

**MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION
WEDNESDAY, JANUARY 31, 2012 AT 4:30 P.M.
KIHEI COMMUNITY CENTER, KIHEI, HAWAII**

PRESENT

Leil Koch, Chair
Kirk Tanaka, Vice-Chair
Pancho Alcon, Member
Roger Dixon, Member
Tina Gomes, Member
David Jorgensen, Member
Gregg Lundberg, Member
Kelly Ruidas, Member
Ron Vaught, Member

**ALSO
PRESENT**

Gary Yabuta, Chief of Police
Clayton Tom, Deputy Chief
Danny Matsuura, Assistant Chief Investigative Services
Victor Ramos, Assistant Chief Uniform Services
Mollie Klingman, Acting Assistant Chief Support Services
Tivoli Faaumu, Captain, Kihei Patrol District
Greg Takahashi, Business Manager
Jeffrey Ueoka, Deputy Corporation Counsel

EXCUSED

Larry Hudson, Assistant Chief Support Services (Excused)

**CALL/
QUORUM**

Chair Koch called the meeting to order at 4:31 p.m. A quorum was ascertained with nine Commissioners present to conduct business.

OPENING

The opening remarks were offered by Pastor Christopher Martin from the Lahaina Baptist Church.

REMARKS

PRESENTATION

By the Public of Oral or Written Testimony on Agenda Items of the Commission:

Mr. William Sloper offered testimony to the Commission regarding an item on the agenda.

**APPROVAL OF
AGENDA**

A motion to approve the agenda as amended was made by Commissioner Vaught and seconded by Commissioner Gomes. The motion carried unanimously.

**APPROVAL OF
MINUTES**

A motion to approve the minutes of December 21, 2011 was made by Commissioner Vaught and seconded by Commissioner Ruidas. The motion carried unanimously.

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LETTERS OF COMMENDATION (38)

Deputy Chief C. Tom; Assistant Chief V. Ramos; Lieutenant R. Dods, W. Ibarra, J. Pladera; Detective P. Bailey, M. Bonilla, S. Migita, T. Nishida, R. Rodriguez; Sergeant L. Adachi, J. Foster, R. Pursley; Officers D. Cabacungan, A. Cabral, C Carter, D. Clifton, T. Dods, J. Fairchild, E. Grace, N. Krau, M. Marfil, J. Mauliola, A. Mullen, D. Racadio (2), G. Rowe, M. Sagawinit, S. Singh, R. Takayama, K. Wong; Recruits J. Burkett, J. Honda, A. Jones, M. Kostyal, J. Pallone-De La Torre, G. Slonim, C. Tom.

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

**CHIEF'S
REPORT**

Chief Yabuta announced the Kihei Town Hall Meeting is being held this evening at 6:00 p.m. at the Kihei Community Center. The Upcountry Town Hall Meeting is scheduled for Thursday, February 2, 2012 at the Hannibal Tavares Center, and the Hana Town Hall Meeting will be held in March.

Chief Yabuta wished to thank the Commissioners who were able to attend the previous Town Hall Meetings.

Chief Yabuta commended Assistant Chief Ramos, the CIU Unit, Captain Kaupalolo, Lieutenant Holokai and their personnel for ensuring a safe and peaceful protest with the arrival of the Safari Explorer Cruise on Molokai.

Chief Yabuta announced the passing of Fire Fighter Duane Ibarra, brother of Community Relations Lieutenant Wayne Ibarra.

Chief Yabuta also announced the passing of Honolulu Police Officer Garrett Davis, who lost his life while performing in the line of duty.

Chief Yabuta stated we are preparing the budget for fiscal 2013. We are asking for your support at Council as we do every year.

One of our goals for 2012 is to reduce motor vehicle fatalities. There were three fatalities already in the month of January. Lieutenant David Silva is the new commander in the Traffic Section.

Chief Yabuta announced the promotion of Sergeants Derek Lopez and Mitchell Pellazar to Lieutenant effective February 1st. There will be an upcoming promotion for captain, and we will be promoting five sergeants in the future.

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Eighteen recruits from the 75th Recruit Class are currently in the ADT phase, and there are five from the 74th Recruit Class that has completed the FTO phase of training.

Deputy Chief Tom reported there is one bill in particular that is a carry-over from last year. The Move Over bill requires motorists when passing a stationary authorized emergency vehicle on the highway to vacate the lane closest to the emergency vehicle or reduce driving speed until safely clear of the emergency vehicle. There are seven versions of the Move Over bill and we are submitting testimony on all of them. It is unfortunate it took the death of two officers and seriously injuring one officer to get it through.

Chief Yabuta introduced Captain Faaumu who gave a brief overview of the bike program. Captain Faaumu stated they were able to obtain a grant to cover the cost of bicycles, uniforms and other equipment. VOP Officer Lawrence Kauhaahaa is a certified bike officer and will train other officers to be certified.

FINANCIAL REPORT Mr. Takahashi handed out the Financial Report and the Salaries and Premium Pay Report for December 31, 2011.

PERSONNEL REPORT Mr. Takahashi handed out the Staffing Report as of January 31, 2012 which reflects 32 vacant sworn positions with 18 conditional offers pending. There are currently 20 civilian vacancies, 13 of which are ESD positions.

CORRESPONDENCE

- a. PC 12-01 Hawaii Police Commission Minutes of October, 21 2011
- b. PC 12-02 Honolulu Police Commission Minutes of October 19, 2011
- c. PC 12-03 Honolulu Police Commission Minutes of November 2, 2011
- d. PC 12-04 Honolulu Police Commission Minutes of November 16, 2011

A motion to accept and file the correspondence was made by Vice-Chair Tanaka and seconded by Commissioner Gomes. The motion carried unanimously.

OLD BUSINESS

- a. 2012 Police Commission Conference

A motion was made by Commissioner Dixon to accept the Westin Maui Resort & Spa for the 2012 Police Commission Conference. The motion was seconded by Vice-Chair Tanaka. The motion carried with Commissioner Lundberg abstaining.

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EXECUTIVE SESSION

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

A motion to approve the Executive Session minutes of December 21, 2011 was made by Commissioner Vaught and seconded by Commissioner Alcon. The motion carried unanimously.

a. MPC 11-13

A motion was made by Commissioner Jorgensen that the Commission has enough information on Police Commission Complaint MPC 11-13 to make a decision to take final action. Commissioner Dixon seconded the motion and carried unanimously.

A motion was made by Commissioner Dixon that there is insufficient evidence to prove the material allegation of the complaint and the complaint is therefore not sustained. Vice-Chair Tanaka seconded the motion. The motion carried with Commissioner Gomes voting nay.

b. MPC 11-15

A motion was made by Commissioner Alcon to conduct an investigation for Police Commission Complaint MPC 11-15. The motion was seconded by Commissioner Gomes and carried unanimously.

c. MPC 11-18

A motion was made by Commissioner Jorgensen to support denial of the investigation by the Police Commission based on Police Commission Rules 13-101-23 (d). The motion was seconded by Commissioner Alcon and carried unanimously.

d. MPC 12-01

A motion was made by Commissioner Dixon to conduct an investigation for Police Commission Complaint MPC 12-01. The motion was seconded by Commissioner Jorgensen and carried unanimously.

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e. Chief's Evaluation

A motion to accept the Police Commission Evaluation of the Chief of Police was made by Commissioner Dixon and seconded by Commissioner Ruidas. The motion carried unanimously.

f. Request for Legal Services

Deputy Corporation Counselor Jeffrey Ueoka discussed the Corporation Counsel's opinion regarding a conflict of interest issue.

g. Letter dated December 28, 2011 from Mr. William Sloper

This matter has been forwarded to Corporation Counsel for legal advice.

h. Request for legal Representation Civil No. CV 11-00617 ACK KSC

A motion was made by Commissioner Vaught to approve legal representation in Civil No. CV 11-00617 ACK KSC. The motion was seconded by Commissioner Ruidas and carried unanimously

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

RATIFY A motion was made by Commissioner Vaught to ratify the actions taken in Executive Session including Police Commission Complaint MPC 11-13, to not sustain the complaint based on Commission Rules 13-101-25 (2). The motion was seconded by Commissioner Alcon and carried unanimously.

ADJOURN (7:09 p.m.) A motion to adjourn was made by Commissioner Dixon and seconded by Commissioner Gomes. The motion carried unanimously.

SUBMITTED BY

Cynthia Sasada, Police Commission Secretary

APPROVED

Leil Koch - Chair

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