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COUNTY OF MAUI, STATE OF HAWAII

MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION

JANUARY 20, 2021 AT 2:01 P.M.

MAUI POLICE DEPARTMENT

CHIEF'S CONFERENCE ROOM

REGULAR MEETING

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

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APPEARANCES

COMMISSION MEMBERS PRESENT:

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

STAFF PRESENT:

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

1 (January 20, 2021, 2:01 p.m.)

2 * * *

3 CHAIR DE REGO: Okay. So I'll call the meeting to
4 order at 2:01 p.m. Do the roll call. Vice Chair Patnode.

5 VICE CHAIR PATNODE: Present.

6 CHAIR DE REGO: Commissioner Kuwahara.

7 COMMISSIONER KUWAHARA: Here.

8 CHAIR DE REGO: Commissioner Leach.

9 COMMISSIONER LEACH: Here.

10 CHAIR DE REGO: Commissioner Mano.

11 COMMISSIONER MANO: Here.

12 CHAIR DE REGO: Commissioner Redeker.

13 COMMISSIONER REDEKER: Here.

14 CHAIR DE REGO: Commissioner Santiago. Commissioner
15 Santiago. I can see him there, but I can't -- you're gonna
16 have to unmute yourself, Eugene, and turn on your camera. He
17 might be having some problems.

18 Okay. And then Commissioner Sylva.

19 COMMISSIONER SYLVA: Here.

20 CHAIR DE REGO: Okay. I think we're all here. I
21 see Commissioner Santiago there, but -- okay. So we'll move
22 on.

23 First is oral or written testimony. Just a
24 reminder, public testimony must relate to an item on the
25 agenda. Testifiers will state their names and what agenda

1 item they will be testifying on for the record. The maximum
2 limit of three minutes per agenda item. If you want to make
3 yourself known, I think you do it in the chat, okay, if you'd
4 like to testify, so Amy can get you on the list.

5 Amy, is there anybody signing up to testify?

6 MS. LAU: There's a Kaniloa Kamaunu.

7 CHAIR DE REGO: Okay.

8 MS. LAU: And there are two participants here
9 viewing.

10 CHAIR DE REGO: Okay.

11 MS. LAU: She hasn't indicated whether she is
12 testifying.

13 CHAIR DE REGO: Okay. They should make -- they
14 should indicate in the chat if they -- if they want to
15 testify.

16 MS. LAU: I have Fay -- I believe McFarlane.

17 CHAIR DE REGO: Okay.

18 MS. LAU: Would like to testify. Along with
19 Consuelo Apolo-Gonsalves.

20 CHAIR DE REGO: Okay.

21 MS. LAU: Linda Magalianes and Keeaumoku Kapu.

22 CHAIR DE REGO: Okay. Okay.

23 MS. OANA: Chair.

24 CHAIR DE REGO: Okay. So --

25 MS. OANA: Chair.

1 CHAIR DE REGO: Yes.

2 MS. OANA: I'm seeing in the chat that Eugene is
3 having problems. Do you wanna just see if we can figure that
4 out before you continue?

5 CHAIR DE REGO: Okay. So, Amy, could you check with
6 Eugene? He was with us and then he disappeared.

7 MS. LAU: Sure.

8 (Pause for technical difficulties.)

9 CHAIR DE REGO: While we're sorting that out, if
10 people would like to have a copy of the agenda, just for your
11 information, you can go to maucounty.gov and go to the police
12 commission portion of the website. If you actually put in
13 Maui Police Commission and search for "agendas," it'll take
14 you straight to the commission page and then you could click
15 on View Agenda, so you can download the agenda so you know
16 which agenda item you're testifying on, so (pause) --

17 MS. LAU: Chair, Commissioner Santiago is trying get
18 back on.

19 CHAIR DE REGO: Okay.

20 There he is. We can see you.

21 COMMISSIONER SANTIAGO: (Inaudible) on my mobile
22 phone. I'm on my mobile phone now.

23 CHAIR DE REGO: You're on your phone?

24 COMMISSIONER SANTIAGO: Yeah, yeah. (Inaudible.) I
25 was experiencing some network issues. I was trying to resolve

1 it, but I (inaudible) jump on the phone.

2 CHAIR DE REGO: Yeah. You're kind of choppy in
3 terms of your connection. Let's pray this vaccine works so we
4 all can get back to the in-person meetings, 'cause this is --
5 becomes quite challenging when the technology is not working.
6 So you okay, Eugene?

7 COMMISSIONER SANTIAGO: (No audible response.)

8 CHAIR DE REGO: Yeah, your connection's a little
9 slow and we can't hear you, so (pause) --

10 Amy, you might want to continue working with Eugene.

11 I think we're gonna have to go ahead with the
12 meeting. Is that okay you --

13 COMMISSIONER SANTIAGO: Yeah. Can you still hear
14 me? (Inaudible.) It kind of breaks up intermittently --

15 CHAIR DE REGO: Yeah.

16 COMMISSIONER SANTIAGO: Here and there.

17 CHAIR DE REGO: Yeah. Yeah, you're fine now.

18 COMMISSIONER SANTIAGO: I'll remain on line.

19 CHAIR DE REGO: Yeah. Okay.

20 COMMISSIONER SANTIAGO: I'll remain on line as best
21 as I can.

22 CHAIR DE REGO: Okay. Thank you.

23 Okay. So could we have the first testifier, your
24 name, what agenda item you're testifying on, and you have
25 three minutes.

1 Amy, could you announce the first testifier?

2 MS. LAU: Fay McFarlane, are you here?

3 MS. MCFARLANE: Aloha. Can you hear me?

4 (Feedback.) I'm sorry. We're gonna reduce the audio over
5 here.

6 The first testifier is Kahikilani Niles, starting on
7 Item 11 c. And I'm about to enable the camera and she will
8 restate her name and the item, if you need that for your
9 records.

10 Are you ready?

11 CHAIR DE REGO: Could everybody else turn off your
12 microphones?

13 Go ahead. You have three minutes.

14 MS. NILES: Okay. Aloha, Commissioners, and mahalo
15 for your time today. So I guess my item is 11 c and I'll
16 continue. Oh. My name is Kahikilani Niles, for the record.
17 I prepared a written statement, so I'm just gonna go ahead and
18 read it.

19 The day of October 13th, 2020, it was a beautiful
20 day and it was a black day. I saw that there was a
21 construction company digging a trench to install their
22 unpermitted water line that would divert water out of Kauaula
23 to a private sector of Launiupoko to supply the existing urban
24 agricultural neighborhood as well as some -- somehow supply
25 future privatized million dollar (inaudible) as well.

1 The area where myself and the other wahine who were
2 arrested (inaudible). I know that I'm permitted to that aina
3 kuleana. My ohana tells me that we have kupuna that are laid
4 to rest there. The exact location is unknown to me, so,
5 therefore, knowing that manao, I cannot just stand back and
6 watch the machines probably disturb my iwi kupuna, because at
7 that point, it is too late, the damage has already been done
8 and you cannot take it back. Therefore, I stood in protection
9 of my iwi kapuna. In the Hawaii State Constitution, Chapter
10 12, Article 7, gives me permission to do so.

11 So when my (inaudible) rights was violated, my
12 (inaudible) -- I'm sorry. So when my civil rights, my
13 cultural practice and my birth rights were violated when your
14 officers made their own decision to ignore our questions and
15 concerns and consciously decide to pursue my arrest and four
16 other wahine. When we stated that we were kuleana owners of
17 this LCA, we were not asked to show palapala. When the
18 officers in charge stated that Josh Dean, West Maui
19 Construction, paid the TMK, Title Guaranty, quit title claims;
20 therefore, they're the owner and Moana Lutey at corp. counsel
21 gave them --

22 MS. LAU: Thirty seconds.

23 MS. NILES: -- to do our --

24 MS. McFARLANE: Moving on to Item 11 f.

25 MS. NILES: (Inaudible) and Moana Lutey and corp

1 counsel gave us the green light to arrest, so we will. At
2 that point we were told we were being arrested for trespassing
3 in the second degree.

4 MS. LAU: That's three minutes.

5 MS. NILES: And it's going to be a citizen's -- it
6 was going to be a citizen's arrest.

7 MS. McFARLANE: Tell her --

8 MS. NILES: I'm continuing on Item 11 f, f like
9 Frank.

10 CHAIR DE REGO: Okay.

11 MS. NILES: Thank you. Mahalo.

12 CHAIR DE REGO: You get another three minutes.

13 MS. NILES: Okay. Thank you.

14 At that point we were told that we were being
15 arrested for trespassing in the second degree, but it was
16 going to be a citizen's arrest that they, MPD, was going to
17 carry out the act of doing so, because they didn't want
18 anything else to escalate.

19 Our legal observers on site that day contacted with
20 the question of: Can we do a citizen's arrest as well? We
21 were told we have to go to court and get an injunction and
22 then you'll able to. But why when Josh Dean or the
23 construction company, they were able to just make a call and
24 do so, why couldn't we? Those concerns were also ignored.

25 As MPD proceeded to pursue our arrests, another

1 legal observer asked a question pertaining to if the officers
2 were a judge. The answer was No. Do you have the legal
3 background to make a legal decision as pertaining to land
4 ownership? And I don't recall a response or an answer.

5 CHAIR DE REGO: Okay.

6 MS. NILES: But I do recall following that shortly
7 we were handcuffed and walked to the paddy wagon and driven to
8 the Lahaina Police Station.

9 Once there, we were told that we were arrested for
10 trespassing in the second degree and your bail is set at \$100.
11 Mind you, this is in the time of a pandemic with COVID
12 mandates and restrictions. The four of us, four of us wahines
13 were put into a cell, and then a while later we were given
14 right to make a call so that we could post bail. We received
15 a (inaudible) paper stating we have court and so on and so
16 forth.

17 The very next day, I was not present, but other
18 members of the community showed up and took the same stance as
19 the day before. Once again, the MPD was -- was called. This
20 time we showed our palapala, the community showed their
21 palapala, and they called Moana again and she told them that
22 they need to stand down. Both parties were told to leave.

23 In the weeks following, I got my arrest report and
24 it stated I was arrested --

25 MS. LAU: Three minutes.

1 MS. NILES: -- for trespassing in the second degree.

2 CHAIR DE REGO: Okay. Can you conclude your
3 remarks, please.

4 MS. McFARLANE: She's moving on to Item 11 g now.

5 CHAIR DE REGO: Okay.

6 MS. NILES: I'm moving on to 11 -- 11 g. Thank you.

7 CHAIR DE REGO: Okay.

8 MS. NILES: So I'm almost done. I'm sorry. I'm
9 wrapping it up, but I just want you guys to hear our side.

10 CHAIR DE REGO: Okay.

11 MS. NILES: So thank you for your time.

12 CHAIR DE REGO: Thank you. Thank you.

13 MS. NILES: All right. So, yeah, so in the weeks
14 following, I got my arrest report and it stated we were
15 arrested for trespassing II at the aquatic center, but I was
16 not arrested at the aquatic center, it was in a different
17 location. These are examples of unfair treatment. Officers
18 out of jurisdiction, officers' own individual choices, misuse
19 of citizen's arrest, and falsified police reports.

20 How are we, the community, supposed to trust MPD
21 sworn -- who swore to serve and protect the community when
22 violations, misconduct, misinterpretations, manipulations of
23 the law are happening and your officers are enforcing and
24 allowing it to happen? How do we, as a community, fix this?
25 How are you guys going to ensure the community that you

1 (inaudible) and you serve that this will not ever happen
2 again? How do we, as a community, come together and fix this
3 pilikia? Is it through education? Is it by changing laws?
4 You know, what is the solution?

5 I'd also like to add that I do appreciate that
6 charges were never filed by the prosecuting office and that
7 our bill was returned and all records expunged.

8 Mahalo Nui for your time and understanding. Mahalo.

9 CHAIR DE REGO: Mahalo very much for your testimony.
10 Thank you for coming today. Okay? Mahalo.

11 MS. NILES: Mahalo.

12 CHAIR DE REGO: Next testifier.

13 MS. McFARLANE: The next testifier is Consuelo
14 Apolo-Gonsalves, starting with Item 11 f.

15 CHAIR DE REGO: Okay.

16 MS. APOLO-GONSALVES: Aloha, Commissioners. Mahalo
17 for taking this time to hear us all.

18 So how -- how can we work together? How can you
19 guys make us trust you guys again? The lack of trust, it --
20 it saddens me, because a lot of them are my ohana, you know,
21 that's working on the force and I know it tears them to be on
22 the opposite end. So how can we, as a community, come
23 together and fix all of this? 'Cause it's never gonna go
24 away, you know. I mean, should you guys learn our culture?
25 Should you guys learn what's really happening here in our

1 islands? We are very different from the world out there. We
2 don't -- we don't subject ourselves to violence 'cause that's
3 not how we were brought up. We wasn't brought up that way. A
4 lot of people may think that, but that's not how it is. We
5 learn to respect one another, we learn to listen to one
6 another, 'cause that's the only way we're gonna get ahead, if
7 we all listen to each other. But if you guys listen to only
8 some, how is that gonna help all of us? You know what I mean?

9 I do have koko here, this is my blood. I will not
10 leave over here. It saddens me to see my ohana leave. So how
11 can we fix this, guys? How can we fix this? How can we move
12 on and trust you? You guys are there to serve and protect us,
13 not a developer, not -- not another entity, us, the people
14 that live here, all of us. I'm not just saying me as a
15 Hawaiian, all of us, 'cause we all gotta live together. We've
16 gotta stop this madness and all this hates and start listening
17 to one another.

18 You know, I don't know what else to do. I'm 47
19 years old, my time here on earth is gonna end, but I do have a
20 child and I have two grandchildren and they mean the world to
21 me. How am I gonna make sure that they'll be fine? You know,
22 all my live, I lived that I should make a platform for my
23 family. I have that platform, I have a home, but now I feel
24 like my community (inaudible). So how am I gonna help my
25 community? How are we gonna help our communities? That's the

1 question. 'Cause we're all in it together, no matter who we
2 are. And we learned that, we learned how to live with one
3 another.

4 MS. LAU: Three minutes.

5 MS. APOLO-GONSALVES: So just think about that. And
6 Hawaii means a lot to me. I will die here. Mahalo, you guys.

7 CHAIR DE REGO: Mahalo nui.

8 Next testifier.

9 MS. McFARLANE: Next is Linda Magalianes on 11 f.
10 And she can restate her name and the item if you need that for
11 your records.

12 CHAIR DE REGO: Go ahead.

13 MS. MAGALIANES: Aloha. Aloha mai kakou. My name
14 is Linda Nahinu Magalianes. I am born and raised here in
15 Lahaina and I do know -- first of all, I was very upset of how
16 we were treated with the police department, because when they
17 arrived, they actually knuckled, talk story with the
18 developers, and made us, you know, just -- we sat there like
19 ladies, very nice and calm. We had -- we were not violent
20 whatsoever.

21 But let me remind the commissioners, on May 12th,
22 2020, our auntie by the same company got -- that company
23 bulldozed her -- her gate and went after her with the --
24 with the bulldozer. To this day, that guy was not arrested.
25 And you had people that -- got five wahines sitting in one

1 trench quietly, nicely, like ladies, and we got arrested and
2 cuffed? That really pissed me off. I'm sorry, but I've been
3 holding this for a while, since October 13th, and I don't
4 think we were treated fairly, you know, sitting there,
5 minding -- doing our own kuleana, what we needed to protect.
6 We tried to go the right way and get the -- get this developer
7 to stop because I knew for a fact, 'cause, like I said, I
8 lived here all my life, I've been back there cleaning
9 graveyards with my parents. My dad is Daniel Nahina (Hawaiian
10 name) Nahina and I knew that behind there alongside all had
11 cemetery.

12 No matter what kuleana land you go on, you find a
13 cemetery, because that's what the old folks did in the past,
14 burying their kupuna on their own kuleana land. For me, in my
15 work today is all about protecting our iwi kupuna and I'm
16 gonna have to do this again and it's very sad. Because my
17 daughter -- my granddaughter asked me, Grandma, who arrested
18 you? And I have to tell her, it was her best friend's father,
19 and she was not happy about that. But I told her it's not
20 between them, it's between what I do.

21 But for the commissioners, I really wish there's
22 something that can be solved, because every one of your police
23 officers needs to be trained on this kind of situation. They
24 had no right to arrest us, they had no right to even discuss
25 on who has the right of the land. All these lands in Lahaina

1 are clouded. So, please, have them trained. You know, it
2 does -- it's not fair that we live the Hawaiian life and we've
3 gotta suffer all this bullshit -- excuse my language -- all
4 this bullshit that's happening (inaudible) the entity of the
5 developer.

6 MS. LAU: Three minutes.

7 MS. MAGALIANES: I'm gonna on --

8 CHAIR DE REGO: I'll give you -- I'll give you a
9 little time to conclude.

10 MS. MAGALIANES: Okay. Thank you.

11 So, you know, this is things that's happening. And
12 a couple days later, they dig a whole iwi kupuna in (Hawaiian
13 name) Falls. Maybe that was one of your kupunas. You know, I
14 mean, they need to be educated. And I hope some day that you
15 guys find it where they can be educated on situations like
16 this. The police department has no right to say who owns the
17 land, not even corporate counsel, and it's sad that they went
18 that route, have the developer arrest us or citizen arrest. I
19 (inaudible) got arrested. I never, ever broke the law in my
20 whole life, 57 years, I'm gonna be 58, never did break the law
21 until that day. But I felt that -- I almost lost my job, too,
22 because of (inaudible) management. But I will do it again if
23 I have to. That's protecting our kupuna and, like I said, it
24 might be one of your kupunas, you don't know. But I know a
25 lot of iwis are in the back there and this company shouldn't

1 be continuing on on what they doing, because they never even
2 have (inaudible) done on their -- on the EIS or AI, all of
3 that, none of that was done.

4 CHAIR DE REGO: Okay. Thank you very much for your
5 testimony. Mahalo.

6 MS. MAGALIANES: Thank you very much. (Inaudible.)
7 Mahalo.

8 CHAIR DE REGO: Mahalo.

9 MS. McFARLANE: Okay. The next testifier is Uilani
10 Kapu on Item 11 f for the first three minutes.

11 MS. KAPU: Aloha.

12 CHAIR DE REGO: Aloha.

13 MS. KAPU: My name is Uilani Kapu. On October 13th,
14 I served the company with the paperwork that came from the
15 burial council for them to cease and desist in the area until
16 all surveys were done. (Inaudible.) They refused to, so I
17 had no choice to approach them and ask them again would they
18 cease and desist, as it was stated by the burial council, and
19 they said no. I had no choice but to stop them physically. I
20 stepped in the hole and I stayed there.

21 As I was sitting there, I examined the area. My son
22 is an archaeologist, I've worked with many archaeologists.
23 Within this area that they dug, there were pebbles, there
24 was -- there are consecrations of areas that I've seen before
25 that are burials. In that area we did our -- we did our due

1 diligence, we looked at the maps, we surveyed the area, we've
2 known about other burials in the area. And we just asked
3 them, I said, you know, Can you guys do your due diligence and
4 take care of what you're supposed to do and survey the area?
5 They refused to, so we had no choice.

6 And due to the epidemic, the police said that they
7 didn't see any reason for it. They got a phone call from corp
8 counsel, they did their paperwork, come to find out, they
9 said, that company had a TMK, so they can arrest us.
10 According to our documents, these lands are clouded titles.
11 We know of heirs that live here that have testified before you
12 that connect to those lands. My husband connects to one of
13 those lands that are in that area, his cousins, his family.
14 We know of these people that connect to these lands there.
15 They have stated about Pioneer Mill Cemetery. They have
16 stated that their kupuna have buried -- were buried in the
17 backyards of their -- their places.

18 So as wahine, we protect everything from sky to the
19 earth, 'cause we all come from the earth. We (inaudible).

20 MS. LAU: Three minutes.

21 CHAIR DE REGO: Thirty seconds to conclude.

22 MS. KAPU: I just -- I just want to narrow it down
23 to say that I wanna know: What is a civil arrest? What --
24 what mandates someone to do a civil arrest? Because according
25 to the book, a civil arrest is going to do to someone that is

1 very violent or did something violent, which we did not. We
2 did it civil, we did it quietly, and -- and we still are
3 puzzled as to why we got arrested and I just want answers to
4 that. Who has that jurisdiction to -- to saying that we were
5 violent people and that should be arrested.

6 CHAIR DE REGO: Thank you very much. Mahalo.

7 MS. McFARLANE: Okay. The next -- the next
8 testifier is Ke'eamoku Kapu on Item 11 f and, if necessary,
9 moving on to 11 g, 11 h, etc.

10 MR. KAPU: Aloha kakou. My name is Ke'eamoku Kapu
11 and I live in Kahoma Valley. I think, for clarity purposes,
12 this whole incident boiled down to a company that had an
13 extension from the county planning department and public works
14 to allow a pipeline, an irrigation pipeline that was, I would
15 say, pretty close to 3 miles long without any public review or
16 scrutiny to allow this company to go forward. So when my wife
17 talked about the burial council made a motion to cease and
18 desist this project, because of that exemption, it stirred a
19 lot of, I would say, mismanagement of that general area. And
20 if those of you know Lahaina, Lahaina is the capitol of very
21 important historic properties, a lot of historic properties.
22 In the area of this development where everything occurred,
23 there's hundreds and hundreds of Land Commission Award Royal
24 Patents. So I don't know if everybody is keen to
25 understanding what Land Commission Awards are, but that is a

1 derivative of land ownership in Hawaii during the time of the
2 Crown. I am one of those heirs that was given property from
3 the time of the Crowns, transmitted down by generational --
4 through generation by generation from my -- from the heirs
5 that received the property directly from the Crown all the way
6 down to me.

7 And when these women -- the day that these women got
8 arrested, me getting there to submit my paper support to the
9 police department, I think I was like maybe like about a
10 couple minutes late. But, basically, my paperwork or my title
11 of my Land Commission Award and Royal Patent shows that this
12 matter should have been a civil and not a criminal matter,
13 so -- but the next day when I came and confronted the issue
14 because the construction company was allowed to go forward and
15 rip and tear one 4-foot bucket without one monitor, everything
16 just went kind of haywire. So for myself, I took the stand, I
17 went down there, I served the police department papers --

18 UNIDENTIFIED SPEAKER: (Inaudible) on my side if we
19 have quorum.

20 MR. KAPU: The papers that I served (inaudible) to
21 show the police department that this is a civil matter
22 and (inaudible) commissioner that these issues need to be
23 (inaudible) in court in front of a judge. So from that time,
24 the situation (inaudible) the company --

25 CHAIR DE REGO: Excuse me. I'm gonna -- could

1 everybody mute yourselves? Okay. Can you continue -- sir,
2 could you -- could you -- not you. I'm just trying to make
3 sure there's no interference while you're talking, so excuse
4 me. And could you limit your testimony -- I'm gonna say this
5 now, to the -- to the police and what the complaint is in
6 11 f? Okay? 'Cause that would focus your testimony a little
7 bit more. Yep. Mahalo.

8 MS. LAU: I have three minutes.

9 MS. McFARLANE: Okay. Three minutes on the clock
10 for Item 11 g.

11 CHAIR DE REGO: Okay.

12 MR. KAPU: 11 g. Okay. So it really (inaudible) me
13 to know and understand that when this company came forward and
14 wanted to lay this installation of a utility pipeline, I had
15 major concern that they were gonna hit three possible areas of
16 a cemetery. So the first thing that happened, I met with the
17 archaeological companies, scientific consultant surveys to
18 warn them that they were going into areas that may be
19 problematic and I got no response from -- (inaudible) finding
20 out the area of concern, I got no response from the company
21 that they were going to go forward anyway.

22 CHAIR DE REGO: Sir, I'm gonna have to --

23 MR. KAPU: And with the information that --

24 CHAIR DE REGO: Sir, sir, I'm gonna have to rule
25 your testimony out of order unless you focus on the police. I

1 think I've been more than generous with the time
2 (inaudible) --

3 MR. KAPU: I'm getting -- I'm getting to that point,
4 sir.

5 CHAIR DE REGO: Okay.

6 MR. KAPU: In order -- in order for this commission
7 to really understand the scope of the discussion as to why
8 this department was dysfunctional, it all leads pertaining to
9 the protection of these iwi kupuna. So now -- okay. I'm
10 gonna get to the point. Now, when the police department
11 viewed my information, basically they said, okay, it's a civil
12 matter. Now, if it was a civil matter the day after, then why
13 was it a criminal matter for these women to be arrested the
14 day before? Especially when I approached the police
15 department with my papers, but it was too late because the CEO
16 or the -- the head arresting sergeant wasn't there to accept
17 my information and I don't think anybody else had the
18 authority to accept my information pertaining to what I had
19 submitted to the police department.

20 So all I'm saying is I think to the commission that
21 there is a way -- and I don't know how that is gonna be. I
22 don't want to get into the legislative ruling on how we need
23 to make rules and make laws, because, you know, I've been to
24 the legislature and I have great concerns pertaining to the
25 disability, the dysfunctions of this government. And what we

1 need to do is to start addressing Native Hawaiian rights under
2 Article 12, Section 7. We need to also address the issues
3 pertaining to HRS 7-1, which is Native Hawaiian rights that
4 have been, basically, violated, violated on behalf of these
5 women that took a stand to protect what they needed to protect
6 because that's their livelihood.

7 My responsibility as a kani, yeah, is to make sure
8 that I provide a safe and happy and harmonious life for my
9 ohana. I --

10 MS. LAU: Chair, three minutes.

11 -- have a wife that went in that hole. My wife was
12 the one that got mistreated and all of my cousins that got
13 mistreated by the police departments without probable cause.
14 There was nothing. So if the record was expunged based upon
15 what they found out afterwards that it should've been based on
16 a civil matter, then why was my ohana treated such?

17 So that's the point I'm getting to, that we need to
18 start opening up and understanding the situation at hand,
19 especially with the police department. And I don't know how
20 that's gonna work, but when it comes to land titles in Hawaii,
21 you guys need to really take a permanent action pertaining to
22 what is right versus what isn't right. That these land
23 companies, they own nothing. Titles are clouded in Hawaii.
24 And I think from the department's side, we can work together
25 to find those solutions on how we can come together and really

1 understand what title is all about.

2 We always the oppressor that always get oppressed.
3 We are always the one that put ourselves on the line, our
4 lives on the line, only to get discriminately treated as
5 criminals. We're fed up with it already. We're tired of it
6 already. And I don't want to cast this curse to my children,
7 my grandchildren. This madness needs to stop. The education
8 of what is going on in this dysfunctional state that we live,
9 we've gotta start finding solutions on how we can rectify the
10 wrongs that pertain to what we have rights to versus what
11 these foreign companies have rights to, which they don't have
12 any rights.

13 So I say this, spoken (inaudible) with aloha. So
14 please take into heavy, heavy consideration, we need to
15 resolve these issues based on title. We need to resolve these
16 issues based on a true understanding of the Maui Police
17 Department so we can really understand. Because I have one
18 meeting, I had one meeting with the prosecution attorney and
19 corporate counsel Moana Lutey. TMKs are not title, they're a
20 description of a land, of what you pay for. The absolute
21 title of a Land Commission Award where -- with a Royal Patent,
22 we need to start discovering those things that we need to --
23 how we need to find solutions for people who are suffering,
24 people who are homeless.

25 CHAIR DE REGO: Thank you, sir.

1 MR. KAPU: So mahalo for your time, everyone, and
2 please take into serious consideration of what is happening
3 here not only on Maui, but throughout the state of Hawaii.
4 But let Maui be the example, to set a positive example so we
5 not treated anymore as criminals. Mahalo.

6 CHAIR DE REGO: Mahalo, sir. Mahalo.

7 Next testifier.

8 MS. McFARLANE: I'm gonna be charging this computer,
9 so if I can ask that my name be moved to the end of the
10 testifier list so that I can actually get this plugged into
11 power. I don't want it to cut off. This is Fay McFarlane.

12 CHAIR DE REGO: Okay. Next testifier, then.

13 And we would ask you to limit your comments on the
14 items to the police and what was in the jurisdiction of the
15 police commission. A lot of this is having to do with
16 operations, which we'll have to pass on to the chief. Okay?

17 Okay. Next testifier.

18 MS. LAU: Is there an Autumn Ness here?

19 MS. NESS: Yes, I'm here. Can you hear me?

20 MS. LAU: Yes.

21 MS. NESS: Okay. Hello. Thanks for taking our
22 testimony. I'm gonna be speaking on Items 11 f through j. I
23 won't need to use three minutes per item, I'm gonna do my best
24 to get through this real quick.

25 I was the legal observer on site on October 13th,

1 2020, so I took serious notes. And there are a few things in
2 here that are like context -- giving you context, but I'm
3 really trying to focus on the events that happened that day
4 minute by minute. So on October 13th, there were five
5 individuals with legal claim to this parcel of land in
6 question and individuals exercising their constitutional right
7 to protect their ancestors' burials. They got into the trench
8 to stop the continued digging and disturbance of iwi in that
9 area.

10 MPD arrived -- these are all of my legal observer
11 notes. There were no badge numbers visible. Most had names
12 visible on their chests. Two were covered by Kevlar. Officer
13 Kaaukai, I think is how you pronounce his name, was the
14 commanding officer. Officer Carroll was another officer, he
15 looked like he was maybe second in command. The officers were
16 mostly equipped with under-uniform Kevlar, tear gas and/or
17 mace cannisters, guns, nightsticks, cuffs, and mag lights.

18 Officer Kaaukai arrived on scene and promptly told
19 the five individuals in the trench that they're on private
20 property. And he said, quote, We are going to execute a
21 citizen's arrest. When I asked what the charge was, he said
22 it was criminal trespass in the second degree. Let's see.
23 There -- the arresting officers on site were Officers Sakai,
24 Alvarez, Vickers, Callo, and Persimmons.

25 Officer Kaaukai was shown a piece of official

1 correspondence between Police Chief -- Police Chief Faaumu and
2 Councilmember Tamara Paltin. I don't know if you guys are
3 familiar with this letter, but it was signed by the chief. I
4 can send you all a copy for your reference. It was signed by
5 the chief and was a response to Councilmember Paltin's memo to
6 the police department titled, County of Maui's Role in Land
7 Disputes and Other Racially Sensitive Conflicts, end quote.
8 So the commanding officer on scene was handed a copy of the
9 letter and when he got to the section that says, quote, If
10 landowner is not able to be determined while officers are on
11 scene, Maui Police Department does not have the legal
12 authority to order any individual to vacate the premises, end
13 quote. When he got that section, he handed me the copy of the
14 letter -- he returned it to me and he said, We've been shown a
15 TMK. In my notes on that day I wrote, in parentheses, Was
16 this prior their arrival? I don't know when they were shown
17 the TMK. Also, in my -- for my own notes, I wrote that TMK is
18 not proof of ownership, it's -- it's proof of tax, payment of
19 tax.

20 MS. LAU: Three minutes.

21 MS. NESS: After that -- I'm going to -- yeah, I'm
22 going to move on to whatever the next item is. I'm almost
23 done.

24 Officer Kaaukai was informed by myself and other
25 individuals on site that the people currently in the trenches

1 now have a legal claim to this land and the paperwork to prove
2 it. I asked, How can they be arrested for being on their own
3 property? Officer Kaaukai was also informed that the
4 paperwork was on its way down the hill and could he wait just
5 a few minutes to see the other paperwork claiming legal claim
6 to this land.

7 Officer Kaaukai was also asked if MPD could execute
8 a citizen's arrest of West Maui Construction representatives
9 for trespassing on said lands. Officers Kaaukai and Carroll
10 both refused to answer yes or no to this question. When asked
11 what part of the law allows you to exercise discretion whether
12 to execute a citizen's arrest or not? Their answer was,
13 quote, The law. They were asked begin and their answer was,
14 quote, HRS. I asked, as the legal observer on site, What
15 section of HRS are you enforcing right now? And they refused
16 to answer. Multiple times Officer Kaaukai said he was
17 operating with the approval of corporation counsel's, Moana
18 Lutey.

19 The five individuals -- the paperwork, mind you, has
20 not come down the hill yet. It's on its way down the hill,
21 paperwork proving title to this land. In the meantime, the
22 five individuals were escorted out of the trench and into the
23 MPD van in front of their children and grandchildren. Josh
24 Dean from the construction company was there at the MPD van
25 and I quote put in my notes in parentheses, As the citizen's

1 arrester, question mark. I and others informed Officer
2 Kaaukai that Uncle Harry, who had the paperwork claiming title
3 to the land, was on his way down the hill and that would show
4 that these individuals had valid claim to this land,
5 reinforcing what's in that letter that this is a civil matter
6 and MPD shouldn't get involved.

7 Officer Kaaukai visibly lost patience at that point
8 and said in a more -- a more aggressive tone, I don't know who
9 you are, pointing at one other individual, and I don't know
10 who you are, pointing at me, and I'm leaving. He got in his
11 car and he drove away before the paperwork proving title could
12 arrive at the scene. He left the other officers on scene and
13 when the paperwork arrived and the remaining other officers --
14 remaining officers acted like they had no authority to look or
15 touch it. They had no interest in looking at it.

16 I will reinforce comments made earlier by other
17 testifiers that the officers on the scene arrived at the scene
18 with what looked a lot to me like a preconceived idea that
19 they knew what was going on. They did talk story very
20 cordially with the construction crews. They were very clear
21 that they were there to execute a citizen's arrest for Josh
22 Dean and the construction company. There was no attempts to
23 understand the legal claims or rights of the five women in the
24 trench, who all had --

25 MS. LAU: Three minutes.

1 MS. NESS: -- very legal right to be there.

2 I'm moving on to the next item and I'm almost done.

3 In fact, when informed that paperwork establishing
4 those legal rights would be there in a matter of minutes, the
5 commanding officer left the premises.

6 The next day, which would be 10/14, I believe, at
7 around noon, Ke'eamoku -- this happened again. It was a
8 repeat of the day; right? And I had to leave the scene for
9 just a few minutes and when I came back, Ke'eamoku was showing
10 the same paperwork in question from the day before to Officers
11 Carroll and Kaaukai and they were listening and taking what he
12 had to say. And after some deliberations, they agreed that,
13 yes, this is a civil matter and no arrests can be made. So as
14 Ke'eamoku previously just mentioned, the following day when
15 they took the time to look at that paperwork, they agreed that
16 this is a civil matter. But they refused to look at that same
17 paperwork the day before and -- and made five arrests. And on
18 that second day after they said this is a civil matter and no
19 arrests can be made, they left the scene.

20 The last point I will make is that, incidentally, a
21 few days later on an adjacent property, the same crew did
22 indeed disturb human remains. So the individuals that were
23 there exercising their constitutional right to defend their
24 iwi had very real reasons to be there.

25 And that's all I have to say. Thank you.

1 CHAIR DE REGO: Mahalo. Thank you very much.

2 Next testifier.

3 MS. LAU: One moment. I believe we have Noelani
4 Ahia.

5 CHAIR DE REGO: Okay. Go ahead.

6 MS. AHIA: Aloha mai kakou. I will -- I'm Noelani
7 Ahia and I will be testifying on Item 11 f, g, h, i, j. I am
8 a member and a cofounder of an organization called the Mauna
9 Medics Healers Hui and it is our job to protect protecters
10 whenever there is any sort of front line activity in our
11 community.

12 I went to a meeting on Monday, October 12th, the day
13 before the arrests of the five grandmothers and mothers took
14 place, and in this meeting -- it was at Nahaikani Cultural
15 Center with Uncle Ke'eamoku Kapu, who you heard from
16 previously, and we spoke with Officer Mata. He was called in
17 so that we could let him know that there was a problem with
18 the development refusing to cease and desist and that our
19 burials were in danger and that if we had to go to the
20 location and protect our burials, that we would be doing as
21 such. We were very organized, we let them know what the plan
22 was. We were not trying to create any sort of unnecessary
23 problem, but we did want to make sure law enforcement was
24 informed in advance so that we could all be prepared and stay
25 safe. That was our number one concern, was to stay safe and

1 keep everybody safe.

2 On the day of October 13th, there were five women
3 arrested: Uilani Kapu, Kahikilani Niles, Linda Magalianes,
4 Consuelo Gonsalves, and Auntie Vicky Kaluna-Palafox. These
5 are our aunties, our mothers, our tutus, our sisters, and our
6 daughters. These are our wahine koa.

7 I wanted to come here today and speak to you about
8 the unfair treatment of Kanaka Maoli on that day, the
9 marginalization and the perpetuation of the history of
10 criminalizing Kanaka Maoli on our own lands in our own
11 country. This was flat out bad police work. There was a
12 refusal to evaluate ownership paperwork. They put the wrong
13 address on the complaint. They put the address for the
14 aquatic center, which is at the corner of Honoapiilani Highway
15 and Shaw Street. Were they insinuating that these women broke
16 into the aquatic center? They did an improper citizen's
17 arrest, which you've heard about already, by police officers.
18 Since when do police officers make citizen's arrests on behalf
19 of landowners and construction companies? They took Josh Dean
20 of West Maui Construction's words at face value. They imposed
21 the improper use of bail. Everybody knows that Kanaka Maoli
22 and people of color are at much higher risk for COVID-19.

23 MS. LAU: Three minutes. Next item.

24 MS. AHIA: Okay. I'll go to the next item.

25 We have a history of losing almost 95 percent of our

1 population to infectious disease. We went from one million
2 people to 40,000 in over a -- in about a hundred years. And
3 yet they held women with bail knowing that at that time the
4 practice was already established that nobody would be held
5 unless they were a violent criminal and, yet, these women were
6 held and they were forced to pay bail.

7 In this particular incident, our cultural rights
8 were violated. Under Article 12, Section 7 of the Hawaii
9 State Constitution, the state -- and that means the police who
10 are part of the state -- have an affirmative duty to protect
11 our rights. One of our rights under Article 12, Section 7 is
12 the practice of the protection of our burials. That was --
13 there was a court case, I think it was probably *Kini vs.*
14 *Steele* (inaudible) protection of burials is a cultural
15 practice that is protected under Article 12, Section 7. And
16 yet when we asked the officers if they were aware of Article
17 12, Section 7 or any such Hawaiian rights, none of them had
18 any idea what we were talking about. And because -- whatever
19 the cause of that ignorance is, wherever in the system it
20 comes from, those officers are the ones on the ground and they
21 are responsible for upholding the law and upholding our
22 cultural practice.

23 In this circumstance, they got the villain mixed up.
24 They took the wrong side and they did it in contradiction to
25 their own police chief's directive, which you just heard about

1 in the letter between Tamara Paltin, our councilwoman, and --
2 and the police chief. Kaaukai made his own determination.
3 What he should have done was arrested Josh Dean and West Maui
4 Land for desecration under -- under the criminal Penal Code
5 711-1107, which is a law that states that -- let's see. I
6 have it here. Desecrate in relation to places of burials
7 means defacing, damaging, polluting, or otherwise physically
8 mistreating in a way that defendant knows will outrage the
9 sensibilities of persons likely to observe or discover the
10 defendant's action. What West Maui Land was doing that day
11 and West Maui Construction fits the bill for criminal
12 desecration, but the police didn't see fit to arrest any of
13 them, they only arrested the five Kanaka Maoli wahine who were
14 there under a constitutional right to protect burials and with
15 validation of land title claim.

16 The very next day, the police released a press
17 release that criminalized these wahine koa. I have to tell
18 you, I sat with -- sat with them as a medic to listen to their
19 moololo and make sure that they could process emotionally what
20 had happened to them. These women were shamed in their
21 community. These women had employers, neighbors, friends
22 giving them stink eye as if they had done something wrong.

23 MS. LAU: Three minutes. Next item, please.

24 MS. AHIA: Next item. This falls into play of
25 cultural genocide. This is not a one-time thing, this has

1 been happening for decades where Kanaka Maoli are arrested on
2 our own lands and for protecting what is sacred to us. These
3 cultural rights aren't something frivolous, this is our
4 kuleana. We would be bad Hawaiians if we didn't do everything
5 that was possible, that we knew to do to protect our burials.
6 They hold the collective mana of our ancestors, of thousands
7 of ancestors. This is a critical piece of who we were as a
8 people and our right to protect them on that day was violated
9 when these officers took it into their own hands and arrested
10 these wahine koa.

11 I hope that the commission can find a way to -- to
12 make it known to these officers that that behavior is not
13 acceptable. Despite the fact that they may be Kanaka Maoli
14 themselves, there is a lot of nuanced internalized racism in
15 our police department and it played out that day and none of
16 us want to see that happen to our ohana again. Mahalo Nui for
17 your time. Thank you very much. Aloha.

18 CHAIR DE REGO: Mahalo.

19 Next testifier.

20 MS. LAU: Jordan Hocker. Jordan Hocker on Items
21 11 f, g, and h.

22 MS. HOCKER: Yes. Can you hear me?

23 MS. LAU: Yes.

24 MS. HOCKER: Okay. Thank you. I'll begin.

25 Hello, everyone. Thank you for hearing my testimony

1 today. My name is Jordan Hocker and I was present on
2 October 13th, 2020, for the unlawful arrest of five women who
3 were protecting their iwi kupuna. There are several reasons I
4 issued Complaint MPC 20-14 regarding the conduct of the
5 commanding officer, Kaaukai, and Officer Carroll on that day.

6 Upon first arrival, MPD -- of MPD, it was clear that
7 they were bringing force to a peaceful protection situation.
8 Being that the events that day were entirely peaceful on the
9 part of protecters, it seems like a poor, albeit intimidating
10 use of department funds to dispatch around a dozen officers,
11 many that I saw equipped in Kevlar vests, with the
12 accompanying four squad cars, one SUV, and one paddy wagon. I
13 will remind you that every person has a right to legally,
14 peacefully protest and, further, the right of heirs to protect
15 their iwi kapuna which is afforded to them in Article Section
16 12 -- Article 12, Section 7 of the State Constitution. This
17 raised the question to me: Did the officers come to this
18 scene equipped for a fight? It honestly seemed that their
19 minds were made up before they even arrived. And if anything,
20 the people who were in danger that day were the women who
21 placed themselves into a trench under large machinery and
22 their iwi kupuna.

23 This brings me to the next part of my complaint,
24 which is fraternization of the officers with the developer
25 Josh Dean. The officers, upon arrival, exchanged friendly

1 greetings with Josh and spent around ten minutes chatting
2 before coming to speak to the women who had put themselves in
3 a trench. Not only is it highly unprofessional, but it
4 implicates bias on behalf of the officers. To make the bias
5 implications worse, when informed of a title dispute on that
6 parcel, that it renders the conflict a civil matter for the
7 courts to handle, not criminal matter, even when shown the
8 letter from their own police chief supporting this, the
9 commanding officer made the decision to perform a citizen's
10 arrest on behalf of the developer.

11 Not only have I never heard of such a thing, it also
12 means that the officer operated outside his scope of power and
13 made a determination of ownership. Was the commanding officer
14 a judge? And does the department encourage this? The officer
15 made this decision based on seeing the developer's TMK, but
16 refused to even look at the paperwork that asserted the right
17 of the arrested parties to be present. This is either
18 terrible police work or terribly biased police work, which, to
19 clarify, is an abuse of power that the commission should take
20 very seriously. The actions of the officers on October 13th
21 reflect very poorly on the department and its competency.

22 So to sum this up, the officers in my complaint
23 carried out direct violations of the constitutional rights
24 that were both federally and state protected of the five women
25 they arrested. The commanding officer justified these arrests

1 due to unlawful determination of ownership, which seemed to be
2 an action that showed favoritism towards the developer.

3 MS. LAU: Three minutes. Next item, please.

4 MS. HOCKER: I have a couple -- I have a couple more
5 sentences.

6 I'm asking that the commission hold these abuses of
7 power accountable today. I mirror what's been said in other
8 testimony. You have the opportunity to do the right thing and
9 actually pass down consequences for these abuses of power and
10 I ask you do that today. Thank you for hearing my testimony.

11 CHAIR DE REGO: Mahalo.

12 I would like to remind the testifiers that we're --
13 the commission is not gonna be able to get to these items if
14 we're gonna have extended testimony on each item. It's just
15 the reality and the fact of this. So if a lot of the facts
16 that you are relating are similar to what other testifiers, I
17 would ask you, so the commission can get to its work, to limit
18 your testimony to three minutes. Because I can see there's a
19 whole list of testifiers in the chat room at this point and I
20 think it would be sort of defeating the purpose so the
21 commission can get its work done if everybody testifies almost
22 exactly in the same way. Unless you have other facts that
23 have -- other than what's already been expressed that would
24 add more light to this issue in regards to the complaints that
25 are listed. Okay. Mahalo.

1 So next testifier.

2 MS. LAU: Jennifer Zigler testifying on Items 11 f
3 through 11 p. Jennifer Zigler.

4 MS. ZIGLER: I'm sorry. I was having trouble
5 unmuting.

6 Aloha. My name is Jennifer Zigler. I live Lanai/
7 Molokai. The agenda items I'm testifying is on Section 11 f
8 through p. I'll try to keep it below three minutes per item.
9 We're addressing the issues we have endured as well as --

10 CHAIR DE REGO: Excuse me. Ma'am, I'm trying to get
11 everybody to limit --

12 MS. ZIGLER: Yes, yes, yes. I'm gonna sum it up.

13 CHAIR DE REGO: (Inaudible.)

14 MS. ZIGLER: I'm gonna keep it quick.

15 CHAIR DE REGO: Okay.

16 MS. ZIGLER: I mean, I actually cut my testimony in
17 half, but I think that, you know, each of our testimonies are
18 very important and given the fact we get three minutes on each
19 item, I'm going way less than -- than that to keep it short
20 for you guys.

21 But, anyhow, we're addressing -- we're addressing
22 the issues we have been endured as well as giving testimony
23 referencing the Kahola Valley, the wahine koas who were
24 unlawfully arrested on their kuleana lands. We would also
25 like to address the unlawful citations we received along with

1 the threats of arrest that were forced upon us due to the
2 inexperience or lack of education on these matters which is
3 causing county officials to make biased decisions without
4 comprehending the situation for how they are violating their
5 own jurisdictions.

6 Back in July 2020 the chief wrote a formal letter to
7 Tamara, they both came to the agreement that these are
8 civil -- they're civil matters in which he advised Maui Police
9 Department to not make citations or arrests on these matters,
10 yet we all continue to endure pain and suffering from the lack
11 of enforcement on this matter. Mayor and chief both signed
12 off on this letter, yet police officers are still violating
13 his commands.

14 On December 7th, 2020, we were unlawfully cited and
15 had threats of arrest by Sergeant Hubbard over here on Molokai
16 to Kekoanui and myself. We were on our -- we were on my
17 fiancé's ohana's kuleanas fishing, gathering, planting, and
18 enjoying some time with our keiki, living the definition of
19 kapu aloha. We weren't causing trouble, we weren't harassing
20 anyone, yet a foreign couple has made every attempt to steal
21 our property and make us and our ohana out to be trespassers
22 who violate and show aggressive behavior. I'm five and a half
23 months pregnant, I don't need the stress associated with their
24 accusations as they attempt to fraud the system and use police
25 to harass us.

1 We had to hire an attorney to write a formal
2 complaint and reach out to corporate counsel, Maui Police
3 Department, and Molokai Police Department to inform them of
4 the issue that we're enduring. Maui Police Department is
5 still making arrests and threats of arrest and citations --

6 MS. LAU: Three minutes. Next item.

7 MS. ZIGLER: Thank you.

8 Maui Police Department is still making arrests,
9 threats of arrests, and citations on these civil matters after
10 being advised against it by their own chief of police and
11 mayor. These determinations are based on their misinformation
12 of ownership, which they are basing ownership based off TMKs
13 information. TMKs office doesn't determine title and doesn't
14 warranty that their information is correct. Cops cited us as
15 if we were on a separate property. This is another issue that
16 we're enduring and a lot of other kuleanas are enduring. This
17 foreign couple is frauding the system. They have an adjacent
18 lot on which they hold title policy to. They're trying to
19 claim our Land Commission Award, our kuleana properties as
20 their property.

21 Our, quote/unquote, TMK doesn't have an address. We
22 show our deeds, which are recorded with the bureau of
23 conveyance. We got verification through all title companies
24 that this man doesn't have title on our property. We present
25 all of this information to the police officers and, yet, we

1 were still cited and -- and threatened to be arrested due to
2 these issues. County -- county workers like police officers
3 are acting outside of their jurisdiction and, you know, the
4 police are recognizing ownership based upon these TMKs. The
5 TMK will even disclaim they can't warranty their information
6 as accurate and don't determine title ownership.

7 It breaks my heart to hear these manawahine who were
8 arrested in a hole where their ancestors graves were
9 desecrated due to -- on their kuleana land due to the lack of
10 education on these matters. How would you guys feel if your
11 moms are no other choice but to stand in their -- in their --
12 you know, their kupuna's graves and they got arrested for it?
13 This is -- this is just completely unjustifiable, not to
14 mention really, really heartbreaking. These are civil
15 matters, should not be handled by police unless there's a
16 criminal offense.

17 Our kuleana, our ohana's kuleana never went through
18 quiet title, probate, or any civil litigation; therefore,
19 ownership shouldn't be determined by police officers. I feel
20 like this is a waste of local resources and time, not to
21 mention, you know, so many of us affected by -- by these
22 relentless claims. You know, the claims we're -- we're
23 enduring is frauding the -- these -- this foreign couple, the
24 Heinbussers (phonetic spelling) are frauding the system in an
25 attempt to steal my fiance's ohana's kuleana property. You

1 know, I just -- this property has been in the family for
2 almost 200 years. Why are we being cited and threats of
3 arrest --

4 MS. LAU: Three minutes. Next agenda item, please.

5 MS. ZIGLER: Okay. I'm almost done.

6 You know, this property has been in the family for
7 almost 200 years, why are we being cited and why are there
8 threats of arrest in front our keiki due to the lack of
9 education the police are given? Please understand the
10 underlying issue here that's happening. Police do not know
11 unless they're educated. Please help educate our officers so
12 we don't keep enduring these issues presented today by so many
13 of us. No one wants to feel and witness this cultural
14 genocide. No one wants to see their ancestors' graves
15 desecrated; furthermore, watch their own moms jump into the
16 desecrated graves of their kupuna and get arrested for it.
17 Please help educate our police in these matters. I appreciate
18 your time.

19 CHAIR DE REGO: Mahalo.

20 Next testifier.

21 MS. LAU: Kekoanui Pupuhi on items 11 f through 11
22 p.

23 CHAIR DE REGO: Again, I would ask the testifiers if
24 you have no other facts to mention other than what has already
25 been mentioned, please keep your -- limit your testimony.

1 Okay? Mahalo.

2 MR. PUPUHI: Aloha. My name is Kekoanui Pupuhi from
3 the island of Molokai. Just introduce some experience with
4 cops not being educated about kuleana lands and citing me with
5 an unlawful citation of being on -- on kuleana lands and he --
6 and officers' lack of education on -- on situations like this.
7 Like being defeated because we get paperwork deeds in hand and
8 the lack of education that they have, they're taking a TMK
9 number over deeds and that is just -- I'm just upset with
10 that, that point, 'cause I'm --

11 Well, basically, on December 7, 2020, I was
12 unlawfully cited on my family's kuleana lands by a Molokai
13 police officer who was uneducated -- uneducated of what he was
14 doing. He didn't know that the address that he got from the
15 other party was a false address. So, again, Maui County
16 Police Department needs to educate their officers so that they
17 know the right from wrong and how to go about the matters of
18 the kuleana lands.

19 CHAIR DE REGO: Mahalo.

20 MR. PUPUHI: Thank you.

21 CHAIR DE REGO: Next testifier.

22 MS. LAU: Kaniloa Kamaunu.

23 MR. KAMAUNU: Aloha mai kakou. Kaniloa Kamaunu. So
24 I did put in a complaint on December 22nd, 2020. I was part
25 of that group. So there are other things. You know, I do

1 understand -- I've been in the correctional system for 28
2 years, so I understand the misconduct of officers, because we
3 as -- as correction officers deal in civil rights and
4 violations because of the type of work we do, so I understand
5 what the police department and -- but what these officers did
6 was basically, you know, something that needs to be addressed
7 seriously. For one thing, they came there and they basically
8 outright lied about their appearance there. As was suggested
9 earlier, they came in full gear, they came with a paddy wagon
10 to take people away. So they were going to go against, one,
11 the directive from the CDC that nonviolent crimes were not
12 going to be arrest. They already went against that. There
13 was no -- there was no resistance from the women, there was no
14 resistance from any of the people that participated in the
15 group, so there was no reason for that type of approach.

16 Two, they said it was a citizen's arrest, but from
17 my understanding, the citizen that is in question, Mr. Joshua
18 Dean, never came to the group and said that I am placing you
19 under citizen's arrest. There was no contact of any kind at
20 all. The police -- the sergeant in charge -- or the two
21 officers in charge, they were the ones that mentioned the
22 citizen's arrest. At no time did Mr. Josh Dean come forward
23 to the group and say that he was putting them under citizen's
24 arrest. That was done as the women were taken into custody
25 and were admitted into the back -- into the vehicle. And

1 that's when the officer instructed him to say -- say they're
2 under arrest. Okay? Like he was them under citizen's arrest
3 after control was taken by the officers. So that's
4 inappropriate, because the officers used their powers that are
5 given to them by the -- by the people to take those people
6 into custody. So that's very -- that is not appropriate.

7 But they did lie when they came there, because no --
8 there was no charges provided, no charges at the time were
9 provided. Because the person that made the citizen's arrest,
10 they didn't make any charges, so there was no charges
11 announced at the time so that everybody's bewildered about
12 what it was. All that was said was a citizen's arrest. When
13 he was -- we talked to him and I -- I talked to him because I
14 understood what he was doing, I said, My thing is it's a civil
15 matter --

16 MS. LAU: Three minutes. Next item, please.

17 MR. KAMAUNU: Okay. My thing is that it's a civil
18 matter because you have people with -- both who are saying
19 that they have an interest in the property and the thing is,
20 as was said earlier by others, they only took the interests of
21 one side, which they could not provide any type of proof that
22 they even had control of the TMK because there was no
23 paperwork provided to show us that this person's claim was
24 being justified. We actually brought paper, they -- that
25 officer refused -- he saw the paperwork coming and he refused

1 openly, said, I am not looking at that. It is time for us --
2 these people are gonna leave the job site, they're gonna end,
3 and we're gonna back too so there's no problem. We're not
4 gonna look at it. So he dismissed a person's claim and only
5 became one sided, it was a one-sided incident.

6 Usually, the citizen's arrest, the officer should
7 have come and done an investigation. Under that investigation
8 in his report if there was such an incident happening, then
9 maybe it would have been appropriate for them to bring the
10 paddy wagon and at least other ten officers. And they had ten
11 officers, at least, there. And I forewarned them that this
12 was a civil case and if they were gonna do this, that they
13 could be liable. So I did announce that to them there, that
14 they were -- they were going against civil rights (inaudible)
15 they were taking were unjust. Yeah.

16 So also, as I said earlier, they went against the
17 CDC COVID directive where they put this women into danger. A
18 lot of them are over 50 years old, they're in the high risk,
19 some of them have physical impairments that they did not take
20 into consideration, which they should have done at the time,
21 but they -- they failed to do that. Failed to find out if
22 anybody had any kind of physical ailments that may jeopardize
23 their incarceration, they did not do that. They also
24 dismissed the directive of their police chief, which they had
25 a written letter. It went to county council, county council

1 accepted that letter from the -- from the chief of police, and
2 these officers outrightly was insubordinate to the chief's
3 order. It is an order, he signed it, and they dismissed it.
4 Being that, they should be charged with insubordination.

5 Also, I believe, illegal detention, because no
6 charges were brought for. They detained them illegally. By
7 rights, they should have been charged and they should have
8 been said what they were being charged for before they entered
9 the police vehicle. They did not. They weren't told of
10 their -- what charges were being put upon them until they
11 entered and were handcuffed and put into the vehicle. So they
12 were already --

13 MS. LAU: Three minutes. Next item, please.

14 MR. KAMAUNU: Okay. What else did I have? Sorry.
15 I'm gonna end -- yeah, unlawful detention and, of course, you
16 know, we, as -- we, as citizens, all pay taxes. These men
17 operate under the guise that they protect the public, not --
18 not personal corporations. They came there and they -- we
19 were told by several that they -- the favoritism to the
20 corporation, but they -- these men have to realize they come
21 there to protect the public, that is their utmost duty, and
22 they failed to do that duty and directive, so that needs to be
23 addressed. Because that means me, as Joe Schmo on the street,
24 cannot trust the protection of the police and the police
25 department to follow directions that they're given and

1 obligations of their duty. And they are derelict, this was
2 very derelict of their duties. Thank you.

3 CHAIR DE REGO: Thank you very much.

4 Next testifier.

5 MS. LAU: Is there a Victoria Palafox?

6 MS. PALAFOX: Yes, Commissioners. Thank you.

7 Aloha, Commissioners. Mahalo for your time. My name is
8 Victoria Kaluna Palafox. I was one of that mothers,
9 grandmother, I'm a great-grandmother that took myself and
10 placed myself in the puka because the protection of our aina
11 and our kupunas needs that. The reasoning for my being
12 arrested was not clear to me at that time, so a false arrest
13 on my -- my terms, meaning to me that I was taken in custody
14 illegally. There was no question asked of me what was my
15 intention or my motive into being in that puka, none
16 whatsoever. I stood and I witnessed the palapala or the land
17 paper coming down from the hill and I witnessed the police
18 officer refusing to look at it.

19 I am not of good health, I am way over 60, way over,
20 and I wasn't given a health quality like other people -- when
21 you go into the supermarket, they take your temperature, they
22 ask you questions if you've been in COVID. None of those
23 things were asked of us. We were placed in a tiny truck.
24 There were six of us -- five of us inside there. In the jail
25 cell, we weren't separated, we were put altogether. So

1 unhealthy, so not pono.

2 I have written my complaint and sent it to the
3 commissioners on December. I stand before you today and ask
4 to you please, these officers, what they did -- the first
5 thing he came out of the car, Sergeant or the Lieutenant
6 Kaaukai, was to go straight to Josh Dean and give knuckle.
7 That already threatened me because it showed me that they're
8 old friends and I'm not gonna have a chance, yeah, to prove my
9 side.

10 Secondly, the way of arresting us was so not right.
11 No questions was asked of us, not whatsoever. And what is
12 this citizen's arrest? Ali pono. I don't understand that. I
13 need clarity on these things. Therefore, I stand before you
14 and I ask you to please, Kanaka Maoli, we have rights too. We
15 do not disrespect the people of America, we do not disrespect
16 any other nation, we always have aloha, and we ask our police
17 officers to please have the same respect for us as they have
18 for other nations. I thank you for this time.

19 CHAIR DE REGO: Mahalo.

20 Next testifier.

21 MS. LAU: Tommy Palafox, items 11 d and 11 e.

22 MR. PALAFOX: Aloha. My name is Thomas Kaluna
23 Palafox. I was a witness October 13th. My complaint is with
24 Maui Police Department because of the unfairness and one-sided
25 affair with -- with the developers. You know, I'm not too

1 sure with the law, but just by looking what they did was so
2 unfair, you know. By giving somebody knuckles, it shows me
3 that -- the favoritism to that side, saying that we got this,
4 don't worry about it. You know, Mr. Dean didn't know much
5 about his complaint, so they had to help him go through the
6 process of that arrest. So, you know, the department, they
7 gotta -- they gotta get more educated, you know. We're not on
8 anybody's side, but they need to educate themselves to at least
9 pull two parties together and find what -- find out what the
10 situation was. No just go one side favored and forget about
11 the other side, you know. They breaking the law just as much
12 as everybody else.

13 So the police department needs to be educated in the
14 law of the land. Especially now, people being getting -- all
15 over the island getting kicked off of their own properties
16 they have been there for generations. TMK, they claiming with
17 the statehood, 1959. You know, that's not fair to the people
18 that has been here for generations and generations. So my
19 complaint is just with the police department, they need to
20 educate themselves properly and not be one-sided. Mahalo.

21 CHAIR DE REGO: Mahalo.

22 Next testifier.

23 MS. LAU: Puaokamele Dizon.

24 MS. DIZON: (Hawaiian statement.) I'm testifying on
25 Agenda Item 6 b through 6 d. I'm Puaokamele Dizon, a native

1 tenant of kuleana lands in Kahoma Valley, Lahaina. Kahoma
2 Valley is a rural area located upland of where the Lahaina
3 bypass turns into Keawe Street. I live in Kahoma Valley with
4 my husband and three young children aged three, four, and six.

5 On December 9th at 8:00 p.m. during dinner with my
6 family, we were violently attacked by individuals who, using a
7 bulldozer as weapon, threatened our lives, destroyed our
8 personal property, and committed violence of the sacred life
9 source of this valley Kahoma Stream. In the face of this
10 violence and in fear for our lives and our children's lives,
11 we dialed 911 for emergency services, specifically the police,
12 to assist us, to document the attack, and to step in to
13 protect the public safety and uphold the law.

14 Maui Police Department refused to respond to the
15 call. The excuse given was that since it was night, it was
16 too dangerous for the MPD to come into the valley. The second
17 excuse was that the attack was civil matter. However, I
18 personally witnessed the MPD up in Kahoma Valley on two
19 occasions recently, once during a wildfire, a very dangerous
20 event, and again just days prior in response to a civil
21 dispute on a nearby parcel. My family was discriminated
22 against that night by the Maui Police Department, who decided
23 that our lives were not worthy of protection.

24 Tying that in with Items 11 f through p, I support
25 and acknowledge all of the previous testimony by community

1 members expressing similar discrimination in Kauaula. I ask
2 this commission to investigate discrimination done by the MPD
3 against our family. I ask this commission to clarify with MPD
4 officers what their duty is to protect the public safety and
5 to uphold the law. I ask this commission to work with our
6 families to ensure Hawaiian civil rights and lives are
7 protected not only in law, but in fact. Mahalo.

8 CHAIR DE REGO: Mahalo.

9 Next testifier.

10 MS. LAU: Is Junior Nakoa still here?

11 CHAIR DE REGO: I think I seen in the -- he has to
12 go.

13 MS. LAU: Okay. Go on to Fay McFarlane. Are you
14 ready? Fay McFarlane.

15 MS. McFARLANE: Aloha.

16 CHAIR DE REGO: Aloha.

17 MS. McFARLANE: Can you hear me?

18 CHAIR DE REGO: Yes.

19 MS. McFARLANE: Sorry. Can I confirm that you do,
20 in fact, have the letter from the police chief to Council-
21 member Paltin?

22 CHAIR DE REGO: Yes.

23 MS. McFARLANE: Because I don't want to waste time
24 and I understand that you don't want anything repeated. So
25 you've received the testimony about the constitutional

1 violations, you've received the testimony alleging
2 discrimination.

3 CHAIR DE REGO: Yes.

4 MS. McFARLANE: Also, the COVID 19 modified protocol
5 being contravened by the imposition of bail. Have you also
6 received the written testimony alleging sexism?

7 CHAIR DE REGO: We've received several complaints
8 which are on the record, but -- but those will be discussed in
9 executive session. The other materials I think we have not.

10 Amy?

11 MS. LAU: What materials are we talking about, Fay?

12 MS. McFARLANE: I think we're talking about the
13 written testimony that was submitted by Ms. Niles regarding --

14 MS. LAU: Yes, we received that.

15 MS. McFARLANE: Yes. It's for the women versus the
16 treatment that men interacting with the police on site that
17 day. And, again, we're talking about 11 f, g -- I'm sorry.
18 11 f, g, h, i, j, k, l, m, n, o, and p. Of which, you know,
19 my complaint is one, so --

20 CHAIR DE REGO: Yes. We received the complaints.

21 MS. McFARLANE: Okay. So since you have that
22 written testimony as well as the letter to -- to Council-
23 member Paltin, I'm going to conclude without repeating any of
24 the prior testimonies that you've also heard.

25 So I was one of the witnesses that day and I've

1 offered the commission hours and hours of video footage of the
2 actual incident, so I wanted to add that to the record. And
3 on my previous interactions with the police commission, I have
4 not been contacted to request any video footage. So I just
5 want to state that for the record that there were many hours
6 filmed that day from different eyewitnesses and all of those
7 are available to the commission should they choose to further
8 investigate the incidents of October 13th, the unlawful
9 arrests of our wahine here in Lahaina.

10 I also wanted to mention that I had previously
11 recommended to the commission that a separate meeting be
12 scheduled, so I don't think it's really appropriate the way
13 that the commission has intervened to try to cap testimony.
14 You know, we are entitled to three minutes per each item. I
15 have previously recommended that if you needed to get through
16 your other business, that you schedule a separate meeting for
17 this purpose. So I want to state that again for the record.
18 You know, we gave you guys the chance to handle this
19 differently and it's inappropriate to try to cap testimony at
20 three minutes, you know, when we have three minutes per item.
21 We have ten items on the agenda, that means that each speaker
22 that wants to talk about October 13th can speak for half an
23 hour if they want to, three minutes per item. And so any
24 effort to stifle that testimony --

25 MS. LAU: Three minutes.

1 MS. McFARLANE: Moving on to 11 f, my -- I was
2 originally speaking -- oh, okay. 11 g, then.

3 So what I want to say is that moving forward, you
4 guys are going to be receiving other complaints about similar
5 actions. Whenever kanaka are arrested for doing kanaka things
6 on kanaka lands, you're gonna be getting these complaints. We
7 understand now what the process is for doing so and if we're
8 allowed three minutes for each complaint moving forward, you
9 really want to take a look at this, because we haven't really
10 seen where MPD has reformed their behavior. We haven't really
11 seen where corporation counsel has fallen on their sword and
12 taken responsibility and said, Oh, you know what, it's not
13 actually MPD incompetence, it was our incompetence as
14 corporation counsel.

15 We requested those records between corporation
16 counsel and the developer, right, to confirm whether or not
17 the police claims that they're not really at fault, that it's
18 really Moana Lutey's fault. Right? We tried to request those
19 record to see whether or not there was any truth or
20 credibility in that. And based on the records that counsel
21 handed over from corporation counsel to our side, we do not
22 see evidence that the police can blame everything on
23 corporation counsel. Perhaps they can, but we have seen no
24 evidence of it yet.

25 And, again, these are documents that I've offered to

1 the police commission and I've never been contacted to request
2 any of the videos or any of the redacted documents that we
3 received from corporation counsel regarding their interactions
4 with the developer that day.

5 Mahalo for your time.

6 CHAIR DE REGO: Mahalo very much.

7 Okay. Next testifier, if we have another one. Amy?

8 MS. LAU: I believe that's the end of testimony.

9 CHAIR DE REGO: Okay. Thank you very much.

10 MS. McFARLANE: There's another -- there's another
11 request for testimony. Amy, there's another request for
12 testimony.

13 CHAIR DE REGO: Okay. Can I clarify one thing,
14 though, before we get -- move forward so everybody knows how
15 the commission operates. Under Section 13-2-14 of the Maui
16 County Charter, the commission cannot interfere in any way
17 with the administrative affairs of the department. We can
18 only make recommendations. Okay? Or if there's a complaint,
19 we can deal with the complaint, but we can't -- we only can
20 make recommendations in that regard as well. And so we're
21 constrained by what we can actually do in terms of policy
22 within the department by the charter and our administrative
23 rules. So that's just something I'd like to clarify, that
24 whatever we receive, we pass on to the chief of police, 'cause
25 that's what's in the charter and that's what's in our

1 administrative rules.

2 Okay. Next testifier.

3 MS. LAU: Is that Healani Sonoda-Pale?

4 MS. SONODA-PALE: Yes. Aloha. I'm Healani Sonoda-
5 Pale. I'm a kuleana landowner on Molokai and I'm testifying
6 in support of kuleana landowners on Maui.

7 And with -- with kuleana landowners, a lot of our
8 lands are kind of -- are up in the air in terms of title. A
9 lot of it is either in court -- it's pretty a civil matter.
10 And I think the problem here, with what happened at Kahoma
11 with -- and Kauaula is that the police act first and then ask
12 questions later. And in -- that was the problem with Kauaula
13 and that's been a problem with kuleana landowners throughout
14 time. So I don't know if you guys understand, but only -- as
15 a kuleana landowner, we only got less than 1 percent of all
16 the lands and it's been pretty much 170 years of struggling to
17 protect whatever little lands we do have, so -- and we have --
18 we are in litigation right now.

19 We did send a letter to corp. counsel about our
20 situation, which is very similar to what's happening in Kahoma
21 and Kauaula in terms of people coming in and trying to claim
22 the land and -- and I think for -- I guess my suggestion for
23 the commission would be to make, I guess, training available
24 to these police officers who are pretty much just arresting
25 Hawaiians without even having the full picture or the --

1 pretty much the full story and -- and then in terms of Kahoma,
2 that was -- that was ridiculous. I can't believe they would
3 actually allow Hawaiians to -- to be threatened not to do
4 anything about it. You know, that was a clear and -- that
5 wasn't a civil matter, that was like a -- that was actually
6 assault on the Dizon ohana.

7 So I think what's clear with pretty much the
8 situation going on on Maui and in Molokai is that the police
9 officers need more training in terms of what are their
10 legal -- like what is their -- what is -- what are their
11 powers in terms of what they can be -- what they can do and
12 can't do. What's a civil matter, what's not, what's a
13 criminal matter kind of thing. I think they've gotta be
14 educated on that. And I would be happy -- I mean, I know a
15 lot of people would be happy to help facilitate that training,
16 you know. Even if it means getting attorneys or getting OHA
17 involved, you know, I believe that there needs to be more
18 training of police officers. 'Cause I don't think that
19 their -- their intentions are bad, right, they just need more
20 training and so --

21 MS. LAU: Three minutes. Next agenda item, please.

22 MS. SONODA-PALE: Sorry.

23 MS. LAU: Three minutes. Next agenda item, please.

24 MS. SONODA-PALE: Oh, okay. I'm just kind of -- I
25 think all of the agenda items kind of come down to the -- the

1 point that these officers need training and they need to
2 understand the historical part of kuleana lands, what clear
3 land title is, I mean, what is a civil matter, what is
4 criminal matter, what are Hawaiian gatherings, traditional and
5 customary rights, what's protected under the U.S. -- under the
6 U.S. and State Constitutions. They need more legal training.

7 I understand that, you know, a lot of these officers
8 are acting upon orders from higher up or whatever and maybe it
9 requires the chief of police to get trained on these issues,
10 you know, and then -- I'm -- I'm just saying that -- I guess
11 my testimony just is basically they need more training on how
12 to handle issues with Kanaka Maoli and Native Hawaiians,
13 especially on kuleana lands, because it's such a complex
14 matter where we got less than 1 percent of the lands and
15 we're -- we've been struggling for 170 years to hang on to
16 these lands.

17 Our family has lived on the same property for over a
18 hundred years, over a 170 years actually, so -- and even --
19 even now we continue to have to strive to protect and it's
20 always the burden of proof is on us when that shouldn't be the
21 case, you know. They need to ask questions, they need to get
22 training, they need to be a little bit more compassionate
23 or -- because, you know, I think you gotta also kind of
24 understand that there is like a racism in this whole
25 situation. Hawaiians are always looked down upon as people

1 who are always in the wrong, you know, and we've been made to
2 feel like that as part of our whole colonial history, but --

3 So I just wanted to share that, that I really -- as
4 a commission, you know, maybe one of your recommendations to
5 the police department can be to train -- train these guys on
6 Native Hawaiian rights. And I would be happy to help
7 facilitate that discussion with OHA or with the Native
8 Hawaiian Legal Corp, you know, something like that. I think
9 we really need that to happen. Thank you. Mahalo.

10 CHAIR DE REGO: Mahalo.

11 Amy, any other testifiers?

12 MS. LAU: Is there any other testifiers here today?

13 (No response.)

14 CHAIR DE REGO: Okay. Hearing none, without
15 objection, I will close public testimony.

16 (No response.)

17 CHAIR DE REGO: Hearing none, public testimony is
18 closed.

19 We'll move on to agenda -- and I'd like to thank all
20 the testifiers today. We'll move on to Agenda Item 4,
21 approval of the Police Commission Regular Meeting Minutes of
22 December 16th, 2020. Do I hear a motion to approve the
23 minutes of December 16th, 2020?

24 COMMISSIONER REDEKER: Move to approve.

25 CHAIR DE REGO: Okay.

1 VICE CHAIR PATNODE: Second.

2 CHAIR DE REGO: So there -- there's a motion and
3 seconded. Commissioner Redeker has made the motion to approve
4 the regular meeting minutes of December 16th, it's been
5 seconded by Vice Chair Patnode. Is there any discussion or
6 corrections?

7 (No response.)

8 CHAIR DE REGO: Hearing none, I'm gonna do a roll
9 call vote like we usually do since we're on this BlueJeans.
10 So Vice Chair Patnode.

11 VICE CHAIR PATNODE: Aye.

12 CHAIR DE REGO: Commissioner Kuwahara.

13 COMMISSIONER KUWAHARA: Aye.

14 CHAIR DE REGO: Commissioner Leach.

15 COMMISSIONER LEACH: Aye.

16 CHAIR DE REGO: Commissioner Mano.

17 COMMISSIONER MANO: Yes.

18 CHAIR DE REGO: Commissioner Redeker.

19 COMMISSIONER REDEKER: Yeah.

20 CHAIR DE REGO: Commissioner Santiago.

21 COMMISSIONER MANO: He's gone.

22 CHAIR DE REGO: He's gone? Okay.

23 Commissioner Sylva.

24 COMMISSIONER SYLVA: Aye.

25 CHAIR DE REGO: Okay. And I also vote aye. So

1 that's seven yes and one excused.

2 Okay. Let's move on to letters of commendation. I
3 know you've all had a chance to read sort of the public's
4 support of these two officers in the performance of their
5 duty. I would like to have -- hear a motion to -- I would
6 entertain a motion to file this -- these commendations.

7 COMMISSIONER MANO: So moved. Matt Mano.

8 CHAIR DE REGO: Okay. And a second?

9 COMMISSIONER KUWAHARA: This is Commissioner
10 Kuwahara. I second.

11 CHAIR DE REGO: Okay. So it's a -- the motion was
12 made to file the letters of commendation by Commissioner Mano,
13 seconded by Commissioner Kuwahara. Any discussion?

14 (No response.)

15 CHAIR DE REGO: Hearing none, we'll take the vote.
16 Vice Chair Patnode.

17 VICE CHAIR PATNODE: Aye.

18 CHAIR DE REGO: Commissioner Kuwahara.

19 COMMISSIONER KUWAHARA: Aye.

20 CHAIR DE REGO: Commissioner Leach.

21 COMMISSIONER LEACH: Aye.

22 CHAIR DE REGO: Commissioner Mano.

23 COMMISSIONER MANO: Yes.

24 CHAIR DE REGO: Commissioner Redeker.

25 COMMISSIONER REDEKER: Yes.

1 CHAIR DE REGO: Okay. Commissioner Santiago is
2 excused.

3 Commissioner Sylva.

4 COMMISSIONER SYLVA: Aye.

5 CHAIR DE REGO: And I also vote aye. So it's seven
6 aye, one excused.

7 Okay. Let's move on to correspondence. Without
8 objection, I'd like to take the correspondence as a whole. I
9 know that you've already read the correspondence you've
10 received. As the commissioners know, we forward all
11 correspondence dealing with operations within the department
12 of the chief of police for the -- for his appropriate action.
13 Under Section 13-2-14 of the Maui County Charter, the
14 commission cannot interfere in any way with the administrative
15 affairs of the department.

16 COMMISSIONER MANO: Yes.

17 CHAIR DE REGO: So -- so do I hear a motion to
18 accept -- to file the correspondence PC 20-18 to PC 21-02? Do
19 I hear a motion.

20 COMMISSIONER MANO: I make the motion -- Matt
21 Mano -- for the correspondence PC 20-18 to PC 21-02.

22 CHAIR DE REGO: Do I hear a second? Commissioner --
23 oh, yes. Commissioner Redeker, your hand is raised. I'm
24 sorry.

25 COMMISSIONER REDEKER: Yeah. I'll go ahead and

1 second it, but I want to point out one thing on 20-18. We
2 were notified on --

3 CHAIR DE REGO: Yes.

4 COMMISSIONER REDEKER: -- on the 8th for someone to
5 come and talk on the 12th. It wasn't very much notice. My
6 first time in the commission, I would go a lot and speak at
7 those -- at the academy. I'd love to go and do it, but I've
8 gotta get notified that we're doing it.

9 CHAIR DE REGO: Okay. Thank you.

10 COMMISSIONER REDEKER: Four days notice just doesn't
11 make it.

12 CHAIR DE REGO: So that's part of the discussion, so
13 thank you very much. And it's in the record, Commissioner
14 Redeker.

15 COMMISSIONER REDEKER: Thank you.

16 CHAIR DE REGO: Okay. So any further discussion?

17 (No response.)

18 CHAIR DE REGO: Okay. Let's go on for the vote.
19 Vice Chair Patnode.

20 VICE CHAIR PATNODE: Aye.

21 CHAIR DE REGO: 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: Yes.

2 CHAIR DE REGO: Commissioner Redeker.

3 COMMISSIONER REDEKER: Yes.

4 CHAIR DE REGO: Commissioner Santiago is excused.

5 Commissioner Sylva.

6 COMMISSIONER SYLVA: Aye.

7 CHAIR DE REGO: And I also say aye. So that's
8 seven yea -- yes, one excused.

9 Okay. So let's move on to the chief's report and I
10 see Deputy Chief Rickard is here with us today. Are you
11 giving today's report, Deputy Chief?

12 DEPUTY CHIEF RICKARD: Yes. Good afternoon, Chair
13 De Rego, Vice Chair Patnode, and Commission Members. Chief
14 Faaumu is on vacation. He'll be return -- he'll return on
15 February 8th. So I'll be giving the report today.

16 CHAIR DE REGO: Thank you.

17 DEPUTY CHIEF RICKARD: And I -- first off, I just
18 wanted to say that I appreciate all the testifiers that came
19 before the commission today to say their concerns and address
20 their concerns. And, you know, I know you guys have a lot to
21 digest and there's a lot that will have to be discussed in
22 executive session, so I won't really go into that unless
23 otherwise instructed by you or corp. counsel to -- to answer
24 any questions that you folks may have in regards to any of the
25 testifiers' comments that were presented today, so -- but,

1 again -- so I'll just continue with our report.

2 With regards to COVID-related issues that are
3 ongoing, we continue to support the department of health.
4 This is done in collaboration with the National Guard as well
5 as our partners up at the -- federal partners with the
6 national park rangers. And mainly the assistance is continued
7 support of operations at the airport, the screening process.
8 We also assist with contact tracing as well as quarantine
9 enforcement. And, of course, now that we're into the
10 vaccination phase of this pandemic, we are assisting with PODs
11 or the points of distribution of the vaccine, which is -- of
12 course, is at UH Maui campus. And we're providing security
13 and -- for the orderly administering of these vaccines. And
14 this is done in coordination with the National Guard, so --
15 and, again, we'll continue to provide support to the DOH as
16 long as necessary and until -- or at least until the numbers
17 subside significantly.

18 Other things I want to touch upon is with regards to
19 Commissioner Redeker, I know that the recruit class, we
20 started on January 4th of this year with 19 recruits. You
21 still have time. If you want address this, let us know,
22 we'll -- we'll set aside a time if you want to go in and speak
23 to the recruits. I believe the letter was sent out on
24 December 8th by Chief Faaumu and, again, that was one month
25 out, so I'm not sure why you -- I'm not sure when you got

1 the -- the notice, but the letter was actually out on the 8th
2 of December, so -- but if you still need to address the 91st
3 Class and if you want to address the 91st Class, by all means,
4 just coordinate -- let me know or let Amy know and we'll
5 coordinate with the lieutenant of the Training Department.

6 COMMISSIONER REDEKER: Did anybody from the
7 commission address the class? And I know you probably don't
8 know that offhand, but --

9 CHAIR DE REGO: I did. I did.

10 COMMISSIONER REDEKER: Okay.

11 DEPUTY CHIEF RICKARD: All right. Moving on. We'll
12 be finally doing some promotions for this year, all
13 supervisory personnel. We're looking to do two lieutenants
14 and two sergeants. And we're looking at doing interviews of
15 all six applicants for each position on January 26th and
16 February 2nd.

17 So other than that, some news from around the
18 bureaus -- because I don't really want to take up your time, I
19 know you guys have a lot on your plate today, but I just want
20 to cover some of the things that was done by our Community
21 Relations Section. They put together that (inaudible) such
22 now Beard It Up campaign for the cancer awareness. And this
23 is nationwide and we actually came in first throughout the
24 entire nation in donations with over \$11,000 in donations.
25 So, again, thanks to all of our Community Relations Section

1 for getting the word out there and for the success of this
2 third year project.

3 Maui Police Department is pleased to announce that
4 we've launched our Citizen's Online Reporting System. This
5 system is an online system that allows you just to submit a
6 report immediately and print a copy of the police report for
7 free. This online reporting system is for non-emergencies
8 only. If it is an emergency, of course, people are advised to
9 call 911. This system is used for, again, making sure that
10 it's not an emergency and it's countywide to include Lanai as
11 well as Molokai. And it doesn't have the need to submit any
12 type of a physical evidence to be turned in. So if the
13 reporting information meets this criteria, it will be eligible
14 to be filed online, which kind of expedites the whole process
15 of -- not having an officer having to respond to these calls
16 of services and leaving them available to do proactive work
17 out in the -- out on their beat.

18 To access the online police reporting system, the
19 community can go to www.mauipoliceone.com. There will be
20 online instructions on how to go about utilizing the system.
21 Again, it was just incorporated this year, it's a brand-new
22 software that we're implementing and we're gonna see how it
23 works out in this trial phase and then, hopefully, you know,
24 it'll kind of expedite our report writing efforts for -- for
25 not only our community, but also our officers, freeing up more

1 of their time to conduct specialized investigations.

2 Other than that, I know it's budget time and I know
3 you folks discussed the budget with Melissa and the process
4 that we're gonna be kind of getting into moving into Fiscal
5 Year '23. And I'm gonna turn it over to Melissa at this time
6 to kind of briefly go over our budget and personnel. And then
7 if you folks have any questions for myself or her, you know,
8 we'll be -- we'll be glad to answer them as best as we can.
9 So thank you.

10 CHAIR DE REGO: Anybody have questions for the
11 chief? Go ahead, Commissioner Redeker.

12 COMMISSIONER REDEKER: Yeah. Chief, the department,
13 I guess, recently had switched to a new report-writing system
14 or an updated report-writing system and I've gotten feedback
15 that if one officer opens up and is writing a report, if
16 supplemental reports by other officers want to get written,
17 they have to wait until that primary officer gets finished
18 writing the report, so this has led to quite a bit of overtime
19 and people standing -- sitting and waiting for that -- for
20 that first report writer to be finished. Now, have you guys
21 been looking at fixing that, that one part, or how has the
22 administration been kind of working at solving that issue?

23 DEPUTY CHIEF RICKARD: I think -- it's a brand-new
24 system that we've incorporated -- just like when we switch
25 from Report Word to I/LEADS -- the system has only been place

1 for about two months now, so everything is -- all the bugs are
2 still being worked out. And, again, that was some of the
3 issues that were brought forth. Again, when it went online,
4 you know, there were unanticipated problems that arose, as
5 with any other programs or new programs, so -- but they are
6 being addressed as the issues are being brought to our --

7 COMMISSIONER REDEKER: Good.

8 DEPUTY CHIEF RICKARD: -- attention, so --

9 And we have a --

10 COMMISSIONER REDEKER: Thank you.

11 DEPUTY CHIEF RICKARD: We have a -- a task force of
12 officers that are specifically assigned to this project to
13 ensure we can at least rectify whatever issues come up.

14 COMMISSIONER REDEKER: Thank you, sir.

15 DEPUTY CHIEF RICKARD: Melissa.

16 MS. MAGONIGLE: Okay. Good afternoon, everyone,
17 Police Commissioners. So for the budget -- I'm sorry, for the
18 financial report for the expenditures, as of November 30th,
19 the department is at 61 percent remaining balance for salary,
20 wages, operations, and equipment. With that, we did request
21 for reimbursement from the CARES Act, so we will be getting
22 back a reimbursement of \$4 million from the CARES Act, that's
23 the federal funds that were provided to reimburse for overtime
24 expenses. That's been included in the expenditure report.
25 There's only one more demand that we're waiting to get

1 reimbursed for. So that'll get reimbursed into our premium
2 pay to cover the overtime costs related specifically to
3 COVID-19.

4 For the grants, you have the report for the grants
5 through the year. I do want to bring up the Traffic Section
6 did recently get a new position on January 1st, the grants
7 management operations assistant, so that's Ms. Tanya De Rego.
8 She began with the Traffic Section and she's gonna assist with
9 processing the grants and managing the grants for the Traffic
10 Section. And that was one of the positions that was approved
11 in FY '21.

12 For the CIP, we just completed the -- or signed the
13 contract and encumbered the funds for the Wailuku Station
14 parking lot and for the fuel tank, so those two projects, we
15 have completed the contract. We're gonna begin with the fuel
16 tank first. Right now they're working on where the officers
17 are gonna -- looking for a backup, where the officers are
18 gonna fill up with fuel while the project is taking place.
19 And then after that, we're gonna roll into the Wailuku Station
20 resurfacing. And that's all I have for the -- I'm sorry, the
21 financial and the --

22 I'm sorry, the personnel report. For sworn
23 officers, we're at 81 percent staffing; civilian, 74 percent;
24 and overall, 79 percent. We have ten conditional offers that
25 are outstanding right now, so we're just waiting for them to

1 go through the process of the psychological assessment/
2 medical assessment. Once that goes through, we can have a
3 hire date once they get through that.

4 For the dispatchers, we have 23 vacancies and we are
5 at 52 percent staffing. And these -- these stats, I'm sorry,
6 are from December 31st, the end of the calendar year.

7 Do you want talk about the budget now or just wait
8 until that comes up on the -- let's see where it --

9 CHAIR DE REGO: Well, right now -- well, you can
10 make some comments on it. We're actually gonna vote in the
11 recommendations vote on today. Today's the third -- the
12 second meeting of the TIG, the third in the process of the
13 meetings. First the TIG meets, then we report, which we did
14 orally last time, and now we're gonna vote on the
15 recommendations in Old Business. But go ahead and report
16 anything on this issue. Mahalo.

17 MS. MAGONIGLE: Okay. Yeah. So for the budget, as
18 I had mentioned last month, we had talked with the chief and
19 the deputy chief of police about doing the prebudget meetings
20 in August, so that would give the department and myself plenty
21 of time to compile all the information. We'll make that the
22 police commissioners know ahead of time of the dates for the
23 prebudget meetings and that's where the commanders get to
24 present what they want for their section and for their
25 district. With that, we'll compile it all, that will be in

1 August, we'll present it to the police commission for review,
2 and then from there, we'll prioritize and then the police
3 commission will have enough time to submit to the mayor's
4 office by the deadline. That's all I have for the budget.

5 CHAIR DE REGO: Okay. Thank you very much.

6 Okay. So that means we've taken care of 7, 8, and
7 9; correct?

8 DEPUTY CHIEF RICKARD: That is correct.

9 CHAIR DE REGO: That is correct. Okay. Well, thank
10 you very much for your report. I think we're gonna go ahead
11 and when we get into executive session to discuss some of the
12 issues that were brought up today and we'll -- we'll be sure
13 to be in touch with you guys and -- at some point. Okay?
14 Thank you very much, Deputy Chief. Thank you, Melissa.

15 DEPUTY CHIEF RICKARD: Thank you.

16 MS. MAGONIGLE: Thank you.

17 CHAIR DE REGO: Okay. Old Business, Discussion of
18 Temporary Investigative Groups. Let's see. So at our last
19 meeting, the temporary investigative group orally gave our
20 report and recommendations regarding future budget reviews.
21 You now have a written copy of that report. The chair will
22 entertain a motion to approve the report and recommendations
23 regarding the future budget reviews.

24 COMMISSIONER SYLVA: (Gesturing.)

25 CHAIR DE REGO: Okay. So, Sharen, you're --

1 COMMISSIONER SYLVA: I move to --

2 CHAIR DE REGO: To approve?

3 COMMISSIONER SYLVA: Yes.

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

5 COMMISSIONER KUWAHARA: This is Commissioner
6 Kuwahara. I second the motion.

7 CHAIR DE REGO: Okay. So Commissioner Sylva has
8 made the motion to approve the report and recommendations
9 for -- regarding future budget reviews, it's been seconded by
10 Commissioner Kuwahara. Any discussion?

11 (No response.)

12 CHAIR DE REGO: Okay. Hearing none, we'll take the
13 vote. Vice 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: Yes.

21 CHAIR DE REGO: Commissioner Redeker.

22 COMMISSIONER REDEKER: Aye.

23 CHAIR DE REGO: Commissioner Santiago is excused.

24 COMMISSIONER SANTIAGO: No. I'm here. Aye.

25 CHAIR DE REGO: Oh, you're here. Okay.

1 Commissioner Santiago.

2 COMMISSIONER SANTIAGO: Aye.

3 CHAIR DE REGO: Okay. There you go. You snuck in
4 on me again.

5 Okay. Commissioner -- so good to have you back.

6 Commissioner Sylva.

7 COMMISSIONER SYLVA: Aye.

8 CHAIR DE REGO: Okay. And I say aye as well. So
9 that's eight ayes, so the motion passes.

10 Okay. So where are we here? The second portion of
11 this is moving on to 10 b. At our last meeting, we discussed
12 how to handle and distribute confidential executive session
13 material. Commissioner Kuwahara suggested we research using
14 Dropbox. Our commission secretary and corporation counsel
15 volunteered to research this issue. So is there any report,
16 Corporation Counsel?

17 MS. OANA: Thank you, Chair. So Amy and I did try
18 to play with Dropbox. The free version of Dropbox, which is
19 the only version I have currently, does not allow me to make
20 the material undownloadable, uncopyable, and unprintable. I
21 can set an expiration date, but the material can be actually
22 downloaded to everybody's computer. So I have asked my bosses
23 whether we could get a Dropbox Pro version for my office and
24 Amy is checking with her office to see if she can get a
25 Dropbox Pro version. It's like \$199 a year and that allows it

1 to be read only with an expiration date. That seems like a
2 good thing to explore. Still, there are issues in my mind
3 about it. People could still take pictures of it or whatever.
4 But I think this is a good way to do it, especially since we
5 are having problems with collecting executive session
6 materials. So, Chair, if we could just defer this, Amy and I
7 are gonna see what we can get from our offices regarding, you
8 know, either a version of Dropbox Pro that is read only or
9 kind of figure out if there's more options in FILR, 'cause
10 right now FILR, I don't believe, is read only. This is
11 expiration, but it's not read only. So we've gotta kind of
12 figure that out still.

13 CHAIR DE REGO: Okay. Commissioner -- Vice Chair
14 Patnode.

15 VICE CHAIR PATNODE: Hi. Thank you, Jen and Amy,
16 for taking a look at that. I just want to make a comment that
17 I don't know that we want to get more secure with the online
18 version than we are already with our paper version. Right now
19 people are mailed the documents or I pick mine up at the
20 station and from that moment on, you could take pictures, you
21 could make copies, there is no security on those documents
22 other than our word as a commissioner not to make copies and
23 I -- if that's what we're worried about, that people could be
24 looking at something and taking a picture online, I don't
25 think that that's -- I think that's going beyond what our

1 current system has already. So that's my comment.

2 MS. OANA: So one of the issues with me trying to
3 find an online version is, you know, Amy mails you folks the
4 executive session materials pretty much six days before the
5 meeting, you know, when she gets her agenda all posted and
6 everything together. And so she mails out stuff, but just in
7 case, let's say, a complainant in a complaint sends her
8 something the day before the meeting or two days before the
9 meeting, it's really not enough time for her to mail you folks
10 anything. And so if we're gonna discuss the complaint at our
11 meeting in like two days, then we should really get you that
12 additional information that we just received. I can always do
13 a share screen, but depending on how big the document is --
14 you know, if it's a one-pager or two-pager, sharing screen
15 won't be too hard; but what if it's a 50-page document? You
16 guys won't want to read 50 pages altogether in a share screen.
17 So I'm just kind of figuring out what we could do in those
18 situations. If not, we might have to defer the complaint for
19 the next meeting.

20 CHAIR DE REGO: Okay. Without objection, can we
21 defer this item?

22 VICE CHAIR PATNODE: Janet. Janet has a question or
23 a comment.

24 CHAIR DE REGO: Oh, okay. I'm sorry.

25 Janet.

1 COMMISSIONER KUWAHARA: Yeah, I -- Amy talked to me
2 about it, too, the other day and I told her I would get with
3 my IT person to look more into it, but, realistically, if we
4 did do something like that on Dropbox where they cannot print
5 or whatever, I think it would save a lot of money. 'Cause
6 when I look at my envelopes, for her to mail it to me and
7 back, it's like close to 30 bucks just for me, times seven or
8 eight people, that's -- you know, just one meeting would pay
9 for the -- for the program. So I think that's another thing
10 we have to consider, because funds are gonna be rough this
11 year and the next few years, so I think that in the long run,
12 that it'd save us a lot of money. That's my feel.

13 CHAIR DE REGO: Okay.

14 MS. OANA: Yeah. So everybody might have to start
15 reading on their computer in a little bit, so sorry about
16 that.

17 CHAIR DE REGO: Okay. So without objection, can we
18 defer this till we get more information, till the next
19 meeting?

20 (No response.)

21 CHAIR DE REGO: Okay. Hearing none, we'll defer
22 this item to the next meeting.

23 Before we get into executive session, I'd like to
24 take out of regular order and say it was not my intention to
25 try to limit people today in their speaking, I just wanted

1 people focus, especially if we had heard some of the testimony
2 before. Also, we're all volunteers here on the police
3 commission, it's easier said than done to try to get the
4 nine -- eight of us right now, hopefully there'll be nine of
5 us soon, to find another time in the month or any time for us
6 to do as much of the volume of work of reading that we do just
7 once a month. So I wish that the -- the testifiers would
8 understand that and also maybe show some aloha to the
9 commissioners. It's a lot easier said than done as volunteers
10 and also people who are working full time to be able to find
11 times in our schedules to do this. So that's all I have for
12 that comment, particular comment in regards to what went on.

13 And we really appreciate you guys coming out and
14 testifying and it -- it does strengthen the commission as one
15 that becomes a sort of a connection between the department,
16 but we do have our limitations according to the charter and
17 our -- and our rules.

18 So with that, with reference to the agenda items
19 listed below on the agenda, we are going into executive
20 session pursuant to Section 95-5(a)(2) -- point 2 point 4,
21 Hawaii Revised Statutes to consider the hire, evaluation,
22 dismissal, or discipline of an officer or employee or of
23 charges brought against the officer or employee, when
24 consideration of matters affecting privacy will be involved;
25 and to consult with the board's attorney on questions and

1 issues pertaining to the board's powers, duties, privileges,
2 immunities, and liabilities.

3 So I would entertain a motion to move into executive
4 session.

5 VICE CHAIR PATNODE: I move we go to executive
6 session.

7 CHAIR DE REGO: Okay. Do I hear a second?

8 COMMISSIONER SANTIAGO: Commissioner Santiago. I
9 second.

10 CHAIR DE REGO: Okay. Oh, go ahead, Mark.

11 COMMISSIONER REDEKER: (Gesturing.)

12 CHAIR DE REGO: Okay. So Commissioner -- Vice Chair
13 Patnode has made a motion to move into executive session,
14 Commissioner Santiago has seconded. I'll do a roll call vote.
15 Any discussion on the issue, by the way?

16 (No response.)

17 CHAIR DE REGO: Hearing none, Vice Chair Patnode.

18 VICE CHAIR PATNODE: Aye.

19 CHAIR DE REGO: Vice -- Commissioner Kuwahara.

20 COMMISSIONER KUWAHARA: Aye.

21 CHAIR DE REGO: Commissioner Leach.

22 COMMISSIONER LEACH: Aye.

23 CHAIR DE REGO: Commissioner Mano.

24 COMMISSIONER MANO: (No audible response.)

25 CHAIR DE REGO: Commissioner Redeker.

1 COMMISSIONER REDEKER: Aye.

2 CHAIR DE REGO: Commissioner Santiago.

3 COMMISSIONER SANTIAGO: Aye.

4 CHAIR DE REGO: Commissioner Sylva. Commissioner
5 Sylva?

6 COMMISSIONER SYLVA: Aye.

7 CHAIR DE REGO: Okay. And I say aye. I think
8 Commissioner Mano dumped the gun. So that's eight, one
9 excused for that particular vote. We'll see all of you in
10 executive session and then we'll return here after we're
11 finished. Thank you.

12 (Pause in Proceedings: 4:09 p.m.-5:42 p.m.)

13 CHAIR DE REGO: It's January 20th, 2021, on
14 Wednesday. It is now 5:42 p.m. Calling regular session back
15 into order. Okay. So we have to take roll call again. Vice
16 Chair Patnode.

17 VICE CHAIR PATNODE: Here.

18 CHAIR DE REGO: Vice -- Commissioner Kuwahara.

19 COMMISSIONER KUWAHARA: Here.

20 CHAIR DE REGO: Commissioner Leach.

21 COMMISSIONER LEACH: Here.

22 CHAIR DE REGO: Commissioner Mano.

23 COMMISSIONER MANO: Here.

24 CHAIR DE REGO: Commissioner Redeker is excused.

25 Commissioner Santiago.

1 COMMISSIONER SANTIAGO: Here.

2 CHAIR DE REGO: Commissioner Sylva.

3 COMMISSIONER SYLVA: Here.

4 CHAIR DE REGO: And Chair De Rego is here as well.

5 Okay. So I would entertain a motion to ratify all
6 actions taken by the commission in executive session.

7 COMMISSIONER SANTIAGO: So moved.

8 CHAIR DE REGO: Okay. So Commissioner Santiago has
9 moved. Do I hear a second?

10 VICE CHAIR PATNODE: I'll second.

11 CHAIR DE REGO: Commissioner Patnode seconds it. So
12 the motion on the table is to ratify all actions taken in
13 executive session. Any discussion?

14 (No response.)

15 CHAIR DE REGO: Hearing none, we'll take a vote.
16 Okay. Vice Chair Patnode.

17 VICE CHAIR PATNODE: Aye.

18 CHAIR DE REGO: Commissioner Kuwahara.

19 COMMISSIONER KUWAHARA: Aye.

20 CHAIR DE REGO: Commissioner Leach.

21 COMMISSIONER LEACH: Aye.

22 CHAIR DE REGO: Commissioner Mano.

23 COMMISSIONER MANO: Aye.

24 CHAIR DE REGO: Commissioner Santiago.

25 COMMISSIONER SANTIAGO: Aye.

1 CHAIR DE REGO: Commissioner Sylva.

2 COMMISSIONER SYLVA: Aye.

3 CHAIR DE REGO: And Commissioner -- Chair De Rego
4 also votes aye. And Commissioner Redeker is excused.

5 Okay. Just an announcement, the next meeting of the
6 Maui Police Commission is scheduled for February 17th, 2021,
7 at 2:00 p.m.

8 Do I hear a motion to adjourn?

9 COMMISSIONER SYLVA: Motion to adjourn.

10 CHAIR DE REGO: Okay. So Commissioner Sylva has
11 made a motion to adjourn. Do I hear a second?

12 COMMISSIONER SANTIAGO: Second.

13 CHAIR DE REGO: Okay. Commissioner Santiago seconds
14 the motion to adjourn. Any discussion?

15 (No response.)

16 CHAIR DE REGO: Hearing none, we'll take the vote.
17 Vice Chair Patnode.

18 VICE CHAIR PATNODE: Aye.

19 CHAIR DE REGO: Commissioner Kuwahara.

20 COMMISSIONER KUWAHARA: Aye.

21 CHAIR DE REGO: Commissioner Leach.

22 COMMISSIONER LEACH: Aye.

23 CHAIR DE REGO: Commissioner Mano.

24 COMMISSIONER MANO: Yes.

25 CHAIR DE REGO: Commissioner Santiago.

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COMMISSIONER SANTIAGO: Aye.

CHAIR DE REGO: Commissioner Sylva.

COMMISSIONER SYLVA: Aye.

CHAIR DE REGO: The chair also votes aye. So we are adjourned. See you on February 17th. And thank you for everyone who has attended from the public. We appreciate and really, really encourage your participation, so thank you all for being here today. Mahalo.

(The proceedings were adjourned at 5:45 p.m.)

