



ALAN M. ARAKAWA  
MAYOR

OUR REFERENCE  
GT  
YOUR REFERENCE

# POLICE DEPARTMENT

## COUNTY OF MAUI

55 MAHALANI STREET  
WAILUKU, HAWAII 96793  
(808) 244-6400  
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GARY A. YABUTA  
CHIEF OF POLICE

CLAYTON N.Y.W. TOM  
DEPUTY CHIEF OF POLICE

December 31, 2013

Via Certified Mail  
7011 0470 0001 6411 5367

# DEPT. COMM. NO. 30

The Honorable Donna Mercado Kim  
Senate President  
The Senate  
Hawaii State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Senator Mercado Kim:

Pursuant to Act 242, relating to Uniform Information Practices, during the calendar year 2013, the Department did not sustain any charges of misconduct for incidents of:

- Mistreatment of a prisoner / arrested person
- Malicious use of physical force;
- Use and/or possession of drugs and/or narcotics; or
- Cowardice.

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, 2013 to December 31, 2013, with the following comments:

- While not specified, discipline imposed may be progressive, whereby the prior disciplinary history of an employee is considered.
- The discipline imposed may have been subsequently amended as a result of the Collective Bargaining Agreement grievance process.

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

Sincerely,

Gary Yabuta  
Chief of Police

Attachments

cc: Mayor Alan M. Arakawa  
Maui Police Commission

**DISCIPLINE: SUSPENSIONS AND TERMINATIONS  
CALENDAR YEAR 2013**

<b>MAR 2013</b>	<b>DATE / DESCRIPTION - JK</b>
Date of Incident	September 9, 2011
Summary	Failed to properly complete an administrative investigation..
Violations	Command Responsibilities / Standards of Conduct Duty and Responsibilities / Issuing and Obeying Orders Administrative Investigation procedures
Discipline	Suspended 3 Days: 3/23-25/2013

<b>MAR 2013</b>	<b>DATE / DESCRIPTION - DD</b>
Date of Incident	March 15, 2012, April 16, 2012 & October 10, 2012
Summary	Improper and inappropriate conduct towards another employee.
Violations	Code of Ethics / Standards of Conduct / Issuing and Obeying Orders Confidentiality of Department Business / Truthfulness Conduct Towards Employees and Associates / Prohibited Activities
Discipline	Suspended 5 Days: 3/17-21/2013

<b>MAR 2013</b>	<b>DATE / DESCRIPTION - CP</b>
Date of Incident	July 14, 2012 & September 13, 2012
Summary	Improper & inappropriate conduct towards another employee.
Violations	Command / Code of Ethics / Standard of Conduct Issuing and Obeying Orders / Confidentiality of Department Business Truthfulness / Conduct Towards Employees and Associates Prohibited Activities / Responsibilities of Employees
Discipline	Suspended 5 Days: 3/17-21/2013

<b>APR 2013</b>	<b>DATE / DESCRIPTION - MB</b>
Date of Incident	March 4 & 7, 2012
Summary	Sent threatening messages and was untruthful.
Violations	Oath of Office / Code of Ethics / Standard of Conduct / Cooperation Duties and Responsibilities / Issuing and Obeying Orders Truthfulness / Impartial Attitude / Conduct Towards the Public
Discipline	Suspended 5 Days: 4/17-22/2013

<b>APR 2013</b>	<b>DATE / DESCRIPTION - CK</b>
Date of Incident	March 8, 2012
Summary	Failed to properly report involvement in motor vehicle accident..
Violations	Issuing and Obeying Orders / Traffic Regulations On Duty Operations of Vehicle / Traffic Accident and Settlement
Discipline	Suspended 1 Day: 4/22/2013

<b>APR 2013</b>	<b>DATE / DESCRIPTION - JB</b>
Date of Incident	March 12, 2012
Summary	Failed to ensure a proper theft investigation.
Violations	Duties and Responsibilities / Issuing and Obeying Orders Reports / Reporting of Offense
Discipline	Suspended 2 Days: 5/1-2/2013 / Transferred

<b>MAY 2013</b>	<b>DATE / DESCRIPTION - CF</b>
Date of Incident	November 1, 2012
Summary	Failed to ensure a proper theft investigation.
Violations	Standards of Conduct / Issuing and Obeying Orders Use of Equipment and Property Traffic Violations: Inattention / Reports Mobile Electronic Device Commission of a Criminal Act / On Duty Operations of Vehicle
Discipline	Suspended 1 Day: 6/1/2013

<b>JUL 2013</b>	<b>DATE / DESCRIPTION - JC</b>
Date of Incident	July 12, 2012
Summary	During an operation, you made a prank call that was offensive.
Violations	Standards of Conduct / Issuing and Obeying Orders Conduct Towards Employees and Associate Harassment (Prohibited Activities - Ridicule/ Mock / Offensive
Discipline	Suspended 3 Days: 7/16-18/2013

<b>JUL 2013</b>	<b>DATE / DESCRIPTION - TAS</b>
Date of Incident	October 14, 2012
Summary	Failed to report for duty as scheduled.
Violations	Standards of Conduct / Cooperation / Issuing and Obeying Orders Duty Responsibilities / Reporting for Duty
Discipline	Suspended 1 Day: 7/13/2013

<b>JUL 2013</b>	<b>DATE / DESCRIPTION - RC</b>
Date of Incident	December 4, 2012
Summary	Failed to report for duty as scheduled.
Violations	Standards of Conduct / Cooperation / Issuing and Obeying Orders Conduct towards an Employee or Associate
Discipline	Suspended 3 Days: 7/12-14/2013

<b>AUG 2013</b>	<b>DATE / DESCRIPTION - AK</b>
Date of Incident	February 9, 2013
Summary	Failed to ensure a proper criminal investigation.
Violations	Command: Lead, Direct, Supervise / Standards of Conduct Duties and Responsibilities / Issuing and Obeying Orders / Reports Notification / Criminal Investigations Procedures
Discipline	Suspended 1 Day: 8/12/2013

<b>AUG 2013</b>	<b>DATE / DESCRIPTION - EC</b>
Date of Incident	March 11, 2013
Summary	Released confidential documents without authorization.
Violations	Official Communications / Outgoing Documentation Standards of Conduct / Issuing and Obeying Orders Confidentiality of Department Business / Impartial Attitude
Discipline	Suspended 2 Days: 9/3-4/2013

<b>AUG 2013</b>	<b>DATE / DESCRIPTION - CF</b>
Date of Incident	June 4, 2013
Summary	Failed to report for duty as scheduled and was untruthful.
Violations	Code of Ethics / Standards of Conduct / Issuing and Obeying Orders Truthfulness / Reporting for Duty
Discipline	Suspended 3 Days: 9/5-7/2013

<b>OCT 2013</b>	<b>DATE / DESCRIPTION - LN</b>
Date of Incident	June 15, 2013
Summary	Failed to obey a direct, lawful order to correct a report.
Violations	Code of Ethics / Standards of Conduct / Issuing and Obeying Orders Falsification / Truthfulness / Insubordination
Discipline	Suspended 10 Days: 11/11-22/2013

<b>DEC 2013</b>	<b>DATE / DESCRIPTION - ES</b>
Date of Incident	January 6, 2013
Summary	Failed to properly supervise and falsified attendance records,
Violations	Command / Oath of Office / Code of Ethics / Standards of Conduct Duties and Responsibilities / Issuing and Obeying Orders Falsification / Truthfulness / FLSA Policy
Discipline	Suspended 3 Days: 12/19-21/2013

<b>DEC 2013</b>	<b>DATE / DESCRIPTION - DI</b>
Date of Incident	January 12, 2013
Summary	Engaged in unauthorized emergency vehicle pursuit.
Violations	Code of Ethics / Standards of Conduct / Duty and Responsibilities Issuing and Obeying Orders / Use of Property and Equipment On Duty Operations of Vehicle / Vehicle Pursuit Procedures
Discipline	Suspended 1 Day: 12/23/2013

<b>DEC 2013</b>	<b>DATE / DESCRIPTION - ES</b>
Date of Incident	January 13, 2013
Summary	Failed to properly supervise subordinate working overtime.
Violations	Command / Standards of Conduct / Duties and Responsibilities Issuing and Obeying Orders / FLSA Policy
Discipline	Suspended 3 Days: 12/23-25/2013

<b>DEC 2013</b>	<b>DATE / DESCRIPTION - CD</b>
Date of Incident	February 1, 2013
Summary	Continued to drive without a valid motor vehicle license.
Violations	Code of Ethics / Standards of Conduct Commission of a Criminal Act / Traffic Regulations
Discipline	Suspended 2 Days: 12/15-16/2013

<b>DEC 2013</b>	<b>DATE / DESCRIPTION - BS</b>
Date of Incident	July 7, 2013
Summary	Involved in a Motor Vehicle Accident
Violations	Issuing and Obeying Orders / On Duty Operations of Vehicle
Discipline	Suspended 1 Day: 12/14/2013