

COUNTY OF KAUAI  
Minutes of Meeting  
**OPEN SESSION**

Board/Commission	<b>Kaua'i Police Commission</b>	Meeting Date	<b>October 25, 2019</b>
Location	Mo'ikeha Building – Meeting Room 2A/B	Start of Meeting: 9:04 a.m.	End of Meeting: 11:07 a.m.
Present	Chair Mary K. Hertog; Vice Chair Roy Morita; Commissioners: Catherine Adams, Leina`ala Jardin, 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 Attorney Mark Ishmael; Police Department: Filling in for Chief Todd Raybuck was Assistant Chief Roy Asher; Sergeant Kenneth Carvalho and Officers of the Month Johnathan Anderson and Jason Scalzo; 911 Dispatcher Donn Taniguchi and numerous ranking officers in the Kaua'i Police Department. Honored but not present was 911 Dispatchers Deborah Carvalho and Alohilani Perreira.		
Excused			
Absent			



SUBJECT	DISCUSSION	ACTION
<b>Call To Order</b>		With six (6) members present, Chair Hertog called the meeting to order.
<b>Public Testimony</b>	None.	
<b>Chair's Announcements</b>	Next monthly meeting – Friday, November 22, 2019 at 9:00 a.m. at the Mo'ikeha Building, Meeting Room 2A/2B. Executive Session to follow.	
<b>Officers and Employees of the Month</b>	Reading the commendation was Hanalei/Kawaihau District and nominator, Sergeant Kenneth Carvalho.  Officers of the Month Johnathan Anderson, Jason Scalzo and Employees of the Month KPD Dispatchers Donn Taniguchi, Deborah Carvalho and Alohilani Perreira were selected as officers and employees of the month for demonstrating extraordinary performance of their duties that saved the life of a male who in the process of committing suicide.	

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	<p>On August 24, 2019 Dispatch received a 911 call from a female who stated that her boyfriend wanted to commit suicide by hanging and that he wanted her watch him do it. With a good sense of teamwork, Dispatchers Taniguchi, Carvalho and Perreira were able to provide the responding officers with precise directions to the location where the male and his girlfriend were. Upon arrival at the scene, with no clear visibility because of darkness, Officers Anderson, Scalzo immediately located the male in a wooded area where they were soon joined by Sergeant Carvalho. Officer Scalzo quick thinking and quick action he was able to catch the male by the waist just as he was about to jump off the fence, while Officer Anderson cut down the rope. The male subject was placed on the ground without injuries and was transported to Wilcox Memorial Hospital for medical assessment and was later admitted to Mahelona Hospital for evaluation.</p> <p>Assistant Chief Roy Asher along with the Commissioners presented the attending honorees with leis, KPD's Certificate of Exemplary and Outstanding Service and a Life Saving Award Pin. Dispatchers Carvalho and Perreira who was unable to attend the meeting and will receive their certificates and pin at a later date.</p> <p>Following the commendations, each individual Commissioner took the opportunity to acknowledge Officers Anderson, Scalzo and Dispatcher Taniguchi for their decisive actions that directly saved a human life.</p>	
<p><b>Approval of Minutes of the September 27, 2019 Meeting</b></p>	<p>Chair Hertog asked the Commissioners if they had any changes they would like to make to the minutes. Hearing none. She called for the motion.</p>	<p>Ms. Adams moved to approve the minutes as circulated. Vice Chair Morita seconded the motion. The motion carried 6:0.</p>
<p><b>Recap by Chair Hertog on her appearance before the Charter Review Commission</b></p>	<p>Chair Hertog began by giving a background history on the PIG's search to find and hire a new Chief of Police for the Kaua'i Police Department and explained why the Commission should propose an amendment to the Charter Review Commission Charter to require interested candidates who want to apply for the Chief of Police position to have a four year college degree and a certain level of law enforcement and supervisory experience.</p>	

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	<p>Chair Hertog shared the Charter Review Commission asked a lot of great questions and that Chief Raybuck who was also at the meeting gave some very compelling testimony as to why it was the changes to the Charter were necessary, and the impression she got from members of the CRC was they were going to take the Commission's proposed amendment and placed it on the 2020 Election Ballot for vote. But in meantime, Councilmember Felicia Cowden took it up to the County Council via a resolution and now, the resolution is in its first reading followed by two more readings of which one of the readings had to be delayed because some of the Councilmembers had questions they wanted Boards and Commissions Administrator Ellen Ching to address.</p> <p>Chair Hertog stated that at this point she does not know who ultimately will be taking the lead on the amendment (the Charter Review Commission or the County Council) but she would like to have at least three volunteers from the Commission to be present during the resolution's second and third reading and at the public hearing to answer any questions the Councilmembers may have. She noted that she will be asking Chief Raybuck to accompany them to the Council's meetings as well.</p>	<p>Ms. Adams moved that Chair Hertog, Mr. Mince as well herself accompanied by Chief Raybuck to be present during the second and third reading of the resolution and ultimately at the public hearing to answer any questions the Councilmembers may have and to provide testimony. Vice Chair Morita seconded the motion. The motion carried 6:0.</p>
<b>Chief's Quarterly Updates</b>	<ul style="list-style-type: none"> <li>• Department's efforts to improve the warrants tracking process (October/November)</li> <li>• Results of Matrix Study to evaluate staffing levels (November)</li> </ul>	<p>The item was deferred to the Commission's November meeting.</p>
<b>Chief's Monthly Reports</b>	<ol style="list-style-type: none"> <li>1. Administrative and Technical Bureau Reports for the period of August 2019</li> <li>2. Investigative Services Bureau</li> <li>3. Summary Reports: Calls for Service and Incident, Collision, Traffic Enforcement, Arrest, Offense by Severity, Warrant/Warrant Type and Legal Services</li> <li>4. Report on the type of training/amount of training for retirees who want to return to back service, including lateral transfers from another county or the mainland.</li> </ol> <p>Vice Chair Morita stated that he had no questions just a comment that during the swearing-in ceremony for Officer Joshua Flores, he couldn't help but notice the officers who were present were constantly pulling up their duty belt which he assumes is because of the host of tools the duty belt is equip with which could add another 10 pounds the officer has to carry around.</p>	

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	<p>He asked if the Department had ever considered changing the officer's duty belt to vests so the officers don't have to deal with their belts constantly sagging. Assistant Chief Asher stated that to his knowledge there are some officers who are wearing duty belts that redistributes the weight to the officer's hip and there are other officer's that use a back-up-brace duty belt that acts as a buffer and provides significant relief to the lower back.</p> <p>Chair Hertog asked what the process is if an officer needs to have a uniform change or have suggestions to which A/C Asher replied that they would go to the Administrative and Technical Bureau with their suggestions. As far as an officer needing new uniforms, the Department would pick the cost for the new uniform.</p> <p>Ms. Jardin asked what the status is to fill the abandoned vehicle coordinator position to which A/C Asher replied that the Department is in the process of hiring a second coordinator, but was unsure at what phase of the hiring process is. Chair Hertog asked A/C Asher if he could provide the Commission with an update at the Commission's next meeting. Mr. Mince pointed out that according to the Chief's report it states that the position is schedule to start on November 1<sup>st</sup>.</p> <p>Mr. Pigao asked when it comes to a citizen seeing someone abandoning a vehicle what the process is for them to report it to which A/C Asher replied that if it's reported immediately the officers will response to it, but if a vehicle is left on the side of the road an officer would post it and the abandoned vehicle coordinator will complete the paperwork to have the vehicle towed whether its abandoned or derelict. He noted that any person reporting seeing a vehicle being abandoned can do it anonymously.</p> <p>Ms. Jardin asked once an abandoned vehicle gets tagged how long after would the vehicle be removed from its location to which A/C Asher replied that all derelict vehicles can be towed immediately but the problem KPD has is getting a towing company to do it.</p> <p>To clarify, A/C Begley stated that KPD had to stopping posting the abandoned vehicles because of a new law that requires once KPD posts a vehicle it must be removed within ten (10) days of the posting. If the vehicle is not towed within ten (10) days KPD would be in violation of that law.</p>	

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	<p>Unfortunately, when he was assigned to the Patrol Services Bureau there were already 100 plus cars that had passed the ten (10) days state requirement and that KPD doesn't till this day have the funding to tow those vehicles. However, if the location of the vehicle became a public safety issue KPD would have the vehicle tagged for immediate removal. Another issue they were faced with is because they posted the vehicles and could not remove them within ten (10) days it attracted people from all over the island to extract parts from the vehicle which turned it from being abandoned to derelict which is more costly to remove.</p> <p>Mr. Ishmael stated that as an incentive the County will pay a towing company the going rate to remove a vehicle whether it's abandoned or derelict, but as A/C Begley said it's more costly to tow a derelict vehicle.</p> <p>Chair Hertog asked if KPD has a solution in place to which A/C Begley replied that KPD have already transferred funding from other accounts into its towing account and because the cost for towing derelicts are much higher, they had to transfer more money from its abandoned vehicle account into the derelict vehicle account. Overall, in effort to lessen the backlog of vehicles, the different districts are on track and have been removing both abandoned and derelict vehicles within their respective districts.</p> <p>Ms. Jardin stated that the lack of funding is the reason why KPD is having a difficult time removing the vehicles, but with the help of Councilmember Cowden she can help to secure more funding for KPD. A/C Begley noted that prioritizing is the key to moving the vehicles are an immediate public safety hazard versus moving vehicles that are in a remote location.</p> <p>Ms. Adams commented that relative to the General Crime Report on number of unattended deaths Wilcox Hospital has been meeting with KPD on how they can help with that.</p> <p>Mr. Mince asked A/C Asher on the status of training for retirees re-entering back into the workforce to which A/C Asher reported that retirees are given an 89 day work contract and they have to undergo basic training like self-defense, in addition to updating them on standard operating procedures and what's currently happening in the cellblock.</p>	

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	<p>As for the type of training for lateral transfers KPD would obtained all of the training records and compared it to theirs and the trainings that their previous Department did not provide, KPD will provided it to the officer. As for the Officer who had transferred from the Hawai'i Island Police Department, he is currently being assigned to a six week field training program.</p> <p>Additionally, Mr. Mince asked if the Department is moving forward with the Police Apprenticeship Officer Program to which A/C Asher replied not at this time. Chair Hertog noted that as a follow-up to Mr. Mince's question, the Commission would ask Chief Raybuck for a progress report on the program.</p> <p>For clarification, Lt. Kenneth Cummings explained that the reason Police Apprenticeship Program has not moved forward is because questions had come up on whether to have call it a Police Apprentice Program or re-describe it as a Police Cadet Program. And to his understanding SHOPO, HPD and KPD have all agreed to meet to discuss what direction should they go.</p> <p>Mr. Mince stated that he'll wait for Chief Raybuck for a more detail response to his inquiry.</p> <p>Mr. Pigao stated that relative to the 89 day contract is the Department actively looking to fill other positions within the Department with other retirees to help fill the vacant positions in patrol. A/C Asher stated that other than the two positions in cellblock, the only other position the Department is looking at to fill is a detective position which was recently vacated by the previous retiree and even that, he doesn't know what the progress is. He noted that finding a retired officers to fill the vacancies can be a daunting task because not all retirees have the right skills to handle a certain position and besides they retired for a reason.</p> <p>To address the vacant detective position, Captain Paul Applegate stated that the Department is in the process of bringing the previous retiree back as an 89 day contract hire.</p>	
<p><b>Business                  KPC 2019-18</b></p>	<p><u>Permitted Interaction Group on its findings and recommendations on 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.</u></p>	<p>This item was deferred to the Commission's Executive Session for a briefing by Deputy County</p>

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	<p><u>(Deferred on 6/28/2019, 7/26/2019, 8/30/2019, 09/27/2019, 10/25/2019)</u></p>	<p>Attorney Mark Ishmael and return back to Open Session for the vote on whether to adopt the MOU in its current form or not.</p>
<p><b>KPC 2019-29</b></p>	<p><u>Discussion and decision-making on amending the Chief of Police Job Description under Essential Duties and Responsibilities to include “performs duties of a coroner (or authorizes a subordinate to do so) as required by Hawai‘i Revised Statutes (HRS) 841.</u></p> <p>Chair Hertog called for a motion to approve the amended Chief of Police Job Description.</p>	<p>Ms. Adams moved to approve the Chief of Police Job Description to include duties of a coroner. Mr. Mince seconded the motion. The motion carried 6:0.</p> <p>The signed document will be forwarded to the Department of Human Resources for their records and a copy of the document will be kept fill with the Office of Boards and Commissions.</p>
<p><b>KPC 2019-30</b></p>	<p><u>Discussion and decision-making on scaling down the type of police reports the Department provides to the Commission.</u></p> <p>Chair Hertog stated that she would like to eliminate the drug data all together because she doesn’t see any value in unless there’s a significant amount of money confiscated to which Vice Chair Morita concurred.</p> <p>Ms. Adams stated that whatever reports the information is easier to obtain and does not require a lot of changes the Commission should keep.</p> <p>Captain Applegate stated that the information reflected in the ISB Report has to be manually Inputted and have to extract from other reports. Chair Hertog replied that she’s more inclined to keep the ISB Report because it gives the Commission an opportunity to read what’s happening out in the community.</p>	

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	<p>Captain Applegate stated that he had no problem providing the report he was just responding to Ms. Adams comment.</p> <p>Mr. Mince stated that the first three pages of the Chief’s Monthly Reports are necessary because it reflects the Department’s budget and its vacancies but when it comes to the ISB Report he likes the report and would like to continue to receive it but the information provided in the report is too explicit because it describes in detail how a person died.</p> <p>As for the drug data, he agrees with Chair Hertog and Vice Chair Morita that unless there’s is a significant amount of money and drugs confiscated the report should be eliminated. As for the data on calls for service, parking and seatbelt citations it bears no significance because the information is a month old, and unless there’s a comparison between the current year and the previous year the report has no value.</p> <p>Mr. Pigao stated that he agrees with Mr. Mince comments. Ms. Jardin noted that unless the information is news worthy she agrees with Mr. Mince and Pigao that some of the reports aren’t necessary.</p> <p>Mr. Pigao asked if there a reason for the ranking officer to be present at the Commission Meetings.</p> <p>Chair Hertog stated that the decision should be left up to Chief Raybuck to decide on who he wants to be present at the Commission’s meetings. A/C Asher stated that he believes that the reason the bureau commanders, captains and district commanders are present at the Commission meetings is to answer any questions the Commissioners may have. He noted that the being present is worth the time especially when it comes time to recognize the officers/employees of the month. Chair Hertog stated that because of Chief Raybuck is absence she’ll defer the item for continued discussion at the Commission’s November meeting. Hearing no objections, She called on Ms. Adams to cite the Hawai‘i Revised Statutes.</p>	<p>Deferred to the Commission’s November meeting pending Chief Raybuck’s return</p>
<p><b>Executive Session</b></p>	<p>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</p>	<p>At 9:57 a.m. Ms. Adams cited the Hawai‘i Revised Statutes to bring the meeting into executive Session.</p>



SUBJECT	DISCUSSION	ACTION
	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:	
<b>ES KPC 2019-001</b>	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.	
<b>ES KPC 2019-002</b>	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.	
<b>ES KPC 2019-018</b>	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, 09/27/2019)	
<b>ES KPC 2019-024</b>	Investigation conducted on a charge that was filed by a Sergeant in the Kaua'i Police Department against a member of the Executive Branch regarding workplace retaliation.	
<b>ES KPC 2019-025</b>	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 Chief Raybuck's six (6) Month job performance review due in November.	
<b>ES KPC 2019-026</b>	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 September 27, 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.	At 10:00 a.m. the Commissioners entered into Executive Session.

SUBJECT	DISCUSSION	ACTION
<p><b>Return to Open Session to ratify the actions taken in Executive Session</b></p>	<p>At 11:07 a.m. the Commissioners reconvened back in Open Session. Chair Hertog called for a motion to ratify the actions taken in Executive Session.</p>	<p>Ms. Adams moved to ratify the actions taken in Executive Session. Vice Chair Morita seconded. The motion carried 6:0.</p> <p><u>ES KPC 2019-001:</u>                      The Commission acknowledged the receipt of the Lt. Williamson’s Monthly Report.</p> <p><u>ES KPC 2019-002:</u>                      The Commissioners received a briefing by Lt. Williamson on an on-going case involving an Officer in the Kaua’i Police Department.</p> <p><u>ES KPC 2019-018:</u>                      Vice Chair Morita moved to defer item ES 2019-018 to the Commission’s November meeting. Ms. Adams seconded the motion. The motion carried 6:0.</p> <p><u>ES KPC 2019-023:</u>                      Ms. Adams moved to accept the letters dated October 8, 2019. Ms. Jardin seconded the motion. The motion carried 6:0.</p>

SUBJECT	DISCUSSION	ACTION
		<p><u>ES KPC 2019-024:</u> On-going</p> <p><u>ES KPC 2019-025:</u> Ms. Adams moved to approve the Executive Session minutes of September 27, 2019.</p>
<b>Adjournment</b>	With no further business to conduct, Chair Hertog called for a motion to adjourn the meeting.	<p>Ms. Adams moved to adjourn the meeting.                      Ms. Jardin seconded the motion. The motion carried 6:0.</p> <p>At 11:07 a.m. the meeting adjourned.</p>

Submitted by: \_\_\_\_\_  
 Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: \_\_\_\_\_  
 Mary K. Hertog, Chair

- (x) Approved as circulated on November 22, 2019
- ( ) Approved as amended. See minutes of \_\_\_\_\_ meeting.