

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION
WEDNESDAY, DECEMBER 15, 2010 AT 10:00 A.M.
CHIEF'S CONFERENCE ROOM, WAILUKU, MAUI, HAWAII**

PRESENT Keone Ball, Chair
Leil Koch, Vice-Chair
Sean Connolly, Member
Roger Dixon, Member
David Jorgensen, Member
Gregg Lundberg, Member
Kirk Tanaka, Member
Ron Vaught, Member

ALSO PRESENT Gary Yabuta, Chief of Police
Clayton Tom, Deputy Chief of Police
Wayne Ribao, Assistant Chief Support Services
Danny Matsuura, Assistant Chief Uniformed Services
Milton Matsuoka, Acting Assistant Chief Investigative Services
Greg Takahashi, Business Manager
Dean Rickard, Captain, District I – Wailuku Patrol
Wayne Ibarra, Lieutenant, Community Relations
Lila Fujimoto, Reporter, The Maui News

EXCUSED Tina Gomes (Sick)

**CALL/
QUORUM** Chair Ball called the meeting to order at 10:05 a.m. A quorum was ascertained with eight Commissioners present to conduct business.

**OPENING
PRAYER** The opening prayer was offered by Chaplain Milton Fricke.

PRESENTATION **By the Public of Oral or Written Testimony on Agenda Items of the Commission:** None

Chief Yabuta informed the Commission that Wailuku Patrol Officer Garrett Benito and four members of the community, along with their family members, were present at the meeting. Chief Yabuta asked Lt. Ibarra to give a narrative of the incidents.

On September 1st, Mr. Ronell Galo, Mr. Gerald Barroga and Mr. Brian Nakao were instrumental in assisting a neighbor by trying to extinguish a fire in her kitchen with just a garden hose. Their bravery and courageous feat prevented the woman's home from further damage until the fire department could arrive and completely contain the fire. Their actions saved the life of their neighbor. In recognition of their outstanding actions and disregard for their personal safety, Chief Yabuta presented Mr. Galo, Mr. Nakao and Mr. Barroga with the Civilian Certificate of Merit.

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION
WEDNESDAY, DECEMBER 15, 2010
PAGE 2**

On September 21st, Officer Garrett Benito and Mr. Brisen Gonsalves bravely went into a burning Kahului residence. The fire consumed most of the house, but the bigger concern was the heavy smoke which had encompassed most of the residence by the time Mr. Gonsalves and Officer Benito went into it. Their bravery and courageous feat saved the lives of an elderly couple. Without their assistance, the two of them could have perished in the fire. In recognition of his selflessness, Chief Yabuta presented Mr. Gonsalves with a Civilian Certificate of Merit. For his bravery and outstanding actions, Officer Garrett Benito was awarded the Bronze Medal of Merit by Chief Yabuta.

APPROVAL OF AGENDA **A motion to approve the agenda was made by Vice-Chair Koch and seconded by Commissioner Jorgensen. The motion carried unanimously.**

APPROVAL OF MINUTES **A motion to approve the minutes of November 17, 2010 and November 19, 2010 was made by Commissioner Tanaka. The motion was seconded by Commissioner Vaught and carried unanimously.**

LETTERS OF COMMENDATIONS (39)

Deputy Chief C. Tom; Captains L. Hudson, D. Kanemitsu, M. Matsuoka (2); Lieutenants T. Gapero (2), J. Jakubczak, W. Juan, J. Rego; Detectives D. Dodds, B. Kaya, W. Loo, S. Orikasa; H. Purdy, R. Rodrigues; Sergeants E. Correa, B.Kubo, W. Maeda; Officers D. Agarano, A. Brown, B. Hickle, A.Hickman, A. Kaho`ohanohano, C. Keliipaakaua, A. Krau, S. Kunioka, M. Sagawinit, R. Saribay, R. Silva, D. Tau`a, K. Wong; Mr. C. Davis, Ms. S. Egdamin, Mr. W. Heyde, Ms. V. Mukai, Ms. K. Ogasawara, Ms. D. Racadio, Mr. W. Smith

A motion to accept and file the Letters of Commendation was made by Commissioner Connolly and seconded by Commissioner Lundberg. The motion carried unanimously.

CHIEF'S REPORT Chief Yabuta wished to extend his thanks to the Chaplains who worked with the families of Detective Stuhr during the time of his death.

Chief Yabuta announced the promotion of Captain Larry Hudson to Assistant Chief of Support Services effective December 16th. Promoted to Sergeant were Russell Kapahulehua and Reid Pursley. Promotions to Captain and Lieutenant will be announced early next year. One of the two new Captains will be assigned to Kihei.

Chief Yabuta informed the Commission he is a member of the Law Enforcement Coalition which consists of Prosecutors, the Attorney General, and the Chiefs of Police.

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION
WEDNESDAY, DECEMBER 15, 2010
PAGE 3**

Last week he was invited to attend the national conference of the Bureau of Justice Assistance in Washington D.C. The theme of the three-day conference was "Innovation of the Criminal Justice System" due to the state of the economy.

Chief Yabuta reported they will continue the Town Hall Meetings on January 5th in Wailuku and on January 6th in Lahaina.

The grand opening of the new Forensic Facility will be held on December 28th. When it's prepared, an invitation will be sent to the Commissioners.

Deputy Chief Tom announced that in the new legislative session they expect the issue of Marijuana dispensaries and the related bills will come in full force and it is unknown which way the Governor will go. It is also unknown which direction Governor Abercrombie will take regarding E-911. Deputy Chief Tom will keep the Commission apprised on both issues.

Acting Assistant Chief Milton Matsuoka gave the report for the Investigative Services Bureau.

Assistant Chief Danny Matsuura gave the report for the Uniformed Services Bureau.

Officer of the Month

District 1 - Officer Heather Gilroy
District 2 - Officer Wilfred Ahuna
District 3 - Officer Marjorie Kahookele
District 4 - Officer Harry Matsuura
District 5 - Sergeant Randy Esperanza
District 6 - Officer Kaleo Alconcel

Vice-Chair Koch wished to acknowledge Officer Dennis Arnds on his professionalism during a recent traffic stop. Officer Arnds did a fabulous job administering the field sobriety test. During a situation that could be difficult, his interaction with a member of the community was outstanding.

Assistant Chief Wayne Ribao gave the report for the Support Services Bureau.

The 14 members of the 72nd Recruit Class are finishing up the FTO portion of their training. They should be done by the end of January and then they'll be going solo.

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION
WEDNESDAY, DECEMBER 15, 2010
PAGE 4**

The 15 members of the 73rd Recruit Class have just completed ADT, a critical portion of their training.

It is expected there will be 12 – 15 members in the 74th Recruit Class which starts on January 10, 2011.

Starting January 15, 2011, a pilot program will begin where physical testing will be part of the hiring process for police applicants. They will have to complete sit-ups, push-ups, a 300 meter run, and a 1 ½ mile run. If they don't pass, they cannot move forward to the interview portion of the hiring process. If this new program works out well, it may become a permanent part of the hiring process.

FINANCIAL Mr. Takahashi did not have a Financial Report to hand out. They are still closing for the month of November, but he does not expect any concerns. The FY 2012 budget was submitted to administration with no significant changes. A position for a half-time Motorpool Attendant is the only addition.

PERSONNEL Mr. Takahashi handed out the Staffing Report as of December 15th which reflects 32 vacant sworn positions with 21 conditional offers pending. There are 13 civilian vacancies with 5 conditional offers. There are eight Radio Telephone Operators in training now. Five of them are in practical training and should be solo in about a month.

CORRESPONDENCE

- a. PC10-33 Honolulu Police Commission Minutes of October 6, 2010

A motion to file was made by Commissioner Connolly and seconded by Commission Lundberg. The motion carried unanimously.

- b. PC 10-34 Letter from Melvin Chung to Chief Yabuta dated April 22, 2010

Deputy Corporation Counsel Heely said the firearm issue is with the Department of Corporation Counsel as it pertains to the Police Department, not the Commission. The Commission may respond to Mr. Chung that it is outside their purview to deal with the issues addressed in his letter.

A motion was made by Commissioner Connolly for a letter to be written to Mr. Chung informing him that his request to handle the matter regarding his firearm

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION
WEDNESDAY, DECEMBER 15, 2010
PAGE 5**

is beyond the jurisdiction of the Police Commission. The motion was seconded by Vice-Chair Koch and carried unanimously.

- c. PC 10-35 Honolulu Police Commission Minutes of October 20, 2010

A motion to file was made by Commissioner Connolly and seconded by Commissioner Vaught. The motion carried unanimously.

- d. PC 10-36 Kauai Police Commission Minutes of October 22, 2010

Commissioner Connolly made a motion to file this correspondence. The motion was seconded by Commissioner Lundberg and carried unanimously.

OLD BUSINESS

- a. N.A.C.O.L.E. Report by Commissioner Gomes

Due to the absence of Commissioner Gomes at the meeting, this item has been deferred to the January meeting.

EXECUTIVE SESSION

A motion to move into Executive Session was made by Commissioner Dixon and seconded by Commissioner Connolly. The motion carried unanimously.

- a. MPC 10-12

Chair Ball denied investigation of the complaint of rude behavior based on Police Commission Rules, Section 12-101-23(b). The portion of the complaint regarding the delay in officer response time was referred to and handled by the Office of the Chief of Police.

A motion to support denial for investigation by the Police Commission was made by Commissioner Dixon and seconded by Commissioner Connolly. The motion carried unanimously.

- b. MPC 10-15

Chair Ball denied investigation of this complaint based on Police Commission Rules, Section 12-101-23(b).

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION
WEDNESDAY, DECEMBER 15, 2010
PAGE 6**

A motion to support denial of investigation by the Police Commission was made by Commissioner Jorgensen and seconded by Commissioner Dixon. The motion carried unanimously.

c. Chief's Evaluation for 2009-2010 by the Police Commission

The Police Commission gave Chief Yabuta high marks in all areas for his job performance during the period November 2009 –November 2010.

REGULAR SESSION A motion to return to regular session was made by Commissioner Connolly and seconded by Commissioner Jorgensen. The motion carried unanimously.

RATIFY A motion to ratify the actions taken in Executive Session was made by Commissioner Connolly and seconded by Commissioner Vaught. The motion carried unanimously.

ADJOURN (11:45 a.m.) A motion to adjourn was made by Commissioner Dixon and seconded by Commissioner Lundberg. The motion carried unanimously.

SUBMITTED BY

Jeanne Berrigan, Police Commission Secretary

APPROVED

Keone Ball, Chair