

Approved

OPEN SESSION TELECONFERENCE MEETING MINUTES

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| Board/Commission | Kauai Police Commission | Meeting Date | June 25, 2021 |
| Location | Teleconference Meeting | Start of Meeting: 9:00 a.m. | 11:31 a.m. |
| Present | Chair Catherine Adams; Vice Chair Gerald Bahouth; Commissioners: Mary K. Hertog, Kevin Mince and Roy Morita. Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Ellen Ching; Office of the County Attorney: Deputy County Attorney Chris Donahoe; Kauai Police Department: Chief of Police Todd G. Raybuck; Assistant Chiefs Mark Begley and Bryson Ponce; Captains Mark Ozaki and Paul Applegate; Lieutenant Darren Rose; Acting Lieutenant/Sergeant Jason Overmyer; Office of Professional Standards Sergeant Ginny Pia; KPD's Public Information Officer Coco Zickos; Officer of the Month Derrick Kelley; Councilmember Felicia Cowden; and Officer Kelley's wife: Ms. Shellie Smith. | | |
| Excused | Commissioners Leina`ala Jardin and Dean Pigao | | |
| Absent | | | |



| SUBJECT | DISCUSSION | ACTION |
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| Call To Order | | Chair Adams called the regular teleconference meeting of June 25, 2021 to order at 9:00 a.m. |
| Roll Call | | A roll call ensued with all five (5) commissioners present ready to conduct business. |
| Announcements | Next Regular Teleconference Meeting 9:00 a.m. Friday, July 23, 2021. Executive Session to follow. | |
| Public Testimony | None. | |

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| Officer of the Month | <p>Chair Adams called on Chief Raybuck to introduce Employee of the Month for June Officer Derrick Kelley. Reading the commendation for Officer Kelley was Acting Lieutenant/Sergeant Jason Overmyer.</p> <p>On May 24, Officer Kelley was assisting in a burglary investigation where footage was obtained of one of the suspect's. Upon reviewing the footage, Officer Kelley recognized the suspect and immediately began searching the area. A short time later, Officer Kelley located one of suspect who was accompanied by an accomplice who had several outstanding warrants for their arrest. While placing the suspects under arrest, Officer Kelley observed several bags and backpacks in their possession that matched the description of items that were taken from recent burglaries in the area. Based on his observations a warrant was obtained which resulted in several of the stolen items being recovered, in which several of the items were later returned to their rightful owners. Both suspects were taken into custody and transferred to KPD's cellblock in Līhu'e for processing. Officer Kelley's hard work and determination not only resulted in the arrests of two individuals responsible for multiple crimes in the area, but also the return of property to the victims who never thought they would see their stolen items again.</p> <p>Acting Lt. Overmyer asked the commissioners to join him in congratulating Officer Kelley as Employee of the Month for June.</p> <p>Officer Kelley's wife, Shellie Smith expressed for her heartfelt appreciation for her husband and how proud she was of him and how proud their kids are of their dad. Her husband's commitment to his work even after when he comes home after a long shift really shows because he is already thinking how he can recover the stolen items and arrest the perpetrators who committed the crime and bring justice to the victims.</p> | |

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| | <p>Chair Adams expressed her appreciation for Ms. Smith and her children for their unwavering support and for keeping the home front together. She noted that having the support of his family is the key to Officer Kelley's well-being and success as a police officer.</p> <p>Chief Raybuck said that the commendation report does not go into depth of the work Officer Kelley has done on the case and the impact that he made. Anyone who has been victim of a burglary knows how much of a violation it is to have someone rummage through your belongings and taking your valuables and sentimental items. He commended Officer Kelley for having self-motivation to bring justice to the victims and through his actions has made a positive impact to the community. Officer Kelley was presented with a certificate of exemplary service in recognition of his commitment to keep the community safe and for displaying outstanding quality enforcement while building positive relationships between the police and the community.</p> <p>Officer Kelley took the opportunity to thank KPD for being awarded Officer of the Month and agreed with Chief Raybuck's comments about what motivated him was on point. He noted that like himself, his fellow officers are also self-motivated and go above and beyond to try to solve these type of crimes every day.</p> <p>Vice Chair Bahouth congratulated Officer Kelley for being a role model on what a police officer should be and for doing great investigative work that led to the arrest of the suspects and the recovery of some of the stolen items.</p> <p>Ms. Hertog stated that she remembered Officer Kelley when he was a member of his graduation class. She noted that Officer Kelley is a wonderful example of what a police officer is, especially for the new recruits who had just recently graduated. She thanked him for a doing a fine job and his entire his family for their unwavering support because it plays a huge part of his success.</p> | |

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| | <p>Like Ms. Hertog, Mr. Mince stated that he has seen Officer Kelley in action on several occasions when he was at the college and would like to congratulate him for a job well done and for setting a great example for the graduates of the Kauai Police Department 94th Recruit Class.</p> <p>Mr. Morita congratulated Officer Kelley for a job well done. He thanked his wife (Shellie) for all of the support that she gives to her husband each and every day. He shared that as a victim of theft, he knows very well how violated the victims felt and the stress of not knowing whether or not he would see his valuables ever again. But thanks to the investigative officer's great work his wallet recovered and returned to him.</p> <p>Chair Adams stated that she is proud to have Officer Kelley on the police force and that he is a great representative to his fellow officers.</p> <p>Councilmember/Public Safety Chair, Felicia Cowden expressed her appreciation for Officer Kelley for his outstanding police work. She stated as a mother of one of the newly sworn police officers in the 94th Recruit Class, Officer Kelley actions is a fine example of what a police officer is. Overall, the Kauai Police Department has been a bright light of hope in terms of what the public is seeing on national news, and in some ways, the local news as well. Chair Adams thanked everyone for their comments, and the moved on to the approval of the meeting minutes.</p> | |
| <p>Approval of Meeting Minutes</p> | <p>Chair Adams called for a motion to approve or amend the Open Session Minutes of May 28, 2021 Meeting.</p> | <p>Vice Chair Bahouth moved to approve the minutes of the May 28, 2021 meeting as circulated. Ms. Hertog seconded. A roll call ensued with all five (5) commissioners present voting unanimously in favor of the motion.</p> |

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| <p>Chief's Monthly Reports</p> | <ol style="list-style-type: none"> 1. Administrative & Technical 2. Investigative Bureau 3. Patrol Bureau 4. Pertinent Announcements and or updates <p>Chief Raybuck asked the commissioners if they had any specific questions regarding the Chief's Monthly Reports.</p> <p>Mr. Morita stated that between of January through May 2019 the amount of registered hands guns at 400 and in the first five (5) months of 2021 there were a total of 732 registered hand guns which is equalivent to the two (2) previous years combined. He asked with the increase of gun violence nationally has there been an increase of firearms sales on Kauai and in the previous years, is it common for KPD to see a spike in the number of registered handguns.</p> <p>Chief Raybuck replied that the Department has not seen any increases of gun violence on Kauai because gun violence on Kauai is very rare. He stated that KPD is grateful to have a community that's small and rural where everyone knows one another who do not have to experience what goes on mainland.</p> <p>To address his question on whether it is common to see spikes in registered handguns. Chief Raybuck stated that there are a lot of anecdotal reasons why people attribute to the increase in firearms purchases particularly throughout the whole Covid situation which he thinks has to do with national dialogue and political transformation.</p> <p>Vice Chair Bahouth asked if KPD is still conducting active shooter training at facility on an annual bases. Chief Raybuck replied the he does not recall any recent trainings, but KPD does have the oppportunity to specifically conduct that type of training.</p> | |

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| | <p>But because of the pandemic, the Department has been conducting other mandatory trainings to make sure that their officers are up to date in other specific areas. Going back to active shooter training, the Department's SRS unit has been conducting active shooter trainings to increase the officer's ability to safety and effectively respond to an emergency situation. In addition, KPD have been providing active shooter training for various businesses on Kauai and has even partnered with other state entities to help them prepare their facility and organization should a need arise.</p> <p>Being there were no further questions, Chief Raybuck moved on to his announcements and pertinent updates.</p> <ul style="list-style-type: none"> • Congratulated the six (6) new police officers and thanked Chair Adams for attending the graduation ceremony; • Since January 2020 KPD has graduated twenty-nine (29) new police officers from three (3) recruit classes. • He credited the entire recruitment team for hard work and dedication to help prepare candidates to become eligible recruits. • He commended KPD's background investigators Sgt. Darla Nonaka, Sgt. Lance Okasaki and Lt. Anthony Morita for their hard work and dedication. • He credited Lt. Kenneth Cumming's for his guidance on modifying, refining and improving the background checks and hiring process by streamlining to cut out redundancy. • He credited KPD's training cadre for assisting with the training especially, Sergeant Nitta and Sergeant Santella for running back-to- back recruit school since summer 2019, and who will be starting a new recruit class in July with seven (7) new recruits. • Chief Raybuck thanked the Department of Human Resources for all of their support and expertise throughout the entire recruitment process. • Come July, KPD is going to have fourteen (14) police officer vacancies, but with the seven (7) new recruits on board and the lateral transfer from the Honolulu Police | |

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| | <p>Department –KPD will be down to six (6) vacancies in July. This is the first time KPD has been close to full staffing capacity in decades.</p> <ul style="list-style-type: none"> • Although 10 to 12 vacancies are projected at the year’s end, KPD’s recruitment team will be working hard to overcome the attrition rate and bring people in. • Search and rescue efforts for a missing hiker and most recently a missing diver have been on-going. He commended Assistant Chief Bryson Ponce, Captain Paul Applegate, Lieutenant Chris Calio and the ISB detectives for assisting KPD’s community partners in trying to find a positive resolution for the family members of the missing individuals. He thanked the Kauai Fire Department, the US Coast Guard, DLNR, DHHL and all of the other entities who were out there assisting KPD. • Lastly, he thanked members of the community and the hiking community for reaching out to offer assistance to try to locate the missing hiker. <p>Mr. Morita asked what percentage is for applicants who pass the written exam.</p> <p>Chief Raybuck stated that according to the Administrative and Technical Bureau Report it shows a positive momentum is occurring. From January 2021 – April 202, 53 applicants have passed their written exam which equates to 68% pass rate. In 2020 (same period) the pass rate was at 58%, and then in 2019 the pass rate was at 64%. He noted that for the public who are interested in taking the written exam to go onto the Kauai Police Department’s website and click on the link and it will take them to a list of questions that will be in the written exam, as well as other helpful information.</p> <p>Ms. Hertog asked what type of training the lateral transfer from HPD has to undergo to acclimate himself with KPD’s policies and would he be subjected to undergo six (6) months of training like the other new recruits.</p> | |

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| | <p>Chief Raybuck replied that to his knowledge the lateral transfer is a 12 or 15 year veteran with the Honolulu Police Department and has worked in many different units and brings with him certain training which will be beneficial to KPD's officers as well. He noted that KPD does not accept lateral transfers from the mainland, it only accepts lateral transfers from within the state. With regard to the training for lateral transfers, procedurally speaking, the Administrative and Technical Bureau would review the officer's past training records and compare his trainings with KPD's required trainings. ATB would also look for any differences in the trainings between what the officer received while at HPD and the trainings KPD has. By identifying those trainings, ATB is able to develop and identify a modified training curriculum to bring the officer up to speed.</p> <p>Due to some minor technical difficulties, on behalf of Chair Adams, staff called upon Administrative & Technical Bureau Captain Mark Ozaki to address the commissioners on the 95th Police Recruit Class starting July 1, 2021.</p> <p>Captain Ozaki stated that the 95th Recruit Class consist of seven (7) new recruits will commence on July 1, 2021. As part of the introductory, ATB will be providing a block of instruction which normally includes one or two members of the police commission giving an overview of the commission's duties and responsibilities followed by a meet and greet.</p> <p>He asked Chair Adams if she or any one of the commissioners would like to volunteer their time to address the new recruits and attend the upcoming promotional ceremony sometime in the third week of July.</p> <p>Chair Adams stated that she would love to volunteer her time to meet with the new recruits, and then called for another volunteer. Ms. Hertog stated that she would be more than happy to volunteer her time. She asked Captain Ozaki if he could provide them with the date and time of the event. Captain Ozaki stated that the block of instruction would probably occur after the 4th of July holiday, but to make sure he will email Mercedes the information.</p> | |

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| | <p>With no further questions or comments, Chair Adams called for a motion to receive the Chief's Monthly Reports.</p> | <p>Vice Chair Bahouth moved to receive the Chief's Monthly Reports as submitted. Ms. Hertog seconded. A roll call ensued with all five (5) commissioners present voting unanimously in favor of the motion.</p> |
| <p>KPC 2021-15</p> | <p><u>Discussion and decision-making on the permitted interaction group recommendations for Revision of Rule 3 of the Kauai Police Commission Rules on Administrative Practice and Procedure.</u></p> <p>Ms. Hertog stated that at the May 28, 2021 meeting of the Commission, the Group provided recommendations that were inserted into the commissioners meeting packets for Rule 3. Today, what the commissioners have in front of them are the results of a discussion the Group had with Mr. Donahoe since the last meeting. She explained that the Group asked Mr. Donahoe to provide language on legal representation for KPD's officers which has been integrated into Rule 3.</p> <p>Today, the Group is also recommending relocating the contested case hearing and appeal to Rule 5. With no further discussion, Chair Adams called for a motion to approve the Group's recommendations for revision of Rule 3.</p> | <p>Vice Chair Bahouth moved to approve and accept the Group's recommendations for Revision of Rule 3 of the Kauai Police Commission Rules on Administrative Practice and Procedure as presented. Mr. Morita seconded. A roll call ensued with all five (5) commissioners present voting unanimously in favor of the motion.</p> |
| <p>KPC 2021-16</p> | <p><u>Presentation by the Permitted Interaction Group on recommendations for Revision of Rule 4 of the Kauai Police Commission Rules on Administrative Practice and Procedure.</u></p> <p>Ms. Hertog gave the report on behalf of the Group, which consisted of Commissioners Morita and Pigao. Ms. Hertog then referred to the draft recommendations for revision of Rule 4. She pointed out that the major changes are written in blue, which talks about continuity of command, adding clarifying definitions on the powers of the commission, the powers of the</p> | |

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| | <p>police chief, as well clarifying definitions of an acting chief and an interim chief and who can appoint them, and what the commission has to do. Also, to adhere to the County Charter regarding the qualifications for police chief, the Group is recommending inserting the language from the Charter.</p> <p>Ms. Hertog stated that this is just a presentation and any discussion and decision-making would have to be made at the commission’s subsequent meeting on July 23, 2021.</p> <p>With nothing to report, Chair Adams moved on the item KPC 2021-17.</p> | |
| <p>KPC 2021-17</p> | <p><u>Discussion and decision-making on the permitted interaction group’s recommendations on the Climate Assessment Survey for the Kauai Police Department.</u></p> <p>Vice Chair Bahouth gave the report on behalf of the Group, which consisted of Commissioners Jardin and Pigao. Vice Chair Bahouth reported that the Group met with Mr. Donahoe and Boards and Commissions Administrator Ellen Ching to prepare the Group’s recommendation report dated May 5, 2021 which was distributed to the commissioners at the May 28, 2021 meeting. He stated that if there is no discussion on the Group’s recommendations, he would like to have a motion to allow the Group to move forward with the climate assessment for the Kauai Police Department, and another motion to accept and approve the Group’s recommendations, and then have a discussion.</p> <p>Ms. Hertog stated that she submitted several questions in early June and got back answers for a couple of her questions, but would like to wait until the motion to move the climate assessment forward is made before she brings up the questions.</p> <p>Chair Adams called for a motion.</p> <p>After the motion was made and seconded, Ms. Ching asked Ms. Hertog to clarify if her motion to move the climate assessment forward included accepting and approving the Group’s recommendations. Ms. Hertog replied no, and stated that is for discussion purposes.</p> | <p>Ms. Hertog moved that the commission move the climate assessment for the Kauai Police Department forward. Mr. Morita seconded.</p> |

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| | <p><u>Discussion</u></p> <p>Ms. Hertog stated that her first and last question have already been addressed but there were several questions in the survey that referred to “my command or my commander.” There needs to be distinction as to what those terms are referring; is it a particular bureau commander, a person’s immediate supervisor or the chief.</p> <p>Ms. Ching stated that being that the Group has been working really hard on the climate assessment she is going to work with Commission Pigao to come up with a common set of definitions to make it clear to all of the individuals who will be taking the survey. For the commissioner’s knowledge, she asked Ms. Hertog if she could read the questions she submitted to which Ms. Hertog replied sure.</p> <ol style="list-style-type: none"> 1. Can I assume that this list of questions will be purged from all California Highway Patrol references? 2. There are several questions throughout the survey that asks about my command or my commander. I think we need to define who or what we are referring to so it is understood by everyone. Is the commander your bureau chief, the chief or your immediate supervisor? Is the command the bureau where you work in or is it KPD? And unless clarified it could be open to interpretation. 3. What does question #11 in attachment 2 means? (I have an opportunity to do what interests me) Is this question really necessary? 4. Question #19 – who is the commander in this question? Is it the bureau chief or their immediate supervisor? 5. How would this be transmitted from the commission or boards and commissions? <p>Chair Adams asked Vice Chair Bahouth if they made changes to the survey to which Vice Chair Bahouth replied no, because the Group felt that the body of the survey was already well written. Also, to address Ms. Hertog’s question #2, the Group felt that the command staff was centered on the chief, the assistant’s chiefs, captains and lieutenants as being the</p> | |

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| | <p>command staff. All of the other things in the survey made good sense to the Group with the exception of the two open-ended questions (#20 & #21) which the Group deleted because it could put liability on the commission to conduct an investigation based on information on a blind survey.</p> <p>Ms. Ching clarified that questions Vice Chair Bahouth is referring to is recommendation #11.</p> <p>Vice Chair Bahouth stated that the survey is a just a baseline and if the commission can get a 30% response from KPD it would accomplish its goal to establish a base line. The commission is not using the survey as a tool to manage a person’s work performance, the purpose of the survey is to provide information to the command staff as well as to the chief to help them create a better work environment in KPD.</p> <p>Mr. Morita asked Ms. Hertog if she wanted to hold off on her motion until she gets the answers to her questions to which Ms. Hertog replied no, and stated that she is comfortable making the motion as long as the Group addresses the definitions so that everyone is completely aware of what the commission means by having those verbiage in the survey.</p> <p>From a legal standpoint, Mr. Donahoe advised the commissioners that clarifying the definitions would not have an impact on any of the questions therefore he agrees with Ms. Hertog.</p> <p>With that said, Chair Adams called for the roll call vote to move the climate assessment forward. Ms. Ching asked Chair Adams if she could call for a motion to approve and accept the Group’s recommendations as presented so that the assessment could have move forward. Chair Adams called for the motion.</p> <p>After the vote, Chair Adams thanked the members of the Group for taking on such a large task.</p> | <p>A roll call ensued with all five (5) commissioners present voting unanimously in favor of the motion.</p> |

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| | | <p><u>Motion No. 2</u> Ms. Hertog moved to approve and accept the Group’s recommendation as presented at the commission’s May 28, 2021 meeting. Mr. Morita seconded. Hearing no objections, a roll call ensued with all five (5) commissioners present voting unanimously in favor of the motion.</p> |
| <p>KPC 2021-18</p> | <p><u>Discussion and decision-making to rescind the motion that was previously made on April 22, 2021 to approve the recommendations for Revision of Rule 1 of the Kauai Police Commission Rules on Administrative Practice and Procedure.</u></p> <p>Ms. Hertog stated that purpose of the item is to consider rescinding the motion that was previously made to approve the Group’s recommendations for Revision of Rule 1. As the commissioners already know Deputy County Attorney Donahoe expressed his concerns about including the proposed language on the <u>authority of the mayor and police commission</u> as well as the <u>police commission overview and responsibilities</u> in Rule 1, and if the commission did that, the Office of the County Attorney would not sign off on the Rules.</p> <p>Henceforth, the Group met and came up with a compromise that everyone could live with and that is to leave Rule 1 in its original format and take the language the Group put in Rule 1 and put it in a document via a brochure or pamphlet and hand it out to the new commissioners along with a set of the Commission’s rules.</p> <p>Chair Adams called for a motion to begin discussion.</p> | <p>Mr. Morita moved to rescind the motion that was previously made at the commission’s April 22, 2021 meeting to approve the Group’s recommendations for Revision of Rule 1 of the Kauai Police Commission Rules on Administrative Practice and Procedure. Vice Chair Bahouth seconded.</p> |

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| | <p><u>Discussion</u> Mr. Mince stated that by rescinding the motion would put the commission at the mercy of the Group and or the County Attorney to come up with an Ad-junk document. He asked if the appropriate thing to do first is to develop the language, and then vote to rescind and replace it with the Ad-junk document.</p> <p>Ms. Hertog stated that the basically the Group is going to take the language he scripted and add more to it which they will bring to the commissioners at some point for approval. She pointed out that the Group is not going to change the language that was written previously it is just going to be in a different format and the Group would probably add more to it as to some of the things the Group wanted to know when they first came on board.</p> <p>Mr. Mince stated that the document needs to be created first, and then the commission could vote to whether take the language out of the forward of the current rules. Ms. Hertog disagreed, stating that the commission could finalize Rule 1, and then take the language and use it as a foundation to develop the other document that everyone will get a chance to see.</p> <p>Chair Adams stated that by rescinding the previous motion it would revert to the original language to which Ms. Hertog replied yes, and then referred to item KPC 2021-19 which would revert the original language in Rule 1. With no further discussion, Chair Adams called for a roll call vote.</p> | <p>A roll call ensued with Commissioners Morita, Hertog, Bahouth and Adams voting in favor of the motion. Commissioner Mince voted against the motion. The motion carried by a vote of 4:1.</p> |
| <p>KPC 2021-19</p> | <p><u>Discussion and decision-making on approving the County Attorney’s recommendations for Revision of Rule 1 of the Kauai Police Commission Rules on Administrative Practice and Procedure.</u></p> <p>Ms. Hertog stated that the item is basically asking the commission to approve Rule 1 in its original state which includes the preamble on the police commission’s <u>authority</u> and <u>mission statement</u>.</p> | |

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| | <p><u>Discussion</u> For clarification, Mr. Mince asked if the commission is voting only on the definitions or on the introduction section. Ms. Hertog replied that the vote is in regard to the definitions and keeping Rule 1 in its original state. Mr. Mince pointed out that the original Rule 1 did not change. Ms. Hertog replied that the motion passed to rescind the commission’s previous motion which puts Rule 1 in its original state. Mr. Mince clarified that Rule 1 relates only to the definitions it does not relate to the preamble/introduction page. Ms. Hertog replied that Rule 1 does include the preamble. Mr. Donahoe stated that he understands where Mr. Mince is coming from, so his advice is to expand the motion to adopt the original forward which included the commission’s <u>authority</u> and the commission’s <u>mission statement</u> as well as Rule 1.</p> <p>Staff clarified that the task is for the commission to accept the County Attorney’s recommendation to remove the commission’s <u>authority</u> and the commission’s <u>mission statement</u> from the preamble. Ms. Hertog agreed and clarified that the correct motion is accept the County Attorney’s recommendation to remove the commission’s <u>authority</u> and the commission’s <u>mission statement</u> and put it in a separate document. Mr. Donahoe clarified further that the original forward would remain the same and Rule 1 would remain the same to which Ms. Hertog agreed, and thanked Mr. Mince for the clarification. Chair Adams called the motion and roll vote.</p> | <p>Vice Chair Bahouth moved to accept the County Attorney’s recommendations not to include the language on Authority of the Mayor and Police Commission and the Police Commission Overview of Responsibilities. Mr. Morita seconded. A roll call ensued with Commissioners Morita, Hertog, Bahouth and Adams voting in favor of the motion. Commissioner Mince voted against the motion. The motion carried 4:1.</p> |

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| <p>KPC 2021-021</p> | <p><u>Public Announcements on the disposition for the Kauai Police Commission notarized complaints KP2021-001, KPC 2021-002, KPC 2021-003, and KPC 2021-004 filed with the Kauai Police Commission.</u></p> <p><u>Notarized Complaint KPC 2021-001:</u> After due consideration of the case, the Commission has determined to exonerate the officer from any wrong doing. This officially concluded the commission’s review of notarized complaint KPC 2021-001.</p> <p><u>Notarized Complaint KPC 2021-002:</u> Pursuant to Rule 3-1 (g) Public Charges against the Conduct of the Department or Any of its Members subsection (a) Charges shall be filed with the Office of Boards and Commissions no later than thirty (30) calendar days after the date of occurrence. Charges filed after the thirty-day period will not be investigated unless, the Commission finds good cause for an extension of time. In no event may the Commission consider a complaint filed more than 180 calendar days after the date of occurrence. Therefore, the Commission has determined not to take action on the above-mentioned complaint. This officially concluded the commission’s review of notarized complaint KPC 2021-002.</p> <p><u>Notarized Complaint KPC 2021-003:</u> After due consideration of the case, the Commission has determined to exonerate the officer from any wrongdoing. This officially concludes the Commission’s review of notarized complaint KPC 2021-003.</p> <p><u>Notarized Complaint KPC 2021-004:</u> After due consideration of the case, the Commission has determined to exonerate the officer from any wrongdoing. This officially concluded the Commission’s review of notarized complaint KPC 2021-004.</p> | <p>Ms. Hertog moved to approve the public announcements for KPC 2021-001, KPC 2021-002, KPC 2021-003 and KPC 2021-004 as submitted.</p> <p>Mr. Morita seconded. A roll call ensued with all five (5) commissioners present voting unanimously in favor of the motion.</p> <p>*Mr. Donahoe noted that in lieu of the Sunshine Law the public announcement for notarized complaint KPC 2021-005 that was included in the commissioners meeting packets needs to be deferred to the commission’s July 23, 2021 meeting.</p> |

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| Executive Session | 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: | At 10:11 a.m. Deputy County Attorney Donahoe began to cite the Hawai'i Revised Statutes to take the meeting into Executive Session. |
| ES KPC 2021-001 | Monthly update by Ginny Pia, Sergeant, 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. | |
| ES 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 2021-014 | Pursuant to Hawai'i Revised Statutes §92-5 (a) (2) and (4), the purpose of this Executive Session is for the Commission to discuss the results of Chief Raybuck's fiscal year evaluation due on June 30, 2021. 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 this item. | |
| ES KPC 2021-015 | 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 May 28, 2021 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 | |

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| ES KPC 2021-016 | 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 May 28, 2021 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 | Ms. Hertog moved to enter into Executive Session. Vice Chair Bahouth seconded. A roll call ensued with all five (5) commissioners present voting unanimously in favor of the motion. |
| Return to Open Session to ratify the actions taken in Executive Session | At 11:29 a.m. the commissioners return to open session. Chair Adams called for a motion to ratify the actions taken in Executive Session. | Vice Chair Bahouth moved to ratify the actions taken in executive session. Ms. Hertog seconded. A roll call ensued with all five (5) commissioners present voting unanimously in favor of the motion. |
| Adjournment | With no further business to conduct, Chair Adams called for a motion to adjourn the meeting. | Ms. Hertog moved to adjourn the meeting. Vice Chair Bahouth seconded. A roll call ensued with all five (5) commissioners present voting unanimously in favor of the motion. At 11:31 a.m. the meeting adjourned. |

Submitted by: _____
 Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
 Catherine Adams, Chair

- (x) Approved as circulated on July 23, 2021
 () Approved as amended. See minutes of _____ meeting.