do for my job, this is kind of what I want to do that I
24 think might be a conflict. Is there a conflict? Can I do
25 this or can I not do this? The Board of Ethics meets monthly

1 just like you folks and they will see this letter and then
2 discuss it and give you an advisory opinion.

3 If you get an advisory opinion and act in accordance
4 with the opinion of the Board of Ethics, even if someone
5 alleges that you are violating the charter or doing one of
6 these prohibitions, you shall not be held liable, but you have
7 to have that advisory opinion.

8 So a complaint may be filed with the Board of Ethics
9 for a violation of the Code of Ethics. So this is, you know,
10 any member of the public seeing that a board member,
11 commission member, employee may be violating or has violated
12 one of those 10-4 prohibitions, they can file a complaint with
13 the Board of Ethics. They will hear the complaint and render
14 a decision.

15 So failure to follow the charter's ethics
16 requirements, board members may be fined or removed from the
17 commission.

18 Okay. That's it. And I'm so sorry I rushed through
19 this. It's 4:17. If you have any questions now, I can answer
20 them, or like I said, you can email me or call me or anything.

21 So, Chair, back to you.

22 CHAIR DE REGO: Okay. Thank you very much,
23 Jennifer, for a very quick, but detailed going through of all
24 the things that we need to be cognizant of.

25 So let's kind of quickly go to our next section,

1 Section 12 on the -- Item 12 on executive session. I'm gonna
2 need a motion for us to move from regular session to executive
3 session.

4 Okay. Mark, can you make that motion verbally so we
5 could have it on record?

6 COMMISSIONER REDEKER: I make a motion we close
7 regular session and go to executive session.

8 CHAIR DE REGO: Thank you, Commissioner Redeker.
9 Do I have a second.

10 COMMISSIONER SANTIAGO: I'll second.

11 COMMISSIONER MANO: I second.

12 CHAIR DE REGO: Okay. Commissioner Santiago. Okay.

13 He's --

14 So I'm gonna do a roll call vote as suggested by our
15 corporation counsel. Okay. Vice Chair Patnode.

16 VICE CHAIR PATNODE: Aye.

17 CHAIR DE REGO: Commissioner Kuwahara.

18 COMMISSIONER KUWAHARA: Aye.

19 CHAIR DE REGO: Commissioner Leach.

20 COMMISSIONER LEACH: Aye.

21 CHAIR DE REGO: Commissioner Mano.

22 COMMISSIONER MANO: Aye.

23 CHAIR DE REGO: Commissioner Redeker.

24 COMMISSIONER REDEKER: Aye.

25 CHAIR DE REGO: Commissioner Santiago.

1 COMMISSIONER SANTIAGO: Aye.

2 CHAIR DE REGO: Commissioner Sylva.

3 COMMISSIONER SYLVA: Aye.

4 CHAIR DE REGO: Okay. Good. So chair also votes
5 aye and that's unanimous. We'll see you all in executive
6 session.

7 (Pause in Proceedings: 4:19 p.m.-5:26 p.m.)

8 CHAIR DE REGO: It's October 21st, 2020, at
9 5:26 p.m. We are returning to regular session. I'd like to
10 entertain a motion from somebody to ratify all actions taken
11 in executive session.

12 COMMISSIONER KUWAHARA: Commissioner --

13 COMMISSIONER SANTIAGO: I move we --

14 CHAIR DE REGO: Okay. Go ahead, Eugene.

15 COMMISSIONER SANTIAGO: I so move.

16 CHAIR DE REGO: Okay. So that -- and the second
17 from Commissioner Redeker.

18 Okay. So let's just do this by voice -- by a roll
19 call vote. Vice Chair Patnode.

20 VICE CHAIR PATNODE: Aye.

21 CHAIR DE REGO: Vice -- Commissioner Kuwahara.

22 COMMISSIONER KUWAHARA: Aye.

23 CHAIR DE REGO: Commissioner Leach.

24 COMMISSIONER LEACH: Aye.

25 CHAIR DE REGO: Commissioner Mano. Okay. Where did

1 he go? He disappeared.

2 COMMISSIONER KUWAHARA: He's not on.

3 CHAIR DE REGO: Oh, he was there and gone. Okay.

4 Commissioner Redeker. Mark?

5 COMMISSIONER REDEKER: Sorry. Aye.

6 CHAIR DE REGO: Okay. Commissioner Santiago.

7 COMMISSIONER SANTIAGO: Aye.

8 CHAIR DE REGO: And commissioner Sylva.

9 COMMISSIONER SYLVA: Aye.

10 CHAIR DE REGO: Okay. I don't know where -- we have
11 a majority -- and I'm aye as well, so we have a majority. I
12 don't know where Matt went to. Okay. So -- so all actions
13 are ratified.

14 The next item on the agenda is Agenda Setting. If
15 you have any agenda items, please send them to Amy, our
16 secretary.

17 And the next meeting of the Maui Police Commission
18 is scheduled for November 18th, 2020, at 2:00 p.m.

19 So with no more business before the commission,
20 without objection, we can adjourn. Without objection, if I
21 hear no objections?

22 Oh, Janet, do you have a suggestion?

23 COMMISSIONER KUWAHARA: Yeah, I have a question.
24 Because we've put all these things on hold until the next
25 meeting, but there is a problem with people giving papers to

1 somebody else, do you want us to mail everything back and she
2 redoes it or does she want us to keep it?

3 CHAIR DE REGO: Okay. Good. Amy?

4 MS. LAU: Yes.

5 CHAIR DE REGO: What do you want? Do you want to us
6 keep it or do you want us to return it?

7 MS. LAU: Okay. That's --

8 COMMISSIONER SANTIAGO: This is mine already. It's
9 ready to go, to be dropped off.

10 MS. LAU: Does everyone still have the request for
11 legal representation for Officer Russell and the Complaint
12 20-05?

13 COMMISSIONER KUWAHARA: Yes.

14 CHAIR DE REGO: I think I returned the complaint for
15 Officer Russell by mistake, so --

16 MS. LAU: I gave that back to you, the request for
17 legal representation and the --

18 COMMISSIONER KUWAHARA: So part of my question was
19 because there's so much concern about people --

20 CHAIR DE REGO: Yeah.

21 COMMISSIONER KUWAHARA: -- giving papers out, maybe
22 we should mail everything back to you. I know it's a humbug
23 for you, sorry, but --

24 MS. LAU: Jen, do you have any suggestions?

25 MS. OANA: So this is -- as I told you guys, has

1 been my concern with how to -- how to mail you folks executive
2 session materials and then get it back. What I would really
3 want is from all of folks to mail it back to Amy by tomorrow's
4 mail run, whatever time the mail -- the postman comes to your
5 mailbox or if you can deposit it in a mail receptacle tomorrow
6 by noon, that would be the best thing, and that's -- that can
7 be on the record right now. If someone ever questions you
8 folks on having this and you disseminated it, you can say, No,
9 our rule and what we always do is mail it back to Amy the next
10 day in the very next mail run or whatever it's called. I
11 think that would be, you know, the safest and -- and if we can
12 do this consistently after every meeting. I know it's humbug
13 for Amy, but I really don't know what else to do 'cause this
14 is such a weird time.

15 Can I get everybody's commitment that they'll do
16 that and you guys can put it on the record right now everybody
17 will mail back executive session materials the very next day
18 following our meetings.

19 MS. LAU: Chair, Jen.

20 CHAIR DE REGO: Yes.

21 MS. OANA: Yes.

22 MS. LAU: The only problem is they don't have enough
23 postage to return everything.

24 MS. OANA: Oh, really?

25 MS. LAU: They only have enough postage to return

1 what they received for October because they were told to hold
2 on to the request for legal representation for Officer Russell
3 and the Complaint 20-05 until we dispose of that.

4 MS. OANA: Is there a way for them to be
5 reimbursed --

6 COMMISSIONER KUWAHARA: No, Amy.

7 MS. OANA: -- by the department?

8 COMMISSIONER KUWAHARA: Amy, do you have petty cash?

9 MS. LAU: I think we do, but --

10 COMMISSIONER KUWAHARA: Because what's going to
11 happen is -- 'cause we get this all the time, people mail us
12 stuff and they don't put enough postage. The mailman will
13 just bring it to you and say, You owe this much money on it.

14 MS. LAU: Okay. I'll check with the records section
15 and see how they deal with that.

16 CHAIR DE REGO: And I'll get mine to you in the
17 morning, 'cause I usually just drive over to you and drop it
18 off, so...

19 MS. LAU: Okay. Thank you.

20 MS. OANA: So for the record, for the public and
21 everybody, our commission returns it to our commission
22 secretary the very next day following the meeting.

23 CHAIR DE REGO: Okay.

24 MS. OANA: Correct?

25 VICE CHAIR PATNODE: I cannot do that. I cannot do

1 that tomorrow, I'm just gonna tell you, I don't have an
2 envelope because I'm -- Amy and I have gone to a new system
3 because I'm down there every week. So once a week I drop off
4 and pick up, so I don't have an envelope today.

5 MS. OANA: Understandable.

6 COMMISSIONER PATNODE: We tried, Jennifer.

7 MS. OANA: Yeah.

8 (Laughter.)

9 CHAIR DE REGO: Okay. So can -- so are -- are we
10 all taken care of here?

11 (No response.)

12 CHAIR DE REGO: Okay. Sounds good.

13 COMMISSIONER REDEKER: (Gesturing.)

14 CHAIR DE REGO: Yes, I like that. I like that,
15 Commissioner Redeker.

16 Okay. So without objection, since we have no more
17 business, if I hear no objections, we are adjourned at
18 5:33 p.m.

19 (No response.)

20 CHAIR DE REGO: Hearing none, we are adjourned.

21 Thank you very much, guys.

22 (The proceedings were adjourned at 5:33 p.m.)
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C E R T I F I C A T E

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

I, Sandra J. Gran, Certified Shorthand Reporter for the State of Hawaii, hereby certify that on October 21, 2020, at 2:02 p.m. the proceedings was taken down by me in machine shorthand and was thereafter reduced to typewritten form under my supervision; that the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

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

DATED this 5th day of November, 2020, in Maui, Hawaii.



Sandra J. Gran, RPR
Hawaii CSR 424