



POLICE DEPARTMENT
COUNTY OF MAUI

RECEIVED



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2019 APR 11 AM 11:54
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CHIEF OF POLICE
OFFICE OF THE
COUNTY COUNCIL
DEAN M. RICKARD
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OUR REFERENCE
YOUR REFERENCE

April 9, 2019

Ms. Michele M. Yoshimura *MM*
Budget Director, County of Maui
200 South High Street
Wailuku, HI 96793

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, HI 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 4/10/19

Mayor Date

For Transmittal to:

Honorable Keani Rawlins-Fernandez
Chair, Economic Development & Budget Committee
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

**SUBJECT: REQUESTS/QUESTIONS FROM THE APRIL 1, 2019 MEETING
(PD-6) (EDB-1)**

Dear Chair Rawlins-Fernandez:

This letter is in response to the Economic Development & Budget Committee letter, dated April 3, 2019. As requested, we are providing the following responses to your request:

- 1. Relating to the Investigative Services Program (Budget Details, page 15-25, Index 910422B, Sub-Object Code 6132, Professional Services), there is a request for an additional \$150,000 over FY 2019, for a total FY 2020 appropriation of \$750,000. The only explanation is "increase to the average of historical amounts." Please explain the need for the requested amount. (MM)**

This area falls underneath the Police Autopsies/Investigation section in the Investigative Services Bureau. As the Department acts as the coroner for the County of Maui and is in charge of the morgue, this area and its budget is dependent upon the number of fatalities that occur within the County. The expenses in relation to Sub-Object Code 6132, Professional Services, include: Autopsies, Investigative costs for dental identification, bank records, and cell phone records; Sex Assault examinations and Sex Assault kit testing, Hawaii Bio-Waste, medical waste trash bin disposal; Pan pacific pathologist for death determinations; and the transportation of bodies. In

In FY 2017, \$588,276 was spent in this area, and in FY 2018, \$770,223 was spent in this area.

2. Relating to the Investigative Service Program (Budget Details, pages 15-19 to 15-21, Index Codes 910026A, 910042A, 910559A, 910667A, 910281A, 910420A, Sub-Object Code 5215, Premium Pay), \$526,120 has been requested. Explain why the premium pay is needed. Will it be used primarily for training or for other uses?

The Investigative Services Bureau includes the Vice section, the Special Response Team, and the the Criminal Investigative Division, which includes the Domestic Violence Unit, the Sex Assault Unit, the Cyber Unit, and the Forensics unit.

Although the Department takes every effort to reduce overtime costs, there are various reasons that premium pay is incurred that cannot be planned due to:

- Temporary personnel shortages that make it necessary for officers to work extra shifts to maintain a minimal level of staffing;
- Criminal investigations, when investigators are called back to duty when they must work more than a standard work week;
- Time necessary for officers to appear in court;
- Training, special events;
- Working past the end of their scheduled shifts to process arrests and complete reports; and
- Unpredictable events including natural disasters.

The premium pay includes emergency callbacks, hazardous pay, night differential, overtime, and temporary assignments. When possible, sections try to adjust schedules to try to alleviate overtime costs. For example, for the annual Halloween event in Lahaina, sections will change the schedules of the police officers so that there is enough staffing to adequately support the event, however, they will get paid straight time instead of overtime pay. Due to contractual agreements, they are still entitled to their night differential pay as it is a night event.

Most recent events necessitating the use of overtime include the hostage situation in Kahului, the riot at MCCC, the fire in Lahaina, multiple house raids and drug confiscations, supporting county sponsored events and requests for service, and covering staffing shortages for officers on Injury Leave, FMLA, Vacation, and/or Military Leave.

Training is funded via grants when possible, or through the Police Administration fund, 910018B.

The Maui Police Department also has written overtime policies and procedures in place to try to proactively reduce overtime cost while remaining compliant with collective bargaining agreements and FLSA, ensures administrative controls are enforced, and that accurate records are maintained to include the following outlined areas:

1. Overtime, with the exception of emergency situations, shall be pre-approved
2. Records of overtime, justification, and reporting
3. Prohibitions and oversight
4. Periodic review

Records of overtime request forms are completed, compiled, and submitted via Departmental Channels each pay period, and submitted to the Department of Finance upon request.

3. Premium pay for the Uniformed Services Program (Budget Details, pages 15-47 to 15-49, Index Codes 910075A, 910083A, 910091A, 910109A, 910117A, 910133A, 910208A, Sub-Object Code 5215) is \$3,960,000, while premium pay for the Technical and Support Services Program (Budget Details, pages 15-67 to 15-69, Index Codes 910158A, 910160A, 910162A, 910166A, 910174A, 910182A, 910190A, 910430A, 910491A, Sub-Object Code 5215) is \$559,134. Explain how the premium pay will be used. (MM)

The Uniformed Services Bureau consists of all the Patrol elements including Wailuku Patrol, Lanai Patrol, Hana Patrol, Lahaina Patrol, Lanai Patrol, Kihei Patrol, the Traffic Section, and the Crime Reduction Unit. This bureau has the largest amount of sworn officers and as mentioned contain the patrol element who are the primary response in calls for service, with the most vacancies.

The Support Services Bureau includes the Records section, Communications section, Plans and Training section, Community Relations section, Radio Shop, and Motor Pool section.

The reasons for premium pay for these bureaus are similar to those of the ISB in its response to personnel shortages with vacancies; court appearances; training; special events; working past the end of shift to process arrests and complete arrest reports; and responding to unpredictable events including both man-made and natural disasters.

Most recent events necessitating the use of overtime include the hostage situation in Kahului, the riot at MCCC, the fire in Lahaina, multiple house raids and drug confiscations, supporting county sponsored events and requests for service to ensure public safety, and covering staffing shortages for officers on Injury Leave, FMLA, Vacation, and/or Military Leave.

However, with all the incidences that require public safety / law enforcement personnel, the Department has policies in place in efforts to reduce its premium pay. Attached to this letter is General Order 202.10, Working Beyond Normal Work Hours, which indicates parameters on the policies and procedures for working overtime.

4. Relating to the Technical and Support Services Program (Budget Details, page 15-62), you are requesting expansion positions of 8.0 equivalent personnel for 16 part-time Police Cadets at 19 hours per week.

- a. Provide an explanation of the duties of the cadets.

The duties and responsibilities include:

1. Assist in the processing of all prisoners by fingerprinting, photographing, and completing all necessary arrest forms. While performing any function that involves contact with prisoners, a sworn officer will be present. Checks, feeds, and tends to prisoners that are secured in the police station's cell block; maintains operational logs and other receiving desk duties in support of the receiving desk operations.
2. Provides clerical duties such as operating copying machine, a typewriter, adding machine, and computer terminals; collating and distributing bulletins and miscellaneous reports ordering, filing, picking up, delivering, and distributing supplies and equipment. Distributes mail with the police station and delivers mail to the County building and other organizations as needed.
3. Provides general information and assistance to the public as authorized.
4. May operate radio communication equipment in transmitting and receiving messages.
5. Maintains police equipment at the Receiving Desk and records mileage, oil, gasoline, etc.
6. Familiarizes self with the Department's rules and regulations, operating procedures, special and general orders; learns police principles, practices, methods, and techniques; follow oral and written instructions.
7. Picks up prisoner meals for distribution to in-house prisoners.
8. Performs other related duties as required.

b. At what point, if any, will the cadets become part of the Uniformed Patrol Services Program? (MM)

When the Police Cadet reaches the age requirement necessary to apply as a Police Officer I, which shall be at least 20 years of age, they can then apply through the normal hiring process.

Some of the minimum qualifications requirements for the Police Officer I position include:

Training and Experience: A combination of education and experience substantially equivalent to graduation from high school.

License Requirement: Possession of a valid motor vehicle operator's license (Type 3).

Knowledge of: the economic, social and racial composition of the community; the geography of the County of Maui.

Ability to: learn and explain laws, ordinances, rules, regulations and departmental policies; learn police principles, practices, methods and techniques; follow oral and written instructions; deal courteously but firmly with the general public; keep records and prepare simple reports; operate various office and other equipment and appliances.

Special Working Conditions: irregular hours and exposure to hazards.

Health and Physical Condition: Persons seeking appointment to positions in this class must meet the health and physical condition standards deemed necessary and proper for performance of the duties.

Age Requirement: All candidates for employment as a Police Officer I shall be at least 20 years of age.

Physical Effort Grouping: Special

Firearms Requirement

5. Relating to the Motor Pool and Utility Police (Budget Details, page 15-73, Index Code 910190B, Sub-Object Code 6143, Repairs and Maintenance – Vehicles), an increase of \$100,000 is requested over the FY 2019 appropriation of \$250,000. The only explanation is “increase to the average of historical amounts.” Please explain the need for the requested amount. (MM)

In relation to Repairs and Maintenance for vehicles, as officer safety remains a paramount concern for MPD, in providing basic police service to the citizens of Maui County, police officers are required to patrol and respond to incidents. The vehicles utilized by the patrol function are required to perform strenuous duties for prolonged periods of time. Maintaining a fleet of police vehicles that are reliable with minimum downtime is essential in the delivery of police services. It is the policy of the Department to replace vehicles in accordance to our policy, S.O.P 104.1, Vehicle Replacement Policy.

Replacement criteria for patrol fleet vehicles are set to ensure that the vehicles in use will provide the highest level of performance and operational efficiencies in order to provide the best tools available for laws enforcement personnel to execute their job. The following are the minimum replacement criteria for patrol fleet vehicles:

1. Four years of service
2. Ninety thousand (90,000) miles or more of service
3. Repair cost exceeds value of vehicle

In the past years request, based on our rotation policy, the below have been requested and approved during the past fiscal years in accordance with the Department’s policy:

FY2016: 53 vehicles requested for replacement (25 Marked, 28 Unmarked),
14 approved (13 Marked, 1 Unmarked)

FY2017: 51 vehicles requested for replacement (23 Marked, 28 Unmarked),
11 approved (11 Marked, 0 Unmarked)

FY2018: 54 vehicles requested for replacement (24 Marked, 30 Unmarked),
20 approved (10 Marked, 9 Unmarked, 1 Molokai Animal Control Vehicle)

FY2019: 61 vehicles (32 marked, 29 Unmarked)
26 approved (13 marked, 12 unmarked, 1 van)

FY2020: 104 vehicles requested
In Mayor's Budget proposal: 25 vehicles (21 marked, 4 unmarked)

For those that are not approved for replacement, due to their age and mileage, they usually require additional maintenance to keep them up to Departmental service standards in line with its policy. Also, due to them being used over multiple police shifts they are therefore used approximately 14 hours per day, and in a given shift, an officer may go in and out of the vehicle approximately 20 times due to multiple responses to calls for service, leading to additional wear and tear on the vehicle.

In FY 2017, \$325,453 was expended in this area, and in FY 2018, there was \$369,416 expended. For FY 2019, there is \$250,000 budgeted for this sub-object code. The increase would bring this up to the actual historical values spent and in line with what was expended in the past years.

6. Relating to the Motor Pool and Utility (Budget Details, pages 15-77 to 15-78, Index Code 910190C), 22 replacement vehicles are requested.

a. What happens to the vehicles being replaced?

Vehicles are normally traded in to the dealer, with the trade-in price of the vehicle deducted from the purchase price of the new units.

b. Does the County receive compensation for trade-ins?

When the vehicles are traded in, the dealer will deduct the trade-in value from the purchase of the new vehicle. On average, the trade-in value for the vehicles have been approximately \$300 for each vehicle.

c. What happens to the equipment in the vehicles being replaced? (MM)

For equipment, the two-way radios are reused and the light bars, sirens, spot lights are kept for spare parts. The prisoner transport seats are thrown away as they are plastic and brittle. The prisoner partitions are also reused when they are able to properly fit into the new vehicles makes and models.

The vehicle's MDC/computer system laptop is redeployed into the new vehicle, the dock mounts are kept for spare parts, and the antennae is disposed of. The Department ensures that the equipment and parts that are able to be used can, while other parts are vehicle specific or are not

Honorable Rawlins-Fernandez
April 9, 2019, PD-6, EDB-1
Page 7

in a sufficient condition to reuse.

Thank you for your attention to this matter. Should you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Tivoli S. Faamu", with a long horizontal stroke extending to the right.

Tivoli S. Faamu
Chief of Police

Attachments

General Order 202.10, Working Beyond Normal Work Hours

MAUI COUNTY POLICE DEPARTMENT

GENERAL ORDERS

CHAPTER 202

PERSONNEL

Effective date: 04/13/10

Revision date: 04/13/10

Rescinds: G.O. 202.10
(03.01.08) New Material
Underscored.

Accreditation Standards: 22.1.1e,f, 22.3.1, 22.3.4a-e, 26.1.5

WORKING BEYOND NORMAL WORK HOURS

G.O. 202.10

I. PURPOSE

- A. To identify rules, regulations and procedures for employees who work beyond normal work hours.

II. POLICY

- A. Before any work duties are performed outside of a Department employee's normal work hours, the employee must first request and obtain authorization from his/her immediate supervisor or the supervisor on duty to work outside the employee's normal work shift. A failure to request and obtain authorization in a timely manner shall result in disciplinary action.
- B. In the event that an employee is unable to first obtain such authorization, the employee shall contact his/her immediate supervisor or the supervisor on duty (if his/her immediate supervisor is not on duty) as soon as possible following the start of the work duties in order to obtain authorization to continue to perform the work duties outside of the employee's normal work hours. A failure to request and obtain authorization in a timely manner shall result in disciplinary action.
- C. All work duties that are performed outside of a Department employee's normal work hours, whether authorized or not, shall be reported by the employee on the day the work is performed to the employee's immediate supervisor or to the supervisor on duty. The supervisor shall record the report number or justification and time worked on the employee's Daily Work Status report. The work performed shall also be recorded on the employee's time sheet by the person responsible for completing the time sheet.

Once the timesheet is prepared, the employee shall review his/her timesheet for accuracy before signing. If the timesheet is inaccurate, the employee shall inform the on-duty supervisor or clerk of the error so that the timesheet can be corrected before the employee signs. If the employee becomes aware of an error on the timesheet after it has been signed,

the employee shall inform the on-duty supervisor or clerk of the error and shall verify the correction.

- D. If work is verified as actually performed, the employee will be paid for the time worked, unless otherwise directed by the Chief of Police. However, failure to obtain authorization to perform work outside of the employee's normal work hours or fails to follow these required reporting procedures shall result in disciplinary action.
- E. These general policies shall apply to all work circumstances covered by this General Order.

III. PROCEDURES

A. Attending Medical, Physical, or Psychological Exams

The scheduling of Department-required medical or physical examinations shall be the responsibility of the Element Commander or his/her designee, e.g., supervisor or clerical staff. Every effort should be made to schedule Department-required medical or physical examinations during the month of the officer's respective birthday and during working hours.

Psychological or Psychiatric evaluations shall be scheduled by the Business Administrator via the Office of the Chief.

If it is not possible to schedule a Department-required examination or evaluation during an officer's working hours, the officer shall be scheduled for examination during the officer's off-duty time. Officers shall not schedule their own Department required medical, physical, or psychological examinations and/or psychiatric evaluations.

Department-required examinations and evaluations that occur during an officer's off-duty hours shall be regarded as compensable work time and shall be subject to Article II.

This section does not apply to industrial injuries. Medical examinations, physical therapy, and other treatment for industrial injuries should be scheduled during off-duty hours. Time spent attending medical examinations, physical therapy, and other treatment for industrial injuries is not compensable work time.

(Lahaina District S.O.P. 102.2: Patrol Special Procedures, General Order 39)

B. Cleaning and/or Maintaining Firearms

Officers shall clean and maintain their issued and authorized firearms for police service only while on duty at the station to which they are assigned. This shall be done at least once per month and supervisors shall be responsible for ensuring that officers are provided adequate time to perform this task while on duty. Element Commanders are responsible for ensuring that there is an adequate supply of cleaning kits and supplies at their respective facilities to enable officers to clean and maintain their firearms while on duty. Officers shall also clean and maintain their issued and authorized firearms at Ukumehame

G.O. 202.10

WORKING BEYOND NORMAL WORKING HOURS

Firing Range in conjunction with annual recall training. For safety and other reasons, officers are not authorized to clean and/or maintain department-issued and/or authorized firearms at home or while off-duty.

Cleaning and/or maintenance of issued and/or authorized firearms for police service that occurs outside an officer's normal work hours shall be regarded as compensable work time and shall be subject to Article II.

(General Order 304.2: Firearms and Less Than Lethal Weapons for Police Service, General Order 305.2: Department Owned Property, General Order 304.5: Uniform and Equipment)

C. Preparing for Court

An employee who needs to prepare for court shall do so during his/her regular working hours. If this is not possible, the employee shall request and obtain authorization from his/her immediate supervisor or the supervisor on duty prior to performing any work to prepare for court during his/her off-duty hours.

Court preparation work that occurs during an employee's off-duty hours shall be regarded as compensable work time and shall be subject to Article II.

(General Order 39)

D. Performing Stakeouts/Surveillance

Stakeout or surveillance work shall only occur with authorization from an officer's immediate supervisor or the supervisor in charge of the assignment or investigation. Officers do not have the discretion to engage in stakeout or surveillance work without such prior authorization.

Stakeout or surveillance work that occurs outside an officer's normal work hours shall be regarded as compensable work time, regardless of whether the stakeout or surveillance was successful, and shall be subject to Article II.

(General Order 402.4: Stakeouts and Surveillance, General Order 402.6: Criminal Investigations, General Order 404.1: Vice Division, Vice Division S.O.P. 104.2: Narcotics Investigations, Vice Division S.O.P. 104.9: Vice Internet Crime Investigations, Vice Division S.O.P. 105.1: Vice Special Assignments)

E. Washing and/or Maintaining Take-home Vehicles

Employees who are assigned to District I and authorized to take home a Department vehicle, shall utilize the services of the Wailuku Station's car wash and Motorpool personnel for the maintenance of their vehicles. In addition, maintenance and washing of these vehicles shall only be conducted during the employee's normal work hours. Employees are not authorized to wash or maintain a take-home vehicle at home or during

G.O. 202.10

WORKING BEYOND NORMAL WORKING HOURS

their off-duty hours.

Employees assigned to other Districts who are authorized to take home a Department vehicle may utilize the Wailuku Station's car wash and Motorpool personnel or the employee's District authorized repair facility for the maintenance and washing of their vehicles. The maintenance and washing of these vehicles shall only be conducted during the employee's normal work hours. Employees are not authorized to wash or maintain a take-home vehicle at home or during their off-duty hours.

Maintenance and/or washing of a Department take-home vehicle that occurs outside an employee's normal work hours shall be regarded as compensable work time and shall be subject to Article II.

(C.I.D. S.O.P. 104.1: Vehicle Operations and Utilization, JCPD S.O.P. 106.1: Facilities and Equipment, Vice Division S.O.P. 104.4: Canine Detail, Vice Division S.O.P. 106.1: Vice Vehicle Operations, C.I.U. S.O.P. 105.2: Section Vehicles, PTR&D S.O.P. 104.2: Facilities and Equipment, USB S.O.P. 102.2: Patrol Special Procedures, Hana District S.O.P. 102.2: Special Purpose Vehicles, Hana District S.O.P. 103.1: Maintenance of Fleet Vehicles, Lahaina District S.O.P. 102.2: Patrol Special Procedures, Molokai District S.O.P. 102.2: Patrol Special Procedures)

F. Responding to Post Shift Calls

Unless the situation precludes an officer from doing so, an officer shall inform his/her immediate supervisor or the supervisor on duty prior to responding to, or rendering service for, a post-shift call.

Where the situation precludes obtaining prior approval, the officer shall contact his/her immediate supervisor or the supervisor on duty as soon as practical after responding to the call and the situation has been stabilized. The immediate supervisor or the supervisor on duty shall then decide whether the officer will continue with the post-shift call or turn over the responsibility to other officers. An officer who has been relieved of such post-shift duties does not have any discretion to continue the post-shift work.

All time spent responding to calls that run over normal scheduled hours shall be regarded as compensable work time and shall be subject to Article II.

(General Order 39)

G. Completing Paperwork or Other Similar Duties Before or After Shift

An employee who is unable to complete his/her paperwork or reports during his/her normal work hours shall request authorization from his/her immediate supervisor or the supervisor on duty before performing any work outside his/her normal work hours to complete such paperwork or reports. Where it is not necessary that paperwork or a report be completed that day, authorization shall be denied by the immediate supervisor

G.O. 202.10

WORKING BEYOND NORMAL WORKING HOURS

or the supervisor on duty. Paperwork and reports must be completed at the station or worksite to which the employee is assigned. Employees shall not take work home to complete.

All time spent performing paperwork and/or completing reports that occurs outside an employee's normal work hours shall be regarded as compensable work time and shall be subject to Article II.

(G.O. 403.3: Juvenile Counselor Program, G.O. 405.9: Traffic Accident Investigations G.O. 407.1: Arrest Procedures, G.O. 303.3: Field Reporting System, Vice S.O.P. 104.5: Gambling Investigations, Vice S.O.P. 104.6: Morals Investigations, C.I.U. S.O.P. 104.1: Criminal Intelligence Operations, USB S.O.P. 101.3: Reports Review, Hana District S.O.P. 101.3: Reports Review, Lahaina District S.O.P. 101.3: Reports Review, Lahaina District S.O.P. 102.2: Patrol Special Procedures, Molokai District S.O.P. 101.3: Reports Review, Traffic Section S.O.P. 101.1: Traffic Section)

H. No Work to be Performed Prior to the Start of Shift

Employees shall be properly attired and, if necessary, at the start of their respective shifts. Employees may dress for work at their work location or prior to arriving at their work location.

Employees shall not perform any work prior to the start of their shifts. Employees shall be given time after roll call to pick up their follow up folders, pick up their vehicles and equipment, and complete outstanding paperwork (unless they have first requested and obtained approval to do so in accordance with Article II).

However, designated supervisors and acting supervisors shall be provided adequate time and shall be compensated to prepare for roll call, as determined by the Element Commander.

Time spent by a designated supervisor or acting supervisor preparing for roll call, even when it occurs outside an employee's normal work hours, shall be regarded as compensable work time and shall be subject to Article II.

(G.O. 413.4: Department Training, Communications S.O.P. 102.10: Unit Operations, Communications S.O.P. 104.3: Duty Schedules/Leaves, Wailuku Patrol S.O.P. 102.3: Roll-Call Procedures, Hana Patrol S.O.P. 101.2: Administration of the Patrol Division-Hana District, Hana Patrol S.O.P. 102.3: Roll-Call Procedures, Lahaina Patrol S.O.P. 101.2: Administration of the Patrol Division-Lahaina District, Lahaina Patrol S.O.P. 102.3: Roll-Call Procedures, Molokai Patrol S.O.P. 101.2: Administration of the Patrol Division, Molokai Patrol S.O.P. 102.3: Roll-Call Procedures)

I. Training by Field Training Officers and Communications Training Officers

G.O. 202.10

WORKING BEYOND NORMAL WORKING HOURS

A Primary Field Training Officer (F.T.O.) or Communications Training Officer (C.T.O.) is required to make weekly contact with his/her pupil officer/trainee from the date of Police Officer III/RTO III assignment until the completion of recruit class/RTO training. This contact may be made on any day of the Primary F.T.O./C.T.O.'s work week, but shall only be done during his/her scheduled work day.

A F.T.O./C.T.O. with an assigned pupil officer/trainee for a Phase shall complete a Daily Observation Report at the end of every scheduled work day. The F.T.O./C.T.O. should normally be able to complete the Daily Observation Report within .5 hours. Any other work relating to the training of a pupil officer shall be done during the F.T.O./C.T.O.'s scheduled work day.

To the extent a F.T.O./C.T.O. believes that additional work is required on a scheduled work day in order to properly train or complete work related to an assigned pupil officer/trainee, the F.T.O./C.T.O. shall first request and obtain authorization from the F.T.O./C.T.O.'s immediate supervisor or the supervisor on duty before engaging in the work beyond the F.T.O./C.T.O.'s scheduled work day.

All time spent by a F.T.O./C.T.O. relating to the training of pupil officers/trainees that occurs outside a F.T.O./C.T.O.'s normal work hours shall be regarded as compensable work time and shall be subject to Article II.

(G.O. 413.6: Field Training Officer Program)

J. Executing Warrants

An officer shall only be involved with the execution of a warrant with authorization from his/her immediate supervisor or supervisor in charge of the assignment or operation. Unless otherwise required, officers who have been authorized to be involved with the execution of a warrant shall be paid from the time they report to duty until they are relieved of duty, or as otherwise required by the applicable collective bargaining agreement.

All time spent by an officer in the execution of a warrant that occurs outside an officer's normal work hours shall be regarded as compensable work time, regardless of whether the warrant was successfully executed, and shall be subject to Article II.

(G.O. 407.1: Arrest Procedures, Vice Division S.O.P. 104.2: Narcotics Investigations, Vice Division S.O.P. 105.2: Execution of Search/Arrest Warrants)

K. Locating Witnesses

An officer who is locating a witness shall do so during his/her regular working hours. If an officer believes that working outside of regular work hours is necessary to locate a witness, the officer shall first request and obtain authorization from his/her immediate

G.O. 202.10

WORKING BEYOND NORMAL WORKING HOURS

supervisor or the supervisor on duty before engaging in any work outside of regular work hours.

All time spent by an officer in locating a witness that occurs outside an officer's normal work hours shall be regarded as compensable work time, regardless of whether the officer successfully located the witness, and shall be subject to Article II.

(G.O. 402.6: Criminal Investigations, C.I.U. S.O.P. 104.1: Criminal Intelligence Operations)

L. Making Traffic Stops

An officer who conducts an off-duty traffic stop shall follow procedures set forth in General Order 405.6: Traffic Enforcement, unless otherwise directed by the on-duty supervisor. The officer shall immediately notify Central Dispatch once the decision has been made to conduct a stop, and request that a supervisor on duty within the District be notified of the stop.

The on-duty supervisor has the authority to decide whether the officer shall continue to handle the incident or return to off-duty status. An officer who has been relieved from duty and has been instructed to leave the scene does not have any discretion to continue the off-duty work.

All time spent by an officer in an off-duty traffic stop shall be regarded as compensable work time and shall be subject to Article II.

(G.O. 103.1: General Rules of Conduct, G.O. 405.6: Traffic Enforcement, G. O. 405:8: Motor Vehicle Stops)

M. Responding to Radio Calls during Scheduled Meal Periods

Officers on a scheduled meal period shall not respond to radio calls assigned to other officers. If an officer believes that additional assistance may be needed for a radio call assigned to other officers, the officer is required to first request and obtain authorization from his/her immediate supervisor or the supervisor on duty before ending his/her scheduled meal period to provide assistance. Without such authorization, the officer shall remain on his or her scheduled meal period and shall not return to duty until the scheduled meal period has ended.

When an officer assists other officers during his/her scheduled meal period, the provisions of Article III. Section Q (working through meal periods) of this directive should be followed.

All time spent by an officer responding to radio calls during scheduled meal periods shall be regarded as compensable work time and shall be subject to Article II.

G.O. 202.10

WORKING BEYOND NORMAL WORKING HOURS

(Wailuku S.O.P. 102.4: Community Oriented Policing, Lahaina S.O.P. 102.4: Parking Enforcement Officer, Lahaina S.O.P. 102.5: Community Oriented Policing, Kihei S.O.P. 102.1: Community Oriented Policing)

N. Transporting Employees or Equipment

Employees shall only transport employees or equipment during normal work hours. If an employee believes that transporting employees or equipment outside the employee's normal work hours is necessary, the employee is required to first request and obtain authorization from his/her immediate supervisor or the supervisor on duty before engaging in any work related to the transporting of employees or equipment outside the employee's normal work hours.

All time spent by an employee in performing transportation of employees or equipment outside of the employee's normal work hours shall be regarded as compensable work time and shall be subject to Article II.

Nothing in this section shall preclude employees from carpooling to or from work for their personal benefit and convenience. Carpooling is not compensable work time.

(G.O. 304.1: Police Vehicles, G.O. 304.5: Uniform and Equipment, G.O. 304.6: Shooting Range)

O. Taking Equipment to be Repaired or Replaced

An employee shall only transport equipment to be repaired or replaced during his/her normal work hours. If an employee believes that transporting equipment to be repaired or replaced outside his/her normal work hours is necessary, the employee is required to first request and obtain authorization from his/her immediate supervisor or the supervisor on duty before engaging in any work related to transporting equipment to be repaired or replaced outside the employee's normal work hours.

All time spent by an employee in transporting of equipment to be repaired or replaced outside the employee's normal work hours shall be regarded as compensable work time and shall be subject to Article II.

(G.O. 304.5: Uniform and Equipment, G.O. 304.6: Shooting Range)

P. Responding to Phone Calls from Informants

Officers should attempt to communicate with informants during their normal work hours.

If an off-duty officer answers a phone call from an informant, the officer shall notify his/her immediate supervisor or the supervisor on duty about the phone call immediately or upon the start of his/her next regularly-scheduled shift, the substance of the call and

G.O. 202.10

WORKING BEYOND NORMAL WORKING HOURS

the amount of time spent by the officer related to that call. The officer shall procedurally document the phone call from the informant in accordance with Department procedures.

All time spent by an officer relating to the off-duty phone call from an informant shall be regarded as compensable work time and shall be subject to Article II.

(G.O. 402.2: Confidential Informant Management and Control, C.I.U. S.O.P. 104.3: Confidential Informants, Wailuku Patrol S.O.P. 102.1: Patrol Operations, Hana Patrol S.O.P. 102.1: Patrol Operations, Lahaina Patrol S.O.P. 102.1: Patrol Operations)

Q. Working through Meal Periods

An employee shall not perform any work including, but not limited to, working on reports or other paperwork, or responding to radio calls, during his/her meal period, unless the employee first requests and obtains authorization from his/her immediate supervisor or the supervisor on duty.

Under the FLSA, if an employee is not provided at least 30 consecutive minutes during which the employee is free from work-related interruptions for his/her meal period, the employee is entitled to be compensated for .75 hour of work for the missed or interrupted meal.

Under the FLSA, if an employee is given at least 30 consecutive minutes during which the employee is free from work-related interruptions for his/her meal period, but less than 45 consecutive minutes for the meal period, the employee is entitled to be compensated for only the amount of time that the employee spent working during the meal period.

The Department has historically compensated employees .75 hour of work for any meal that has been missed or interrupted. This practice shall continue, as long as the employee requested and obtained authorization from his/her immediate supervisor or supervisor on duty. Time or monetary compensation of .75 hour shall be provided to the employee for any meal that has been missed or interrupted.

All time worked during a meal period shall be regarded as compensable work time and shall be subject to Article II.

(General Order 39, Hana District S.O.P.: Personnel)

R. Volunteer Time

Employees are prohibited from (a) providing off-duty voluntary service or volunteering to participate in an off-duty activity as a representative of the Department, and (b) performing any services on a volunteer basis to any department, division, or political subdivision of the County of Maui where the volunteer services are the same or similar to the services that they are otherwise employed to perform for the Department. If the

G.O. 202.10

WORKING BEYOND NORMAL WORKING HOURS

Department seeks to have an employee participate in an off-duty activity as a representative of the Department, the Department shall authorize in writing the off-duty participation. The time spent in the activity shall be regarded as compensable work time and shall be subject to Article II.

1. Participation in Community Service Activities

Nothing in this section shall preclude employees from participating in civic and/or charitable activities that are for the benefit of outside organizations or individuals. For example, employees may speak at "career days" at their children's school, coach Little League baseball teams, attend neighborhood board meetings as members of the community in which they live, participate in church fundraisers, pass out water at charity walks, and serve meals at local soup kitchens.

Likewise, nothing in this section shall preclude employees from participating in community service activities for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered. Thus, employees may volunteer to participate in community service activities such as the "Shop with a Cop" program sponsored by the Kiwanis and the "Cop on Top," "Tip a Cop," and the Troy Barboza Law Enforcement Torch Run events sponsored by the Hawaii Special Olympics.

Finally, nothing in this section shall preclude employees from performing volunteer services to the County of Maui where their services are offered freely and without pressure or coercion, provided that the volunteer service provided by an employee are not the same type of services which the employee is employed to perform for the County. For example, a patrol officer could serve as a volunteer youth leader in a Maui County Department of Parks and Recreation summer program and a dispatcher could volunteer to provide non-enforcement security services at a County event, provided that their services were offered freely and without pressure or direct or implied coercion. On the other hand, a patrol officer could not volunteer to provide traffic control or security services at a County event because such services would be of the same type as the services the officer is employed by the County to perform. The examples listed in this section are for purposes of illustration only and are not exhaustive.

On the other hand, if an employee is ordered by the Department to work at a booth sponsored by the Department at a career fair, attend a neighborhood board meeting as a representative of the Department to field questions, or to provide a police response to an incident, then time spent performing these activities shall be regarded as compensable work time and shall be subject to Article II.

G.O. 202.10

WORKING BEYOND NORMAL WORKING HOURS

2. Special Off-duty Assignments

Officers may engage in special off-duty assignments in accordance with General Order 202.4 (Special Off-Duty Assignment) and will be paid directly by the hiring party. Officers may, at their option, donate the fees collected for their services by the hiring party. The Department is currently evaluating the circumstances under which officers may be permitted to voluntarily waive their fees where special off-duty assignments are performed for non-profit organizations or for governmental entities other than the County of Maui.

(G.O. 202.4: Special Off-Duty Assignment)

S. Traveling on Regularly Scheduled Days Off for Work-related Business

Employees traveling inter-island or out-of-state for work-related business on a regularly scheduled day off will normally not be paid for their travel time except for the time they are actually performing work during the travel. However, when an employee is on a scheduled day off and travels overnight, it shall be regarded as work time during the hours that would correspond to the employee's scheduled work hours.

The following examples are provided for purposes of illustration only, as employees' scheduled work hours depend on their position, the division and watch to which they are assigned, the current shift schedule, and whether any adjustments have been made to the schedule.

For instance, if an employee is normally scheduled to work from 7:45 a.m. to 4:30 p.m. and the employee travels for 8.0 hours from 7:45 a.m. to 3:45 p.m., on an overnight stay, the 8.0 hours of travel time will be considered compensable because it cuts across the employee's normal work hours.

On the other hand, if an employee is normally scheduled to work from 7:45 a.m. to 4:30 p.m. and the employee travels for 8.0 hours during the hours of 10:30 p.m. to 6:30 a.m., the 8.0 hours of travel time is not compensable unless the employee actually worked during the travel time (e.g., if the employee was escorting a prisoner, writing a report, or preparing for court) because the travel time does not cut across the employee's normal work hours.

Further, if an employee is normally scheduled to work from 7:45 a.m. to 4:30 p.m. and the employee travels for 7.5 hours during the hours of 1:00 p.m. to 8:30 p.m., the 3.5 hours of travel time from 1:00 p.m. to 4:30 p.m. (which cuts across the employee's normal work hours) would be compensable, but the 4 hours of travel time from 4:30 p.m. to 8:30 p.m. (which does not cut across the employee's normal work hours) would not be compensable unless the employee actually worked during the travel time.

G.O. 202.10

WORKING BEYOND NORMAL WORKING HOURS

When an employee travels overnight, the employee shall not perform any work during hours that do not correspond to the normal work hours (*i.e.*, during travel time that would otherwise be non-compensable) without prior approval. For example, if an employee is normally scheduled to work from 7:45 a.m. to 4:30 p.m. and the employee travels during the hours of 10:30 p.m. to 6:30 a.m., the employee shall not perform work during the travel time unless he/she has received prior approval. If an employee performs work during his/her travel time, all time spent working shall be regarded as compensable work time and shall be subject to Article II.

All travel time hours that meet the terms of this policy shall be regarded as compensable work time and shall be subject to Article II.

(General Order 39)

T. Preparing for, or Participating in, a Training Course

Employees who are required to prepare for a training course shall do so during their normal work hours. Employees shall provide advance notice to their immediate supervisor or the supervisor on duty of their need for regular work time to prepare for a training course.

No employee shall participate in, or prepare for, a training course outside his/her normal work hours without first requesting and obtaining authorization to do so from his/her immediate supervisor or supervisor on duty.

All off-duty time spent participating in or preparing for a training course shall be regarded as compensable work time and shall be subject to Article II.

(G.O. 413.1: Training Function, PTR&D S.O.P. 103.2: Training Academy)

U. Assisting Motorists

Officers who provide assistance to motorists while off-duty shall contact Central Dispatch as soon as possible to request that a supervisor on duty with the District be notified of the assistance that is being provided to the motorist.

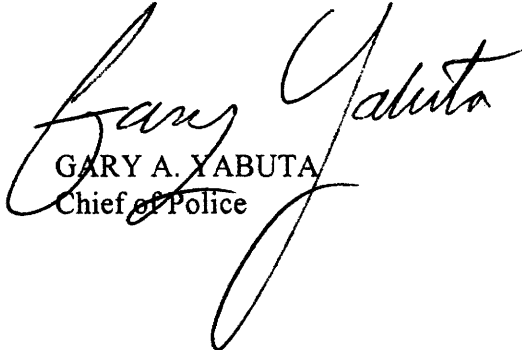
The on-duty District supervisor shall determine whether the off-duty officer shall remain and continue to provide assistance to the motorist or whether other on-duty officers will take over and provide the assistance. The officer who has been relieved from duty and has been instructed to leave the scene does not have any discretion to continue to provide assistance.

G.O. 202.10

WORKING BEYOND NORMAL WORKING HOURS

All time spent by an off-duty officer to provide assistance to a motorist shall be regarded as compensable work time and shall be subject to Article II.

(G.O. 103.1: General Rules of Conduct)



GARY A. YABUTA
Chief of Police