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COUNTY OF MAUI, STATE OF HAWAII

MINUTES OF THE MEETING OF THE MAUI POLICE COMMISSION

AUGUST 28TH, 2019 AT 10:01 A.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:

- Randol Leach, Chair
- Roger Dixon, Vice Chair
- Lawrence Feinberg
- Gwen Ohashi Hiraga
- Mark Redeker
- Eugene Santiago
- Sharen Sylva
- Matthew Mano

STAFF PRESENT:

- Chief Tivoli Faaumu
- Deputy Chief Dean Rickard
- Assistant Chief John Jakubczak
- Assistant Chief Sterling Kiyota
- Acting Assistant Chief Clyde Holokai
- Melissa Magonigle, Business Administrator
- Jerrie Sheppard, Deputy Corporation Counsel
- Amy Lau, Commission Secretary

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(AUGUST 28TH, 2019, 10:01 A.M.)

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CHAIR LEACH: (Gavel.) Good morning. I'd like to call the Maui County Police Commission August 28th, 2019 meeting to order. Role call. Vice Chair Dixon.

VICE CHAIR DIXON: Here.

CHAIR LEACH: Commissioner Feinberg.

COMMISSIONER FEINBERG: Here.

CHAIR LEACH: Commissioner Hiraga.

COMMISSIONER HIRAGA: Here.

CHAIR LEACH: Commissioner Mano.

COMMISSIONER MANO: Here.

CHAIR LEACH: Commissioner Patnode is excused. Commissioner Redeker.

COMMISSIONER REDEKER: Here.

CHAIR LEACH: Commissioner Santiago.

COMMISSIONER SANTIAGO: Here.

CHAIR LEACH: Commissioner Sylva.

COMMISSIONER SYLVA: Here.

CHAIR LEACH: Chair Leach. Here. We have a quorum. Are there any opening remarks?

CHAPLAIN FRICKE: Shall we bow together. In the name of the Father and of the Son and of the Holy Spirit, amen.

COMMISSIONERS: Amen.

1 CHAPLAIN FRICKE: Our Heavenly Father, we come
2 before you today, we come together as the commission of police
3 here on this Island of Maui. We ask, Father, for your
4 blessings upon this meeting and upon our department. Continue
5 to walk with our officers as they go on their daily routines.
6 We ask, Father, for your blessings and support and protection
7 upon them as they carry out their duties. We ask, Father, for
8 your special blessings upon the leadership of our police
9 department, continue to walk with them in times when there are
10 troubles in the air, continue to lift them up, guide and
11 direct them in all that they do. Father, we ask for your
12 blessings upon this commission, strengthen them, each one, in
13 their duties as they go about their -- this community, their
14 community, continue to walk with them, bless them with your
15 love.

16 Father, thank you, thank you for the many blessings
17 that you give to us day by day. We so often forget to stop
18 and say thank you and so we thank you today. Father, bless us
19 now, for I ask these things in the name of your beloved son
20 Jesus, My Lord and Savior. Amen.

21 COMMISSIONERS: Amen.

22 CHAIR LEACH: Next, Agenda Item 4, Presentation by
23 the Public of Oral Or Written Testimony on Agenda Items of the
24 Commission. I'd like to open the floor to public testimony.
25 It's limited to three minutes.

1 MS. HUNT: Okay. That's fine. My name is Patricia
2 Hunt and thank you all for hearing me today, I greatly
3 appreciate it. And I want to first and foremost thank the
4 police officers, the men and women of the force, who daily put
5 their lives on the line. A lot of us do appreciate it, we
6 know you guys go through a lot, I can't even imagine what you
7 guys are going through, and it's opened my eyes greatly.

8 But with that being said, I have been pretty patient
9 and this has affected a really good job of mine, something
10 I've done for 20 years, and as a private estate manager
11 working for a very elite, well-known family. And I've asked
12 for specific records for some time now as far as specific
13 Statutes 92, Section 22 through 24 and Federal Statute 5 USC
14 552. I know there's certain things that are out of your
15 control that had to do with attorney Mr. Wong, which -- and
16 his arrest, which is another issue and I'm not gonna get into
17 that because it's -- everybody has their fair date and the
18 right to a court hearing and I believe in that, so it's not --
19 but because of this, it has been delayed for some time now. I
20 have tried to do my best politically to come and speak with
21 you, to go to meet with Mr. Wong and try to schedule meetings
22 with him, also with the new county counsel attorney I've left
23 messages for them. I would appreciate and the reason why I'm
24 speaking out here on the record today, is I am requesting,
25 just like I had to do with the prior prosecutor's office --

1 who I didn't have an issue with. I don't know Mr. Kim, he was
2 nice enough to meet with me for a few minutes. And I've asked
3 to meet with Mr. Guzman.

4 But there has been severe errors which has now
5 turned into negligence and it's -- these two women have cost
6 me not just a job, they've cost me several jobs and cost me my
7 reputation and a character assassination, which Mr. Wong, of
8 all people, should know what that feels like. And I'm sure if
9 this happened to any of your police officers with what's going
10 on on the internet right now, you would feel the same way,
11 especially if it was your job you worked your entire life for,
12 your good family and your name, which is what I want clear.

13 So I'm asking for the chief of police and the county
14 counsel attorney to have a meeting as soon as possible because
15 I would like to rectify the situation, I would like to be able to
16 meet with this elite family who I was hired through an estate
17 attorney. I have worked for people over 20 years, I'm trusted
18 with their kids on private aircraft, I'm trusted with legal, I
19 have worked for judges around the United States where I've
20 had -- been called into high profile custody court and had
21 custody of people's children. People don't give you that kind
22 of trust unless they can actually trust you and I earned it
23 and my name is all I've got. And I worked hard for my
24 aviation background and I'll be damned if I'm going to let two
25 women slander me and falsify police reports. Now I don't feel

1 safe on this island right now, 'cause I don't know what I'm
2 dealing with and who I'm dealing with. The two women that
3 have falsified police reports, I want justice to be served and
4 I want -- even if it's a misdemeanor, I want those women to be
5 held accountable for lying to the police.

6 And I would appreciate a meeting with at least the
7 corporate counsel, now that they have taken over and there's a
8 new corporate counsel in place of Mr. Wong. And this isn't to
9 address because a few bad mistakes happen, people make
10 mistakes, I get that, but mistakes are one thing, errors and
11 to continue being ignored is another. And I've asked nicely,
12 so I would appreciate -- and I appreciate every -- each and
13 every one of you guys, we pray for you at church on Wednesday
14 nights, on Sundays. Our church, we pray for every single one
15 of you guys to make wise decisions and for your protection,
16 because it's opened my eyes what you guys are dealing with
17 right now.

18 And I do have one question, I don't know if you can
19 answer this or not, but I would like to know if you guys have
20 cyber stalking harassment, because according to Honolulu, they
21 do have a division and I can't get any answers from MPD here.
22 So I have sent a letter certified mail to the chief of police
23 and I have no problem with corporate counsel getting involved
24 in this. I have done my best to meet with Mr. Wong and I have
25 I have been blown, to put it bluntly.

1 So thank you very much for -- all for your time and
2 I appreciate it and I appreciate you guys keeping the
3 community safe. Thank you.

4 COMMISSIONERS: Thank you.

5 CHAIR LEACH: Is there any other public testimony
6 today?

7 (No response.)

8 CHAIR LEACH: The next agenda item, 5, the Approval
9 of the Police Commission Meeting Minutes of July 24th, 2019.
10 Is there a motion to approve?

11 VICE CHAIR DIXON: I make a motion to approve.

12 COMMISSIONER HIRAGA: Second.

13 CHAIR LEACH: Second. Any discussion?

14 (No response.)

15 CHAIR LEACH: Call for the vote. All in favor, say
16 "aye."

17 (Response.)

18 CHAIR LEACH: Opposed?

19 (No response.)

20 CHAIR LEACH: Motion carries.

21 Agenda Item 6, we have two Letters of Commendation.
22 Is there a motion to accept and file the two letters?

23 VICE CHAIR DIXON: Motion.

24 COMMISSIONER HIRAGA: Second.

25 CHAIR LEACH: Discussion?

1 (No response.)

2 CHAIR LEACH: All in favor, say "aye."

3 (Response.)

4 CHAIR LEACH: Opposed?

5 (No response.)

6 CHAIR LEACH: Motion carries.

7 At this time I'd like to turn the floor over to
8 the -- our Chief Faaumu for the Chief's Report.

9 CHIEF FAAUMU: Thank you, Mr. Chairman, Board
10 Members. Good morning. As you know, we -- the report that we
11 received, I just want to give you folks an update on three
12 items.

13 The first items is what has been on the news this
14 past week. First of all, I want to thank my -- my officers,
15 my executive staff, the commanders and the detective that were
16 assigned to the case, which is Brandon Saffeels case, the
17 allegation that we -- we have seen on the news. And also
18 thank the media for bringing it to our attention. Without
19 that, we won't know anything of what had happened out on the
20 street. So, anyway, as you all know, he was arrested when he
21 arrived on the island from his vacation and we charged -- it
22 was an arrest warrant and he posted bail and he is free on
23 bail as we speak. Speaking about the case, you know, as
24 the -- as your chief, there are times that sometimes you have
25 external concern from the community and -- and then at times

1 you -- you want to take action right away to respond to these
2 concerns, but yet I, as the chief, and including the
3 department, must make sure that we follow the protocol, the
4 policies that we have in place and also the statute that
5 afforded us -- or guide us in what we do as we conduct an
6 administrative investigation and criminal investigation. I
7 want to thank them for that.

8 And, of course, as the chief, sometimes you want to
9 respond, but you learn -- I learn have to suppress my emotion,
10 you know, from this exterior -- I guess you can say pressure
11 to make sure that we do things by the book so at the end we're
12 not shortchanging the alleged responsible in this case,
13 Officer Brandon Saffeels, or the victims in the -- in this
14 case. So I want to thank my team and also for the patience of
15 the community allowing us to do what we -- we are supposed to
16 do as police officers. And I think in my statement hopefully
17 that in time we can move on and, you know, learn from it.
18 From the department, we're gonna review our policy and look at
19 what area that we need to address.

20 The other item I wanted to talk about, the
21 incidents, you know, on the Big Island, the TMT protest. As
22 you know, our legislature had some concern of the deployment
23 of our personnel, but as you know, the statute allow us to
24 respond when a chief from other county put in a request and
25 that's what we did. We have a memorandum of agreement with

1 the -- with Chief Ferreira from the Big Island and we -- we
2 sent our team to that. I want to thank my executive staff for
3 the training and also for being there. For those of you that
4 are not familiar with it, we sent our Assistant Chief John
5 Jakubczak as an incident command for our unit to make sure
6 that -- even though they will work as a task force, but to
7 make sure that our protocol and policy and what says in the
8 letter are being adhered to and also follow the leadership
9 from what Hawaii County has set up and to include their
10 mission and the goals and objectives of what they want us to
11 accomplish.

12 The last item is the fire. As you know, Maui
13 County, we have a lot. Again, my team were able to solve
14 about 50 percent of the fires that's been out there. As you
15 know, arson investigation is one of the hardest case to solve.
16 And I speak from experience, you know, I used to be part of
17 the arson team that investigate cases and it was not easy
18 to -- to bring closure to it other than learn what start the
19 fire and sometimes identifying the responsible was a hard
20 thing to do. But through intelligence work and what the
21 deputy has assigned our executive staff to do, to get a task
22 force, study the -- the cause of the fire, work side by side
23 with the fire department, we were able to solve about 50
24 percent. The rest, as we put out our public safety
25 announcement to our community, if they come across something,

1 at least call the police.

2 The detail of the operation as far as the fire and
3 TMT, I want to allow my executive staff to comment on that and
4 go into detail, but during this time with the TMT and the
5 fire, it just happened that I was off island. I contact the
6 deputy and I asked him how things going and if he want to,
7 I'll be heading back to him. And he reassured me that we
8 are -- we are doing a great job, we following what we supposed
9 to do, and we have the team in place for TMT and also
10 investigator in place to follow up on the fire.

11 And with that, that's all I have. Any questions for
12 me? Okay.

13 COMMISSIONER FEINBERG: I have a question.

14 CHIEF FAAUMU: Sure.

15 COMMISSIONER FEINBERG: The officer that was
16 arrested, is he still on payroll?

17 CHIEF FAAUMU: He has been placed on leave without
18 pay, yeah. Thank you.

19 And any other questions?

20 CHAIR LEACH: Chief, I'd just like to say thank you
21 for your timely response, too, to the officer's being in the
22 news, getting MPD's information out to the public to be
23 reassured of the safety of the island and the county, so thank
24 you.

25 CHIEF FAAUMU: Thank you.

1 COMMISSIONER FEINBERG: I have a question for the
2 chair. Who are all these people that are here? We have
3 two -- I know that one's Akaku, who is the other video person?
4 I see a lady, I have no idea who she is.

5 CHAIR LEACH: This is Jerrie Shepherd, our corp
6 counsel. This is an open meeting, anyone can attend.

7 COMMISSIONER FEINBERG: Correct, but I'd like them
8 to be identified so at least we know who's in the room.

9 MS. SHEPPARD: Jerrie Sheppard, deputy corporation
10 counsel.

11 CHAPLAIN FRICKE: Milton Fricke, chaplain.

12 MS. FUJIMOTO: Lila Fujimoto, The Maui News.

13 MS. BAISA: Gladys Baisa from the mayor's office.

14 COMMISSIONER FEINBERG: From the where?

15 MS. BAISA: From the mayor's office.

16 COMMISSIONER FEINBERG: Okay.

17 MS. BAISA: I look -- I look over boards and
18 commissions.

19 COMMISSIONER FEINBERG: Good.

20 MAUI ALERT: Frankly, by statute I'm not sure I'm
21 compelled to disclose who we are, but we're with Maui Alert,
22 sir.

23 COMMISSIONER FEINBERG: Great.

24 MR. DACK: I'm Chris Dack, Akaku.

25 COMMISSIONER FEINBERG: Thank you very much.

1 CHIEF FAAUMU: Chair, any -- if no questions for me,
2 I will turn it over to deputy chief.

3 DEPUTY CHIEF RICKARD: Good morning, Chair, Vice
4 Chair, Commission Members, everyone else. I just have one
5 thing to add to the chief's report and then I'll turn it over
6 to the assistant chiefs. We just came down from a directors
7 meeting prior to this meeting and as we all know, budget time
8 is right around the corner, for FY '21 is right around the
9 corner, so... Instructions on FY '21 will be sent down next
10 week by our budget director, so I know there's a -- not a
11 concern, but wondering when the prebudget meetings are gonna
12 be held. Well, they're gonna be held hopefully prior to our
13 next commission meeting, which is set for the 25th, I believe,
14 so once we confirm the dates, we'll get it out to Amy and you
15 folks are more than welcome to attend those meetings, if you
16 want. There'll probably be three separate meetings with each
17 individual bureau, so once we solidify the dates, we'll get
18 that information out to you, so...

19 CHIEF FAAUMU: Great.

20 DEPUTY CHIEF RICKARD: And that's all I have, Chief.

21 CHIEF FAAUMU: Thank you. Any questions for the
22 deputy?

23 Assistant Chief Victor Ramos took some time off and
24 sitting for him is Acting Assistant Chief Clyde Holokai.

25 ACTING AC HOLOKAI: Good morning.

1 CHAIR LEACH: Good morning.

2 ACTING AC HOLOKAI: I just wanted to comment on a
3 couple of things the chief talked about. A lot of times when
4 we see an arrest has been made or a case with the fires when
5 we kind of have a lull in the activity, people seem to think
6 that we are not investigating fully. In both situations,
7 whether it's the fires or it's with, of course, Officer
8 Brandon Saffeels, both cases are still being -- aspects of
9 those cases are still being investigated at this point.

10 The fires, we're looking for more and more proactive
11 ways to kind of elicit the help of the public, you know, if
12 they recognize something, come forward, things like that.
13 We're gonna actually reach out to the Behavioral Science Unit,
14 FBI to see if we can get a profile on whoever might be out
15 there starting them. We -- at this point it looks like we
16 have more than one person, we have -- the investigations
17 actually support that.

18 With regards to Officer Saffeels, it was a joint
19 team concept from the very beginning. There was a lot of
20 things that we needed to get done with not a lot of time. And
21 we're still working with other agencies and with multiple
22 detectives within our own agency to kind of come to a -- get a
23 complete understanding of what happened, so...

24 CHIEF FAAUMU: Any questions?

25 COMMISSIONER REDEKER: Yeah. On the third annual

1 Forensic Day, I guess that falls under you guys?

2 ACTING AC HOLOKAI: Yes, sir.

3 COMMISSIONER REDEKER: Is that open to the public?

4 ACTING AC HOLOKAI: Yes.

5 COMMISSIONER REDEKER: Oh, it is. Okay. I just
6 wanted -- 'cause the memo we got didn't say it was open to the
7 public, so...

8 CHIEF FAAUMU: Any other questions for Acting
9 Assistant Chief Clyde Holokai?

10 (No response.)

11 CHIEF FAAUMU: No?

12 Assistant Chief John Jakubczak.

13 ASSISTANT CHIEF JAKUBCZAK: Thank you, Chief.

14 Good morning, Chair, Vice Chair, Commission Members,
15 and as well as guests. My report will start off with the
16 August 10th highlights. At about 4:43 p.m. a motor vehicle
17 collision occurred at the -- on Honoapiilani Highway east of
18 Ukumehame Firing Range. The collision occurred as the Unit 1
19 was traveling eastbound, Maalaea direction on Honoapiilani
20 crossed left of center into the opposing westbound traffic.
21 The unit sideswiped another vehicle traveling west on the same
22 roadway, the vehicle continued onto the westbound embankment
23 and struck a tree and then rolled over to the final resting
24 place. The Unit 1 operator was transported to the emergency
25 room and later passed as a result of her injuries. And that

1 Unit 1 was identified as Aliya Hue Sing. Unfortunately,
2 Ms. Sing is the 15th traffic fatality this year as compared to
3 11 at the time, the same time last year.

4 Also, I want to highlight on August 19th officers
5 responded to a call for unresponsive male within the private
6 residence in Wailuku, a male was on the floor of the residence
7 and appeared to be turning blue. Upon officers' arrival,
8 attempts to arouse him were met with negative results.
9 Officers on scene observed signs and symptoms consistent with
10 an opiate overdose. The male started to display agonal
11 breathing at the time -- at which -- at which time, excuse me,
12 officer -- one of the officers retrieved a nasal unit of
13 Narcan and administered to the male. Within 40 seconds the
14 male remained unresponsive and still exhibiting labored
15 breathing, the officer administered another unit of Narcan, at
16 which time the male became responsive and began breathing
17 normally. Within a couple of minutes the male was breathing
18 on his own and talking to the officers. Medics transported
19 the male to the medical center for -- hospital for treatment,
20 so... So, again, another save with that Narcan that shows
21 that it does work and it's highly effective, although at this
22 point it took two administrations of the Narcan.

23 On August 20th Crime Reduction officers observed a
24 vehicle traveling in the parking lot of the Longs Drug store
25 at Kehalani Village. The vehicle was being operated by a Rico

1 Pacheco and another female passenger were identified as
2 suspects in a robbery with a firearm and several burglary-type
3 cases, so -- they also confirmed that Mr. Pacheco had an
4 outstanding parole violation warrant. Officers came in and
5 approached the vehicle, as they approached the vehicle, the
6 driver ordered the vehicle operator to exit the vehicle, the
7 vehicle -- the operator, Mr. Pacheco, basically revved the
8 engine, accelerated toward the vehicle where the officer was
9 standing. The officer had to take evasive maneuvers to remove
10 himself from that -- the vehicle. The vehicle did collide
11 into his vehicle. The officers were able to then remove
12 everyone who was in the vehicle out and placed them under
13 arrest. And, again, at that point an attempted murder in the
14 first degree case was initiated as well as other -- other
15 cases against these individuals. Okay.

16 And one last one I want to highlight was in this
17 past week, actually a couple days ago, the 26th. Hana medics
18 responded -- or requested police as they were flagged down
19 regarding a child who had been hit by a vehicle that had been
20 taken to the Hana Health Center. Officers responded
21 and through the investigation determined that at about
22 6:20 p.m. a 10-year-old was moving his parents' vehicle within
23 the front driveway of the residence when he pressed the
24 accelerator instead of the brake and at this time he hit his
25 three-year-old sister who was sitting on the front steps of

1 the residence. The three-year-old was pinned on the front
2 steps by the front bumper and had to be freed by the -- by the
3 father. The child was then transported to the Hana Health
4 Center and later trans- -- medevaced to Maui Memorial Medical
5 Center. So that was a -- at that time a critical, life-
6 threatening condition, but I just found out today that this
7 juvenile female was taken to Kapiolani Hospital and is doing a
8 lot better now, so hopefully that's -- she does have some
9 health issues, but she should be -- she should recover fine.

10 And the only other things that I want to mention was
11 the recent promotion of Captain -- to captain of Gregg
12 Okamoto. He is now on August 1st assigned to Molokai as a
13 commander.

14 And also I wanted to mention that on Sunday,
15 September 1st, Timothy Hodgins, who a lot of you know as our
16 solo bike officer, he will be officially retired, 25 years in
17 the department, and he has since moved to Florida, I believe,
18 with his family. So we wish him well in his retirement.

19 Any questions?

20 (No response.)

21 ASSISTANT CHIEF JAKUBCZAK: Thank you.

22 CHIEF FAAUMU: Thank you, Assistant Chief.

23 Assistant Chief Kiyota.

24 ASSISTANT CHIEF KIYOTA: Thank you, Chief.

25 Good morning, Chair, Vice Chair, and Commissioners.

1 I'll start with our recruit class. All of the nine officers
2 of the 88th Recruit Class that graduated in June are currently
3 in their second of fourth phases of FTO training, they're all
4 doing good, so...

5 The 89th Recruit Class lost one recruit at the
6 beginning of the month due to personal reasons. The remaining
7 12 recruits are currently in the traffic laws and citations
8 portion of their training.

9 We have hired five recruits for the 90th Recruit
10 Class and they're currently working in the Wailuku Receiving
11 Desk pending the start of their class. We have also -- we
12 have three more recruits that will start on November 1st,
13 which will bring the total for the 90th Recruit Class to
14 eight.

15 The 2019 Cop on Top fund-raiser for Special Olympics
16 was held on -- from August 22nd to the 24th at the Kahului
17 Wal-Mart and Maui Safeway Locations and at the Molokai Public
18 Library. Nine officers and 12 recruits volunteered their time
19 for this worthy cause. Molokai raised a total of \$8,097, Maui
20 raised \$14,257. Lanai will be holding their fund-raiser this
21 weekend. The goal was to raise -- is to raise \$20,000, which
22 we have already exceeded. All the money raised will be
23 designated for the Maui, Molokai, and Lanai Special Olympics
24 programs.

25 That's all I have. Thank you.

1 CHIEF FAAUMU: Any questions?

2 COMMISSIONER HIRAGA: I have one. I have -- the
3 Chief and Command Staff, I just wanted to note that I had an
4 opportunity to attend one of your active shooter presentations
5 and I thought it was excellent, very well done. And it was
6 part of my church group, so they -- the presentation was held
7 inside the temple, but as a result of that, my office is
8 having one that's being scheduled with Sergeant Pontanilla for
9 our office. But it was very well done and I think if any of
10 us as commissioners have not seen that presentation, it's well
11 worth the time. But thank you.

12 CHIEF FAAUMU: Thank you, Commissioners.

13 COMMISSIONER REDEKER: I had the opportunity last
14 week to -- I was on the mainland and I went into a Black Bear
15 Diner and they were doing the Tip a Cop for the Special
16 Olympics and I chatted with a captain from the highway patrol
17 from the Dublin office, a guy that I had worked with decades
18 ago when he was an entry-level officer. And we were chatting
19 and visiting and the lady came over from the Special Olympics,
20 she says, Oh, you're from Maui? She says, They do something
21 different there. They do this Cop on Top thing. And I
22 explained what we do and how we do it and what goes on and
23 they were enthralled about it. The problem was it was raining
24 that day.

25 (Laughter.)

1 COMMISSIONER REDEKER: She says, Yeah, it'd be a
2 little bit difficult here in the Bay Area. But they knew
3 about us, they knew about the state of Hawaii and they knew
4 about Maui specifically and they were -- they spoke very
5 highly of the Maui Police Department for its great support,
6 because I said we also do the tipping like you guys do. And
7 it was -- it was nice to hear that Maui had -- had preceded,
8 you know, me or anybody else coming and talking to them, you
9 know, that it has -- the word has traveled throughout about
10 what we do and how we do it. It was really nice to hear.

11 CHIEF FAAUMU: Thank you. Thank you, Commissioner.

12 Any other questions?

13 (No response.)

14 CHIEF FAAUMU: Okay. Ms. Magonigle.

15 MS. MAGONIGLE: Thank you.

16 Good morning, Chair, Vice Chair, Police
17 Commissioners. For the financial report, so this will reflect
18 the FY '19, it's as of June 30th, so it kind of gives the
19 entire year, the entire fiscal year. Department wide, we
20 ended up with an 11 percent balance in our funding and a large
21 part of that is due to the vacancies, so it's due to the
22 personnel account and the vacancies in the department.

23 For the grant report, we continue to execute a lot
24 of the grants mostly in the Traffic Division with the seatbelt
25 belt, Distracted Driving enforcement, so that continues

1 throughout the year and that gets expended throughout the
2 year.

3 For the CIP, I gave you the updated amount as of
4 June 30th. The air conditioning improvements, that bid has
5 opened August 22nd, the closing will be September 24th. And
6 that's for the air conditioning at the forensics facility. So
7 once we get the closing on September 24th, we'll be able to
8 move forward once we get those bid amounts. We're also moving
9 forward with the consultant to develop the specs for the fuel
10 tank, so that's another one of our CIP projects that's moving
11 forward.

12 For the staffing report, this is as of July 31st,
13 2019: Sworn, we have 42 vacancies, so we're at 89 percent
14 staffing. Civilian, 32 vacancies, 77 percent staffing. And
15 overall we're at 86 percent department wide. As mentioned, we
16 do have three more hired beginning November 1st, so that'll
17 get factored in once -- once that date comes around. And then
18 the -- the numbers are there for the various stages in the
19 hiring process with the medical, psychological, polygraph, and
20 background investigations.

21 For emergency services dispatchers, we are at 21 --
22 21 vacancies, 52 percent staffing.

23 And that's all I have for the financial.

24 VICE CHAIR DIXON: Just a question. For the end of
25 the year, do you have -- do you have a feeling or any kind of

1 prophethure on the numbers for retirement?

2 MS. MAGONIGLE: I haven't. From the beginning of
3 the year we estimate how many are eligible to retire, so we
4 have the number on who -- how many are eligible, but as far as
5 who will actually put in their retirement papers, I don't have
6 that number.

7 VICE CHAIR DIXON: So no move has been taken.

8 COMMISSIONER FEINBERG: Another question. Where are
9 we at as far as the Molokai Police Station and the money
10 that's allocated for that?

11 MS. MAGONIGLE: We were approved by council for
12 money for the Molokai Station. They just did a presentation
13 at county council through the EDB Committee and they want to
14 do a site visit and, I guess, get -- get a report from the
15 archeological and environmental assessments.

16 COMMISSIONER FEINBERG: Thank you.

17 CHIEF FAAUMU: Thank you.

18 Any other questions?

19 (No response.)

20 CHIEF FAAUMU: Mr. Chairman, before I make my
21 closing remark, I would like our Assistant Chief -- Acting
22 Assistant Chief Clyde Holokai wants to put out one more update
23 on a case that they -- they're working with Officer Brandon
24 Saffeels.

25 ACTING AC HOLOKAI: Yes. As of yesterday, the --

1 the U.S. Attorneys, Attorney's Office are gonna adopt the case
2 from us, so it's gonna go federal.

3 CHIEF FAAUMU: Okay. So thank you.

4 Any questions?

5 (No response.)

6 CHIEF FAAUMU: So as you know, the Office of the
7 U.S. Attorney had worked with our prosecutor's office and then
8 those folks look at it and the whole idea behind it is what is
9 the best -- not the best route, but what is the best way to
10 protect our community and how working together with other
11 jurisdictions will make sure that we have -- that justice is
12 being served to those victims in the case.

13 So in my closing remarks --

14 COMMISSIONER FEINBERG: Excuse me, Chief.

15 CHIEF FAAUMU: Yes.

16 COMMISSIONER FEINBERG: I have a question. On that,
17 you know, bringing in the U.S. Attorney and you guys still
18 investigating this officer, how deep does it go? Is it only
19 him or has he corrupted other people in his immediate vicinity
20 in the department? Does -- does he answer to people that have
21 been, you know, looking the other way? Because he's been an
22 officer for four years already and this has been going on, his
23 actions have been going on for a while, it's not like all of a
24 sudden. And his report writing and everything else is spoiled
25 and it's -- you know, it goes from the top down. And he's

1 just an officer, he's not a command staff, so each and every
2 one of you guys have heard about this over the last six,
3 eight, year, who knows, but it's not something brand new. You
4 know, for you to bring such charges against him finally and we
5 know that with a lot of investigations, either with drugs or
6 anything, you watch a drug house for months going on before
7 you have enough to bring to the court system. So how is
8 his -- you know, I mean, is he a lone wolf or are there other
9 people that have been covering for him or working along with
10 him on these terrible allegations that are going on?

11 ACTING AC HOLOKAI: With all due respect, we found
12 out on August 20th, we had a plan in mind to arrest him the
13 next day. Okay? So to say that we knew that for years --

14 COMMISSIONER FEINBERG: Well, I'm just saying that
15 you just found out --

16 ACTING AC HOLOKAI: Yes. And we -- and we -- on the
17 following Monday he's in handcuffs.

18 COMMISSIONER FEINBERG: Right.

19 ACTING AC HOLOKAI: So we took speedy action. Okay?
20 And, yes, very good -- good point about that concern of
21 whether or not others have been corrupted, that's very
22 important. As a part of that we reached out to all the patrol
23 districts and said anybody -- through the commander, if
24 anybody is in communication, we need to talk them. And as a
25 part of the investigation, we talked to multiple officers and

1 we still are. And we made it known that -- and everybody
2 knows, nowadays, the very first thing we're going to grab is
3 the phone.

4 COMMISSIONER FEINBERG: Right.

5 ACTING AC HOLOKAI: Anybody who we find in his phone
6 that's been connected to this case, we will investigate them
7 as well. And so far, I am glad to say that we have nothing
8 that supports anybody else being involved or corrupted by this
9 officer.

10 COMMISSIONER FEINBERG: Which is good, because a
11 number of people -- that lady that came earlier, she's been
12 coming to the police commission for months already complaining
13 about, I am scared. I have people call me up and say, Could
14 you say something to -- at the commission meeting because I am
15 scared to call into the station, that there will be
16 repercussions. And it's something that's been in the
17 community and known throughout the community and then when
18 this comes up and -- you know, you've made -- the chief has
19 made statements, you know, Call me, call the police
20 commission, call everybody, which is -- which is great, but,
21 you know, there's -- you know, you have a problem with your
22 relationships with the community. As far as we're concerned,
23 I think you guys are doing a great job, but, you know, with
24 300 people underneath you, not everybody is clean and squeaky,
25 squeaky clean.

1 CHIEF FAAUMU: Yeah. Thank you.

2 Anyway, what I'll do is I'll comment on the
3 involvement of the federal government. Federal government can
4 involve independently. As long as there is a violation that
5 meets their statute, they will act upon it as part of what
6 they are -- and in this case, they reviewed the case based on
7 what was put out on the media and what they have working with
8 our detectives and they decided that this case meets their
9 threshold as far as what they will take the case, you know.

10 So we do want to make sure that we get that trust
11 back, you know, in the community. And, yes, the action of one
12 individual does not reflect the 396 officers and 144 employees
13 that work with us, it does not reflect. And sometimes, as you
14 heard me on my statement to the community, repulsive acts like
15 this really destroy everything that we worked so hard to get
16 to that point. But it is what it is, that's what we are
17 facing now, but what I'm hoping for that in time, you know, we
18 can work together and -- and heal from it. As far as the
19 administration, we learn from it, you know, as -- one thing as
20 the -- as the chief you have to find a balance between
21 individuals' time and being overlooked like -- like the Big
22 Brothers. We have cameras and everything else, you know,
23 that's -- I have to find a balance. So there are times you
24 will -- you'll come across something like this, but we do
25 everything within our policy and within our power to make sure

1 that we will mitigate if it happened or minimize it if -- or
2 even make sure it doesn't happen, you know. So we brief, we
3 have training to our -- our first line supervisor, as you
4 mentioned, sometimes the chief is not out there all the time,
5 but that's no excuse. The bottom line is whatever happened
6 during my watch, I am responsible for that, but we doing --
7 we're taking measures to make sure that it won't happen again.

8 So as far as the federal government, they act
9 independently from what we do and they can investigate
10 anything when they see will meet their threshold or it is an
11 issue to the community.

12 COMMISSIONER FEINBERG: Thank you very much, Chief.
13 I appreciate your explanation, but I'm only asking as a
14 commissioner in that we are -- you know, we represent the
15 general public. We've seen three days in a row in the paper
16 big articles about this and I'm sure that the general public
17 would like to know that we, as a commission, are asking the
18 question of you what is going on. And I know that you're
19 doing whatever you can do and that the general -- you know,
20 that, like you said, all the 350 officers, you know, that they
21 do do their job properly, but there are some that are
22 either -- and it really upsets me that this guy has already
23 been around for four years, so, you know, we've gone before
24 that -- you know, they have a meeting, a class where the
25 police commission comes and I -- four years ago I stood in

1 front of this gentleman and said, I hope you guys are here --
2 you know, that you have to -- when you put on that uniform,
3 even when you take off the uniform, that you represent and you
4 have to be better than the average person, 'cause everyone in
5 your neighborhood looks up to you, everyone in your family
6 looks up to. When you put that uniform, everybody that you
7 come in contact with looks up to you and that you have to
8 have, you know, higher morals and -- you know, above anyone
9 else and that -- for him to go ahead and use his power is a
10 terrible thing. And they go through psychological training
11 and -- but, apparently, stuff falls through the cracks and you
12 just have to be more vigilant on that. Thank you very much.

13 CHIEF FAAUMU: Thank you, Commissioner.

14 And, Mr. Chairman, to conclude my report, I think
15 Commissioner Feinberg had mentioned it, you know, the articles
16 and their effect on the community, but -- but also on the
17 employees. So what we have done, you know, we make sure that
18 if any of the employees are affected by this, we do have our
19 peer support, the county offers employment assistant program,
20 and also our chaplaincy program, 'cause it does affect
21 everyone in the -- in the department, but also our community
22 as a whole.

23 And with that, if there's no other questions, that
24 will conclude my report.

25 CHAIR LEACH: Thank you, Chief.

1 CHIEF FAAUMU: Thank you.

2 CHAIR LEACH: Thank you, Staff.

3 Our next agenda item, under Old Business No. 10, the
4 2020 State of Hawaii Police Commissioners Conference on Maui.
5 And is there an update from the subcommittee?

6 COMMISSIONER HIRAGA: Yes. We had our second
7 subcommittee meeting today and in terms of an update, you
8 know, we are continuing to discuss topics, we are continuing
9 to look at venues and dates.

10 And Roger.

11 VICE CHAIR DIXON: And that's about it.

12 (Laughter.)

13 VICE CHAIR DIXON: Fellow Commission Members, if you
14 have any ideas on --

15 COMMISSIONER HIRAGA: Topics.

16 VICE CHAIR DIXON: -- topics, specific topics that
17 you want to at least have us explore for content expert
18 presentation or whatever the case may be, let us know, Sharen,
19 Gwen, or I.

20 COMMISSIONER FEINBERG: Well, I actually called in
21 and gave some suggestions.

22 COMMISSIONER HIRAGA: Yes, you did. And it was
23 passed to the subcommittee, so that's on the list for
24 consideration.

25 COMMISSIONER FEINBERG: And it will not be discussed

1 by everyone or --

2 VICE CHAIR DIXON: No. We -- we don't want to get
3 into the weeds on this, we're just trying to compile the big
4 piece and then start weeding it down.

5 COMMISSIONER FEINBERG: Okay.

6 VICE CHAIR DIXON: Otherwise, we're gonna be --

7 COMMISSIONER FEINBERG: Well, Chair, it's an agenda
8 item.

9 VICE CHAIR DIXON: Mm-hmm. And?

10 COMMISSIONER FEINBERG: I had questions about it.

11 VICE CHAIR DIXON: Yes.

12 COMMISSIONER FEINBERG: The report is owed that we
13 met -- that you met --

14 COMMISSIONER HIRAGA: Okay. So what is your
15 question?

16 COMMISSIONER FEINBERG: Well, do you have any idea
17 where we're going to be holding it this year?

18 COMMISSIONER HIRAGA: That's what I just said, that
19 we're looking at venues.

20 COMMISSIONER FEINBERG: Okay.

21 COMMISSIONER HIRAGA: We've gotten three
22 proposals -- two proposals and -- but we're continuing to --
23 we're -- actually, we're waiting for another proposal to come
24 in. But, you know, we don't want to make a decision until
25 we've done our due diligence in selecting an appropriate venue

1 and keeping into consideration the cost. It's very expensive,
2 so...

3 COMMISSIONER FEINBERG: Thank you just for the --

4 COMMISSIONER HIRAGA: You're welcome.

5 COMMISSIONER FEINBERG: -- report.

6 CHAIR LEACH: Any other questions?

7 (No response.)

8 CHAIR LEACH: No?

9 Thank you, Subcommittee, your work is very
10 appreciative.

11 Just a heads-up for the fellow commissioners, the
12 chief does offer ride-alongs for commissioners and if you
13 haven't done a ride-along with a police officer, I highly
14 recommend it. You know, I'll be doing my second ride-along
15 Sunday, so I hope we're not gonna be pulling up to any
16 commissioners' homes that night.

17 (Laughter.)

18 COMMISSIONER REDEKER: On that -- on that topic, I
19 got stopped in the DUI checkpoint on Friday -- on Saturday
20 night on the way back to Kihei and I was invited to step out
21 and talk to the folks and it was great. They had MADD out
22 there, the officers did a good job. In fact, it was during
23 the time frame where someone blew past and took off and they
24 chased her down, arrested her, multiple, multiple prior
25 arrests for DUI. They did a great job and I want to commend

1 Nick and his crew that was out there, they did a fantastic job
2 out there. I was out there about 45 minutes.

3 VICE CHAIR DIXON: Mark, how did you do on the field
4 sobriety test?

5 COMMISSIONER REDEKER: I did --

6 (Laughter.)

7 COMMISSIONER REDEKER: They actually -- and I hadn't
8 had a drop, all right, but I -- I went ahead and I said, Yeah,
9 put me through this thing.

10 VICE CHAIR DIXON: I don't recall the incident.

11 (Laughter.)

12 COMMISSIONER REDEKER: So they did a great job out
13 there, they really did.

14 CHIEF FAAUMU: Thank you.

15 COMMISSIONER FEINBERG: Excuse me. Did they
16 recognize you or --

17 COMMISSIONER REDEKER: No. They actually --

18 COMMISSIONER FEINBERG: -- as a commissioner?

19 COMMISSIONER REDEKER: The sergeant that came up to
20 the window says -- and he shined the light in the eyes and did
21 all that and he says, Well, you haven't had any --

22 No, nothing to drink or anything.

23 Well, this lady wants to talk to you.

24 And so the MADD person came over and she gave me a
25 garbage bag for the car that says, "MADD. Don't drink and

1 drive." So she says, Hang that up where you can look at it
2 and chatted with me.

3 And then Nick, Nick Krau finally saw me and, Hey,
4 Mark, how you doin'? You know, and, Pull over. Let's talk,
5 you know, so...

6 They did a great job, they really did. Commendable
7 restraint on that lady that was just drunk and drunk and drunk
8 and they had to finally pull her out of the car and all that,
9 but they did a great job.

10 CHIEF FAAUMU: Thank you, Commissioner.

11 CHAIR LEACH: Good testimony. Thank you,
12 Commissioner.

13 And also I want to commend MPD, too, for the public
14 announcements for the checkpoints and everything coming up
15 this weekend, Labor Day weekend. It's good to let everybody
16 know be careful. Thank you.

17 Okay. With that, we will reference the agenda items
18 listed below, we will move into executive session according to
19 Section 95-5(a)(2) and 95-5(a)(4) Hawaii Reviewed Statutes.
20 Is there a motion to move into executive session?

21 COMMISSIONER FEINBERG: I'll make a motion that we
22 go into executive session.

23 COMMISSIONER SANTIAGO: I'll second.

24 CHAIR LEACH: Second. Discussion?

25 (No response.)

1 CHAIR LEACH: All in favor, say "aye."

2 (Response.)

3 CHAIR LEACH: Motion passed. We will take a ten-
4 minute recess. (Gavel.)

5 (Pause in Proceedings: 10:47 a.m.-11:09 a.m.)

6 CHAIR LEACH: (Gavel.) We are now in regular
7 session.

8 VICE CHAIR DIXON: Can I make a motion, Mr. Chair --

9 CHAIR LEACH: Yes.

10 VICE CHAIR DIXON: -- that all actions taken in
11 executive session be ratified in open session.

12 COMMISSIONER REDEKER: Second.

13 CHAIR LEACH: Second. Discussion?

14 (No response.)

15 CHAIR LEACH: Call for the vote. All in favor, say
16 "aye."

17 (Response.)

18 CHAIR LEACH: Opposed?

19 (No response.)

20 CHAIR LEACH: Passes. Thank you.

21 Agenda Item 12, Agenda Setting. Our next meeting
22 will be September 25th, 2019 at 10:00 a.m. There was some
23 discussion informally if that is a good time for our meetings
24 at 10:00 a.m. Some people thought 9:00 a.m. would work.

25 VICE CHAIR DIXON: Well, it's depending on our

1 folks.

2 CHAIR LEACH: Yeah.

3 COMMISSIONER MANO: I'm in at 8:15.

4 VICE CHAIR DIXON: Gene?

5 COMMISSIONER MANO: He's in at 7:15.

6 COMMISSIONER SANTIAGO: So, I mean, I know there was
7 discussion was maybe -- there was maybe a request that we move
8 it up to nine o'clock?

9 COMMISSIONER HIRAGA: Nine o'clock.

10 COMMISSIONER SANTIAGO: I'm fine. I said I'm fine
11 as long as the rest of the commission is fine as well.

12 COMMISSIONER MANO: Is fine, yeah.

13 CHAIR LEACH: Anybody?

14 COMMISSIONER SANTIAGO: I get in usually around 7:30
15 anyway.

16 COMMISSIONER REDEKER: You'll get into my night-
17 night time here. I don't get up that early.

18 (Laughter.)

19 CHAIR LEACH: Is that okay? Amy, okay with your
20 office?

21 Well, why don't we do this, why don't we do a trial
22 basis for the next meeting at 9:00 a.m.

23 COMMISSIONER SANTIAGO: 9:00 a.m.

24 CHAIR LEACH: Everybody okay with that? Okay.

25 VICE CHAIR DIXON: Wait a minute. Who made the --

1 or you're just changing it.

2 CHAIR LEACH: Yeah. We don't --

3 VICE CHAIR DIXON: So I think the chair can
4 support -- approve it.

5 CHAIR LEACH: Yeah.

6 Oh. We do have the quorum for our regular session,
7 which we are in. And is there a motion to adjourn?

8 COMMISSIONER MANO: So move.

9 COMMISSIONER REDEKER: Second.

10 CHAIR LEACH: I'll call -- any discussion?

11 (Laughter.)

12 CHAIR LEACH: All in favor, say "aye."

13 (Response.)

14 CHAIR LEACH: Opposed?

15 (No response.)

16 CHAIR LEACH: Motion passes unanimously. Our
17 meeting is adjourned at 11:11.

18 (The proceedings were adjourned at 11:11 a.m.)

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