

Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Commission	Kaua'i Police Commission	Meeting Date	January 24, 2020
Location	Mo`ikeha Building – Meeting Room 2A/B	Start of Meeting: 9:00 a.m.	End of Meeting: 10:45 a.m.
Present	Chair Mary K. Hertog; Vice Chair Roy Morita; Commissioners: Gerald “Chip” Bahouth, Leina`ala Jardin and Kevin Mince. Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Ellen Ching; Office of the County Attorney: Deputy County Attorney Mark Ishmael; Kaua`i Police Department: Police Chief Todd G. Raybuck and members of the Department’s rank and file.		
Excused	Commissioners Catherine Adams and Dean Pigao		
Absent			



SUBJECT	DISCUSSION	ACTION
Call To Order		The meeting was called to order by Chair Mary Hertog, who asked for a moment of silence to honor Honolulu Police Officers Tiffany Enriquez and Kaulike Kalama who were killed in the line of duty last Sunday.
Public Testimony	Chair Hertog asked if there was any public testimony on the agenda items and there was no response.	
Chair’s Comments/ Announcements	<ul style="list-style-type: none">The Commission’s next regularly scheduled monthly meeting will be on 9:00 a.m. on Friday, February 28, 2020 at the Mo`ikeha Building, Meeting Room 2A/2B. Executive Session to follow.Chair Hertog announced that since this was her last meeting as Chair she wanted to thank her fellow Commissioners, Police Chief Todd Raybuck and the Office of Boards and Commissions staff for all of their support over past year.	

SUBJECT	DISCUSSION	ACTION
Employee Recognition Officer Jason Scalzo	Chief Raybuck asked Chair Hertog if it was possible to defer the recognition for Officer Jason Scalzo to the Commission’s next meeting in February.	There was a motion made by Vice Chair Morita and seconded by Mr. Mince to defer the recognition for Officer Jason Scalzo to the Commission’s February 28, 2020 meeting. The motion carried 5:0.
Approval or Amending of Minutes	<ul style="list-style-type: none"> Regular Open Session Meeting Minutes of November 22, 2019 	There was a motion by Mr. Mince and seconded by Vice Chair Morita to approve the minutes of November 22, 2019 as submitted. The motion carried 5:0.
Chief’s Monthly Reports, Announcements and Pertinent updates	<ol style="list-style-type: none"> Administrative and Technical Bureau Reports as of December 2019 Investigative Services Bureau Patrol Services Bureau Crime Statistics Preliminary Summary Report Commendations Update on the Department’s 2020 Goals <p><u>Commendations</u></p> <ul style="list-style-type: none"> Chief Raybuck thanked the Kaua‘i Fire Department for their recovery efforts after a helicopter carrying seven people crashed into a mountain. He also commended the first responders for their sacrificial response of going into the crash site and do what was necessary to locate and recover the bodies. He also commended KPD’s crime scene unit particularly, Criminalist Stephanie Regan who had the arduous task of flying into crash site and had to propel down to take photographs and documentation for the investigators who were unable to reach to the site because of the mountainous terrain. Chief Raybuck expressed his appreciation for Police Captain Roderick Green for his participation in the Toys for Tots Campaign. He noted that through Captain Green’s leadership his crew of community volunteers collected 3000 toys which gave Chief 	

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	<p>Raybuck and KPD's Special Reaction Team as well as members in the Department the opportunity to deliver the toys to children over the Christmas holiday.</p> <p><u>Crime Summary Report</u></p> <ul style="list-style-type: none"> Chief Raybuck reported that his Crime Summary is a preliminary report and that the Department is working on clarifying how data in the report gets changed and when those changes occur in a timely manner. According to the preliminary report the number of violent crimes increased to 217 due to an increase in aggravated assaults compared to 201 in 2018. Also, in the report there were a total of 58,687 calls for service in 2019 compared to 56,375 in 2018 and there was a total of 149 fatalities slightly up from November's count of 147. <p>Chief Raybuck asked the Commissioners if they had any questions regarding his report.</p> <p>Vice Chair Morita asked if the blue lights on the patrol vehicles have decreased the amount of officer initiated stops. Chief Raybuck responded that he doesn't have the information with him, but anecdotally it has made a significant difference based on all of the positive feedback he's been receiving from the community.</p> <p>Mr. Bahouth asked Chief Raybuck if the statistics in his preliminary report were based on charges the Prosecuting Office put together or KPD's investigations. Chief Raybuck responded that the statistics reflected in the report is based on how the Department classifies a crime.</p> <p>Mr. Mince commented that in the previous year, the relationship between the Prosecuting Attorney and KPD was not always great as it could be. He asked Chief Raybuck (anecdotally) how he views his relationship with Prosecuting Attorney. Chief Raybuck responded that his conversations with Mr. Kollar have been very positive and that they are working together closely to resolve issues from the past.</p>	

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	<p><u>The Department's 2020 Goals</u> Chief Raybuck reported that the reorganization of the Department to align his executive staff is moving along quite well, and as of today, he is happy to report that the Department of Human Resource have begun to redefine an assistant chief's position to a director of operations position. With regard to the Department's strategic plan, he reported that those plans had to be temporarily put on hold so they could concentrate on the Department's 2020/2021 budget which they have to reduce by \$400,000. But with the Mayor's support, the Department is looking at estimates on what it can do to hire a consultant to provide expert guidance on building a three to five year strategic plan; initially the plan was to do it in-house, but the Department doesn't have the capacity to be able to do that.</p> <p>Chief Raybuck referred to a copy of the Department's 2020 goals. He explained that revisions had to be made to meet Mayor Kawakami's request that the Department tie in its recruitment and retention efforts to its 2020 Goals, and after reviewing the goals the three that tied into the new fiscal year budget are as follows:</p> <p>Goal #1- Improve Employee Safety, Wellness and Resiliency by focusing on Leaders towards improving employee safety and wellness and directing budget expenditures toward employee safety and wellness by increasing department-wide commitment to employee's wellness and resiliency.</p> <p>Goal #2 – Enhance Organizational Efficiency to reduce redundancy, improve communication and accountability, and increase the department's ability to meet our employees needs and provide the best service to our community. Strategies include: Improve staffing throughout the Department and Efficiently deploy Department Resources.</p> <p>Goal #3 – Increase Community Engagement through non-enforcement activities, promote public trust between police and the community, enhance police legitimacy with citizens, and strengthen relationships between the department and the community it serves.</p>	

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	<p>Vice Chair Morita asked relative to Goal #1 if the Department is looking at changing how the officers carry their equipment by having them wear load-bearing vests as opposed to duty belts.</p> <p>Chief Raybuck responded that he recognizes the issues of wearing a duty belt because he's worn one throughout his law enforcement career so the question he asks himself is whether or not having his officers wear load-bearing vests would be practical and would it create an image that KPD is a military tactical unit which is an image he would like to avoid, but if there is a balance between improving an officer's comfort and safety without going overly tactical he's open to it.</p> <p>Mr. Bahouth stated that he doesn't expect an answer today, but with regard to the Department's three goals what does success look like for him in terms of an observable and measurable end result.</p> <p>Chief Raybuck responded that one thing a department often lacks are benchmarks, but moving a goal or strategy towards a task and assigning the task to make sure they get accomplished is one way to measure success. But there are goals that are hard to measure like customer service, which is why he believes having an outside entity to develop KPD's strategic plan and include a community engagement survey to find out what the community thinks about KPD and how can they can improve would be the best path to take, otherwise it's all anecdotal and you have to take it for what it's worth. He shared that he recently had a conversation with a woman in the community who said, "she really sees a difference in the police officers attitude." But how does one measure that, he doesn't know.</p> <p><u>Community Outreach</u></p> <ul style="list-style-type: none"> • The first Coffee with a Cop event will be held from 10 a.m. to noon, Tuesday, January 28, 2020 at the Kaua'i Coffee Company in Kalāheo. The gathering is an opportunity for the community to meet with police officers and talk story over a cup of coffee. 	

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<p>Business KPC 2019-30</p>	<p><u>Discussion and decision-making on the possibility of eliminating certain Monthly Police Reports and to scale down on information provided to the Commission by the Investigative Services Bureau. (Deferred on 10/25/19 and 11/22/2019)</u></p> <p>Chair Hertog asked the Commissioners if they had a specific report that they wanted to delete or add. Hearing no response, she called for a motion to adopt the reports in the Commission’s meeting packet, including the Chief’s Crime Summary.</p>	<p>There was a motion made by Mr. Bahouth and seconded by Mr. Mince to adopt the monthly reports there were included in the Commissioners meeting packets and Chief Raybuck’s the crime summary The motion carried 5:0.</p>
<p>KPC 2019-35</p>	<p><u>Copy of a communication dated June 28, 2019 from Punohu Nalimu Kekaulua III, Konohiki Landlord Crown Lands, Waimea Ahupua`a, Kona, Kaua`i, Hawai`i Islands. Protected person under Geneva IV Jus Cogens Status.</u></p> <p>Chair Hertog called for a motion to receive item KPC 2019-35 for the record.</p>	<p>There was a motion made by Vice Chair Morita and seconded by Mr. Mince to receive item KPC 2019-35 for the record. The motion carried 5:0.</p>
<p>KPC 2019-36</p>	<p><u>Discussion and decision-making on draft recommendations to amend the Police Commission Rules on Administrative Practice and Procedure in accordance to Hawai`i Revised Statutes Section 92-2.5 (a). (Deferred on 10/25/2019 and 11/22/2019)</u></p> <p>Chair Hertog reported that she and Mr. Mince will start to work on the rules in February.</p>	<p>Item KPC 2019-36 was deferred to the Commission’s February 28, 2020 meeting.</p>
<p>KPC 2019-37</p>	<p><u>Briefing by Chair Hertog on the outcome of the December 4, 2019 County Council meeting on proposed changes to the Charter in regards to higher educational and experience requirements for the Chief of Police position.</u></p> <p>Chair Hertog reported that the proposal would require a police chief to have a higher educational level and 15 years of law enforcement experience was voted down by council by a vote of 4:3. She explained that certain members of the council felt that 15 years was way too high and asked if the Commission would be willing to bring the experience requirement down to five (5) years, and although her response to council was a flat no, she did say that the Commission could deal with something less than 15 years, but not five (5) years. Another concern that was brought up the meeting was why the Commission didn’t take the proposal to the Charter Review Commission and her response to council was the Commission did and referred the question to Councilwoman Cowden to provide her own justification as to why she felt it was appropriate to bring the proposal to the council instead of the Charter Review</p>	

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	<p>Commission. Additionally, Chair Hertog reported that the next Charter Review Commission is scheduled to meet on Monday and both she and Mr. Mince will be attending, but before that she would like the Commission to consider changing the requirements from 15 years to 12 to 15 years.</p> <p>Mr. Bahouth asked if it would better to give Chair Hertog and Mr. Mince the flexibility to negotiate, in case the Charter Review Commission wanted to decrease the minimum amount of experience to 11 years as opposed to 15 years.</p> <p>Vice Chair Morita commented that if it was him going before the Charter Review Commission, he would negotiate 12 to 15 years with 10 years being the lowest. Chair Hertog called for a motion to that effect, then called on Ms. Ching to share her thoughts on matter.</p> <p><u>Discussion</u></p> <p>Ms. Ching stated that if the Commission decides to stick with the 15 year requirement, the Commission would lose the battle so giving Chair Hertog and Mr. Mince room to negotiate would be a very wise decision on the Commission's part. Secondly, the Charter Review Commission is looking at limiting the amount questions to put on the ballot because having too many questions will turn off some voters to the point where they will not vote at all. Historically, the number of questions on the ballot were limited to six (6) or lower. With regard to the Commission's proposal because it's very descriptive from the Charter Review Commission's perspective, the proposal would hamper the Police Commission's ability to recruit at the level the Commission is proposing because the facts showed that it really did not hamper the Commission's ability to recruit.</p> <p>Chair Hertog stated that personally, the proposal should be placed on the ballot simply because the current Commission has the right individuals with the right levels of experience and background to have made the selection of the new Chief; that's not to say when Chief Raybuck decides to retire in six or seven years, the future Commissions may not have the same composition and experience level to do the hiring; all this Commission is trying to do at this point is to set up future Commissions with clear and helpful guidelines.</p>	<p><u>Motion</u></p> <p>There was a motion made by Mr. Bahouth and seconded by Vice Chair Morita to give Chair Hertog and Mr. Mince the authority to negotiate 12 to 15 years of required experience with 10 years being the lowest.</p>

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	<p>Ms. Ching stated that being the devil’s advocate shouldn’t there be a requirement for technical skills when it comes to selecting commissioners to serve on a specific board or commission to which Chair Hertog replied yes, and stated that both Police and Fire Commissions should be made up of volunteers with the right type of experience. Ms. Ching noted that could be a Charter amendment. Mr. Mince stated that the issue is not just the number of years of experience a person has, it’s the type of experience a person has for that number of years, so having the right combination of Commissioners would help all of the progress the current Commission has done prior.</p> <p>With no further discussion, Chair Hertog called for vote.</p>	<p>The motion carried 5:0.</p>
<p>KPC 2019-38</p>	<p><u>Discussion and decision-making on implementing a pay adjustment for Police Chief Todd G. Raybuck from his current salary to the maximum salary cap of \$137,022 or an amount lower than the cap as reflected in Resolution 2019-1 effective December 1, 2019.</u></p> <p>Chair Hertog asked the Commissioners if they had any comments on implementing a pay adjustment for Police Chief Raybuck before she calls for a motion. Vice Chair Morita asked what the total increase would be to which Chair Hertog replied roughly \$10,000 from \$127,000 that the Chief is currently receiving. Vice Chair Morita stated that he respects Mayor Kawakami’s recommendation to wait a year before giving certain department heads a raise, but in Chief Raybuck’s case because he received a favorable job performance review after being on the job for nine (9) months, he doesn’t have an issue with giving him the maximum salary cap of \$137,022 to which Commissioners Bahouth, Mince and Jardin agreed. Chair Hertog called for the motion and the vote.</p>	<p>There was a motion made by Mr. Bahouth and seconded by Mr. Mince to implement a pay adjustment for Police Chief Todd G. Raybuck from his current salary to the maximum salary cap of \$137,022 effective December 1, 2019. The motion carried 5:0.</p>
<p>KPC 2020-1</p>	<p><u>Approval of the Police Commission’s 2020 Meeting Schedule/Calendar.</u></p> <p>Chair Hertog called for a motion to approve or amend the 2020 Meeting Calendar.</p>	<p>There was a motion by Vice Chair Morita and seconded by Mr. Mince to approve the Commission’s 2020 Meeting Calendar. The motion carried 5:0.</p>

SUBJECT	DISCUSSION	ACTION
KPC 2020-2	<p><u>Election of Chair and Vice Chair for Calendar Year 2020.</u></p> <p>Chair Hertog called for nominations for chairperson. Mr. Mince asked if there is anything in the Commission’s rules that would prevent her from succeeding herself to which Chair Hertog replied yes, and called for nominations for chair.</p> <p><u>Discussion</u> Vice Chair Morita stated that he accepts nomination, but would he need help from his fellow Commissioners to cover some events throughout the year because he is also a volunteer on other community boards. Chair Hertog called for the vote.</p> <p>Chair Hertog called for nominations for vice chair and the vote.</p>	<p>Mr. Mince moved to nominate Vice Chair Morita as Chair. Ms. Jardin seconded the motion.</p> <p>The motion carried 5:0.</p> <p>Mr. Mince moved to nominate Ms. Adams as vice chair. Vice Chair Morita seconded the motion. The motion carried 5:0.</p>
Executive Session	<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 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.</p>	<p>At 9:48 a.m. Chair Hertog cited the Hawai‘i Revised Statutes to bring the meeting into Executive.</p>
ES KPC 2019-030	<p>Un-notarized complaint received on December 6, 2019. The complainant alleges excessive use of force by an Officer in the Kaua‘i Police Department. The allegation stems from an incident that occurred back in April 2017 of a deadly crash that killed a 19-year-old woman.</p>	
ES KPC 2020-001	<p>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.</p>	
ES KPC 2020-002	<p>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.</p>	<p>There was a motion made by Mr. Bahouth to enter into Executive Session and seconded by Mr. Mince. The motion carried 5:0.</p>

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		At 9:50 a.m. the Commissioners entered into Executive Session.
<p>ES KPC 2020-003</p>	<p>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 minutes of November 22, 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 item.</p>	<p>There was a motion made by Mr. Bahouth and seconded by Mr. Mince to enter into Executive Session. The motion carried 5:0. At 9:50 a.m. the Commissioners entered into Executive Session.</p>
<p>Return to Open Session to ratify the actions taken in Executive Session</p>	<p>At 10:45 a.m. the Commissioners reconvened in Open Session. Chair Hertog called for a motion to ratify the actions taken in Executive Session.</p>	<p>There was a motion by Vice Chair Morita and seconded by Mr. Bahouth to ratify the actions taken in Executive Session. The motion carried 5:0.</p> <p>ES KPC 2020-001: receive the Office of Professional Standards Monthly Reports. The motion carried 5:0.</p> <p>ES KPC 2020-002: The Commissioners received a briefing by Chief Raybuck.</p> <p>ES KPC 2020-003: There was a motion made by Vice Chair Morita to approve the Executive Session Meeting Minutes of November 22, 2019 and seconded by Mr. Mince. The motion carried 5:0.</p>

SUBJECT	DISCUSSION	ACTION
Adjournment	With no further business to conduct, Chair Hertog called for a motion to adjourn the meeting.	There was a motion made by Vice Chair Morita and seconded by Mr. Mince to adjourn the meeting. The motion carried 5:0. At 10:45 a.m. the meeting adjourned.

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Roy Morita, Chair-elect

- (x) Approved as circulated on February 28, 2020
- () Approved as amended. See minutes of _____ meeting.