



POLICE COMMISSION

CATHERINE ADAMS CHAIR
GERALD BAHOUTH, VICE CHAIR

MARY K. HERTOG, MEMBER
LEINA`ALA JARDIN, MEMBER
KEVIN MINCE, MEMBER
ROY MORITA, MEMBER
DEAN PIGAO, MEMBER

REGULAR MONTHLY TELECONFERENCE MEETING NOTICE AND AGENDA

Thursday, APRIL 22, 2021
9:00 a.m. or shortly thereafter

Microsoft Teams Audio: + 1 469-848-0234, Conference ID: 672 343 420#

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

ANNOUNCEMENTS:

Next Scheduled Teleconference Meeting: Thursday, May 27, 2021 – 9:00 a.m.
Executive Session to follow.

PUBLIC TESTIMONY

1. CHIEF'S REPORTS:

- a) Administrative & Technical Reports
- b) Investigative Bureau Reports
- c) Patrol Bureau Reports
- d) New updates on KPD's recruitment efforts
- e) Promotions
- f) Pertinent Announcements and or updates

BUSINESS

KPC 2021-7:

Discussion and decision-making on proposed amendments to Rule 1 of the Kauai Police Commission Rules on Administrative Practice and Procedure.

KPC 2021-8:

Presentation by the Permitted Interaction Group on amending the Kauai Police Commission Rules on Administrative Practice and Procedure for Rule 2.

KPC 2021-9

Discussion on the status of the CARES Act Funds allocated to the Kauai Police Department.

KPC 2021-10:

Decision-making on providing legal representation provided by the county to Chief of Police Todd Raybuck, Officer Derek Kelley and Officer Russell Himongala relating to Civil Action No. 21-00011-JMS-RT, that was filed by Megeso-William-Alan: Denis a.k.a: William Denis in the United States Court for District of Hawai'i alleging deprivation of Rights under the First, Ninth and Fourteen Amendments of the United States Constitution.

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; 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:

KPC 2021-001:

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 with the Kauai Police Commission and referred to the Office of the Chief for further review.

KPC 2021-002:

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 2021-003:

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 August 27, 2020, September 8, 2020, September 22, 2020 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 March 25, 2021)

ES KPC 2021-004:

Pursuant to Hawai'i Revised Statutes §§ 92-4(a)(1), (2), (4), and (5), the Office of the County Attorney requests an Executive Session with the Police Commission to provide the Commission with an update on the case of William Denis vs. David Ige, Derek Kawakami, et al.; Civil Action No. 21-00011 and to make a recommendation to the Police Commission as to "whether an act, for which the police officer is being sued, was done in the performance of the police officer's duty, so as to entitle the police officer to be represented by counsel provided by the county" pursuant to Hawai'i Revised Statute § 52D-9 with respect to Chief of Police Todd Raybuck, Officer Derek Kelley and Officer Russell Himongala.

ES KPC 2021-005:

Communication dated March 5, 2021 from Maui Police Commission Chair Frank R. Rego Jr. to Kauai Police Commission Chair Catherine Adams. The Maui Police Commission is requesting assistance from the Kauai Police Commission to conduct an investigation as to whether the Maui Police Department or any of its officers engaged in any misconduct during an incident and the arrests of the individuals. (Deferred on March 25, 2021)

ES KPC 2021-006:

Pursuant to HRS 92-4, 92-5 (a) (2) and (4), the purpose of this executive session is for the Commission to discuss charges brought against officers in the Kauai Police Department, 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 or liabilities as they may relate to this agenda item.

ES KPC 2020-021:

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

RETURN BACK TO OPEN SESSION TO RATIFY THE ACTIONS TAKEN IN EXECUTIVE

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 Chris Donahoe
Police Chief 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:

Police Commission

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 Mercedes Omo at (808) 241-4920 or mromo@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.