

Roy Morita
Chair

Members:
Gerald Bahouth
Mary K. Hertog
Leina`ala Jardin
Kevin Mince
Dean Pigao

Catherine Adams
Vice Chair

COUNTY OF KAUAI POLICE COMMISSION
REGULAR MONTHLY TELECONFERENCE MEETING NOTICE AND AGENDA

Thursday, December 17, 2020
9:00 a.m. or shortly thereafter

Microsoft Teams Audio: +1 469-848-0234, Conference ID: 815 119 697#

This meeting will be held via Microsoft Teams conferencing only. Members of the public are invited to join this meeting by calling the number above with the conference ID information. You may testify during the video conference or submit written testimony in advance of the meeting via e-mail, fax, or mail. To avoid excessive noise/feedback, please mute your microphone except to testify.

CALL TO ORDER

ROLL CALL TO ASCERTAIN QUORUM

PUBLIC TESTIMONY

CHAIR'S COMMENTS/ANNOUNCEMENTS INCLUDING BUT NOT LIMITED TO:

Next Regularly Teleconference Monthly Meeting 9:00 a.m. on Thursday, January 28, 2021.
Executive Session to follow. (Subject to Change)

APPROVAL OF OPEN SESSION MINUTES OF NOVEMBER 19, 2020 MEETING

CHIEF'S MONTHLY REPORTS

1. Administrative and Technical Bureau
2. Fiscal Report
3. Investigative Services Bureau
4. Patrol Services Bureau
5. Update on KPD's Recruitment Efforts
6. Pertinent Announcements and or Updates

BUSINESS

KPC 2019-36:

Discussion and decision-making on recommendations to amend the Police Commission Rules on Administrative Practice and Procedure in accordance to Hawai'i Revised Statutes Section 92-2.5 (a). (On-going)

KPC 2020-12:

Discussion and decision-making on undertaking an organizational climate assessment within the Kaua'i Police Department. (On-going)

KPC 2020-23:

Public announcement on the disposition of Notarized Complaint KPC 2020-007 that was filed with the Police Commission on 9/14/2020. (Deferred 11/19/2020)

KPC 2020-25:

Election of Chair and Vice Chair for Calendar Year 2021.

KPC 2020-26:

Approval of the Police Commission Meeting Calendar for 2021.

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 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. The further purpose of this Executive Session is for the Commission to receive an update on item ES KPC 2020-026 and to discuss Chief Raybuck's six (6) month performance evaluation 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 these agenda items:

ES KPC 2020-001:

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.

ES KPC 2020-002:

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.

ES KPC 2020-021:

Monthly update on an investigation alleging that a supervisor in the Kaua'i Police Department violated Title 7, Chapter 76-1 and the County of Kaua'i Policy against Discrimination, Harassment, and Retaliation.

ES KPC 2020-022:

Monthly update on an investigation alleging that an officer in the Kaua'i Police Department was subjected to an adverse employment action because of favoritism on the part of a supervisor.

ES KPC 2020-025

Notarized complaint KPC 2020-008 received on 11/4/2020. The complaint alleges that an Officer in the Kaua'i Police Department used unnecessary use of force while taking the complainant into custody to be transported to cellblock for processing.

ES KPC 2020-026:

Update of the resolution of the complaint regarding violation of workplace violence and harassment policies.

ES KPC 2020-028:

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 22, 2020 meeting 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 item. (Deferred on 11/19/2020)

ES KPC 2020-029:

Notarized complaint filed with the Kauai Police Department Internal Affairs Unit formal complaint form and addressed to the Kauai Police Commission. The complaint alleges that the officer was discourteous while speaking to the complainant.

ES KPC 2020-030

Notarized complaint filed with the Kauai Police Department Internal Affairs Unit formal complaint form. The complaint alleges that a supervisor and an officer in the Kauai Police Department violated the TRO the complainant had on ex-husband.

ES KPC 2020-031:

Un-notarized complaint filed via email addressed to the Kauai Police Commission. The complaint names members of the Kauai Police Department, a supervisor in the Kauai Police Department; DEA; John Does 1-5; Jane Does 1-50; DOE Entities (here in after collectively referred to as "Doe Defendants") are person or entities whose names are unknown to Plaintiffs and who are or maybe liable for actions alleged in this complaint and maybe responsible for damages to Plaintiffs alleged herein.

ES KPC 2020-032:

Discussion and decision-making on Police Chief Todd Raybuck's six (6) month Performance Evaluation.

(Continue on next page)

ES KPC 2020-033:

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 19, 2020 meeting 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 item.

RETURN TO OPEN SESSION

Ratify the actions taken by Police Commission in Executive Session for the following agenda items: ES KPC 2020-001, ES KPC 2020-002, ES KPC 2020-2020-21, ES KPC 2020-022, ES KPC 2020-025, ES KPC 2020-026, ES KPC 2020-028, ES KPC 2020-029, ES KPC 2020-030, ES KPC 2020-031; ES KPC 2020-032 and ES KPC 2020-033.

EXECUTIVE SESSION

Pursuant to Hawai'i Revised Statutes, ("H.R.S.") §92-7 (a), the Commission may, when deemed necessary, hold an Executive Session on any agenda item without the 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). Discussions held in Executive Session are closed to the public.

ADJOURNMENT

cc: Deputy County Attorney Chris Donahoe and Deputy County Attorney Mark Ishmael
Chief of Police Todd G. Raybuck

WRITTEN TESTIMONY

Persons wishing to offer comments are encouraged to submit written testimony at least 24-hours prior to the meeting and must indicate:

1. Your name and if applicable, your position/title and organization you are representing
2. The agenda item that you are providing comments on; and

Send written testimony to:

Kaua'i Police Commission Support Clerk
C/o Office of Boards and Commissions
Piikoi Building 4444 Rice Street, Suite 300
Līhu'e, Hawai'i 96766; E-Mail: mromo@kauai.gov
Phone: (808) 241-4920

SPEAKER REGISTRATION

Prior to the Day of the Meeting: Persons wishing to testify are requested to register their name, phone number, and agenda item via email at mromo@kauai.gov or by calling 808 241-4920.

On the Day of the Meeting: Persons who have not registered to testify by the time the Commission meeting begins will be given an opportunity to speak on an item following oral testimonies of registered speakers. The length of time allocated to person(s) wishing to present verbal testimony may be limited at the discretion of the chairperson or presiding member.

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 Segreti at (808) 241-4917 or asegreti@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.