

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Commission	Kaua'i Police Commission	Meeting Date	September 27, 2019
Location	Mo'ikeha Building – Meeting Room 2A/B	Start of Meeting: 9:00 a.m.	End of Meeting: 10:36 a.m.
Present	Chair Mary K. Hertog; Vice Chair Roy Morita; Commissioners: Catherine Adams, Gerald Bahouth, Kevin Mince and Dean Pigao. Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Ellen Ching; Office of the County Attorney: Deputy County of Attorney Todd Jensen; Police Department: Todd G. Raybuck, Chief of Police, Officers of Month Andrew Muraoka and Delbert Numazawa and numerous executive staff members in the Kaua'i Police Department.		
Excused	Commissioner Leina`ala Jardin		

SUBJECT	DISCUSSION	ACTION
Call To Order		With six Commissioners present, Chair Hertog called the meeting to order at 9:00 a.m. She asked if anyone in the audience wish to give testimony on any of the items listed on the agenda. Hearing none, Chair Hertog moved to her announcements and recap of the 2019 HSLEOA Conference.
Chair's Announcements	<ul style="list-style-type: none"> • Next regular monthly meeting – 9:00 a.m. on Friday, October 25, 2019 at the Mo'ikeha Building, Meeting Room 2A/2B. Executive Session to follow. 	
Recap of the 2019 HSLEOA Conference	Ms. Adams reported that as a health care professional for the Wilcox Memorial Hospital the discussion on mass casualties/active shooter events was particular useful in her line of work because it made her think about things she and her executive staff members previously had not thought about. Notably mention was the presentation on mental health on how to maintain balance as a police officer and some of the physiology that is involved and the understanding of PTSD.	

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	<p>Mr. Bahouth commended all of the presenters for doing such a fine job in putting together their presentations. He liked the fact that the conference gave him the opportunity to network with people from all different facets of law enforcement. Notable mentions are Chief Raybuck's presentation on the active shooter incident that occurred on 1 October in Las Vegas, Nevada and the presentation on leadership.</p> <p>Chair Hertog reported that although the presentations were all great, Chief Raybuck's presentation was outstanding based on the reactions he got from the conference attendees. Most notable was the presentation honoring Kaua'i Police Department Officer of the Year – Officer Richard Brown.</p> <p>Chief Raybuck thanked the Commission for allowing Chair Hertog and Commissioners Adams and Bahouth to attend the conference. The conference gave him the opportunity to be able to dialogue with the commissioners to share each other's thoughts on what everyone learned on each presentation. He added that he's attended quite a few state conferences and has to admit that Maui Police Chief Tivoli Faumu set the bar pretty high because every single presentation was outstanding. Notable mention was honoring KPD's Officer of the Year – Officer Richard Brown.</p>	
<p>Officers of the Month Recognition</p>	<ul style="list-style-type: none"> • Kevin Kamakani (unable to attend) • Andrew Muraoka • Delhart Numazawa <p>Chair Raybuck called upon Officer Brown to deliver the Commendation Report for the Officers of the Month.</p> <p>Officer Brown introduced the Officers of the Month and commended them for their bravery in the apprehension of fugitive Kevin Kai wanted on a \$50,000 bench warrant. On 1 July while conducting beach checks at 4:15 a.m. at the Kukui'ula small boat harbor, Officers Muraoka and Kamakani noticed Mr. Kai running from behind a park vehicle towards the pier. Mr. Kai ran and jumped into the harbor and started to swim away from the harbor. Officer Muraoka who was familiar with Mr. Kai's outstanding warrant, along with Officer Kamakani began to search along the coast line. Having no luck, they determined that Mr. Kai most likely had boarded an anchored boat belonging to Fathom Five Drivers. After a couple of attempts to try to reach the owner of Fathom Five Drivers via dispatch to get his permission to board his boat, contact was finally made</p>	

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	<p>and permission was granted to allow Officers Numazawa and Kamakani to use his row boat to board the boat that was anchored in the harbor. Mr. Kai was apprehended and arrested.</p> <p>Chief Raybuck thanked the officer’s families for taking the time to be at the meeting to honor the officers. He noted that the feat the officers performed was both dangerous and risky because the body equipment they wore when they entered into the water does not float.</p> <p>After commending the officers for going beyond their normal duties to apprehend Mr. Kai. Chair Hertog opened the floor for the Commissioners to ask questions, after that Officer Numazawa and Officer Muraoka shared a little history about themselves and how the work of a police officer is hard work and takes commitment, but can be very rewarding.</p>	
<p>Approval of Minutes</p>	<p><u>Regular Open Session Minutes of August 30, 2019.</u></p> <p>Chair Hertog noted that she informed staff that on page 11 couple of words were missing to complete the sentence. Staff indicated that the minutes have been corrected and was distributed to the commissioners and is ready for approval as amended. Chair Hertog called for a motion to approve the minutes as amended.</p>	<p>Ms. Adams moved to approve the minutes as amended. Vice Chair Morita seconded the motion. The motion carried 6:0.</p>
<p>Chief’s Quarterly Reports for the months of October and November</p>	<ul style="list-style-type: none"> • Department’s efforts to track service warrants (October and November) • Matrix Study to evaluate staffing levels (November) <p>Chair Hertog stated that Chief Raybuck’s quarterly report on the Department’s efforts to track service warrant will be reported at the Commission’s October 25th meeting. As for the update on the Matrix Study that report isn’t due until November.</p> <p>Chief Raybuck noted that the report on tracking service warrants, Assistant Chief Ponce has been helping to build the report which will be shared the with the commissioners fairly soon. As for the Matrix Study, the Department is still in the process of consulting with the company and that Sergeant Perreira is working with the company to try to reconcile some of the issues they previously had which is still on-going.</p> <p>Chair Hertog noted that if the report is not ready in October to let her know and she’ll push his report to the November meeting.</p>	

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	<p>With regard to the report on lateral transfers, Assistant Chief Asher was assigned to write the report which to his understanding he will be presenting his report at the Commission's October meeting. He noted that both he and AC Ponce will be in Chicago attending the International Association of Chief Conference and will not be able to attend the Commission's October meeting. Chair Hertog stated that if AC Asher is not ready to present his report at the Commission's October meeting she can push it to the Commission's November as well. With no further questions, Chair Hertog moved on to the Chief's Monthly Reports.</p>	
<p>Chief's Monthly Reports & Pertinent Updates</p>	<ol style="list-style-type: none"> 1. Administrative and Technical Bureau Reports for the period of August 2019 2. Investigative Services Bureau 3. Summary Reports: Calls for Service and Incident, Collision, Traffic Enforcement, Arrest, Offense by Severity, Warrant/Warrant Type and Legal Services <p>Vice Chair Morita asked if the Department is prepared or have a professional agency available when a situation arises to help an officer cope PTSD to which Chief Raybuck replied that KPD have resources available via the County Human Resource Department EAP program and if he wants information about it, he can ask Captain/Peer Counselor Mark Ozaki to provide the information. Chair Hertog noted that KPD Chaplains are available as well via an App.</p>	<ol style="list-style-type: none"> 1.
<p>Business KPC 2019-18</p>	<p><u>Presentation by the Permitted Interaction Group on findings and recommendations relating to the requirements of the Rules on Administrative Practice and Procedure for the County of Kauai Police Commission with regard to charter Section 11.03(C) concerning the receipt, consideration, and investigation of charges brought by the public against the conduct of the department or any of its members. (Deferred on 6/28/2019, 7/26/2019, 8/30/2019)</u></p>	<p>Pending Deputy Ishmael's changes to the Memo of Understanding at the request of the Commission, the item was deferred to the Commission's October 25th meeting.</p>
<p>KPC 2019-25</p>	<p><u>Briefing by Chair Mary K. Hertog on the Police Commission's proposal to The Charter Review Commission on amending Section 11.04 Chief of Police of the Kaua'i County Charter regarding the qualifications for the chief of police position.</u></p> <p>Nothing to report, the Charter Review Commission had to reschedule their 23rd to September 30, 2019.</p>	<p>The item was deferred to the Commission's October meeting.</p>

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KPC 2019-26	<p><u>General discussion on the Chief of Police 6 month performance evaluation due in November.</u></p> <p>Chair Hertog stated that each commissioner should have receive a copy of the word document pertaining to the Chief’s six month evaluation from staff via email. She gave the commissioners instructions to use the information they have from the previous meetings and pointed out that the evaluation should be based on facts and if they didn’t observe any to indicate it on the form. The evaluation is due in November.</p>	
KPC 2019-27	<p><u>Public announcements on the Police Commission’s disposition relating to notarized complaints KPC 2019-004, KPC 2019-005 and KPC 2019-006 that were filed with the Kaua’i Police Commission.</u></p>	<p>Chair Hertog read the public announcements, then called for a motion to accept the announcements.</p> <p>Mr. Bahouth moved to accept the public announcements. Ms. Adams seconded. The motion carried 6:0.</p>
KPC 2019-28	<p><u>Legal Notice dated August 26, 2019, received on September 10, 2019 by the Office of Boards and Commissions from Lance Kamuela Gomes, High Chief Lunalilio “in esse”, David Kawika Kilar Jr., High Chief Lot Kepuaiwa “in esse”, Chief Hilton Kalanipio Niau, Chief Punohu Nalimu Kekaulua III, Chief Timothy Oga, Chief Tom Kelii Kanahale. Protected Persons under Geneva IC Jus Cogens Status to Chair, Mary K. Hertog.</u></p> <p>Chair Hertog called for a motion to receive item KPC 2019-28 for the record.</p>	<p>Ms. Adams moved to receive item KPC 2019-28. Vice Chair Morita seconded the motion. The motion carried 6:0.</p>
Executive Session	<p><u>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 or employee in the Kaua’i 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 or liabilities as they may relate to the following agenda items:</u></p>	<p>At 9:41 a.m. Ms. Adams cited the Hawai’i Revised Statutes to bring the meeting into Executive Session.</p>
ES KPC 2019-001	<p><u>Monthly update by Scott Williamson, Lieutenant, Office of Professional Standards on the status of the Department’s disposition on formal notarized complaints that were filed with the Kaua’i Police Department, and formal notarized complaints that were filed with the Police Commission and referred to the Office of the Chief for further review.</u></p>	

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<p>ES KPC 2019-002</p>	<p><u>Monthly update by Todd G. Raybuck, Chief of Police, Kaua'i Police Department or his designated representative on any significant adverse incidents/events involving personnel in the Kaua'i Police Department that could potentially impact the County, the Police Commission and the Kaua'i Police Department.</u></p>	
<p>ES KPC 2019-018</p>	<p><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 on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities as it relates to a Memo of Understanding between the Police Commission and the Chief of Police concerning public complaints and charges. (Deferred 8/30/2019)</u></p>	
<p>ES KPC 2019-22</p>	<p><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 Executive Session meeting minutes of August 30, 2019, and to consult with its attorney on issues pertaining to the Commission's powers, privileges, immunities, and or liabilities as they may relate to this agenda item.</u></p>	
<p>ES KPC 2019-023</p>	<p><u>Investigative Report conducted on a complaint that was filed by a Sergeant in the Kaua'i Police Department against a member of the Executive Branch regarding workplace retaliation.</u></p>	<p>Mr. Bahouth moved to enter into Executive Session. Mr. Mince seconded the motion. The motion carried 6:0. At 9:44 a.m. the Commissioners entered into Executive Session.</p>
<p>Return to Open Session</p>	<p>At 10:36 a.m. the Commissioners reconvened in Open Session.</p>	<p>Ms. Adams moved to ratify the actions that were taken in Executive Session. Vice Chair Morita seconded the motion. The motion carried 6:0.</p> <p>ES KPC 2019-001: The Commissioners were briefed by Lt. Scott Williamson on the status of citizen notarized complaints</p>

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		<p>that were filed with the Kaua'i Police Department.</p> <p>ES KPC 2019-002: The Commissioners were briefed by Chief Raybuck on an incident involving a KPD personnel.</p> <p>ES KPC 2019-018: The item was deferred to the Commission's October meeting.</p> <p>ES KPC 2019-022: Ms. Adams moved to approve the Executive Session minutes as circulated. Vice Chair Morita seconded the motion. The motion carried 6:0.</p> <p>ES KPC 2019-023: <u>Motion No.1:</u> Ms. Adams moved to accept the findings and recommendations made by the Investigator hired to investigate a complaint of bias and workplace retaliation.</p>

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		<p><u>Motion No. 2:</u> Ms. Adams moved to have staff draft two letters to the respondents to inform them on the outcome of the investigation. Vice Chair Morita seconded the motion. The motion carried 6:0.</p> <p><u>Motion No.3:</u> Vice Chair Morita moved to have staff draft a letter to a Sergeant in the Kaua'i Police Department to inform him on the outcome of investigation. Ms. Adams seconded the motion. The motion carried 6:0.</p>
Adjournment	With no further business to conduct, Chair Hertog called for a motion to adjourn the meeting.	Ms. Adams moved to adjourn. Vice Chair Morita seconded the motion. The motion carried 6:0. At 10:36 a.m. the meeting adjourned.

Submitted by: _____
 Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
 Mary K. Hertog, Chair

- (x) Approved as circulated on October 25, 2019
 () Approved as amended. See minutes of _____ meeting.