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COUNTY OF MAUI, STATE OF HAWAII

MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION

DECEMBER 16, 2020 AT 2:00 P.M.

VIA BLUEJEANS VIDEO CONFERENCE

REGULAR MEETING

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

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APPEARANCES

COMMISSION MEMBERS PRESENT:

Frank De Rego, Jr., Chair

Roberta Patnode, Vice Chair

Janet Kuwahara

Randol Leach

Matthew Mano

Mark Redeker (entered at 2:11 p.m.)

Eugene Santiago

Sharen Sylva

STAFF PRESENT:

Chief Tivoli Faaumui

Melissa Magonigle, Business Administrator

Jennifer Oana, Deputy Corporation Counsel

Amy Lau, Commission Secretary

1 (DECEMBER 16, 2020, 2:00 P.M.)

2 * * *

3 CHAIR DE REGO: Okay. It's December 16th,
4 Wednesday, 2:00 p.m. We are -- I call this meeting to order.
5 We'll do roll call now. Vice Chair Patnode.

6 VICE CHAIR PATNODE: Present.

7 CHAIR DE REGO: Commissioner Kuwahara.

8 (No response.)

9 CHAIR DE REGO: Okay. Commissioner Leach.

10 COMMISSIONER LEACH: Present.

11 CHAIR DE REGO: Commissioner Mano.

12 COMMISSIONER MANO: Here.

13 CHAIR DE REGO: Commissioner Redeker.

14 (No response.)

15 CHAIR DE REGO: Okay. Commissioner Santiago.

16 COMMISSIONER SANTIAGO: Present.

17 CHAIR DE REGO: And Commissioner Sylva.

18 COMMISSIONER SYLVA: Here.

19 CHAIR DE REGO: Okay. Thank you.

20 COMMISSIONER KUWAHARA: Chairman, this is Janet.

21 Sorry.

22 CHAIR DE REGO: Okay.

23 COMMISSIONER KUWAHARA: I had problems getting on, I
24 had so many different BlueJeans to connect to. So, anyway,
25 I'm here.

1 CHAIR DE REGO: Okay. No, not a problem.

2 COMMISSIONER KUWAHARA: Thank you.

3 CHAIR DE REGO: Thank you, Commissioner Kuwahara.

4 Okay. We have quorum. Let's move on to oral or
5 written testimony. First of all, I'll ask our staff, Amy, do
6 we have any written testimony?

7 MS. LAU: No written testimony today.

8 CHAIR DE REGO: Okay. As far as oral testimony,
9 public testimony will be limited to a maximum of three
10 minutes. Please state your name and the agenda item on which
11 you are testifying. You can only testify on an agenda item
12 for the commission. Okay? So if there's anybody who wants to
13 testify, could you make yourself known either in the chat room
14 or to us if you're coming in by phone.

15 (No response.)

16 CHAIR DE REGO: Okay. I don't hear anybody calling
17 in or online now, so -- pardon?

18 MS. CHIN: I have testimony. Julia Chin.

19 CHAIR DE REGO: Okay. On which item on the agenda
20 are you testifying?

21 MS. CHIN: One moment. I'm so sorry. I was having
22 technical difficulties. Let me get that agenda item for you.
23 That would be under your No. 6, Correspondence.

24 CHAIR DE REGO: Yes.

25 MS. CHIN: Yes. Thank you.

1 CHAIR DE REGO: And that would be the letter from
2 Dr. -- from Mr. Dunbar?

3 MS. CHIN: Actually, B, letter from --

4 CHAIR DE REGO: B.

5 MS. CHIN: -- Chief -- Chief Faaumu.

6 CHAIR DE REGO: Okay. On --

7 MS. CHIN: Yeah.

8 CHAIR DE REGO: -- the Citizens Patrol car.

9 MS. CHIN: Yeah. I don't have a copy of that
10 letter, is that something that's provided to us here in the
11 meeting?

12 CHAIR DE REGO: It can be provided to you. It would
13 be a good idea, sometimes, if you're gonna attend the meeting,
14 to -- if you need any materials, to contact and we're
15 perfectly willing to make sure you get the materials from the
16 meeting. Also, I think they're posted.

17 Amy, correct me if I'm wrong, are they -- are the
18 agenda items -- is the agenda as well as the materials posted
19 online somewhere?

20 MS. LAU: No. It's just the agenda.

21 CHAIR DE REGO: Just the agenda. So they would have
22 to request any materials if they would want it; correct?

23 MS. LAU: Correct.

24 MS. CHIN: How -- how do we request that?

25 CHAIR DE REGO: Okay. Amy?

1 MS. LAU: You can contact the Maui Police Commission
2 at MPD.net or call 244-6440.

3 MS. CHIN: Okay. Terrific. Okay. So my testimony,
4 I can keep it very brief.

5 CHAIR DE REGO: No. Go ahead.

6 MS. CHIN: On Maui -- thank you. On Maui we have a
7 dead ATF agent, we have a dead police officer, we have someone
8 who gets beaten up at the Kihei Triangle, and we also have
9 recently an accidental gunshot wound in Wailuku -- in Waiehu
10 at a police officer's home. What is the commission plan --
11 oh, one more thing. We also have a police chief who is
12 hitting vehicles and leaving the scene. What is the police
13 commission going to do?

14 CHAIR DE REGO: I'm sorry, I think you're
15 misunderstanding. That PC-16 on B was a letter from Chief
16 Faaumu having to do with the Citizens Patrol car. This is
17 actually time for testimony and not time to be asking the
18 commission questions.

19 MS. CHIN: Okay. My mistake.

20 CHAIR DE REGO: If you would like to be able -- yes,
21 this is for testimony on agenda items. If you would like to
22 ask questions of the commission, you'll have to be -- send in
23 a letter. Okay? But just to let you know that the commission
24 does not have the power to get involved in the operations of
25 the police department. We have three duties, we have -- we

1 hire, we fire, and we discipline the chief. Okay? We submit
2 the -- and review the annual budget for the department. And
3 last but not least, we take complaints from the public about
4 specific incidents in regards to the police department. And
5 we do all of those in executive session because they have to
6 deal with personnel. Those are the three duties in the
7 charter that the police commission is able to do. So a lot of
8 the issues that you would submit would probably go by letter
9 to the commission, but then be turned over to the department
10 itself. So I'd just like to clarify, you know, our -- our
11 duties as a -- as a commission within the charter and our
12 administrative rules.

13 MS. CHIN: Thank you so much.

14 CHAIR DE REGO: No, thank you. Thank you very much
15 for calling. I do appreciate you coming and showing your
16 public spiritedness to -- to come to the meeting and -- and
17 take the time to be with us today, so I really do appreciate
18 that.

19 MS. CHIN: Thank you.

20 CHAIR DE REGO: Thank you very much. Take care now.
21 Mahalo.

22 Okay. Good. Is there any more testimony on any
23 agenda item on the agenda?

24 (No response.)

25 COMMISSIONER DE REGO: Hearing none --

1 COMMISSIONER REDEKER: Can you hear me?

2 CHAIR DE REGO: And who is speaking?

3 COMMISSIONER REDEKER: Mark.

4 CHAIR DE REGO: Mark, yes, I can hear you. Yes.

5 And I see your name as well.

6 COMMISSIONER REDEKER: I can't get video, though.

7 CHAIR DE REGO: Oh, ouch.

8 COMMISSIONER REDEKER: Hi, everybody. I see
9 everybody's face.

10 CHAIR DE REGO: Hi, Mark.

11 COMMISSIONER SANTIAGO: Hey, Mark.

12 CHAIR DE REGO: Okay. And I saw your name, so I'm
13 counting you in. Okay? No problem. Mahalo. Thank you.
14 Thank you, though, for letting us know you're here. Okay?

15 Okay. So let's move on -- or let's say -- let's
16 close written -- oral testimony. Hearing no more testimony,
17 do I hear a motion to close oral testimony?

18 COMMISSIONER MANO: So moved.

19 COMMISSIONER DE REGO: Okay. And Matthew has made
20 a --

21 COMMISSIONER MANO: Matt Mano. So moved.

22 CHAIR DE REGO: Okay. Matthew has made a motion to
23 close oral testimony. Do I hear a second?

24 COMMISSIONER SYLVA: (Gesturing.)

25 COMMISSIONER DE REGO: Sharen's raised her hand.

1 Could you make that motion and -- and give us your name?

2 'Cause we're gonna have to do this --

3 COMMISSIONER SYLVA: I'll second the motion.

4 CHAIR DE REGO: -- remember to give your name.

5 Okay. Second the motion. That's Sharen Sylva.

6 Okay. I'm going to do a roll call, as I usually do.

7 Okay? Vice Chair Patnode.

8 (Background noise.)

9 CHAIR DE REGO: Vice -- Commissioner Kuwahara.

10 COMMISSIONER KUWAHARA: Here.

11 CHAIR DE REGO: Commissioner Leach.

12 COMMISSIONER LEACH: Aye.

13 CHAIR DE REGO: Commissioner Mano.

14 COMMISSIONER MANO: Aye.

15 CHAIR DE REGO: Commissioner Redeker.

16 COMMISSIONER REDEKER: Aye.

17 CHAIR DE REGO: Commissioner Santiago.

18 (No response.)

19 COMMISSIONER DE REGO: Ah, he's disappeared.

20 And Commissioner Sylva.

21 COMMISSIONER SYLVA: Aye.

22 CHAIR DE REGO: Thank you very much.

23 Okay. We'll go on now to the Approval of the Police

24 Commission Regular Minutes of November 18th, 2020. Do I hear

25 a motion to approve the regular minutes? And please say your

1 last name and then make the motion, for the person who is
2 doing the transcribing.

3 COMMISSIONER KUWAHARA: This is Commissioner
4 Kuwahara and I make a motion to approve the minutes from our
5 last meeting.

6 CHAIR DE REGO: Do I hear a second?

7 VICE CHAIR PATNODE: Patnode. I second.

8 CHAIR DE REGO: Okay. We'll do another roll call.
9 Vice Chair Patnode.

10 VICE CHAIR PATNODE: Aye.

11 CHAIR DE REGO: Commissioner Kuwahara.

12 COMMISSIONER KUWAHARA: Aye.

13 CHAIR DE REGO: Commissioner Leach.

14 COMMISSIONER LEACH: Aye.

15 CHAIR DE REGO: Commissioner Mano.

16 COMMISSIONER MANO: Aye.

17 CHAIR DE REGO: Commissioner Redeker.

18 COMMISSIONER REDEKER: Aye.

19 CHAIR DE REGO: Commissioner Santiago.

20 COMMISSIONER SANTIAGO: Aye.

21 CHAIR DE REGO: And Commissioner Sylva.

22 COMMISSIONER SYLVA: I'm withholding because I
23 wasn't in attendance.

24 CHAIR DE REGO: Okay. So you're abstaining. Okay.

25 Thank you very much.

1 So the motion to pass the minutes is -- the minutes
2 are approved with one abstention.

3 Okay. Letters of Commendation. I hope the
4 commissioners have had a chance to read those, they're --
5 there were really, really nice letters that the commissioners
6 received from the public. So I would like to make a motion to
7 file the letters of commendation. Do I hear a motion to file
8 the letters of commendation?

9 COMMISSIONER SANTIAGO: Commissioner Santiago. So
10 moved.

11 CHAIR DE REGO: Do I hear a second to file?

12 COMMISSIONER MANO: Mano. Second.

13 CHAIR DE REGO: Okay. Mano seconds the motion to
14 file the commend -- letters of commendation. Okay. Let's do
15 a -- any discussion?

16 (No response.)

17 CHAIR DE REGO: Hearing none, we'll do the vote.
18 Commissioner Patnode.

19 VICE CHAIR PATNODE: Aye.

20 CHAIR DE REGO: Commissioner Kuwahara.

21 COMMISSIONER KUWAHARA: Aye.

22 CHAIR DE REGO: Commissioner Leach.

23 COMMISSIONER LEACH: Aye.

24 CHAIR DE REGO: Commissioner Mano.

25 COMMISSIONER MANO: Aye.

1 CHAIR DE REGO: Commissioner Redeker.

2 COMMISSIONER REDEKER: Aye.

3 CHAIR DE REGO: Commissioner Santiago.

4 COMMISSIONER SANTIAGO: Aye.

5 CHAIR DE REGO: Commissioner Sylva.

6 COMMISSIONER SYLVA: Aye.

7 CHAIR DE REGO: Okay. Motion passed. Okay. And
8 I'll say aye as well. I haven't been voting on these 'cause
9 you guys are doing it all.

10 Okay. Let's see. Let's move on to Correspondence.
11 Let me make a few introductory marks before we move on to
12 correspondence. Commissioners, as you know, all written
13 testimony and correspondence is forwarded to the chief. We
14 have two letters of correspondence here today. First of all,
15 without objection, I'd like to take two of these together in
16 terms of the motion, 20-16 and 20-17. If you notice on the
17 agenda, there's a typo. The letter from the chief dated
18 November 24th is also marked as 20-16, just, you know, if
19 you'd mark it down that it will be 20-17, that was just a typo
20 on the agenda. Okay? The first letter is from Mr. John
21 Dunbar dated November 19th, 2020. The first part of the
22 letter has to do with the prosecute -- former prosecuting
23 attorney, Don Guzman, that's not in our purview. The second
24 part had to do with the chief, because it's relevant to our
25 duties, we'll be discussing that issue, though, later in

1 executive session. But I just wanted to remind the
2 commissioners that all written testimony and correspondence is
3 forwarded to the chief.

4 Okay. So do I hear a motion to file 20-16 and
5 20-17?

6 COMMISSIONER REDEKER: Chairman, this is Mark
7 requesting.

8 CHAIR DE REGO: Yes. Okay. Thank you very much.

9 COMMISSIONER REDEKER: Whoa, whoa, whoa. No.
10 I'm not making a motion.

11 CHAIR DE REGO: Oh, discussion. You want -- you
12 would like some discussion. I'm sorry.

13 COMMISSIONER REDEKER: I'd like to -- I'd like to
14 look at 20-17, separating that out and shifting that over to
15 executive session in Section F.

16 CHAIR DE REGO: Okay.

17 COMMISSIONER REDEKER: I think it would be more
18 appropriate to discuss it there.

19 CHAIR DE REGO: That's a -- the 20-17 is the
20 Citizens Patrol car. Is that what you're referring to?

21 COMMISSIONER REDEKER: No. Oh, I'm sorry. I'm
22 sorry. 20-16, the Dunbar --

23 CHAIR DE REGO: 20 dash -- oh, okay. Okay.

24 COMMISSIONER REDEKER: I'd like to move that to
25 Section F under executive session.

1 CHAIR DE REGO: Well, we're filing public
2 correspondence. We can use it as a part of our discussion,
3 but we can file it now and still use it. Let's see. Let's
4 get a -- let's see.

5 Is Jennifer here?

6 MS. OANA: Hi, Chair.

7 CHAIR DE REGO: Hi there.

8 MS. OANA: Hi, everybody.

9 CHAIR DE REGO: So even if we file, we can still use
10 the letter within discussion for executive session; correct?

11 MS. OANA: Absolutely.

12 CHAIR DE REGO: Okay. So we can still file here --

13 COMMISSIONER REDEKER: Okay.

14 CHAIR DE REGO: -- because we're not really taking
15 any action on it, but we can use it as material for our
16 discussion; correct?

17 MS. OANA: Yes.

18 COMMISSIONER REDEKER: So I withdraw my -- so I
19 withdraw my request and move to file both.

20 CHAIR DE REGO: Okay. Thank you. Thank you,
21 Commissioner Redeker.

22 Do I hear a second?

23 COMMISSIONER SYLVA: I second. Sylva.

24 CHAIR DE REGO: Okay. Commissioner Sylva, thank you
25 for the second.

1 Okay. Any discussion?

2 (No response.)

3 CHAIR DE REGO: Hearing none, let's go to vote.

4 Vice Chair Patnode.

5 VICE CHAIR PATNODE: Aye.

6 CHAIR DE REGO: Vice Chair Kuwahara. I mean,

7 Commissioner Kuwahara. I just promoted both of you.

8 (Laughter.)

9 COMMISSIONER KUWAHARA: Aye.

10 COMMISSIONER: There you go.

11 CHAIR DE REGO: Commissioner Leach. I'll just make
12 everybody vice chair.

13 COMMISSIONER LEACH: Aye.

14 CHAIR DE REGO: Okay. Commissioner Mano.

15 COMMISSIONER MANO: Aye.

16 CHAIR DE REGO: Commissioner Redeker.

17 COMMISSIONER REDEKER: Aye.

18 CHAIR DE REGO: Commissioner Santiago.

19 COMMISSIONER SANTIAGO: Aye.

20 CHAIR DE REGO: Commissioner Sylva.

21 COMMISSIONER SYLVA: Aye.

22 CHAIR DE REGO: And I keep forgetting to vote, but
23 I'll vote aye as well to make it unanimous. Okay. Good.

24 Thank you very much.

25 Okay. Let's move on now to No. 6 on the agenda, the

1 Chief's Report. Chief, go ahead.

2 CHIEF FAAUMU: Good afternoon, Commissioners. I
3 hope everybody had a nice day and a nice Thanksgiving. Start
4 off with my report, I know you folks received your highlights
5 from all of the commanders, the bureau commander, and
6 you've -- you can go through that and if you have any
7 questions, please, ask if you do have any.

8 Also, our budget, Ms. Magonigle will go over in
9 detail in case you have anything.

10 So what I'll do is go over where the department is
11 at now and what have we done in relationship with what is
12 going on now with the pandemic and other issues.

13 (Background noise.)

14 CHIEF FAAUMU: I'm gonna start off with the special
15 assignment that we have at the airport, the presence of our
16 officers. We'll still continue that. We're gonna do an
17 assessment --

18 (Background noise.)

19 CHIEF FAAUMU: -- in December.

20 CHAIR DE REGO: I'm sorry, Chief. I'm gonna ask --
21 excuse me. I think we have somebody on the line that's
22 listening in, but is not muted. Amy, could you please mute
23 whoever's come on?

24 MS. LAU: Yes, I can -- I did. I'll be double-
25 checking the list.

1 CHAIR DE REGO: Okay. Thank you.

2 Go on, Chief. Sorry.

3 CHIEF FAAUMU: Thank you, Chair.

4 Again, we'll do an assessment on our special
5 assignment at the airport, also our call center that we had
6 set up to address some of the complaints regarding rules and
7 order violations.

8 Right now we are supporting the vaccination plan.
9 We work very close with the Maui Emergency Management Agency
10 looking at the deployment and also discuss if there is any
11 security issue that we need to address with the vaccination
12 plan. As you all know, the department of health is in charge
13 of the vaccination. We do meet with our mayor on a weekly --

14 (Background noise.)

15 CHIEF FAAUMU: -- and his staff and we do go over
16 some of his concern about COVID-19 and also other concern that
17 might be a ripple effect from what we are dealing with now
18 with the pandemic.

19 On the same note, we do work side by side with the
20 liquor department. In a conversation with the new liquor --
21 with the director of the liquor department, Layne, Mr. Layne
22 Sylva, and we look at working to ensure that we can address
23 any violations, especially some of the areas that has been in
24 a hot zone or we refer to as clusters in our -- in our work.

25 Just a side note, I'm -- I know the chair had

1 visited and I'm not sure if it was discussed at all in our
2 last meeting, we have a simulator that we had installed and is
3 up in operation. It is used for real life training and also
4 we can also use that for marksmanship where the officer will
5 train and still do, to fine-tune their marksmanship skill
6 before going out to the range for the actual qualifications.

7 We have been supporting some of the food drive and
8 also our surge community testing throughout our county.

9 As you know, we are approaching the holiday season.
10 We do have our checkpoints throughout our districts and with
11 what you probably know by now, with our fatalities, we are at
12 eight now with fatalities compared to 22 last year.

13 The department is doing well as far as what we are
14 doing to address the missions. Recruitment is moving along
15 pretty good and, hopefully, we can improve and capture the
16 opportunity with unemployment to seek out new employees for
17 the department.

18 And with that, Mr. Chair, unless someone has any
19 questions, that completes -- mine or any questions for the
20 highlights I can be able to answer. Thank you, Chair.

21 CHAIR DE REGO: Thank you. Thank you very much,
22 Chief.

23 Any questions from the commissioners?

24 (No response.)

25 CHAIR DE REGO: I do have one question, Chief, it's

1 about the staffing report. I just noticed that on the sworn
2 side -- when I first started, we were like in the low 80s,
3 we're now below 80, 79 percent, can you explain the attrition
4 on that? Is that mostly due to retirements or lack of
5 recruitment or what, what's going on with sworn staff and
6 staffing?

7 CHIEF FAAUMU: Thank you, Chair. I can be able to
8 address that. Of course, your assumption is correct.
9 Correct, your first assumption, it's due to retirement, some
10 of our folks retired and moved on. And the beginning of the
11 year there were a lot of recruitment from --

12 (Background noise.)

13 CHIEF FAAUMU: -- from the mainland. And a lot of
14 our officers had obtained from some of the department in the
15 mainland and that was prior to the pandemic. We have lost a
16 lot of officers to the mainland, some of the department in the
17 mainland, and that is very --

18 (Background noise.)

19 CHIEF FAAUMU: With regard to the opportunity where
20 we may be able to recruit more individual now as we are
21 looking at starting the next recruitment. (Inaudible) we had
22 about 18 folks to start off with a new recruit class. I hope
23 that answers your questions, Mr. Chair.

24 CHAIR DE REGO: Thank -- thank you. Thank you,
25 Chief. That was a very complete answer. Mahalo.

1 Does anyone have any other questions for the chief
2 on the -- if not, we'll move on to Financial Report of Budget
3 and Expenditures and also an added item on terms of process,
4 which will enfold in this presentation. So thank you, Chief.
5 We'll move on to Melissa Magonigle on Section 8 of our agenda.

6 MS. MAGONIGLE: Okay. Good afternoon, everyone.
7 I'll be going over the financial report. This is as of
8 October 31st. So the balance for the department as of
9 October 31st is 68 percent balance and then the financial
10 report also --

11 (Background noise.)

12 MS. MAGONIGLE: -- has the breakdown if you want to
13 go by bureau or by section to look at salaries, operations,
14 and equipment, the balances available. But overall we're at
15 68 percent, so we're on track with our budget on expending on
16 that and not going over.

17 For the grants, we continue to be fortunate enough
18 to get our grants. As you can see from the term limits, there
19 are different terms, some go by federal fiscal year, some go
20 by county, some go fiscal year and some go by calendar year.
21 So if you notice a lot of different dates, those are the
22 reasons why, and we have more time to expend. Again, it's a
23 balance as of December -- excuse me, October 31st, so there is
24 still some money that's been spent that we have to put in
25 there.

1 So for the CIP projects, the two FY '21 projects, we
2 have -- I'm sorry, FY '20. We have the fuel tank, that one
3 will be coming on -- up shortly, has to go for one more
4 council reading. We were short \$51,000 on the bid, so we went
5 in front of council on December 4th, it was approved, and it
6 has to go for one more reading, so that is right around the
7 corner. The other one that we have is for the Wailuku Station
8 parking lot, so that one we have all the bids, we had enough
9 money, and we're gonna be moving forward with that one as
10 well.

11 The one project we have for FY '21 is the Molokai
12 Police Station roofing project, that's for \$500,000, so that's
13 the other one we're currently working on and that one we have
14 till December of 2021 to complete.

15 So in regards to the budget, I know I went over it
16 last month with what we're requesting for FY '22. Part of the
17 discussion was for this next coming year, for -- on how we're
18 gonna do the budget process. So I ran it by the chief and the
19 deputy and sent the email to Amy on a proposed plan. So just
20 to go over, in the past -- so for FY '20, we had presented to
21 the police commission October 24th and it was due the 26th, so
22 it was very short timelines. In '21, FY '21, we presented to
23 the police commission October 23rd, it was due November 15th
24 to the mayor's office. So FY '22, this was the one that --
25 and it's because I was on maternity leave, but it was kind of

1 a rush, a little bit backwards, so we want to try to plan
2 better for FY '23 so we can get ahead of the game a little
3 more. So what -- with the plan that we're proposing, the
4 pre-budget meetings where the commanders come and present what
5 they need for their sections and for their districts, we were
6 looking to do that in August, so we were gonna do that one
7 month earlier. Again, we'll invite all the police commission
8 members. As I had mentioned last month, that's really the
9 meat and potatoes of what we request for operations. Those
10 are the meetings you get to hear directly from the commanders
11 what positions they need for their districts, what equipment
12 they need, what operational increases they need to make their
13 sections or districts more efficient and they do an
14 explanation on why, you know, the justification, so it's
15 really nice to hear directly from the commanders why they need
16 that. From that, I take it and compile the budget, but that's
17 really the -- the big part of where we get a lot of the
18 information of the needs of the operations from the districts
19 and sections. So we were looking for FY '23 to do that in
20 August, that would be the pre-budget meetings with the
21 commanders.

22 In September, that's when we would do the
23 presentation to the police commission and then for submittal
24 to the mayor's office in October. The dates have -- like I
25 said, in FY '20 it was due October 26th, FY '21 it was due

1 November 15th, and then this last year November 13th, so it
2 seems like it's end of August -- excuse me, end of October-mid
3 November seems to be the date. So with this proposed plan, it
4 would give enough time to -- for the police commission to
5 review and then submit to the mayor's office.

6 The one area -- I did send an email to the budget
7 office, there -- I think I mentioned it to Chair, is the
8 confidential salary information. So that I'm waiting to get
9 clarification on. As soon as I do, that will be the only
10 document that we'll have to how that's -- how that one's
11 handled. But that's it for the -- I guess, for the budget
12 process.

13 Are there any questions or did you want any --

14 CHAIR DE REGO: Okay. Yeah. Commissioners, do you
15 have any questions?

16 (No response.)

17 CHAIR DE REGO: I think that the context behind this
18 was so that we could fulfill our charter -- charter mandate in
19 terms of reviewing and submitting the budget to the mayor's
20 office instead of the chief, you know, submitting it directly,
21 which is basically a violation of the charter, so to make sure
22 that we do our job. And I know the budget team has been doing
23 their job and the commanders and the chief have been on top of
24 the budget, I actually attended some of those sessions. I
25 couldn't make all of them, but, yeah, so -- so we're just

1 trying to get everything shipshape and making sure they're
2 operating the way they're supposed to in regards to our
3 obligations as a commission.

4 So I think the rule of thumb here actually is that
5 as the county -- the mayor's office adjusts its schedule, the
6 department's gonna to have adjust its schedule in terms of
7 making sure the commission is able to exercise its obligations
8 in this regard. So right now we're kind of in that
9 October/November, you know, timeframe, which I would imagine
10 would be the same going forward, but if there's any change of
11 administration or change of time schedule, then we'd have to
12 look at, you know, readjusting it so the commission is able to
13 fulfill its responsibilities. So that's all I have to say
14 about this particular issue.

15 Does anybody else have any comments?

16 (No response.)

17 CHAIR DE REGO: Okay. Seeing none -- or hearing
18 none, seeing none, thank you very much, Melissa, for all your
19 help. Thank you for discussing it with the chief and the
20 others involved in this and I think we've come to a good
21 resolution to this. Mahalo very much.

22 MS. MAGONIGLE: Thank you. Yeah. Well, okay, so
23 we'll go with that plan for the next fiscal year.

24 And then for the staffing report --

25 CHAIR DE REGO: Yes.

1 MS. MAGONIGLE: So as mentioned, I did want to point
2 out pretty much what the chief had mentioned, in addition to
3 retirements and resignations, we also had more authorized
4 positions, so that's another factor. We just recently added
5 in the FY '21 -- so new expansion positions. So we just added
6 in two solo bike officers, one OUI officer position, one
7 sergeant for receiving desk, that's on the sworn side. On the
8 non-sworn side, we also added a public safety aide for Lanai,
9 a public safety aide for Molokai, a grants management
10 operations assistant for the Traffic Section. The only one
11 that is still pending is the police psychologist, so that
12 one's still up at review with department of personnel
13 services, so that one we should get into our authorized
14 position numbers soon.

15 So for the number that have retired for the -- for
16 this calendar year, there's 15 sworn personnel that have
17 retired or will be retiring, I guess, if you go till the end
18 of the year, and six resigned. So those are the numbers that
19 have left the department. And just as the chief had
20 mentioned, most of them were for inter- -- for movements to
21 mainland police departments. And that's all I have for the
22 staffing report. If there's any questions --

23 CHAIR DE REGO: Okay. Thank you. Any questions?
24 Any questions on that from the commissioners?

25 (No response.)

1 CHAIR DE REGO: Okay. So we've taken care of
2 Item 9. Thank you, Melissa, very much for all your help.

3 MS. MAGONIGLE: Thank you.

4 CHAIR DE REGO: And it's a great report. Thank you.

5 Okay. Let's move on to No. 10, which is Old
6 Business, Discussion of Temporary Investigative Groups. We're
7 gonna give our final report and recommendations from the
8 budget TIG regarding the FY 2022 budget process. Commissioner
9 Patnode or Commissioner Redeker, would one of you want to
10 handle this or would you prefer I do, since I was also on the
11 TIG?

12 VICE CHAIR PATNODE: Chair.

13 CHAIR DE REGO: You want to handle it. Yes.

14 VICE CHAIR PATNODE: No.

15 CHAIR DE REGO: No?

16 VICE CHAIR PATNODE: No. This is Commissioner
17 Patnode and Frank had -- Frank, you sent us a short written
18 summary before --

19 CHAIR DE REGO: Yes.

20 VICE CHAIR PATNODE: -- the meeting of our TIG and I
21 think if you just go ahead and give that, I think that would
22 be great.

23 CHAIR DE REGO: Okay. Good. Okay. So now,
24 Commissioners, this is the result of our -- kind of our
25 discussions in the budget TIG. We've had a few back and

1 forth. So this is how the report goes: The temporary
2 investigative group wanted to create a process to review the
3 budget next year because we were dissatisfied with how it was
4 done this year. As you know, the department submitted the
5 budget to the mayor's office before we were able to review it,
6 which did happen on our last meeting. Under the charter, the
7 commission reviews and submits to the mayor the department's
8 request for an annual appropriation for the operation of the
9 department. So we got in contact with Melissa, she discussed
10 it with the chief, and the department will be changing their
11 process of budget deliberations to ensure that the commission
12 can review the budget in a timely manner and submit it to the
13 mayor's office. So we can expect next year that the
14 department will complete its budget before October so that we
15 can review it in October and deliver it to the mayor's office
16 by the mayor's deadlines usually at the beginning of November.
17 Thus, the general rule is the department will complete the
18 budget so the commission is able to fulfill its charter
19 mandate to review and submit the department's budget to the
20 mayor's office. The department will adjust its schedule to
21 complete this task for the commission in the event the mayor's
22 office changes its budget submission schedule. So there has
23 to be some flexibility in there depending on the
24 administration.

25 So that's our report, these are our recommendations.

1 I think we can discuss them now if we want; correct, Jennifer?
2 Or do we just make the report and then we discuss it at the
3 third meeting where we vote.

4 MS. OANA: Correct, Chair. So as you guys all know,
5 this is a TIG and there -- there -- it's required that
6 three -- three meetings to take action. The first meeting was
7 to designate the scope of the TIG and the TIG members, give
8 them their duties. This is the second meeting, which is the
9 presentation of the TIG's report and recommendation, so it's
10 just a presentation to you folks. Any decision or
11 deliberate -- deliberation, discussion should happen at the
12 third meeting. That's because really we want to give you all
13 the opportunity to digest it as well the public hearing the
14 presentation of the -- of the report for the first time.

15 So if there's any factual questions that you want to
16 ask the TIG members, you can go ahead and ask the TIG members
17 factual questions, but any discussion or deliberation and,
18 basically, accepting the -- the recommendations of the TIG
19 will happen at the next meeting along with, I think,
20 disbandment of the TIG.

21 CHAIR DE REGO: I just want to add to that,
22 Jennifer, we will make sure everybody has a written copy of
23 this report, so -- it'll be short, so everybody can kind of
24 look over the recommendations of the TIG for our next meeting.
25 So you'll have that in your hands in plenty of time to review

1 it.

2 So if there's no other factual questions, I think we
3 can move on to our next item in the agenda, which is Executive
4 Session. I have a paragraph I'd like to read. We're going to
5 start getting into a regular routine of making sure that
6 everybody knows what we're doing and where we're going with
7 this, especially members of the public who may be attending.

8 With reference to the agenda items on executive
9 session, one or more executive meetings are anticipated,
10 pursuant to the Section 92-5, Subsection A, Subsection 2,
11 Subsection 4, Hawaii Revised Statutes, to consider the hire,
12 evaluation, dismissal, or discipline of an officer or employee
13 or of charges brought against the officer or employee, for
14 consideration of matters affecting privacy will be involved;
15 and to consult with the board's attorney on questions and
16 issues pertaining to the board's powers, duties, privileges,
17 immunities, and liabilities.

18 With that introduction, do I hear a motion for the
19 commission to go into executive session pursuant to this
20 order? Okay.

21 COMMISSIONER PATNODE: (Gesturing.)

22 COMMISSIONER DE REGO: Vice Chair Patnode -- okay.

23 VICE CHAIR PATNODE: Sorry.

24 CHAIR DE REGO: Vice Chair Patnode moves. Do I hear
25 a second?

1 COMMISSIONER REDEKER: Redeker. Second.

2 CHAIR DE REGO: Okay. So it's been moved to go into
3 the session by Vice Chair Patnode, second by Commissioner
4 Redeker. I'm going to do the roll call. Vice Chair Patnode.

5 VICE CHAIR PATNODE: Aye.

6 CHAIR DE REGO: Commissioner Kuwahara.

7 COMMISSIONER KUWAHARA: Aye.

8 CHAIR DE REGO: Commissioner Leach.

9 COMMISSIONER LEACH: Aye.

10 CHAIR DE REGO: Commissioner Mano.

11 COMMISSIONER MANO: Aye.

12 CHAIR DE REGO: Commissioner Redeker.

13 COMMISSIONER REDEKER: Aye.

14 CHAIR DE REGO: Commissioner Santiago.

15 (No response.)

16 CHAIR DE REGO: Okay. And Commissioner Sylva.

17 COMMISSIONER SYLVA: Aye.

18 CHAIR DE REGO: Okay. So we'll see you -- and the
19 chair also says aye. We'll see you in executive session.
20 Okay. Thank you very much.

21 (Pause in Proceedings: 2:40 p.m.-4:13 p.m.)

22 CHAIR DE REGO: Okay. It is December 16th,
23 Wednesday, it is now 4:13 p.m. we are -- call executive
24 session -- regular session back into order. Do I hear a
25 motion to ratify all actions taken by the commission in

1 executive session?

2 COMMISSIONER MANO: So moved. Matt Mano.

3 CHAIR DE REGO: Okay. So Commissioner Mano moves
4 that we ratify --

5 COMMISSIONER REDEKER: Second.

6 CHAIR DE REGO: Okay -- all actions taken in
7 executive session. Commissioner Redeker, are you seconding
8 the motion?

9 COMMISSIONER REDEKER: Second.

10 CHAIR DE REGO: Okay. Any discussion?

11 (No response.)

12 CHAIR DE REGO: Okay. Let's take the vote. Vice
13 Chair Patnode.

14 VICE CHAIR PATNODE: Aye.

15 CHAIR DE REGO: Commissioner Kuwahara.

16 COMMISSIONER KUWAHARA: Aye.

17 CHAIR DE REGO: Commissioner Leach.

18 COMMISSIONER LEACH: Aye.

19 CHAIR DE REGO: Commissioner Mano.

20 COMMISSIONER MANO: Aye.

21 CHAIR DE REGO: Commissioner Redeker.

22 COMMISSIONER REDEKER: Aye.

23 CHAIR DE REGO: Commissioner Santiago is excused.

24 And Commissioner Sylva.

25 COMMISSIONER SYLVA: Aye.

1 CHAIR DE REGO: Okay. Chair also says aye, so it's
2 7-0. Okay. One excused.

3 Okay. Next, agenda setting. The next meeting is --
4 of the Maui Police Commission is scheduled for January 20th,
5 2021, at 2:00 p.m.

6 Do I hear a motion to adjourn this meeting of the
7 police commission?

8 COMMISSIONER KUWAHARA: (Gesturing.)

9 COMMISSIONER DE REGO: Commissioner --

10 COMMISSIONER REDEKER: So moved.

11 CHAIR DE REGO: Janet, Commissioner Kuwahara.

12 COMMISSIONER KUWAHARA: I make a motion to adjourn
13 the meeting.

14 CHAIR DE REGO: Okay. Do I have a second?

15 COMMISSIONER REDEKER: (Gesturing.)

16 COMMISSIONER DE REGO: Commissioner Redeker, he's
17 raising your hand. Can you say yes so it's on the --

18 COMMISSIONER REDEKER: Yes. Second.

19 CHAIR DE REGO: Okay. Awesome. Okay. Any
20 discussion?

21 (No response.)

22 CHAIR DE REGO: Okay. So we'll do what we always
23 do. Vice Chair Patnode.

24 VICE CHAIR PATNODE: Aye.

25 CHAIR DE REGO: Commissioner Kuwahara.

1 COMMISSIONER KUWAHARA: Aye.

2 CHAIR DE REGO: Commissioner Leach.

3 COMMISSIONER LEACH: Aye.

4 CHAIR DE REGO: Commissioner Mano.

5 COMMISSIONER MANO: Aye.

6 CHAIR DE REGO: Commissioner Redeker.

7 COMMISSIONER REDEKER: Aye.

8 CHAIR DE REGO: Commissioner Santiago is excused.

9 And Commissioner Sylva.

10 COMMISSIONER SYLVA: Aye.

11 CHAIR DE REGO: Okay. So motion passes. I say aye
12 as well, Commissioner De Rego. So the December 20th --
13 December 16th, 2020, meeting of this police commission is now
14 adjourned. Thank you, guys, so much.

15 (The proceedings were adjourned at 4:16 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 December 16, 2020, at 2:00 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 30th day of December, 2020, in Maui, Hawaii.



Sandra J. Gran, RPR
Hawaii CSR 424