



POLICE COMMISSION

LAURIE YOSHIDA, CHAIR
HOWARD LESLIE, VICE CHAIR

MONICA BELZ, MEMBER
JOHN CALMA, MEMBER
MARY K. HERTOGE, MEMBER
WALTON HONG, MEMBER
LISA KNUTSON, MEMBER

Meetings of the Police Commission will be conducted as follows:

- Meetings will be publicly noticed pursuant to HRS Chapter 92, Hawai'i Revised Statutes (HRS).
- Minutes of meetings will be completed pursuant to HRS Chapter 92 and posted to the Police Commission's website.

Public Comments and Testimony:

- **Written testimony** will be accepted for any agenda item herein.
 - Written testimony indicating your 1) name, and if applicable, your position/title and organization you are representing, 2) the agenda item that you are providing comment on, and 3) contact information (telephone number and email address), may be submitted to mromo@kauai.gov or mailed to the Police Commission, c/o Office of Boards and Commission, 4444 Rice Street, Suite 300, Lihue, Hawaii 96766.
 - Written testimony received by the Police Commission at least 48 hours prior to the meeting will be distributed and available as part of the Commission's packet and that written testimony submitted thereafter will be distributed at the meeting.
 - Any written testimony received after this time and up to the start of the meeting will be summarized by the Clerk of the Commission during the meeting and will be provided to the members and added to the record thereafter.
 - Any written testimony received during the meeting and prior to the decision making on the corresponding agenda item will be distributed to the members before such decision making.
- **Oral testimony** will be accepted for any agenda item herein.
 - It is recommended that anyone interested in providing oral testimony register at least 24 hours prior to the meeting by emailing mromo@kauai.gov or calling (808) 241-4920. Any request to register may include your 1) name, and if applicable, your position/title and organization you are representing, and 2) the agenda item you are providing comment on, and 3) contact information (telephone number and email address).
 - Per the Police Commission's Oral Testimony Policy there is a three-minute time limit per testifier for each agenda item.
 - Individuals who have not registered to provide testimony will be given an opportunity to speak on an agenda item following the registered speakers.

SPECIAL ASSISTANCE

If you need an auxiliary aid/service or other accommodation due to a disability, or an interpreter for non-English speaking persons, contact Anela Davis at (808) 241-4917 or adavis@kauai.gov as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

REGULAR MONTHLY POLICE COMMISSION MEETING NOTICE AND AGENDA

Friday, January 26, 2024
9:00 a.m. or shortly thereafter
4444 Rice Street, Moikeha Conference Room 2A/2B
Līhu'e, Hawai'i 96766

Oath of Office for Mary K. Hertog and Walton Hong 1st Term ending 12/31/2026

MEETING CALLED TO ORDER

ROLL CALL TO ASCERTAIN QUORUM

APPROVAL OF AGENDA

CHAIR'S ANNOUNCEMENTS

- Next Regular Monthly Meeting 9:00 a.m. Friday, February 23, 2024
Executive Session to follow. Subject to change.

PUBLIC TESTIMONY ON ANY AGENDA ITEMS

Oral testimony will be taken at any time during the meeting

KAUAI POLICE DEPARTMENT EMPLOYEE OF THE MONTH

- No nominations

APPROVAL OF OPEN SESSION MINUTES

December 15, 2023, Meeting

CHIEF'S MONTHLY REPORTS FOR DECEMBER 2023

- ♦ Administrative & Technical Bureau – Updates on the budget, staffing, overtime, recruitment, registered firearms, license to carry permit applications, bench warrants, legal services, community engagements (school resource officers), and trainings.
- ♦ Investigative Services Bureau - General Crimes Section, Special Focus Section, Crime Scene and Laboratory Section and Vice Section
- ♦ Patrol Bureau Reports on OVUII, unattended death (s), reckless endangering, terroristic threatening 1st, robbery, community activities, trainings, traffic enforcement summary, arrest summary, and calls for service and incident summary
- ♦ Chief's Office:
 - Discussion regarding KPD's policy on vehicular pursuit per Commissioner Hertog's request

COMMUNICATION

Communication from Victoria Korda to the Kauai Police Commission c/o Office of Boards and Commissions 4444 Rice Street, Suite 300, Līhu'e, Kauai 96766.

BUSINESS

KPC 2024-1:

Discussion and decision-making on the Permitted Interaction Group recommendations on Rule 11 of the Kauai Police Commission Rules and Administrative Practice.

KPC 2024-2:

Public announcement for Formal Notarized Complaint KPC 2023-012.

EXECUTIVE SESSION CLOSED TO PUBLIC

Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (2) and (4). The purpose of this executive session is for the Commission to review and discuss charges brought against an officer in the Kauai Police Department, where consideration of matters affecting privacy will be involved, provided that if the individual requests an open meeting, an open meeting shall be held; and to consult with its Attorney on issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities as they may relate these items:

ES KPC 2024-1:

Regular Monthly update by Police Chief Todd Raybuck or his designated representative Related to the Office of Professional Standards Monthly Report on the status and/or disposition of formal notarized citizen complaints that were filed with the Kauai Police Department and filed with the Kauai Police Commission and referred to the Office of the Chief for disposition and/or report back to the Police Commission.

- a) Discussion and decision-making on Formal Notarized Citizen Complaint KPC 2023-010, alleging that two Officers in the Kauai Police Department neglected their duties by ignoring a crime, not enforcing the law and discrimination. The complaint was referred to the Office of the Chief to investigate and to report the findings to the Commission for disposition.
- b) Discussion and decision-making on Formal Notarized Citizen Complaint KPC 2023-011, alleging police misconduct by two officers in the Kauai Police Department for failing to take proper care to perform their duties, were rude, hostile, overbearing, and were discourteous at times by the tone of their voice. The complaint was referred to the Office of the Chief to investigate and report the findings to the Commission for disposition.

ES KPC 2024-2:

Discussion and decision-making on new Formal Notarized Citizen Complaint KPC 2024-001, filed on January 3, 2024. The complaint alleges conduct unbecoming of two on-duty officers in the Kauai Police Department for failing to serve and protect minors, attempted to coerce one of the minor's, failed to follow proper protocols and exhibited unprofessionalism.

ES KPC 2024-3:

Regular Monthly update by Police Chief Todd Raybuck or his designated representative on any significant adverse incidents/events involving personnel in the Kauai Police Department that could potentially impact the County, the Police Commission, and the Kauai Police Department.

ES KPC 2024-4:

Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (4), the purpose of this executive session is for the Commission to consult with its Attorney concerning the Commission's powers, duties, immunities, privileges, and liabilities as they may relate to the Kauai County Police Commission Administrative Rules of Practice and Procedure Rule 11.

ES KPC 2024-5:

Pursuant to Hawai'i Revised Statutes §92-4 §92-5 (a) (4), §92-9 (a) (1-4) and (b), the purpose of this executive session is for the Commission to approve or amend the regular executive session minutes of December 15, 2023, meeting. Where consideration of matters affecting privacy will be involved and to consult with its Attorney on issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities as they may relate to this item.

RETURN TO OPEN SESSION

OPEN SESSION RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION

- Executive Session Report by Deputy County Attorney Cameron Takamura in accordance with Act 19 disclosures.

EXECUTIVE SESSION: Pursuant to Haw. Rev. Stat. ("H.R.S.") §92-7(a), the Commission may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to H.R.S. §92-4 and shall be limited to those items described in H.R.S. §92-5(a).

ADJOURNMENT

cc: Deputy County Attorney Cameron Takamura
Chief of Police Todd G. Raybuck

OPEN SESSION MEETING MINUTES

Board/Commission	Kauai Police Commission	Meeting Date	December 15, 2023
Location	Moikeha Building, Meeting Room 2A/2B 4444 Rice Street, Līhu'e, Kauai, Hawai'i 96766	Start of Meeting: 9:02 a.m.	End of Meeting: 11:05 a.m.
Present	Vice Chair Laurie Yoshida; Commissioners: Monica Belz, John Calma, Lisa Knutson, and Howard Leslie. Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Ellen Ching; Office of the County Attorney: Deputy County Attorney Cameron Takemura; Invited guest Deputy County Attorney Chris Donahoe. Kauai Police Department: Chief of Police Todd Raybuck;		
Excused	Chair Mary K. Hertog and Commissioner Walton Hong		
Testifier	Ms. Stephanie Kaluahine Reid, Assistant to Councilmember Felcia Cowden.		

SUBJECT	DISCUSSION	ACTION
Meeting Called To Order/Roll Call to Ascertain Quorum	At 9:02 a.m., Vice Chair Yoshida called the meeting to order. A roll call ensued. A quorum of five (5) Commissioners were ascertained to conduct business.	
Approval of Agenda	Vice Chair Yoshida called for a motion to approve the Police Commission's December 15, 2023, Meeting Notice and Agenda. Vice-Chair Yoshida asked if there was anyone from the audience who wished to testify on the item. Being there were no public testimony, she called for the vote.	A motion was made by Commissioner Belz to approve the Police Commission's December 15, 2023, Meeting Notice and Agenda. Commissioner Calma seconded the motion. Hearing no objections, the agenda was approved as presented.
Chair's Announcements	Vice Chair Yoshida announced that the next regular monthly meeting will be held on Friday, January 26, 2024, at 9:00 a.m., in the Moikeha Meeting Room 2A/2B. Executive Session to follow.	

SUBJECT	DISCUSSION	ACTION
Public Testimony on any of the agenda items	Vice Chair Yoshida asked if there was anyone in the audience who wished to give testimony on any of the agenda items, if not, she noted that she would take public testimony when a particular agenda item comes up.	
Kauai Police Department Employee of the Month for December 2023	<p>Vice-Chair Yoshida called on Police Chief Todd Raybuck to address the Kauai Police Department Employee of the Month for December 2023.</p> <p>Police Chief Raybuck thanked the Commissioners for joining the Kauai Police Department in recognizing Officer Christian Kaui. He then apologized for not being able to present Officer Kaui with a lei and certificate of exemplary service being that his secretary was on vacation, nonetheless, he would make it a point to present Officer Kaui with a lei and certificate. He then called on Police Captain Roderick Green to read the Commendation Report.</p> <p>Police Captain Roderick Green stated his name for the record and then introduced Officer Christian Kaui to the Commissioners.</p> <p>On November 21, 2023, a victim reported that his rental vehicle was stolen from the Anahola Beach Park. At the time of the initial call to KPD dispatch, the victim could not provide the dispatcher with the vehicle's license plate number, but he was able to describe the vehicle and conveyed that his stolen vehicle was rented from the Sixth Rental Company.</p> <p>While responding to the call, Officer Kaui observed a vehicle and the license plate driving towards him. He confirmed with dispatch that the vehicle he just saw the stolen rental car. In addition, Officer Kaui was able to identify the operator of the vehicle as a subject known to be armed and dangerous and wanted in separate robbery incidents.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Upon identifying the driver, Officer Kauai made a U-turn and observed the driver starting to drive erratically in the vicinity of Kapa'a High School. Concerned about pedestrian safety, Officer Kauai chose not to conduct a traffic stop and instead observed the suspect's vehicle continue towards Kawaihau Road. Being vigilant, Officer Kauai checked various areas in the Kapa'a area and later observed the suspect's vehicle at the Kapa'a low-income housing area with the suspect sitting in the driver's seat.</p> <p>Officer Kauai activated his emergency blue lights and attempted to have the suspect pullover; however, the suspect continued to drive towards Officer Kauai's direction. Concerned about his safety, Officer Kauai exited his patrol vehicle and pulled out his Department issued service weapon and gave the suspect loud verbal commands to stop the vehicle and to step out of the vehicle. The suspect complied and Officer Kauai immediately gain control of the suspect and place him into custody. Upon searching the vehicle, numerous items belonging to the victim were recovered. Based on Officer Kauai's investigation, the suspect was arrested for UCPV, two counts of theft of credit card, and reckless endangerment 1st. The suspect was later arrested on a separate robbery investigation. Officer Kauai was able to return all of the stolen items to the victim.</p> <p>According to Police Captain Green, being humble is just one aspect of Officer Kauai's great qualities, he also is an excellent field training officer and has great writing skills combined with his experience he has proven to be one of the most valuable members of the Kauai Police Department.</p> <p>When asked by Vice Chair Yoshida if he wanted to say a few words, Officer Kauai humbly declined.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>At this point, each Commissioner took turns expressing their appreciation for Officer Kauai's great self-initiated work that took a dangerous suspect off the streets.</p> <p>Chief Raybuck proudly stated that during his time with the Kauai Police Department, he has watched Officer Kauai grow. He is always looking to see how he can improve himself so he can do his job better. He knows the people in his district and he knows the ones who are doing bad things and is always paying attention to what's happening in his district. In this particular incident, Chief Raybuck stated that because of Officer Kauai's keen sense he recognized the danger and had the maturity and wisdom to know that it would have been more dangerous to attempt a vehicular pursuit to apprehend the suspect, then it was to have the suspect find an area to park the car. The incident could have gone in a whole another direction with bad consequences had Officer Kauai not have the discernment and wisdom not to do a vehicular pursuit.</p> <p>Vice-Chair Yoshida thanked everyone for their comments, then asked if there was anyone from the audience who wished to testify or speak on the agenda item.</p> <p><u>TESTIMONY</u></p> <p>Ms. Stephanie Kaluahine Reid, assistant to Councilmember and Public Safety Committee Chair Felcia Cowden introduced herself to the Commissioners. She stated that she's here today, on behalf of Councilmember Cowden who unfortunately was unable to attend the meeting. She commended Officer Kauai for the great work he is doing. She also thanked the entire Kauai Police Department for keeping the community of Kauai safe.</p>	

KPC Open Session Minutes
Of December 15, 2023, Meeting

Page 5

SUBJECT	DISCUSSION	ACTION
	There being no further testimony or comments, Vice Chair Yoshida moved on to the approval of the minutes.	
Approval of Open Session Minutes of the November 17, 2023, Meeting	<p>Vice Chair Yoshida asked the Commissioner's if they had any corrections. Being there were no corrections, Vice-Chair Yoshida called for a motion to approve the minutes.</p> <p>Vice-Chair Yoshida asked if there was anyone from the audience who wished to testify on the item. Being there were no testimony, she called for the vote.</p> <ul style="list-style-type: none"> • Administrative & Technical Bureau • Investigative Services Bureau • Patrol Bureau Reports • Chief's Office <ul style="list-style-type: none"> • Community Outreach 	<p>A motion was made by Commissioner Knutson to approve the Regular Open Session Minutes of the November 17, 2023, meeting.</p> <p>Commissioner Belz seconded the motion.</p> <p>Hearing no objections, the minutes were approved as circulated.</p>
Chief's Monthly Reports for November 2023, pertinent updates, and announcements	<p>Chief Raybuck asked the Commissioners if they had any questions on any of the data reflected in the November 2023 Monthly Reports that were disseminated to the Commissioners in advance. Being that there were no questions from the Commissioners, Chief Raybuck gave highlights of events that occurred in November.</p> <ul style="list-style-type: none"> • In November 2023, they attended a labor management meeting to discuss 12-hour work shifts, unfortunately, they could not come to an agreement with the union. At this time, it is not an option. • Conducted mass roll call briefings with patrol officers and other members of the Kauai Police Department. The purpose of the mass roll call was to brief the employees on where KPD is at as an agency regarding the 12-hour shifts, some decisions that are coming up in the 	

SUBJECT	DISCUSSION	ACTION
	<p data-bbox="331 737 440 1654">near future that have to do with promotions, transfers, and staffing. He assured the Commissioners that his executive staff are working it and he is confident that they will work things out.</p> <p data-bbox="488 1245 516 1703"><u>Questions from the Commissioners</u></p> <p data-bbox="524 737 867 1703">In response to a question by Commissioner Leslie about compressed schedules, Chief Raybuck replied that they looked at other options but have not yet been able to identify different options at this time. As to the union's stance on the modified work shifts, Chief Raybuck replied that he was unclear as to what the union stance is, and for the past year part of the process was they did reach out to the officers to get their input. He noted that there was heavy resistance from the majority of the officers understandably because any type of shift change is significant and that the officers concerns were valid.</p> <p data-bbox="915 737 1143 1703">In response to Commissioner Leslie's question on where the Department is at with its promotions, Chief Raybuck replied that attrition of KPD's workforce due various reasons such as retirement, resignation or people transferring to another department is a cause for concern because it can lead to a loss of experienced employees and increased workload for the remaining employees.</p> <p data-bbox="1192 737 1419 1703">As such he had to move people around to supplement a much-needed unit due to a lack of manpower. It was to be a short-term fix because the hope was, they would move to 12-hour shifts which would have lessen the impact because of the difference in manpower that's needed. Although the 12-hour shift is off the table, Assistant Chief Kalani Ke is still committed to putting three people in that much-needed unit.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>As for promotions, they are trying to do promotions for lieutenants and sergeants. The union requested to have a labor management meeting because the Department made some changes to their policies and the union wanted to have a chance to address their concerns. But with the current staffing, they can only afford to promote one lieutenant and two (2) sergeants. Had they gone to 12-hour shifts, they would have been able to promote two (2) lieutenants and seven (7) sergeants.</p> <p>With no further questions from the Commissioners, Vice-Chair Yoshida asked if there was anyone from the audience who wished to testify on the item. There were no public testimony for this item.</p>	
<p>BUSINESS KPC 2023-47</p>	<p><u>Election of Chair and Vice-Chair for Calendar Year 2024.</u></p> <p>Vice Chair Yoshida opened the floor to nominations for Chair. Commissioner Leslie nominated Vice-Chair Yoshida.</p> <p>Vice Chair Yoshida opened the floor to nominations for Vice-Chair.</p> <p>Commissioner Calma motion to elect Commissioner Hong. Commissioner Knutson seconded the motion.</p> <p>Commissioner Belz motion to elect Commissioner Leslie. Commissioner Calma seconded the motion.</p>	<p>A motion was made by Commissioner Leslie to elect Vice-Chair Laurie Yoshida as Chair for Calendar Year 2024. Commissioner Belz seconded the motion. With no further nominations, the nominations were closed. By a vote of 5:0, Vice-Chair Yoshida was elected as Chair.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair Yoshida acknowledged both motions, but in consideration of Commissioner Hong's being absent and to be fair, Commissioner Calma withdrew his motion, followed by Commissioner Knutson withdrawing her second.</p> <p>With the withdrawal of the motion, Vice-Chair Yoshida once again opened the floor to nominations for Vice Chair.</p> <p>Vice-Chair Yoshida asked if there was anyone from the audience who wished to testify on the item. There were no testimony.</p> <p>Before moving on to item KPC 2023-48, Deputy County Attorney Takamura informed the Commissioners that Deputy County Attorney Chris Donahoe was running a little late therefore, he would like to request Vice Chair Yoshida call for a motion to move item KPC 2023-48 to the end of the agenda. Vice Chair Yoshida acknowledged Deputy County Attorney Takamura's request and called for a motion.</p>	<p>A motion was made by Commissioner Belz to elect Commissioner Howard Leslie as Vice-Chair for Calendar Year 2024. Commissioner Calma seconded the motion. With no further nominations, the nominations were closed. By a vote of 5:0, Commissioner Leslie was elected as Vice-Chair.</p> <p>A motion was made by Commissioner Knutson to move agenda item KPC 2023-48 to the end of the agenda. Commissioner Belz seconded the motion. Hearing no objections, motion carried 5:0.</p>
KPC 2023-49	<p>Email dated November 20, 2023, from Detective Bobby Thompson responding to the Police Commission's request to SHOPO to delay their survey to avoid any survey fatigue.</p> <p>Vice-Chair Yoshida explained that a previous meeting, Chair Hertog with the approval of the body sent a letter to SHOPO to ask them to delay their survey to avoid survey fatigue as a result of the Police Commission's Gallup survey. She further explained that the email from Officer Thompson is basically informing the Police Commission that SHOPO will be continuing with their survey as planned and they are not going to delay it.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Leslie stated that the way he read Officer Thompson's email was that SHOPO was going to continue with its planning and once SHOPO is ready to launch their survey they are going to contact the Police Commission to find out where the Commission is at with its planning, which to him sounds reasonable.</p> <p>Vice-Chair Yoshida thanked Commissioner Leslie for clarifying.</p> <p>Vice-Chair Yoshida asked if there was anyone from the audience who wished to testify on the item, if not, she is going to have Deputy County Attorney Takamura cite the Hawai'i Revised Statutes to take the meeting into executive session.</p> <p>Being there was no public testimony, Deputy County Attorney Takamura began to cite the Hawai'i Revised Statutes to take the meeting into Executive Session. He got up to Executive Session item ES KPC 2023-26, but stopped because at 9:32 a.m., Deputy County Attorney Chris Donahoe entered the room to address agenda item KPC 2023-48.</p> <p>Vice-Chair Yoshida noted that because Mr. Donahoe is now present, she is going to address item KPC 2023-48 before the Commission goes into executive session.</p>	
<p>KPC 2023-48</p>	<p><u>Presentation by the Permitted Interaction Group ("PIG") on its recommendations for Rule 11 of the Kauai Police Commission Rules and Administrative Practice.</u></p> <p>Vice-Chair Yoshida welcomed Deputy County Attorney Chris Donahoe to the meeting. She explained to the Commissioners that Chair Hertog asked Mr. Donahoe if he could present the recommendations on behalf of the PIG, being that he was instrumental in drafting the appropriate language</p>	

SUBJECT	DISCUSSION	ACTION
	<p>for Rule 11.</p> <p>Deputy County Attorney Donahoe acknowledged the Commissioners. He explained that here today to present the PLG's recommendations on Rule 11 in accordance with HRS 92-2.5 (b and C), in that deliberation and decision making on the matter (Rule11) will be held at the Commission's next subsequent meeting. He explained that the PLG wanted him to present two versions. The first version is in Ramseyer format that was presented in June 2023, but after further discussions with members of the PLG changes were made that resulted in the August 2023 version which is before the Commission today.</p> <p>Mr. Donahoe pointed out that new Rule 11 was modeled after the County of Kauai Policy Regarding the Discipline of Department Heads Subject to Removal by Boards and Commissions to clarify the process dealing with the removal of a department versus dealing with citizen complaints which is in new Rule 10.</p> <p>Vice Chair Yoshida asked the Commissioners if they had any questions on the proposed language for Rule 11.</p> <p>Deputy County Attorney Takamura reminded the Commissioners that they can only clarifying questions on what was presented and not to have any substantial discussions on Rule 11.</p> <p>Commissioner Leslie asked Mr. Donahoe to clarify the difference between the Ramseyer version versus the August 2023 version.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Deputy County Attorney Donahoe explained that the Ramseyer version has strikethroughs in it which signifies what will be removed, and that the August 2023 version is a clearer version in terms of what the subsections are. He then proceeded to give examples. He further explained that all of the new proposed language are written in blue, but after having back and forth discussions with the members of the PIG, more changes were made and that the copy dated August 2023, which is before the Commission today, and is the final draft of proposed Rule 11.</p> <p>Commissioner Leslie commented that it seems like edits were made and more clarifications, but there were no substantive changes that would make a difference to which Mr. Donahoe replied yes, that is correct.</p> <p>Vice-Chair Yoshida asked if there was anyone from the audience who wished to testify on the item. There being no testimony, Vice Chair Yoshida thanked Deputy County Attorney Chris Donahoe for taking the time to present the PIG's recommendations and requested that he be present at the Commission's January 26, 2024, meeting to address any more questions, if any, from the Commissioners.</p> <p>Mr. Donahoe acknowledged Vice-Chair Yoshida's request and will be at the next meeting. There being no further comments, at 9:41 a.m., Deputy County Attorney Takamura began to read the Executive Session items.</p>	

SUBJECT	DISCUSSION	ACTION
EXECUTIVE SESSION ITEMS	Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (2) and (4). The purpose of this executive session is for the Commission to review and discuss charges brought against an officer in the Kauai Police Department, where consideration of matters affecting privacy will be involved, provided that if the individual requests an open meeting, an open meeting shall be held; and to consult with its Attorney on issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities as they may relate the following items:	
ES KPC 2023-1	<u>Regular Monthly update by Police Chief Todd Raybuck or his designated representative related to the Office of Professional Standards Monthly Report on the status and/or disposition of formal notarized citizen complaints that were filed with the Kauai Police Department and the complaints that were filed with the Kauai Police Commission and referred to the Office of the Chief for disposition and/or report back to the Police Commission.</u>	
ES KPC 2023-26	<u>New Formal Notarized Citizen Complaint KPC 2023-010, alleging that two Officers in the Kauai Police Department neglected their duties by ignoring a crime, not enforcing the law and discrimination.</u>	
ES KPC 2023-27	<u>New Formal Notarized Citizen Complaint KPC 2023-011, alleging police misconduct by two officers in the Kauai Police Department for failing to take proper care to perform their duties, were rude, hostile, overbearing, and were discourteous at times by the tone of their voice.</u>	
ES KPC 2023-28	<u>New Formal Notarized Citizen Complaint KPC 2023-012, alleging misconduct by the Office of Professional Standards.</u>	
ES KPC 2023-4	<u>Regular Monthly update by Police Chief Todd Raybuck or his designated representative on any significant adverse incidents/events involving personnel in the Kauai Police Department that could potentially impact the County, the Police Commission, and the Kauai Police Department.</u>	

KPC Open Session Minutes
Of December 15, 2023, Meeting

Page 13

SUBJECT	DISCUSSION	ACTION
ES KPC 2023-29	<u>Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (4), the purpose of this executive session is for the Commission to consult with its Attorney concerning the Commission's powers, duties, immunities, privileges, and liabilities as they may relate to the Kauai County Police Commission Administrative Rules of Practice and Procedure Rule 11.</u>	
ES KPC 2023-30	<u>Pursuant to Hawai'i Revised Statutes §92-4 §92-5 (a) (4), §92-9 (a) (1-4) and (b), the purpose of this executive session is for the Commission to approve or amend the regular executive session minutes of October 27, 2023, meeting. Where consideration of matters affecting privacy will be involved and to consult with its Attorney on issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities as they may relate to this item.</u>	
ES KPC 2023-31	<u>Pursuant to Hawai'i Revised Statutes §92-4 §92-5 (a) (4), §92-9 (a) (1-4) and (b), the purpose of this executive session is for the Commission to approve or amend the regular executive session minutes of November 17, 2023, meeting. Where consideration of matters affecting privacy will be involved and to consult with its Attorney on issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities as they may relate to this item.</u> Vice-Chair Yoshida asked if there was anyone from the audience who wished to testify on any of the executive session items. Being there were no public testimony, she called for a motion to enter Executive Session.	A motion was made by Commissioner Belz to enter Executive Session. Commissioner Knutson seconded the motion. Hearing no objections, at 9:46 a.m., the Commissioners convened in Executive Session.
Reconvene in Open Session/Ratify the action taken	At 11:01 a.m., Vice-Chair Yoshida called the Open Session meeting back to order then called for a motion to ratify the actions taken in executive session.	A motion was made by Commissioner Belz to ratify the actions taken in the Executive Session. Commissioner Knutson seconded the motion. Hearing no objections, the motion carried 5:0.

SUBJECT	DISCUSSION	ACTION
in Executive Session	<p>After the motion was passed, Vice Chair Yoshida called on Deputy County Attorney Takamura and requested that he read the disposition for each separate executive session item in accordance with Act 19 disclosures.</p> <p>Deputy County Attorney Takamura acknowledged Vice Chair Yoshida's request and read the following actions into the record:</p> <p><u>ES KPC 2023-1:</u> The discussion is subject to non-disclosure under HRS 92-4 (b) as discussions would defeat the state and purpose of the meeting pursuant to HRS 92-5 (a) (2).</p> <p><u>ES KPC 2023-26:</u> The Commission voted to refer the investigation to the Kauai Police Department pursuant to the Kauai Police Commission Rule 3.</p> <p><u>ES KPC 2023-27:</u> The Commission voted to refer for investigation to the Kauai Police Department pursuant to the Kauai Police Commission Rule 3.</p> <p><u>ES KPC 2023-28:</u> The Commission voted unfounded.</p> <p><u>ES KPC 2023-4:</u> No discussion.</p> <p><u>ES KPC 2023-29:</u> The matters discussed are not subject to disclosure pursuant to HRS Section 92-4 (4) (b), as disclosure would defeat the state and purpose of the meeting which was to consult with the Commission's attorney pursuant to HRS 92-5 (a) (4).</p> <p><u>ES KPC 2023-30:</u> The Commission voted to approve the regular Executive Session Minutes of the Police Commission's October 27, 2023 meeting. The discussion therein are not subject to disclosure pursuant to HRS 92-4 (b) as disclosure would defeat the state and purpose of the meeting</p>	

SUBJECT	DISCUSSION	ACTION
	stated in the agenda item. <u>ES KPC 2023-31</u> : The Commission voted to approve the regular Executive Session Minutes of the November 17, 2023 meeting. The discussion therein are not subject to disclosure pursuant to HRS 92-4 (b) as disclosure would defeat the state and purpose of the meeting stated in the agenda item.	
Adjournment	There being no further business, Vice Chair Yoshida called for a motion to adjourn the meeting.	A motion was made by Commissioner Knutson to adjourn the meeting. Commissioner Leslie seconded the motion. Hearing no objections, at 11:05 a.m., the meeting was adjourned.

Submitted by: _____ Reviewed and Approved by: _____
Mercedes Omo, Staff Support Clerk Laurie Yoshida , 2024 Chair-Elect

- () Approved as circulated on
() Approved as amended. See minutes of _____ meeting.



KAUA'I POLICE DEPARTMENT

POLICE COMMISSION MONTHLY REPORT

ADMINISTRATIVE AND TECHNICAL BUREAU

REPORTING PERIOD
December 2023

Budget Summary Estimate: Period of December 2023

BUREAU	BUDGET	EXPENDITURES TO DATE	ENCUMBRANCES TO DATE	BALANCE 11/30/23	41% OF BUDGET
Chief's Office	\$43,523,363.00	\$15,031,860.54	\$2,170,484.48	\$26,321,017.98	40%
Administrative & Technical Bureau	\$2,505,455.00	\$693,354.00	\$831,182.53	\$980,918.47	61%
Investigative Services Bureau	\$985,009.00	\$225,273.93	\$266,504.91	\$493,230.18	50%
Patrol Services Bureau	\$1,012,800.00	\$220,538.01	\$156,471.67	\$635,790.32	37%
Total General Fund	<u>\$48,026,627.00</u>	<u>\$16,171,026.46</u>	<u>\$3,424,643.59</u>	<u>\$28,430,956.95</u>	41%
Asset Forfeiture Funds	<u>\$100,008.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$100,008.00</u>	0%
Salary, Overtime & Fringe Benefits Breakdown Summary					
Salary & Wages	\$20,339,155.00	\$7,459,322.81		\$12,879,832.19	37%
Overtime	\$2,538,207.00	\$1,479,739.44		\$1,058,467.56	58%
Fringe Benefits	<u>\$17,236,590.00</u>	<u>\$5,623,939.48</u>		<u>\$11,612,650.52</u>	33%
Total Salary, OT, Fringe	<u>\$40,113,952.00</u>	<u>\$14,563,001.73</u>		<u>\$25,550,950.27</u>	36%
Payroll % of Budget	92%	36%		64%	

Personnel Status as of 12/31/23

	AUTHORIZED	ACTUAL	VACANT
Appointed	2	1	1
Sworn	161	134	27
			1-Deputy Chief of Police [Pos E23]
			1-Assistant Chief [Pos 352]
			4-Police Lieutenant [Pos 372, 391, 399, 402]
			2-Detective [Pos. 518, 548]
			7-Police Sergeant [Pos 400, 409, 417, 442, 538, 580, 1305]
			13-Police Officer [Pos 369, 407, 443, 464, 508, 509, 516, 540, 541, 542, 552, 578, 1320]
Civilian	74	54	20
			1-Secretary [Pos 362]
			1-Contracts Officer [Pos 1311]
			1-Public Information Officer [Pos 356]
			2-Criminalist I [Pos 392, 492]
			8-Emergency Services Dispatcher [Pos 313, 314, 473, 536, 537, T353, T565, T566]
			1-Administrative Support Assistant [Pos 1314]
			3-Public Safety Worker I [Pos 1307, 1310, 1947]
			1-Derelict/Abandoned Vehicle Coordinator [Pos 360]
			1-Sex Assault Forensic Nurse Examiner [Pos 9806]
			1-Clerk (Off-Duty) [Pos T475]
County General Fund	62	47	15
Temporary & Grant Fund	4	0	4
Temporary [SAFNE]	6	5	1
89-day Contract Hire	2	2	0
Total	237	189	48

Recruitment Status		Comments:
Police Services Officer (100th & 101st Recruit Classes)	13 Vacancies	<p><u>Posted: January 3, 2023 – Continuous</u> <u>100th Recruit Class COMBINED TOTAL: Mar 23 – Oct 31, 2023</u> Referred – 34 (2 Rehires + 1 Lateral transfer) Disqualified – 23 Withdrew – 2 Rehire (Started 9/1/2023) – 1 Lateral Transfer (Start 1/1/2024) – 1 Tentative Hire 100th Recruit Class 1/1/2024 – 7</p> <p><u>101th Recruit Class COMBINED TOTAL: Nov 1st – Current</u> 11/28/2023 Written Exam: 5 scheduled, 4 took exam, 3 passed & referred 12/27/2023 Written Exam: 21 scheduled, 6 took exam, 4 passed & referred Referred – 7 Disqualified – 2 Withdrew – 1 PHP/PEP – 1 Background Investigation – 3 Tentative Hire 101st Recruit Class 7/1/2024</p>
Deputy Chief of Police	1 Vacancy	No names referred at this time
Assistant Chief	1 Vacancy	No names referred at this time
Police Lieutenant	4 Vacancies	Pending recruitment announcement
Detective / Sergeant	9 Vacancies	Pending recruitment announcement
Secretary	1 Vacancy	Pending recruitment announcement
Contracts Officer	1 Vacancy	Hire date January 16, 2024 – 1
Public Information Officer	1 Vacancy	Hire date January 1, 2024 – 1
Criminalist I	2 Vacancies	<u>Posted January 2024 – Continuous</u> Hire date January 1, 2024 – 1
Emergency Services Dispatcher I	8 Vacancies	<u>Posted: May 22, 2023 – Continuous</u> PEP/PHP phase - 1
Administrative Assistant	1 Vacancy	<u>Posted: December 13, 2023 - Continuous</u> Referred – 13 PHP/PEP – 13
Public Safety Worker I	3 Vacancies	<u>Posted: July 3, 2023 – Continuous</u> Referred – 1 Hire date 1/1/2024 – 2
Derelict/Abandoned Vehicle Coordinator	1 Vacancy	<u>Posted: July 17, 2023 – Continuous</u> Referred – 4 Withdrew – 3 Interview Pending – 1
Sexual Assault Forensic Nurse Examiner (SAFNE)	1 Vacancy	No names referred at this time
Clerk (Off-Duty)	1 Vacancy	No names referred at this time

DARE CLASSES: December 2023				
Location	Grade Level	# Lessons	# Classes	# Students
King Kaumualii Elementary	5	5	6	82
Kekaha Elementary	5	7	2	60
Kapaa Middle School	7	3 & 4	5	100
Chiefess Kamakahelei Middle School	7	5-10	8	139
SPECIAL PROJECTS: December 2023				
PROJECT	DATE	RESULTS		
Tobacco Compliance Check (Retail)	12/2/2023	No violations observed and no citations issues		

Community Engagement (School Resource Officers): December 2023

	Date:	Event Description/Location:	Hours:	Personnel Count:	Audience Count:
1	12/1/2023	Lights on Rice Parade	3.5	18	5000+
2	12/6/2023	Hope & Hero's (Shop with a Cop)	1.5	4	100
3	12/8/2023	Kauai High School Winter ball	5.5	2	300
4	12/13/2023	Waimea Canyon School Career Day	4.5	1	140
5	12/15/2023	Choose Love Live Aloha	1	6	500
6	12/16/2023	Kapaa High School Winter ball	5.5	2	210
7	12/16/2023	Waimea Lights Parade	3	1	1000+
8	December	K-PAL Wrestling – Kapaa	16 classes	1	30
9	December	K-PAL Boxing - Kapaa	16 classes	1	171
10	December	K-PAL Boxing - Hanapepe	36 classes	1	121
		Total		31	7,572+

Firearms Registered: December 2023

Imported Handguns	77	Imported Rifles	91	Imported Shotguns	29	Imported Total	197
Domestic Handguns	128	Domestic Rifles	95	Domestic Shotguns	26	Domestic Total	249
Total Handguns	205	Total Rifles	186	Total Shotguns	55	Total Registered	446
						Total Denials/Void	2

Firearms Registered: Year to Date – 2023

Total Handguns	1,947	Total Rifles	2,318	Total Shotguns	471	Total Registered	4,736
-----------------------	--------------	---------------------	--------------	-----------------------	------------	-------------------------	--------------

Firearms Registered: Year to Date – 2022

Total Handguns	1,343	Total Rifles	1,758	Total Shotguns	321	Total Registered	3,422
-----------------------	--------------	---------------------	--------------	-----------------------	------------	-------------------------	--------------

Licenses to Carry: December 2023

Permit to Carry Applications	35	Permit to Carry Applicants	32	Citizen Licenses Denied	0	Licenses to Carry Issued	55
-------------------------------------	-----------	-----------------------------------	-----------	--------------------------------	----------	---------------------------------	-----------

Bench Warrant Tracking: December 2023

Warrants Received	Warrants Served	Warrants Recalled	Outstanding Warrants
11	98	42	1,732

Legal Services Received: December 2023

Total Warrants Received		Arrest Warrants		Bench Warrants		eBW Traffic		eBW Criminal		Juvenile Warrants	
75		9		0		32		87		0	
Summons / Other	TRO (Family)	Protective Order (Family & Civil)	TRO (Civil)	Subpoena Civil/OPA	Month's Total Legal Service Received			Total Received in 2023			
13	0	1	4	10	173			2,788			

Training Provided by Outside Agency: On-Island December 2023

	Order No:	Start:	End:	Training Description:	Personnel Trained:	Course Hours per Training:
1	23-23093	12/15/23	12/15/23	County Communications Operability- Keeping KPD Connected	4	1.5
Total					4	1.5

Training Provided by Outside Agency: Off-Island December 2023

	Order No:	Start:	End:	Training Description:	Personnel Trained:	Course Hours per Training:
1	23-23104	12/4/23	1/8/24	Advance Homicide & Death Investigation Conference	1	40
Total					1	40

Training Provided by Kaua'i Police Department: December 2023

	Order No:	Start:	End:	Training Description:	Personnel Trained:	Course Hours per Training:
1		12/1/23	12/8/23	99 th Recruit Academy (5 days x 8 hours)	5	40
2	22-22117	12/7/23	12/7/23	SRT Training	13	8
3	22-22117	12/21/23	12/21/23	SRT Training	10	8
4	22-22119	12/14/23	12/14/23	CST Training	6	8
5	23-23008	12/1/23	12/31/23	HIBS Training	2	40
6	23-23010	12/14/23	12/14/23	sUAS Drone Training	4	8
Total					40	112

SUBMITTED BY:



MARK T. OZAKI
Assistant Chief, ATB



KAUA'I POLICE DEPARTMENT

INVESTIGATIVE SERVICES BUREAU

REPORTING PERIOD
DECEMBER 2023

GENERAL CRIMES SECTION

MAJOR INCIDENTS / NOTABLE HIGHLIGHTS:

ASSAULT:

- 6 - Felony case reported.
- 3 – Arrests (Adults)
- 6 - Cases referred to OPA for further determination.

DEATH RELATED REPORTS:

- 13 - Death-Related cases investigated.
 - 3 – Deaths as a result of suicide.
 - 8 - Autopsies requested/performed.
 - 2 – Closed as Record Only.
- UNATTENDED DEATH: Detectives investigated a case where beachgoers visiting the area locally known as Targets Beach in Kekaha, found a makeshift tent located under a thick canopy of Kiawe trees, where they discovered human skeletal remains. Preliminary results of an autopsy could not determine the cause of death; however, foul play is not suspected. The decedent has not been identified and the investigation is ongoing.

MISSING PERSON:

- 2 - Case reported.
 - 2 - Closed – both subjects were located without incident.

PROMOTING CHILD ABUSE:

- 1- Felony case reported.
 - This case is being actively investigated by the Internet Crimes Against Children (ICAC) detective.

SEXUAL ASSAULT:

- 10 - Felony cases reported.
 - 10 - Pending further developments.
 - 1 – Case involving an adult male victim with special needs.

TERRORISTIC THREATENING:

- 1- Felony case reported.
 - 1 – Pending further developments.
 - This case involved an online bomb threat to all Hawaii Jewish Synagogues.
 - The Federal Bureau of Investigations (FBI) was also alerted and investigated this Statewide threat.
 - No explosives were found at any synagogue as a result of this threat.

MISSING JUVENILE:

- 1 - Case reported.
 - ISB received a notification from the Missing Child Center of Hawai'i regarding a missing male juvenile on Kaua'i. ISB detectives conducted immediate follow-ups and a press release was pushed out to the community. The male juvenile was later located in the Koloa area without incident and transferred into the custody of the Child Welfare Services. The juvenile was in good health and did not sustain any injury.

MEETINGS:

- December 7, 2023 LT. Morita attended a monthly SANE/SAFE team meeting.
- December 12, 2023 LT. Morita attended a meeting with a team of OPA Investigators to discuss the current investigation status of a high-profile case.
- LT. Morita attended a monthly 2023 Child Sex Trafficking (CST)/ Commercially Sexually Exploited Children (CSEC) MDT Meeting.
- December 13, 2023 LT. Morita attended a virtual body removal service meeting.
- December 20, 2023 LT. Morita attended a Kaua'i County Council meeting along with A/AC Applegate and ICAC Det. Irimata to request the approval to receive a donation from the Operation Underground Railroad, who donated a Grayshift forensic data extraction device is primarily used on cellular phones.
- December 21, 2023 LT. Morita attended a Chief's Brief meeting, and later, a General Staff meeting.

TRAININGS / PRESENTATIONS / PUBLIC SPEAKING / OTHERS:

- December 4-8, 2023 Detective Caires attended the LLRMI Advance Homicide and Death Investigation Conference. Las Vegas, NV.
- December 7, 2023 A/Capt. Morita attended the 99th Police Recruit Class Graduation Ceremony held at the Lihue Veteran's Center.
- December 7, 2023 Detectives Irimata & Hamberg – Monthly SRT Training.
- December 14, 2023 A/Capt. Morita and SANE/SAFE Nurse Erin Carrington conducted a Station Tour of the SANE Room with PMRF Navy Regional Staff and Provided them with an overview of the KPD Sexual Assault Response Program
- December 15, 2023 A/AC. Morita attended the U.S. Coast Guard leadership visit and surprise promotional ceremony for Boatswain's Mate 2nd Class Lindsay Martin.
- December 21, 2023 Detectives Irimata & Hamberg – Monthly SRT Training.

PROJECTS/ ENFORCEMENT:

Not applicable.

COMMUNITY ACTIVITIES AND INVOLVEMENT:

December 6, 2023 LT. Morita participated in the Heroes & Helpers Event (Shop with a Cop)
at the Target Store, Lihue

SPECIAL FOCUS SECTION

MAJOR INCIDENTS / NOTABLE HIGHLIGHTS:

CRIMINAL PROPERTY DAMAGE:

- 5 – Felony CPDs reported
- 1 – Cleared by arrest (Adult)
- 1 – Closed total

UEMV:

- 24 – Unauthorized Entry into Motor Vehicles reported
- 0 – Cleared by arrests (Adult)
- 1 – Closed “Unfounded”
- 1 – Closed total

UCPV:

- 13 – Unauthorized Control of a Propelled Vehicle reported
- 2 – Cleared by arrests (Adult)
- 1 – Closed “Unfounded”
- 3 – Closed total

BURGLARY:

- 14 - Burglaries reported
- 2 – Cleared by arrests (1 – Adult / 1 - Juvenile)
- 1 – Closed “Unfounded”
- 3 – Closed total

THEFT:

- 20 – Felony Thefts reported
- 0 – Cleared by arrest (1xAdult / 1x Juvenile)
- 0 – Closed “Unfounded”
- 0 – Closed total

ARSON:

- 0 - Arson reported

ROBBERY:

- 0 – Robbery reported
- 0 – Closed by arrest
- 0 – Closed total

MEETINGS:

Dec. 07, 2023 A/LT. SILVA attended the Chief's Brief.

Dec. 21, 2023 A/LT. SILVA attended the Chief's Brief.

TRAININGS / PRESENTATIONS / PUBLIC SPEAKING / OTHERS:

Dec. 7, 2023 Detective Hsu – Monthly SRT Training.
Dec. 8, 2023 Detectives Hsu – Monthly bomb Training.
Dec. 15, 2023 Detective Hsu – Monthly bomb Training.
Dec. 21, 2023 Detectives Hsu – Monthly SRT Training.
Dec. 22, 2023 Detective Hsu – Monthly bomb Training.
Dec. 29, 2023 Detective Hsu – Monthly bomb Training.

PROJECTS / ENFORCEMENT:

None to report.

COMMUNITY ACTIVITIES AND INVOLVEMENT:

None to report.

CRIME SCENE AND LABORATORY SECTION

MAJOR INCIDENTS / NOTABLE HIGHLIGHTS

- Santos Case: continuing warrants/ follow-ups.
- Multiple video downloads and on-site callouts.

TRAININGS ATTENDED

None to report.

TRAININGS INSTRUCTED:

None to report.

COMMUNITY ENGAGEMENT EFFORTS:

None to report.

RECRUITMENT AND RETENTION EFFORTS:

None to report.

MEETINGS:

Criminalist (2) - CS section meeting

Criminalist (1) - OSAC quarterly online call
Criminalist (1) – Maui Police Department Forensic: Topic DNA

SUMMARY:

For December CSLS were called out a total of ten times for search warrants, on-scene digital examination, and decedent identification for cases involving Child Exploitation, Drug Offenses, Sexual Assault, traffic casualties, and death investigations. The CSLS spent a significant time on budget items for FY25. For the entire year of 2023 the CS section operated half staffed (2 of 4) and one Criminalist was hired and will start January 2024.

VICE SECTION

I. REPORTS/INVESTIGATIONS

SEIZURES:

Cocaine: 31.2 Grams
Hydrocodone: 5 Pills
Fentanyl: 0
Fentanyl Pills: 0
Meth: 0 Grams
Heroin: 0
Marijuana: 2522.2 Grams
Cash/Currency: \$57.00
Vehicle: 0
Ammunition: 0
Firearms: 0
Phone: 1
Parcel: 3

ASSET FORFEITURE: Continuing process on items already in evidence.

II. NOTABLE HIGHLIGHTS:

- A search warrant was executed resulting in the seizure of cocaine, marijuana, and hydrocodone pills.
- A search warrant was executed resulting in narcotics intelligence.
- K9 Officer assisted a United States Postal Agent with an investigation at a Post Office, and his assigned K9 alerted on a parcel. The parcel contained marijuana that was seized by the Postal Agent.
- Canine Officers conducted parcel interdiction at a UPS Post Office. There was an alert on a parcel containing marijuana.

III. MEETINGS/TRAININGS:

- 1x Officer, SRT Training, 16 hours.
- 1x Officer, SRT Training, 8 hours.
- 1x Canine Officers completed 9 hours of quarterly training.
- Vice Unit attended monthly ISB staff meeting(s).
- 1x Canine Officer on vacation in the month of December.

- 1x Lieutenant, vacation Dec 20-31.
- 2x Sergeants, 1x Canine Officer, 2x Officers completed TFO firearms qualifications.

IV. COMMUNITY ACTIVITIES AND INVOLVEMENT:

- 1x Lieutenant is the Kapaa High School Girls and Boys Varsity basketball broadcaster.

Submitted by:

Kennison L. Nagahisa

Kennison L. Nagahisa

Acting Captain

01-16-24

K-107

ISB

1630 hours



KAUA'I POLICE DEPARTMENT
POLICE COMMISSION MONTHLY REPORT
PATROL SERVICES BUREAU

REPORTING PERIOD
December 2023

MAJOR HIGHLIGHTS

Suicide

On December 2, 2023, officers responded to a residence in the Lihue for a report of a 40-year-old male resident found deceased. The investigation revealed that the deceased was last seen the day before and was having relationship problems. Based on evidence at the scene it was determined that the death was caused by self-inflicted injuries. Based on circumstances of the death, detectives were notified and took over the investigation.

Sexual Assault

On December 5, 2023 at approximately 1245 hours, officers responded to a residence in Kilauea and met with a 56-year-old-female who reported being sexually assaulted by her 60-year-old ex-boyfriend for the past 20 years. ISB personnel were notified, and the incident was turned over for continued investigation.

Hanalei Bridge Closure

On December 13, 2023 at approximately 0114 hours, a flash flood warning was issued for the Hanalei River.. At 0255 hours, the Hanalei Bridge was closed due to heavy rainfall and flooding surrounding the roadway. At 0414 hours, the Hanalei Bridge was re-opened.

Ocean Rescue

On December 13, 2023, officers responded to Wilcox Hospital Emergency Room after three patients were rescued and brought to the hospital. It was learned that the three patients were residents of Oahu and left Keehi small boat harbor in a sailboat on December 10, 2013. After sailing overnight, the vessel began to take on water, at which time they sent out a distress call. Coast Guard personnel received the distress call on December 13, 2023. Two hours after receiving the distress call the Coast Guard located the vessel 50 miles offshore from Nawiliwili harbor. The occupants were safely removed from the vessel and transported to the hospital as a precautionary measure.

Suicide

On December 14, 2023 at approximately 1444 hours, officers were dispatched to a Kapaa Residence for a reported suicide. AMR and KFD personnel also responded and confirmed the male subject was deceased. ISB personnel were notified and responded to the scene for continued investigation.

Terroristic Threatening

On December 26, 2023, officers responded to Lihue airport for a possible bomb in an unattended baggage. The investigation revealed that an airlines employee located two bags left unattended on a baggage carousel. The owner was identified from the baggage tag at which time he was contacted via telephone by the airline's employee. The airline's employee related that the owner stated to leave the baggage on the curb and let it blow up. Based on the threat of an explosive in the baggage, KPD bomb squad responded and investigated. The bag was cleared, and no explosives were located. The owner was contacted by KPD and denied telling the airlines employee to leave the bag on the curb and let it blow up.

Burglary

On 12/27/2023 at 1240 hours, Officers responded to a residence in the Kapahi area for a Burglary complaint involving two missing firearms. According to the victim, the original burglary complaint was reported in 2018 however she only recently discovered that the firearms were missing while in the process of moving. Officers were able to obtain serial numbers for the missing firearms and the necessary NCIC documentation was completed for NCIC notification.

Terroristic Threatening 1st

On December 29, 2023 at approximately 1727 hours, officers responded to the Kilauea Elementary School area for a reported female running around trying to stab people. Upon their arrival, officers located the female subject in the middle of the school campus where she was taken into custody. Investigation revealed that the subject did not have a knife, but a small blue door wedge. The subject was also holding sticks and threatened multiple juvenile victims. There were no reported injuries. The suspect was charged with nine (9) counts of Terroristic Threatening 1st. Parents of the juvenile victims were notified of the incident.

Overdose

On December 29, 2023 at approximately 1931 hours, officers responded to a residence in the Kapaa area for a report of two male subjects who were passed out. One male was not breathing and CPR was being administered. Upon the officers' arrival, they observed a large gathering. The first male subject was being treated by an off-duty firefighter who was able to get the male subject to respond. Officers then proceeded to the rear of the residence where they identified the second male subject who had already been given one (1) dose of Narcan and was receiving CPR by one of the witnesses. Officers then took over by administering one (1) Narcan immediately followed by utilizing an AED until fire and medical personnel took over. Both male subjects were revived and transported by medical personnel for further evaluation.

Welfare Check / Agency Assist

On December 29, 2023 at approximately 1153 hours, officers assisted D.L.N.R personnel who requested a welfare check of a female subject who recently gave birth and lives in the Kalalau Camping area. ISB detectives were notified and contacted Child Protective Services for further investigation and follow up.

Community Activities and Involvement

December 6, 2023, officers supported the Kalaheo school walking school bus event.

December 11, 2023, officers assisted with traffic control during a Kalaheo School evacuation drill

December 6, 2023, PSB Officers and Command Staff assisted with the Hero's and Helper's at Target in Lihue.

Throughout the month Kawaihau patrol officers were present along the Kapaa/Wailua bike path.

A member of the PSB Command Staff led the annual Toys for Tots Campaign which provided toys for 853 children on Kauai.

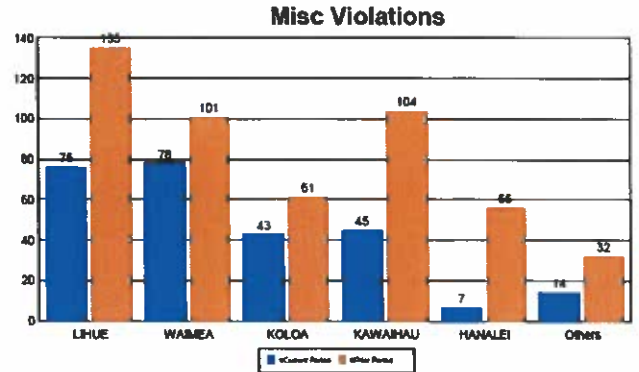
Training

- December 07, 2023 Officers D. Broad, C. Silva, A. Gayagas, A. Cayabyab, and Sgt. R Cariaga attended SRT monthly training.
- December 14, 2023 Sgt. M. Telles and Officers J. Gause, I. Yum, and C. Tamagawa attended CST monthly training.
- December 14, 2023 Officer D. Phillips attended sUAS monthly training.
- December 15, 2023 Lt. S. Perreira and Officer A. Lacson attended monthly CNT training
- December 21, 2023 Officer D. Broad, C. Silva, A. Gayagas, A. Cayabyab, and Sgt. R Cariaga attended SRT monthly training.

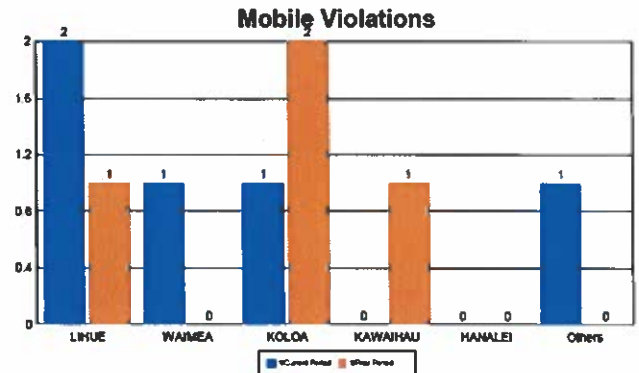


Kauai Police Department
Police Commission Monthly Report
Patrol Services Bureau
Traffic Enforcement Summary
Reporting Period December 2023

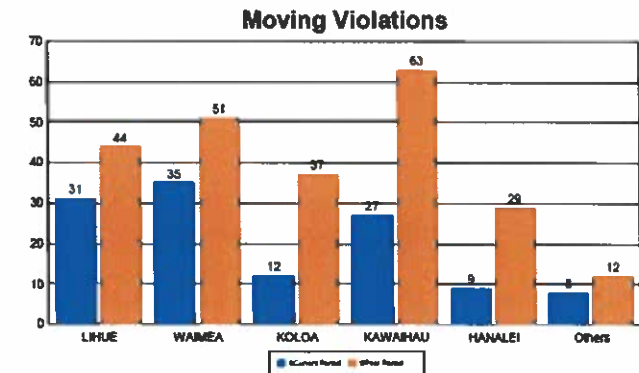
Misc			
	Reporting Period Dec 2023	Prior Period Nov 2023	YTD for Reporting Period 2023
LIHUE	76	135	1,763
WAIMEA	78	101	1,093
KOLOA	43	61	771
KAWAIHAU	45	104	1,866
HANAIEI	7	56	525
NOT ENTERED	14	32	402



Mobile Device			
	Current Period Dec 2023	Prior Period Nov 2023	YTD for Reporting Period 2023
LIHUE	2	1	21
WAIMEA	1	0	33
KOLOA	1	2	66
KAWAIHAU	0	1	91
HANAIEI	0	0	15
NOT ENTERED	1	0	8



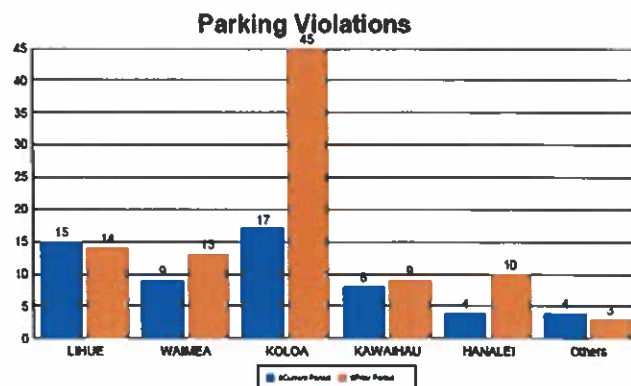
Moving			
	Current Period Dec 2023	Prior Period Nov 2023	YTD for Reporting Period 2023
LIHUE	31	44	878
WAIMEA	35	51	461
KOLOA	12	37	375
KAWAIHAU	27	63	1,074
HANAIEI	9	29	309
NOT ENTERED	8	12	214



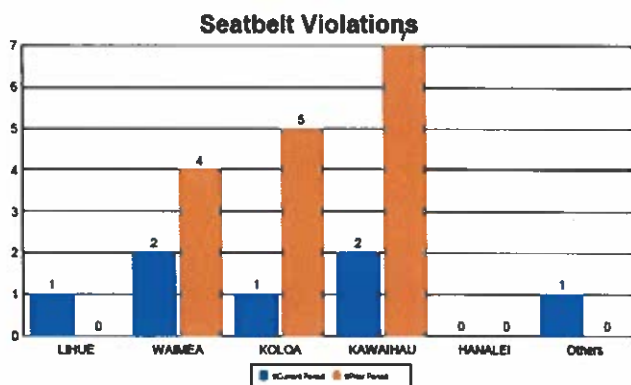


Kauai Police Department
Police Commission Monthly Report
Patrol Services Bureau
Traffic Enforcement Summary, continued
 Reporting Period December 2023

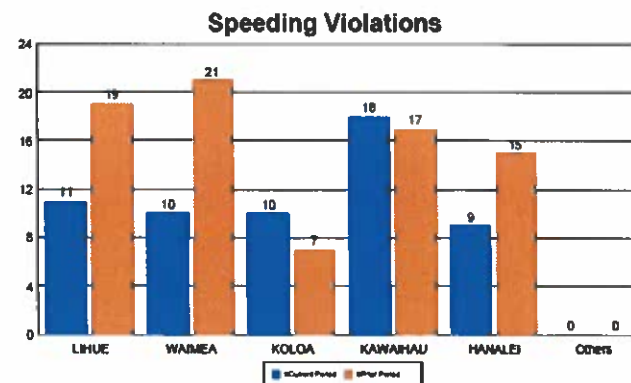
Parking			
	Current Period Dec 2023	Prior Period Nov 2023	YTD for Reporting Period 2023
LIHUE	15	14	333
WAIMEA	9	13	127
KOLOA	17	45	237
KAWAIHAU	8	9	203
HANAIEI	4	10	294
NOT ENTERED	4	3	244



Seatbelt			
	Current Period Dec 2023	Prior Period Nov 2023	YTD for Reporting Period 2023
LIHUE	1	0	44
WAIMEA	2	4	27
KOLOA	1	5	46
KAWAIHAU	2	7	98
HANAIEI	0	0	14
NOT ENTERED	1	0	15



Speeding			
	Current Period Dec 2023	Prior Period Nov 2023	YTD for Reporting Period 2023
LIHUE	11	19	144
WAIMEA	10	21	259
KOLOA	10	7	149
KAWAIHAU	18	17	257
HANAIEI	9	15	320
NOT ENTERED	0	0	11



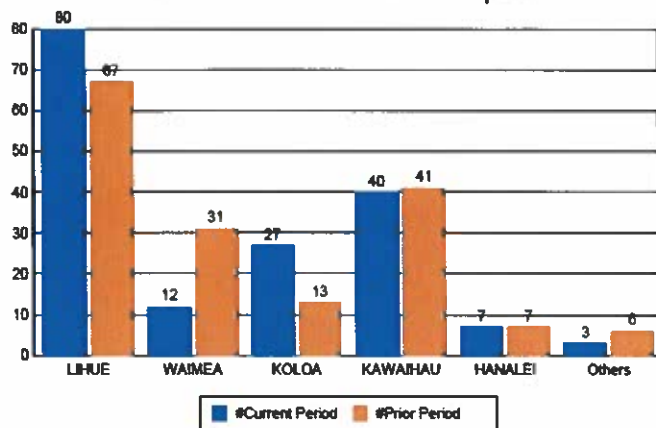


Kauai Police Department
Police Commission Monthly Report
Patrol Services Bureau
Arrest Summary
Reporting Period December 2023

Adult Arrest Summary

	Current Period Dec 2023	Prior Period Nov 2023	YTD for Reporting Period 2023
LIHUE	80	67	843
WAIMEA	12	31	344
KOLOA	27	13	263
KAWAIHAU	40	41	567
HANALEI	7	7	156
Others	3	6	61

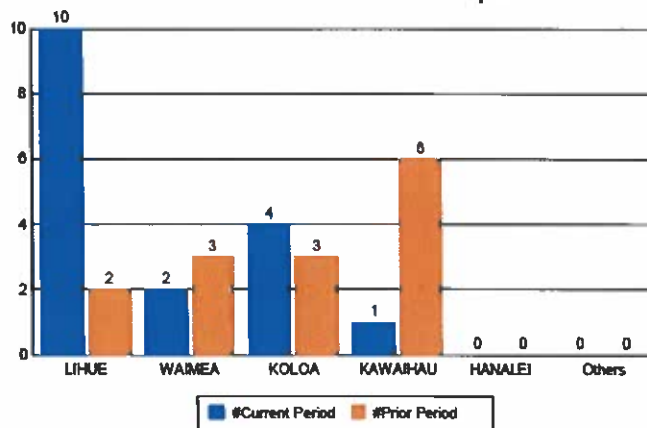
Current Period to Prior Period Comparison



Juvenile Arrest Summary

	Current Period Dec 2023	Prior Period Nov 2023	YTD for Reporting Period 2023
LIHUE	10	2	74
WAIMEA	2	3	32
KOLOA	4	3	33
KAWAIHAU	1	6	38
HANALEI	0	0	6
Others	0	0	2

Current Period to Prior Period Comparison



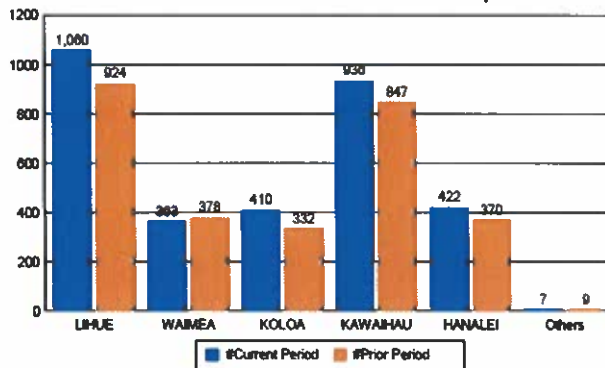


Kauai Police Department
Police Commission Monthly Report
Patrol Services Bureau
Calls for Service and Incident Summary
Reporting Period December 2023

Calls for Service Summary

	Reporting Period Dec 2023	Prior Period Nov 2023	YTD for Reporting Period 2023
LIHUE	1,060	924	11,593
WAIMEA	363	378	4,596
KOLOA	410	332	4,419
KAWAIHAU	936	847	11,820
HANALEI	422	370	4,943
Others	7	9	117

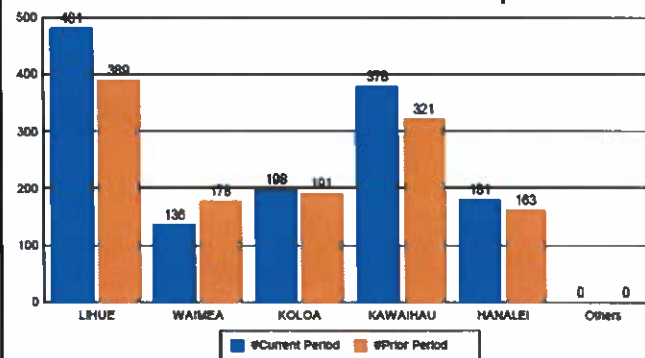
Current Period to Prior Period Comparison



Reported Incident Summary

	Reporting Period Dec 2023	Prior Period Nov 2023	YTD for Reporting Period 2023
LIHUE	481	389	5,045
WAIMEA	136	178	2,059
KOLOA	198	191	2,317
KAWAIHAU	378	321	4,382
HANALEI	181	163	1,903
Others	0	0	7

Current Period to Prior Period Comparison



Submitted by:

Roderick Green

Digitally signed by Roderick
Green
Date: 2024.01.19 08:48:03 -10'00'

Roderick B. Green
Captain

K-23
Patrol Services Bureau

Victoria Statement,

R. Korda
431 Kuwiliist
Honolulu HI 96817

Regarding
Police Notary
9/21 ✓

133

To Whom it may concern,
Police Commission DID NOT
ASK For originals at time
of date, 9/21 - Received copy,

Victoria Kordas notary was

Held in state of Hawaii

Custody, until 3/9/22 Received

Property at Hawaii State Hospital

Held from Oct 13 2021 / 2021 1-5th

to 3/9/22 - 3/9/22 ECKula Shelter

State of Hawaii liability, Missing Deadline 60
days

Notary valid 2024

Victoria Korda

12/7/23

RULE 11 **COMPLAINTS and CHARGES AGAINST THE CHIEF OF POLICE**

Rule 11-1 **General Information**

- (a) **Defined.** As used in this rule **Complaints and Charges Against the Chief of Police** refers to complaints filed by a member of the police department, or a member of the public against the Chief of Police for alleged inappropriate behavior, violation of police department or county policy.
- (b) **Initial Investigation Process.** All complaints against the Chief of Police regardless of how they are received are initially subject to the procedures contained in the Kauai County Policy regarding the Discipline of Department Heads Subject to Removal by Boards and Commissions.

Rule 11-2 **Complaints Filed Against the Chief of Police.**

- (a) **Written Complaints against the Chief of Police Filed with the Mayor.**
 - (1) This policy provides direction to the mayor, and the Police Commission, on the procedures to be followed when a complaint is filed against the Chief of Police.
 - (2) Written Complaints against the Chief of Police shall be investigated pursuant to the procedures set forth in the County of Kauai Policy Regarding the Discipline of Department Heads Subject to Removal by Boards and Commissions.
 - (3) Police Commission Rule 10 Citizen Complaint Process shall not apply to Written Complaints against the Chief of Police Filed with the Mayor.
 - (4) Police Commission Rule 5 Rules of Practice; Hearings shall not apply to Complaints Filed Against the Chief of Police pursuant to Police Commission Rule 11.
 - (5) All complaints against the Chief of Police shall be in writing and filed with the mayor of the County of Kaua'i no later than 180 days from the date on which the complainant becomes aware of the matter which gives rise to the complaint.
 - (6) Upon receipt of the written complaint the mayor shall transmit said complaint to the Chairperson of the Kaua'i Police Commission.

- (7) Upon receipt of the complaint the Chairperson of the Kaua'i Police Commission shall schedule an Executive Session on the matter, in compliance with state and county law.
- (8) The Police Commission shall meet in Executive Session to review the complaint. The seriousness of the allegations shall be considered as to whether a special Executive Session is required, or if the complaint can be discussed at the next regularly scheduled Commission meeting
- (9) If, after review, the Commission determines further factual information is required for a decision on the matter, the mayor shall be advised that an investigation shall be conducted

(b) Investigation Procedures For Written Complaints Against the Chief of Police

- (1) The investigation may be conducted by county personnel or by an independent contractor.
- (2) All investigations regarding written complaints against the Chief of Police shall comply with applicable laws regarding personnel complaints to similarly situated appointed positions.
- (3) Upon completion of the investigation the mayor may make a recommendation of, including but not limited to, discipline, suspension, or no action if appropriate to the Commission.
- (4) After review of the investigative report, the Commission may request further investigation of the matter if the investigation is incomplete or if the Commission has any further questions regarding the subject matter of the investigation.
- (5) The Commission shall render their decision after duly and appropriately considering all information.
- (6) In rendering its decision, the Commission may discipline* or remove the Chief of Police. Pursuant to Kaua'i County Charter, Article XI, Section 11.04, "the Chief of Police may be removed by the Police Commission only after being given a written statement of charges and a hearing before the Commission."

** In Kauai Police Commission v. Bernard Carvalho Jr., 138 Haw. 287 (2016), the Hawai'i Intermediate Court of Appeals held that the Police Commission's power to appoint and remove the Chief of Police includes the power to discipline.*

- (7) The Commission shall communicate its decision in writing to the complaining party and to the party against whom the complaint is made.

(c) Written Complaints Against the Chief of Police Filed With the Police Commission.

- (1) Police Commission Rule 10 Citizen Complaint Process shall not apply to Written Complaints against the Chief of Police Filed with the Police Commission.
- (2) Police Commission Rule 5 Rules of Practice; Hearings shall not apply to Complaints Filed Against the Chief of Police pursuant to Police Commission Rule 11.
- (3) When the Police Commission directly receives a written complaint against the Chief of Police, the Chairperson will advise the mayor.
- (4) After review by the Mayor and the Chairperson, a determination shall be made if the complaint warrants an investigation.
- (5) If a determination is made by the Mayor and the Chairperson that an investigation is warranted, the procedures set forth in Rule 11-2(A) and (B) above shall be followed.

(d) Non-Written Complaints against the Chief of Police.

- (1) If the allegations of misconduct by the Chief of Police come to the attention of the Police Commission through other than then filing of a written complaint, the Chairperson shall advise the Mayor.
- (2) The Mayor shall provide direction on whether the allegations are of sufficient seriousness to warrant an investigation.
- (3) If the Mayor determines that no investigation is to be conducted the Chairperson shall request a written statement from the mayor to that effect.
- (4) If the Mayor determines that no investigation is to be conducted based on a non-written complaint against the Chief of Police that was brought to the Mayor's attention by the Police Commission, the matter shall be placed on the Executive Session Agenda at the next Commission meeting to document the Commission's actions.
- (5) If a determination is made by the Mayor that an investigation is warranted, the procedures set forth in Rule 11-2(A) and (B) above shall be followed.

(a) Discipline or Removal of the Chief of Police.

- (1) The Commission may discipline* or remove the Chief of Police pursuant to Kaua'i County Charter, Article XI, Section 11.04 which states that the Chief of Police "may be removed by the police commission only after being given a written statement of the charges against him and a hearing before the commission."

** In Kauai Police Commission v. Bernard Carvalho Jr., 138 Haw. 287 (2016), the Hawai'i Intermediate Court of Appeals held that the Police Commission's power to appoint and remove the Chief of Police includes the power to discipline.*

- (2) The Commission shall investigate Complaints Against the Chief of Police pursuant to the procedures set forth in the County of Kaua'i Policy Regarding the Discipline of Department Heads Subject to Removal by Boards and Commissions

(b) Grounds for Discipline or Removal. Grounds for discipline or removal of the Chief shall include but be limited to the following:

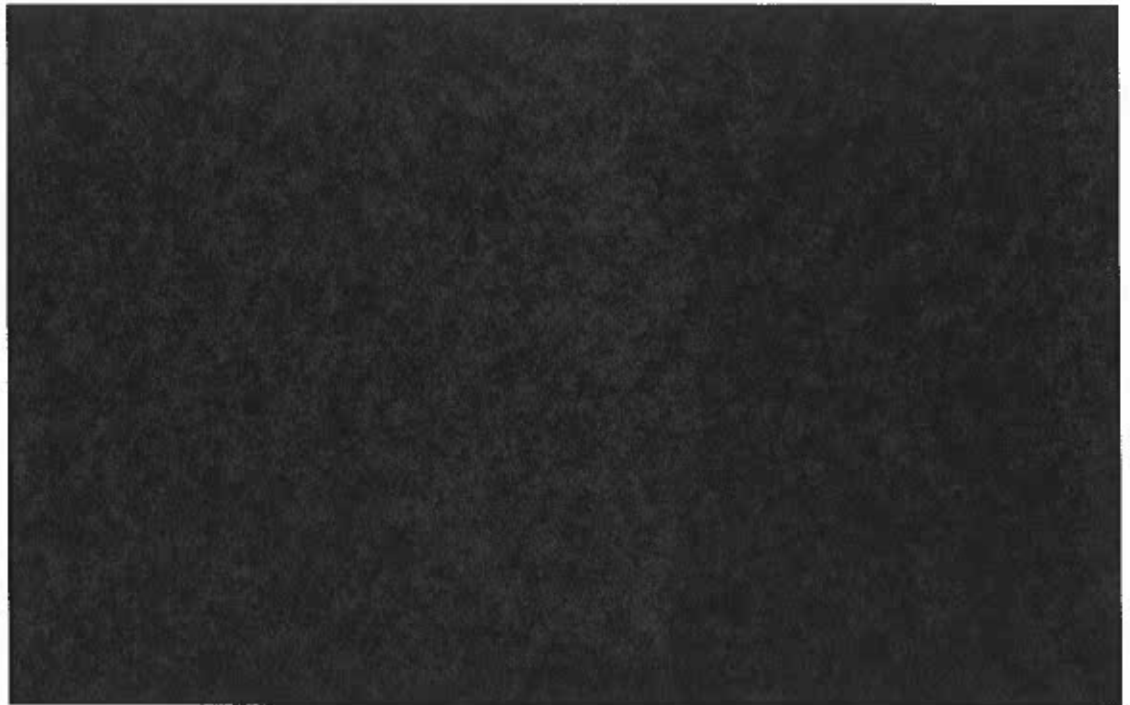
- (1) Malfeasance – (Wrongful act by public official)
- (2) Misfeasance – (Wrongful exercise of law authority)
- (3) Nonfeasance – (Omission of an act that ought to have been performed)
- (4) Falsification of candidate's application
- (5) Conviction of any misdemeanor or felony

(c) Disciplinary Procedures. The Commission may institute disciplinary procedures against the Chief of Police upon motion of any member of this Commission and a majority vote in favor thereof.

(d) Disciplinary Actions. The Commission may sustain the allegations of any charge against the Chief of Police by a majority vote and may take any of the following actions:

- (1) Reprimand the Chief (written or verbal);
- (2) Suspend the Chief for a period of time as determined by the Commission; or

- (3) Remove the Chief pursuant to Kaua'i County Charter, Article XI, Section 11.04 after the Chief is given a written statement of the charges against him/her and a hearing before the Commission.**



RULE 11 COMPLAINTS and CHARGES AGAINST THE CHIEF OF POLICE

RULE 11-1 General Information.

A. Defined. As used in this rule Complaints Against the Chief of Police refers to complaints filed by a member of the police department, or a member of the public against the Chief of Police for alleged inappropriate behavior, violation of police department or county policy.

B. Initial Investigation Process. All complaints against the Chief of Police regardless of how they are received are initially subject to the procedures contained in the Kauai County Policy regarding the Discipline of Department Heads Subject to Removal by Boards and Commissions.

RULE 11-2 ~~[6.]~~ Complaints Filed Against the Chief of Police.

~~[(a)]~~ A. Written Complaints against the Chief of Police Filed with the Mayor.

~~[(i-)]~~ 1. The County of Kaua'i Policy regarding the Discipline of Department Heads Subject to Removal by Boards and Commissions states that complaints against Department Heads who are appointed by a Board or Commission shall be filed with the Mayor.

~~[(ii-)]~~ 2. This policy provides direction to the mayor, and the Police Commission, on the procedures to be followed when a complaint is filed against the Chief of Police

~~[(iii-)]~~ 3. All such complaints filed with the mayor shall be in writing.

~~[(iv-)]~~ 4. Upon receipt of a written complaint the mayor shall transmit the said complaint to the Chairperson of the Kaua'i Police Commission.

a. The Police Commission shall meet in Executive Session to review the complaint. The seriousness of the allegations shall be considered as to whether a special Executive Session is required, or if the complaint can be discussed at the next regularly scheduled Commission meeting.

~~[(v-)]~~ b. If, after review, the Commission determines further information is required, the mayor shall be advised that an investigation is warranted.

~~[(vi-)]~~ c. The Mayor and the Chairperson, shall determine if the complaint warrants an investigation utilizing the process described in the County Policy regarding the Discipline of Department Heads Subject to Removal by Boards and Commissions or through the process contained in the Police Commission Rules, ~~[Section 3-1 (g), Investigation of Citizens Complaints.]~~ Rule 10-1-D.

~~[(vii-)]~~ 1[.] Regardless of which investigation route is followed, upon completion of the investigation the mayor may make a recommendation to the Commission on appropriate discipline, if warranted. The Commission will consider but shall not be bound by the mayor's recommendation.

[vii] d. The Commission shall also review the investigation, and after duly considering all factual information, and the mayor's recommendation, render a decision.

[b] B. Written Complaints Against the Chief of Police filed with the Police Commission.

- [i] 1.** Police Commission Rules, ~~[Section 3-1 (g)]~~ **Rule 10** describes the procedures for the filing of **complaints** against the Conduct of the Department or any of its Members through the Citizens Complaint process.
- [ii] 2.** When the Police Commission receives a complaint against the Chief of Police in this manner the Chairperson shall advise the mayor.
- [iii] 3.** After review by the Mayor and the Chairperson, a determination shall be made if the complaint warrants an investigation utilizing the process described in the County Policy or through the process contained in Police Commission Rules for the investigation of Citizens Complaints.

[c] C. Non-Written Complaints against the Chief of Police.

- [i] 1.** If the allegations of misconduct by the Chief of Police come to the attention of the Police Commission through other than the filing of a written complaint, the Chairperson shall advise the mayor.
- [ii] 2.** The Mayor shall provide directions on whether the allegations are of sufficient seriousness to warrant an investigation.
- [iii] 3.** If the Mayor determines that no investigation is to be conducted the Chairperson shall request a written statement from the mayor to that effect.
- [iv] 4.** The fact that a non-written complaint against the Chief of Police was brought to the mayor's attention by the Police Commission, and the mayor declined to investigate, shall be placed on the Executive Session Agenda at the next Commission meeting to document the Commission's actions.

RULE 11-3 [7]. Charges Against the Chief of Police

[a] A. Grounds for Discipline or Dismissal. It is the intent of this rule that the Chief of Police be disciplined or dismissed only for cause and not arbitrary or capriciously. Grounds for discipline or dismissal of the Chief shall include but not limited to the following:

1. Malfeasance – (Wrongful act by public official).
Misfeasance – (Wrongful exercise of law authority).
Nonfeasance – (Omission of an act that ought to have been performed).
2. Falsification of candidate's application.
3. Conviction of any misdemeanor or felony

[b] B. Disciplinary Procedures. The Commission may institute disciplinary procedures against the Chief upon motion of any member of this Commission and a majority vote in favor thereof. Any proceedings pertaining to charges brought against the Chief shall be considered a contested case and be conducted in accordance with Chapter 5, except that all such proceedings shall be closed to the public unless otherwise requested by the Chief.

[c] C. Disciplinary Actions. The Commission may sustain the allegations of any charge against the Chief by a majority vote and may take any of the following actions:

1. Reprimand the Chief (written or verbal).
2. Suspend the Chief for a period of time determined by the Commission.
3. Dismiss the Chief.

~~{ 8. Commission Decision. After the charge has been fully investigated, the Commission shall enter a decision finding that there is either sufficient or insufficient evidence to prove the charge. The Commission shall thereafter submit a written report of its decision to the Chief of Police, in no case longer than ninety (90) days after the Commission concludes its investigation. The Commission may inquire with the Chief of Police as to any departmental action taken following the Commission's decision. }~~

~~a. The Commission shall notify the complainant of its decision in writing.~~

~~b. Every Commission decision shall be made public during a regularly scheduled meeting. Names of individual complainants and the subject employee shall be made public.~~

~~c. The charges and circumstances surrounding the charge and its findings shall be thoroughly explained.~~

~~d. In cases where discipline has been imposed by the Chief of Police based on a Commission decision there shall be no additional or subsequent investigation imposed on the Subject employee for the same incident.]~~



KPC 2024-2

**PUBLIC ANNOUNCEMENT ON THE POLICE COMMISSION'S
DISPOSITION FOR FORMAL NOTARIZED CITIZEN COMPLAINT KPC 2023-012**

On December 15, 2023, the Kauai Police Commission formally reviewed the abovementioned formal notarized complaint. After a thorough deliberation, the Commission deemed the complaint unfounded.

This officially concludes the Police Commission's review of Formal Notarized Complaint KPC 2023-012.