

ORDINANCE NO. _____

BILL NO. 42 (2018)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE
COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT
WITH THE HAWAII INTERISLAND BOMB SQUAD

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. The Hawaii Interisland Bomb Squad (HIBS) is a cooperative effort among the Counties to consolidate personnel and equipment to respond to all accidental explosions, bombings, found bombs, explosives and related materials and to remove and destroy such objects within Hawaii County, Maui County and Kauai County, so that each county has the ability to address such matters without having to maintain large bomb squads. A Memorandum of Understanding outlining operational guidelines of the HIBS and each county's duties and responsibilities is attached hereto as Exhibit "1".

Section 2.20.020, Maui County Code, provides that, unless authorized by ordinance, the Mayor shall not enter into any intergovernmental agreement or any amendment thereto which places a financial obligation upon the County or any department or agency thereof.

SECTION 2. Council Authorization. The Council hereby authorizes the Mayor, on behalf of the County of Maui, through the Chief of Police, to execute the HIBS Memorandum of Understanding, and all amendments thereto.

SECTION 3. Effective date. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



JERRIE L. SHEPPARD
Deputy Corporation Counsel
County of Maui
LF 2018-0007

HAWAII INTERISLAND BOMB SQUAD MEMORANDUM OF UNDERSTANDING

January 2018

CONTENTS	PAGE
Purpose and Policy	1
I. Operation Procedure – Functional Responsibility	1
II. Structure of the Hawaii Interisland Bomb Squad	1
III. Selection and Retention of Technicians	2
IV. Duties of Personnel	3
V. Training	5
VI. Response Procedures	7
VII. Operational Response Guidelines	7
VIII. Operational Procedures	8
IX. Public Training Requests	12
X. Additional Requirements	13
XI. Funding and Equipment Procurement	14
XII. Effective Date	14
XIII. Agency Signatures	14

EXHIBIT " 1 "

HAWAII INTERISLAND BOMB SQUAD MEMORANDUM OF UNDERSTANDING

January 2018

PURPOSE: This Memorandum of Understanding (MOU) establishes the written structure, responsibility and operational guidelines of the Hawaii Interisland Bomb Squad (HIBS).

POLICY: It shall be the policy of the Hawaii Police Department, Maui Police Department, and the Kauai Police Department (hereinafter collectively referred to as "the agencies" or individually referred to as "each agency") to activate HIBS for all explosive materials, incendiary devices, improvised devices, military or civilian ordnance, and related matters as described herein.

I. OPERATION PROCEDURE: FUNCTIONAL RESPONSIBILITY

The HIBS shall respond to all accidental explosions, bombings, found bombs, explosives, and related materials within the counties of Hawaii County, Maui County and Kauai County.

A. This duty shall include rendering safe all explosive devices or suspected explosive devices, and searching the scene for additional devices or explosives; conducting investigations and the searches of post-blast scenes for evidence; and reconstructing the device from components found. The latter will be in conjunction with the responsible agency, when requested.

B. The HIBS is responsible for handling all explosives found within their respective County. The term "explosives" as used in this MOU includes but is not limited to, nitroglycerine, dynamite, blasting caps, military explosives, Molotov Cocktails, or other homemade explosives and any other material listed under all applicable Fire Codes and the Hawaii Revised Statutes.

C. The HIBS is responsible for removal of found/recovered bomb or explosive material to a safe storage or disposal area, and destruction of those explosives.

II. STRUCTURE OF THE HAWAII INTERISLAND BOMB SQUAD

A. The HIBS may be composed of personnel from the agencies (Hawaii Police Department, Maui Police Department, and the Kauai Police Department.) Each agency intends to maintain at least two qualified Bomb Technicians and all qualified Bomb Technicians (hereinafter

“Technicians”) shall be assigned to serve the HIBS. Other entities may join the HIBS upon written agreement of the agencies involved. Personnel assigned to the HIBS shall meet the selection criteria outlined in Section III of this MOU.

- B. Hawaii Police Department will be the lead agency. Hawaii Police Department shall hold the official FBI Bomb Squad Identifier which is Bomb Squad 1830. Hawaii Police Department shall maintain this MOU and coordinate updates from all agencies as needed.
- C. The HIBS Commander will be a qualified Technician assigned to the Hawaii Police Department, as designated by the Hawaii Police Department Chief, and shall hold the rank of Police sergeant or above. The HIBS Commander may be replaced if the HIBS agency Chiefs deem it necessary. (Note, the HIBS Commander’s length of “term” is undetermined; normal replacement is intended to be another supervisor once promoted.)
- D. Each agency shall designate a Tactical Commander who shall oversee their agency’s HIBS Technicians and assign Technicians to callouts. The Tactical Commander shall not be one of the two mandatory Technicians for the agency. The Tactical Commander will coordinate with the HIBS Commander for HIBS assignments.
- E. Each agency shall designate a Liaison from their HIBS Technicians or their Tactical Commander. The Liaison will meet with the HIBS Commander on a regular basis, dates to be determined.
- F. Each agency may train Assistant Bomb Technicians to assist HIBS Technicians during operations to the extent permitted by the FBI. These assistants will be trained “in house” by certified HIBS Technicians.

III. SELECTION AND RETENTION OF TECHNICIANS

A. Selection of Technicians

Once selected, all HIBS candidates will attend the Hazardous Devices School (HDS) at Redstone Arsenal in Huntsville, Alabama and complete a Hazmat course recognized by the HDS. Nomination of candidates are made to the FBI Bomb Data Center and the following selection criteria will be followed:

1. Be a willing volunteer, willing to engage in basic bomb Technician training.
2. Possess five (5) years of experience in their department.

3. Possess five (5) years retainability in their department.
4. Meet FBI Bomb Data Center application requirements, i.e., physical examination, credit check, arrest check, etc.
5. Possess manual dexterity.
6. Be physically able to operate in confined spaces while utilizing heavy personal safety equipment.
7. Each agency is responsible for selecting and maintaining the required amount of Technicians set forth in this MOU.

B. Certification Retention

1. Each HIBS Technician must comply with the minimum training, physical, and operational requirements of the HDS to maintain active duty status. Failure to comply with minimum requirements could result in suspension from operational status and may result in removal from bomb disposal work altogether.
2. A HIBS Technician's failure to comply with these minimum requirements and inability to remedy deficiencies will result in the Technician being placed on probation by the HIBS Commander.

IV. DUTIES OF PERSONNEL

A. HIBS Commander (or designee)

1. Coordinate squad activities, planning and training.
2. Maintain liaison with military Explosive Ordnance Disposal (EOD) units, federal agencies, state agencies and other public safety agencies.
3. Keep the Chiefs of Police informed of all incidents or activities that affect the HIBS.
4. Prepare an annual budget request for submission to the associated agencies for consideration.
5. Will request expenditures of budgetary funds.
6. Maintain all HIBS records and a current inventory of all equipment and explosive materials.

7. Arrange through appropriate agency liaison for the repair or replacement or inoperable or irreparable equipment.
8. Send all FBI Bomb Data reports to the Bomb Data Center (BDC).
9. Assist in the selection of new HIBS Technicians.
10. Will be responsible for writing and maintaining all related grants and coordinating revisions or updates to this MOU.

B. HIBS Technicians

1. Prepare and participate in training programs for HIBS personnel.
2. Be responsible for storage, maintenance, and inventories of their department's HIBS equipment and explosives. (The term "explosives" as used in this section includes explosives for training and evidence disposal, or as defined on page 1 of this MOU.)
3. Be responsible for maintenance of necessary records and filing of reports for designated Technicians or agencies.
4. Coordinate HIBS's activities at the scene of a bombing, accidental explosion, or related incident and submit an investigation report to the concerned criminal investigation agency.
5. Respond to all calls of found explosives, suspected bombs, bombings, accidental explosions, or related incidents when so notified by the dispatch center.
6. Follow all procedures for the handling of incidents as described in this MOU.
7. Remove, transport, or destroy when necessary, all found explosives, fireworks and related items.
8. At all times, follow the mandate that the protection of human life will dictate the disposal procedure to be followed.
9. Provide dignitary protection as related to explosive ordnance disposal.
10. Suspected bomb, hazardous devices, or explosives that appear to be in poor condition, shall not be handled until the arrival of the transport unit and a second HIBS Technician (before attempting rendering safe procedures and/or removal.)

11. Submit a complete Bomb Arson Tracking System (BATS) report of the incident. Reports shall be made promptly and are the responsibility of the HIBS Technicians on scene.
12. Maintain all issued keys in a secure manner.
13. Participate in all HIBS or bomb squad training as required and maintain personal expertise through individual initiative.
14. Perform such other duties or assignments as designated by their respective agency Chief of Police.

V. TRAINING

Because of the high level of expertise required of the HIBS Technician, the following training policy is established.

A. Basic Training

1. All HIBS Technicians must attend the basic HDS and a HDS recognized Hazardous Material Technician Training School within 24 months of appointment to the HIBS.
2. No HIBS Technician is authorized to handle any explosive prior to successful completion of basic HDS, except under the direct supervision of a certified HIBS Technician.

B. HDS Re-Certification course

The FBI requires that all Technicians attend a re-certification course within a three-year period. This will be arranged by the individual HIBS Technician through the Technician's Tactical Commander or designated HIBS Liaison. No changes to the scheduling of the re-certification will be made within four months of the course date except in exigent circumstances.

C. Training Sessions

1. Training sessions will be held monthly, minimum of four days per month, and shall include, range, classroom, practical's, etc. Additional training sessions may be held. Joint training sessions may be conducted or held with other bomb squads or military EOD units.
2. All training dates will be shown on each County Police Department's monthly training schedule. A separate training schedule will be

distributed to all HIBS Technicians. This schedule will show the dates, times, and subjects to be covered. (Note, all schedules subject to change based on needs.)

3. It is imperative that each HIBS Technician attend every scheduled training session. The following attendance rules will be strictly enforced:
 - a. All Technicians will be required to attend ALL scheduled trainings unless excused by the HIBS Commander. (Exceptions: Approved leaves or viable staffing requirements.)
 - b. Any Technician who misses two or more of the scheduled training sessions within a calendar year due to unexcused absences may be recommended for temporary suspension or removed permanently from the HIBS. Notice of suspension or removal will be in writing from the HIBS Commander to the proper agency head.
 - c. If a Technician misses a scheduled training session due to an agency-related emergency, the Technician's Liaison, or designee, will so notify the HIBS Commander. Normal duty assignments, except in exigent departmental staffing circumstances, are not valid excuses for missing a training session.
4. A copy of the monthly training records shall be maintained by the HIBS Commander or his/her designee.

D. Training Schools or Conferences.

1. In addition to the monthly training sessions, each HIBS Technician must attend a minimum of 40 hours of training per calendar year. This training may include the International or Regional meetings of the International Association of Bomb Technicians and Investigators (IABTI) or other training that would benefit a bomb Technician. (This training requirement does not include department in-service training as stated in the National Guideline for Bomb Technicians.)
2. All requests for training schools, meetings or training conferences will be submitted through proper department channels for approval. If an HIBS Technician has not had sufficient training as outlined in this MOU, it is the duty of that Technician to advise the HIBS Commander as to the reason why. The HIBS Commander will then take the appropriate action to remedy the situation.
3. Any HIBS Technician attending a school or training conference will be required to instruct the remainder of the Technicians on the training

or information received. This training shall be coordinated through the HIBS Commander.

VI. RESPONSE PROCEDURES

- A. Upon receipt of a request for the HIBS, dispatch will notify the agency's Tactical Commander who will assign HIBS Technicians to the incident.
- B. All responses made will be made with not less than the minimum personnel and equipment as set forth in the National Guidelines for Bomb Technicians and may come from anywhere within the HIBS.
- C. If it is determined that because of vacations, sickness, training, or other reasons, a Technician cannot cover his/her on call assignment, said Technician shall notify their Tactical Commander who will coordinate with the HIBS Commander to fill the on-call position.
- D. The agency's Tactical Commander, or designee, is responsible for contacting the HIBS Commander to coordinate a response from another agency.

VII. OPERATIONAL RESPONSE GUIDELINES

- A. The bomb threat response is the most dramatic and dangerous sequence of events wherein all the standards of acceptable professional practice are brought into focus to solve a serious public safety hazard. When a suspicious item is found and the HIBS responds, the initial course of action should be:
 - 1. Overview of scene, collect/confirm all information.
 - 2. Confirm evacuation perimeter distances.
 - 3. Develop plan for situation.
- B. The situation analysis should immediately determine whether it is life threatening, requiring immediate action, or is a non-life threatening situation.

LIFE THREATENING SITUATION: A clear and present threat to life, including the bomb Technicians. Response:

- 1. Analyze device and situation to determine threat level.
- 2. Take action necessary to reduce threat level.

3. When the life threat is sufficiently mitigated, institute non-life threatening procedures.

NON-LIFE THREATENING SITUATION: A threat only to property where no lives are at risk. Response:

1. Utilize essential safety equipment unless physically impossible due to environment, or deemed not necessary by the responding Technicians.
2. Analyze suspect item and environment.
3. Employ remote procedures and techniques. Throughout the decision-making process the following considerations, listed in order of priority, are paramount:
 - a. Public safety.
 - b. Safety of the officers on the scene (including the HIBS Technician).
 - c. Protection and preservation of public and private property.
 - d. Collection and preservation of evidence.
 - e. Convenience to the public/restoration of services.

VIII. OPERATIONAL PROCEDURES

A. General On-Scene

1. The first HIBS Technician on the scene shall be in charge of the RENDER SAFE AND DISPOSAL portion of the incident.
2. Upon arrival, the responding HIBS Technician shall contact the law enforcement officer on the scene, if any, and obtain as much information as possible about the incident before approaching the suspect object.
3. The initial HIBS Technician shall determine the safest and most effective approach and evaluation of the suspected device. The initial approach shall be limited to the initial Technician unless circumstances warrant approach by two Technicians as determined on scene.

4. The HIBS Technician will then confirm that the safety perimeter established is correct. If the safety perimeter is unsafe, it will be adjusted as needed.
5. The safety of the public and HIBS Technicians shall have priority in determining if any action should be taken. If evacuation of an area is determined, it shall be assumed that a bomb or explosive may cause damage to property, serious bodily injury, or death. Barricades or Caution Tape may be used to identify the perimeter, and the area within the perimeter should remain clear of all personnel except HIBS Technicians.
6. Under no circumstances shall any HIBS Technician or any other assisting bomb squad attempt to handle, disarm or move a suspected bomb or explosive unit until certain that all safety precautions have been taken.

B. Improvised Explosive Device Procedures

The following steps are intended as a suggested guide only and may vary with each individual situation. It is not the intent of this procedural guide to dictate the exact steps to be utilized in rendering safe an improvised explosive device. Procedures must be adapted to the situation. Always advise everyone to maintain radio silence and no cellular telephone traffic within 1000 feet. (Note: this includes pagers.)

1. If an explosion has occurred, be alert to the possibility of multiple devices at all times.
2. Advise dispatch if assistance or Fire Department standby is needed. If at all possible, await that assistance before initiating render safe procedures. If Fire Department standby is requested, advise dispatch as to the best location for such responding units.
3. Set up and check all necessary equipment before approaching the suspected object(s).
4. Use "one Technician approach", examine without touching, and photograph with a scale of size.
5. After evaluation of all available information, the decision will be made to either render the device safe at the scene, or to remove the device to a safe disposal area. The final decision will be made by the first HIBS Technician on scene after consultation with other HIBS Technicians, and/or the Police supervisor on scene.

6. If the decision is made to conduct a "render safe procedure" on site, or anywhere except an approved disposal area, the HIBS Technician will notify the dispatch center as an informational advisory due to calls regarding the loud explosion/noise.
7. Advise the Police supervisor on scene of the intended course of action.
8. If the device is to be removed for disposal at the request of the on scene HIBS Technician, two marked police vehicles will be utilized as escorts for safety of all concerned. One of the police vehicles will be in position 300 feet in front of the transport vehicle and the second in position 300 feet to the rear.
9. The on scene HIBS Technician shall determine the safest route to the disposal area, taking into consideration populated areas, schools, hospitals and traffic conditions. The Police supervisor on scene along with the dispatch center shall be notified of the planned route.
10. The police vehicle will then proceed to the disposal area using emergency lights, driving in a safe and prudent manner, and maintaining radio silence within 100 feet.
11. Upon arrival at the disposal site, the escorting police units will be utilized for perimeter control or may be dismissed from the operation.
12. The device will be removed from the trailer and disposed of, or rendered safe as the situation may dictate.
13. A Paramedic unit, as well as the Fire Department, will be requested to be on scene until the device is rendered safe, unless otherwise deemed necessary by the HIBS Technician on scene.
14. The dispatch center will be notified when the operation is completed.

C. Commercial Explosive Procedure

The following steps are intended as a guide only and may vary with each individual situation.

1. Use the "one Technician approach" and photograph items with a scale of size.
2. Examine each item completely. Obtain description of possible type of explosive. Measure size, color, approximate weight, labels, batch number, manufacturer and count number of each item.

- a. Blasting caps: Describe length and diameter, crimps on side if electric, length and color of wires and type of shunt, information from tags or labels.
 - b. Unshunted caps should be shunted before transporting.
3. After it has been determined that the item may be safely moved, the explosives will be placed in a suitable container for transportation to the designated disposal area.
4. At no time will the equivalent of more than thirty sticks of dynamite be transported in the transport trailer at once, except in an emergency situation and agreed upon by the HIBS Technicians on scene. If no agreement can be reached, the HIBS Commander will decide.
 - a. If larger quantities of explosives are discovered, the area will be secured and the necessary number of trips made to safely remove the explosives, or a larger vehicle (i.e. a 2.5 ton, 6x6 cargo truck filled halfway with sand) will be obtained for transport.
5. Small amounts of stable commercial explosives may be transported in the transport trailer without escort, however, any sizeable quantity of explosives will require the same escort as required in the transport of improvised explosive devices (as described in Section VIII, Subsection B, numbers 8 through 13).
6. The dispatch center will be notified when the operation is completed.

D. Military Ordnance Procedure

HIBS will respond to the scene of found or recovered military ordnance or explosives in the same manner as previously described for improvised explosive devices and commercial explosives. The following steps are intended as a suggested guide only and may vary with each individual situation.

1. If the ordnance is believed safe to move, it will be transported to an explosive magazine and stored until final disposition.
2. If there are any questions or doubts of being able to safely move the item, the area will be secured and the item left in place, pending the arrival of the Military E.O.D. unit. Once on scene, HIBS will work in conjunction with the military team until the mission is completed.
3. The Dispatch Center will be notified when the operation is completed.

E. Explosive Control

1. All members of HIBS are required to handle explosive and incendiary materials at various times while engaged in incidents involving the squad. It is the intent of HIBS Technicians to maintain secure documented control over all explosive and incendiary materials that fall within the scope of the HIBS functional responsibility.
2. Without exception, all call-outs shall immediately be entered in the BATS System in a complete and timely manner by the HIBS Technician handling the incident.
3. Under no circumstances shall any HIBS Technician maintain custody of any explosive or incendiary item, for transportation or storage, in a vehicle, for any extended period of time. (All members have "Day Boxes" for both explosives and caps, and which are for temporary storage only.) All recovered items must be placed into the explosive bunkers or taken for disposal as soon as possible.

F. Evacuation Procedures

Evacuation shall be the responsibility of the Police supervisor on scene. HIBS Technicians on scene will assist in recommending safe evacuation distances utilizing the potential size and location of the device.

G. Search Procedures

1. Searches shall be the responsibility of the agency in charge of the threat location. If unusual circumstances exist, the HIBS may provide a search of the threat location.
2. Aircraft. Because of the possibility of large loss of life, plus the technical nature of aircraft searches, HIBS Technicians will assist in aircraft searches upon request. Upon completion of the search, HIBS Technicians will advise the aircraft Captain and/or airline representative of the search outcome. HIBS Technicians shall not make a determination that 'there is no device on the aircraft'; HIBS Technicians may only determine that 'a negative search was conducted.' The determination that the aircraft is clear and operational shall be the responsibility of the aircraft Captain and/or airline representative.

IX. PUBLIC TRAINING REQUESTS

Due to the critical and often confidential nature of the functions performed by HIBS, all requests for public training will be submitted to the HIBS

Commander for approval or denial. All presentation material will be on a “need to know” basis, relative to the group being addressed. In all situations, priority of the assignment will be given to public safety groups.

X. ADDITIONAL REQUIREMENTS

A. Keys

1. All HIBS Technicians are required to have all appropriate issued keys in their possession when on duty or on call. The loss of a key shall be reported immediately to the HIBS Commander.

B. Equipment

1. All HIBS Technicians are required to be fully trained and familiar with all assigned equipment.
2. All HIBS Technicians are required to maintain their bomb duty uniforms in good order. The bomb duty uniform shall be worn whenever the Technician is called out, or during monthly training meetings, unless exigent circumstances exist.
 - a. HIBS bomb duty uniforms will be of like color, style and material to be determined by HIBS Commander with the approval of agencies involved.
3. All HIBS Technicians are required to operate equipment according to procedures and maintain equipment in working order or report to the HIBS Commander equipment that is inoperable or irreparable.

C. Equipment Maintenance/Storage

In the event that any HIBS equipment is placed into a repair status, all explosives will be removed from the equipment prior to the service being performed. The explosives will be stored in explosive bunkers until the equipment is placed back into service status, at which time the equipment will be reloaded.

D. Light or Limited Duty

Any HIBS Technician placed on “light or limited duty status” by his/her agency will be temporarily suspended from “on call” status with the HIBS until such time as released by a physician.

XI. FUNDING AND EQUIPMENT PROCUREMENT

Funding for training and equipment will be the individual agency's responsibility. It is understood that each individual agency must acquire the same equipment utilized by the other Technicians of the HIBS in order to maintain interoperability.

XII. EFFECTIVE DATE

This agreement supersedes and voids all previous agreements and departmental policies written and verbal pertaining to the HIBS, or any bomb disposal function. This agreement will take effect when the agencies agree and sign this MOU.

XIII. AGENCY SIGNATURES (may be signed in counterparts)

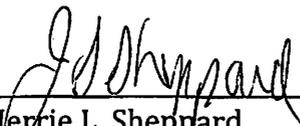
Tivoli S. Faaumu, Chief, Maui County Police Department

Paul Ferreira, Chief, Hawaii County Police Department

Darryl Perry, Chief, Kauai County Police Department

Approved as to Form and Legality:

Approved as to Form and Legality:



Jerrie L. Sheppard
Deputy Corporation Counsel
County of Maui (LF 2018-0007)

Deputy Corporation Counsel
County of Hawaii

Approved as to Form and Legality:

Deputy Corporation Counsel
County of Kauai

DIGEST

ORDINANCE NO. _____
BILL NO. 42 (2018)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE
COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT
WITH THE HAWAII INTERISLAND BOMB SQUAD

This bill proposes to authorize the Mayor of the County of Maui to enter into an intergovernmental agreement with the Hawaii Interisland Bomb Squad.

I, DENNIS A. MATEO, County Clerk of the County of Maui, State of Hawaii, DO HEREBY CERTIFY that the foregoing BILL NO. 42 (2018) was passed on First Reading by the Council of the County of Maui, State of Hawaii, on the 6th day of April, 2018, by the following vote:

AYES: Councilmembers Alika Atay, Eleanora Cochran, S. Stacy Crivello, G. Riki Hokama, Yuki Lei K. Sugimura, Vice-Chair Robert Carroll, and Chair Michael B. White.

NOES: None.

EXCUSED: Councilmembers Donald S. Guzman and Kelly T. King.

DATED at Wailuku, Maui, Hawaii, this 9th of April, 2018.



DENNIS A. MATEO COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk, County of Maui, for use and examination by the public.