

DEPT. COMM. NO. 18



POLICE DEPARTMENT
COUNTY OF MAUI

CHARMAINE TAVARES
MAYOR
GT
OUR REFERENCE
YOUR REFERENCE

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
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THOMAS M. PHILLIPS
CHIEF OF POLICE

GARY A. YABUTA
DEPUTY CHIEF OF POLICE

December 31, 2007

Via Certified Mail

7005 1820 0006 9094 7446

The Honorable Colleen Hanabusa
Senate President
The Senate
Hawaii State Capitol, Room 003
Honolulu, Hawaii 96813

Dear Senator Hanabusa:


Pursuant to Act 242, relating to Uniform Information Practices, during the 2007 year ending December 31, 2007, the Department did not suspend any Police Officer for 1) malicious use of physical force, 3) use and/or possession of drugs and/or narcotics or 4) cowardice; however a Police Officer was suspended and discharged for 2) mistreatment of a prisoner / arrested person.

Attached is a summary of all incidents and violations of Department Policies and procedures which resulted in the suspension or discharge of Police Officers during the period from January 1, 2007 to December 31, 2007 with the following comments:

- While not specified, discipline imposed may be progressive whereby the prior disciplinary histories of an employees are considered.
- The discipline imposed may have been be subsequently amended as a result of the grievance process.

If you have any questions, please contact me at (808) 244-6300.

Sincerely,


Thomas Phillips
Chief of Police

Attachments

cc: Mayor Charmaine Tavares

**DISCIPLINARY ACTION IMPOSED
SUSPENSIONS AND TERMINATIONS
CALENDAR YEAR 2007**

JAN 2007	DATE / DESCRIPTION
Date of Incident	October 19, 2006
Summary	Malicious, harassing & derogatory conduct towards an arrested person.
Violations	Oath of Office Code of Ethics Standard of Conduct Create & Maintain a Feeling of Security Conduct towards the Public
Discipline	Suspended 12 Days and Terminated.

FEBRUARY 2007	DATE / DESCRIPTION
Date of Incident	November 16-20-2006
Summary	Performed personal services while on duty and without authorization.
Violations	Oath of Office Code of Ethics Standard of Conduct General Responsibilities Confidentiality of County Business Outside Employment - Prior Approval Public Statements Official Use of Police Vehicle Special Off Duty Assignment Policy Outside Employment Policy
Discipline	Termination - Held in abeyance due to prior termination action for prior incident.

MARCH 2007	DATE / DESCRIPTION
Date of Incident	March 20, 2006
Summary	Reported to be sick and did not work, however, was not sick.
Violations	Falsification of Records Truthfulness
Discipline	Ten Days Suspension held in abeyance and sustained charges dismissed if no similar infractions for one year.

MAY 2007	DATE / DESCRIPTION
Date of Incident	July 28, 2005
Summary	Failed to submit an investigative report in a timely manner.
Violations	Obeying Orders Reports Internal Investigations - Completion
Discipline	One Day Suspension.

JUNE 2007	DATE / DESCRIPTION
Date of Incident	November 1, 2006
Summary	Involved in a motor vehicle accident - reversed into a parked vehicle.
Violations	Obeying Orders On duty Operations Accident Involving Government Vehicle
Discipline	One Day Suspension (Prior Incident).

JUNE 2007	DATE / DESCRIPTION
Date of Incident	February 20, 2006
Summary	Failed to properly recover and report seized evidence.
Violations	Oath of Office Code of Ethics Standard of Conduct General Responsibilities Obeying Orders Use / Possession of Drugs & Narcotics Commission of a Criminal Act Reports Processing Property Chain of Custody Property Report Storage of Property
Discipline	Five Days Suspension.

SEPTEMBER 2007	DATE / DESCRIPTION
Date of Incident	July 17, 2006
Summary	Pressured former spouse to sign legal document.
Violations	Code of Ethics Standard of conduct
Discipline	One Day Suspension.

SEPTEMBER 2007	DATE / DESCRIPTION
Date of Incident	October 20, 2006
Summary	Failed to properly investigate accident and recover evidence.
Violations	Code of Ethics Standard of conduct Obeying Orders Falsification of Records Truthfulness Impartial Attitude Investigate, Seek Evidence & Prosecute violators
Discipline	Five Days Suspension.

SEPTEMBER 2007	DATE / DESCRIPTION
Date of Incident	October 20, 2006
Summary	Failed to properly investigate accident and recover evidence.
Violations	Code of Ethics Standard of conduct Obeying Orders Falsification of Records Truthfulness Impartial Attitude Investigate, Seek Evidence & Prosecute violators
Discipline	Three Days Suspension.

SEPTEMBER 2007	DATE / DESCRIPTION
Date of Incident	June 14, 2007
Summary	Failed to submit an investigative report after numerous reminders.
Violations	Standard of conduct Obeying Orders Reports
Discipline	One Day Suspension.

NOVEMBER 2007	DATE / DESCRIPTION
Date of Incident	January 1, 2005
Summary	Unauthorized use and display of department equipment.
Violations	Code of Ethics Standard of Conduct Display Conduct towards the Public Use of Equipment & Property Approved Device and Equipment Officer Shall Not Draw or Exhibit Their Firearm
Discipline	Five Days Suspension.

NOVEMBER 2007	DATE / DESCRIPTION
Date of Incident	February 7, 2007
Summary	Unauthorized use and display of department equipment.
Violations	Standard of Conduct Cooperation Conduct towards Other Employees Prohibited Activity Responsibility of Employee
Discipline	Five Days Suspension

NOVEMBER 2007	DATE / DESCRIPTION
Date of Incident	February 7, 2007
Summary	Involved in a physical altercation with another employee.
Violations	Standard of Conduct Cooperation Obeying Orders Physical Abuse Insubordination Conduct towards Other Employees
Discipline	Ten Days Suspension

NOVEMBER 2007	DATE / DESCRIPTION
Date of Incident	February 7, 2007
Summary	Although aware of the situation, failed to take action on subordinate's inappropriate behavior.
Violations	Command Code of Ethics Standard of Conduct General Responsibilities
Discipline	Five Days Suspension

NOVEMBER 2007	DATE / DESCRIPTION
Date of Incident	February 7, 2007
Summary	Although aware of the situation, failed to take action on subordinate's inappropriate behavior.
Violations	Command Code of Ethics Standard of Conduct General Responsibilities
Discipline	Five Days Suspension

DECEMBER 2007	DATE / DESCRIPTION
Date of Incident	June 1, 2007
Summary	Cited for negligent cruelty to his dog.
Violations	Standard of Conduct Obeying Orders Commision of a Criminal Act
Discipline	One Day Suspension