Meetings of the Police Commission will be conducted as follows:
- Meetings will be publicly noticed pursuant to HRS Chapter 92.
- Minutes of meetings will be completed pursuant to HRS Chapter 92 and posted to the Police Commission’s website upon completion and approval.

Public Comments and Testimony:
- Written testimony will be accepted for any agenda item herein.
  - Written testimony indicating your 1) name, and if applicable, your position/title and organization you are representing, 2) the agenda item that you are providing comment on, and 3) contact information (telephone number and email address), may be mromo@kauai.gov or mailed to the Police Commission, c/o Office of Boards and Commission, 4444 Rice Street, Suite 300, Lihue, Hawaii 96766.
  - Written testimony received by the Police Commission at least 24 hours prior to the meeting will be distributed to all Police Commissioners prior to the meeting.
  - Any testimony received after this time and up to the start of the meeting will be summarized by the Clerk of the Commission during the meeting and added to the record thereafter.
  - Any late testimony received will be distributed to the to the members after the meeting is concluded.

- Oral testimony will be taken at any time during the meeting.
  - It is recommended that anyone interested in providing oral testimony register at least 24 hours prior to the meeting by emailing mromo@kauai.gov or calling (808) 241-4920. Any request to register shall include your 1) name, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, and 3) contact information (telephone number and email address).
  - Per the Police Commission and Chair’s practice, there is a three-minute time limit per testifier per agenda item.
  - Individuals who have not registered to provide testimony will be given an opportunity to speak on an agenda item following the registered speakers.

**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 asegregti@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.
REGULAR MONTHLY POLICE COMMISSION MEETING NOTICE AND AGENDA
Friday, July 29, 2022
9:00 a.m. or shortly thereafter
4444 Rice Street, Moikeha Building, Meeting Room 2A/2B
Līhuʻe, Hawaiʻi 96766

MEETING CALLED TO ORDER

ROLL CALL TO ASCERTAIN QUORUM

APPROVAL OF AGENDA

ANNOUNCEMENTS:
- Next Regular Monthly Meeting 9:00 a.m. Friday, August 26, 2022. Executive Session to follow. Subject to change.

PUBLIC TESTIMONY ON ANY OF THE ITEMS LISTED ON THE AGENDA
Oral testimony will be taken at any time during the meeting

EMPLOYEES OF THE MONTH FOR JUNE & JULY
- Sergeant Stacey Perreira (June)
- Detective Aaron Lester (July)

APPROVAL OF MINUTES
- Open Session May 27, 2022, Meeting

CHIEF’S MONTHLY REPORTS AND PERTINENT UPDATES AND ANNOUNCEMENTS
- Administrative & Technical Bureau
- Investigative Services Bureau
- Patrol Bureau Reports
- Chief’s Office
  - Community Outreach

BUSINESS
KPC 2022-2:
Presentation by the permitted interaction group on recommendations on the process, procedures, and tools to enhance the chief of police evaluation process resulting in a more cohesive evaluation product. (Deferred on May 27, 2022)
KPC 2022-12:
Communication dated June 30, 2022, from Police Chief Todd Raybuck to Chair Gerald Bahouth, and Members of the Kauai Police Commission regarding an overview of progress on the Department’s FY 21/22 Goals through June 30, 2022.

KPC 2022-13:
Discussion and decision-making on revision to Rule 11 of the Police Commission Administrative Rules of Practice and Procedure.

KPC 2022-14:
Letter dated June 15, 2022, from SHOPO Business Agent Roy Asher, Kauai to Chair Gerald Bahouth and Members of the Police Commission regarding comments that were made by commissioners in Chief Raybuck’s Police Commission Evaluation for the period of April 19, 2019, to April 22, 2020.

KPC 2022-15:
Testimony by Detective Brian Silva regarding morale, standards of conduct, retention, staffing issues, and management on the safety of the community and the well-being of the officers in the Kauai Police Department.

KPC 2022-16
Testimony by Chris Calio regarding standards of conduct, retention and separations in the Kauai Police Department.

KPC 2022-17:
Discussion and decision-making on establishing a permitted interaction group to write the Consolidated Report as it relates to the Chief Raybuck’s evaluation, select three members or less to serve on the group, and to determine the scope of the permitted action group.

KPC 2022-18:
Public announcement on the Police Commission’s disposition on Notarized Complaint KPC 2022-002, alleging that an officer in the Kauai Police Department covered up a hate crime.

KPC 2021-43:
Discussion and decision-making on the climate assessment that was conducted by the Kauai Police Commission on the Kauai Police Department. (Deferred on May 27, 2022)

KPC 2022-19:
Discussion and decision-making on a request for legal representation to be provided by the County Attorney’s Office to Chief of Police Todd G. Raybuck, Police Lieutenant Christian Jenkins, Police Sergeant Ginny Pia, and Police Lieutenant Scott Williamson (former/resigned) in both their individual and professional capacities as it relates to Civil No. CV22 00269 LEK WRP that was filed by Wenjiu Liu in the United States Court for the District of Hawai‘i.
KPC 2022-20:
Discussion and decision-making on a request for legal representation to be provided by the County Attorney's Office to Chief of Police Todd G. Raybuck, as it relates to Civil No. 22 00286-LEK-WRP, filed by Donald S. Greer, Ph.D. in the United States Court for the District of Hawai‘i against Chief of Police Todd G. Raybuck, in both is individual and professional capacities.

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 Kauai 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 liabilities as they may relate to the agenda items: ES KPC 2021-032, ES KPC 2022-1, ES KPC 2022-3 through ES KPC 2022-20.

ES KPC 2022-1:
Monthly update by Lt. Christian Jenkins, Office of Professional Standards, or his designated representative on the status of the Department’s disposition on formal notarized complaints that were filed with the Kauai Police Department and the Kauai Police Commission and referred to the Office of the Chief for further review.

ES KPC 2022-3:
Monthly update by Chief of Police Todd G. Raybuck, Kauai Police Department, or his designated representative on any significant adverse incidents/events involving personnel in the Kauai Police Department that could potentially impact the County, the Police Commission and the Kauai Police Department.

ES KPC 2021-032:
Complaint KPC 2021-013 received on November 4, 2021. The complaint alleges unethical and unprofessional behavior. (Deferred on May 27, 2022)

(a) Discussion and decision-making on the County of Kauai Department of Human Resources Investigation Report related to the above-mentioned complaint that was filed against an officer in the Kauai Police Department alleging unethical and unprofessional behavior. (Deferred on May 27, 2022)

ES KPC 2022-13:
Complaint KPC 2022-004, filed May 3, 2022, alleges that an officer in the Kauai Police Department provided special and preferential treatment to another officer who was caught attempting to conceal a firearm through a security checkpoint. (Deferred on May 27, 2022)
ES KPC 2022-17:
New Notarized Complaint KPC 2022-003 filed on May 25, 2022, alleges that two (2) on-duty officers in the Kauai Police Department violated Article VI B (4), by choosing personal preferment over public safety.

ES KPC 2022-18
New Notarized Complaint KPC 2022-004 (a) filed on May 31, 2022, alleges that an on-duty officer in the Kauai Police Department abused his police power by falsely arresting the complainant.

ES KPC 2022-19:
New Notarized Complaint KPC 2022-005 (a) filed on June 6, 2022, alleges that two (2) on-duty officers in the Kauai Police Department approached the complainant without a warrant harassed, assaulted, injured, and arrested the complainant and took his property and vehicle and hasn’t returned any of property back to him.

ES KPC 2022-20:
Copy of a letter dated July 6, 2022, from SHOPO Business Agent Roy Asher to Ms. Annette L. Anderson Director of Human Resources regarding improper investigation into officer conduct and an alleged defamatory statement.

ES KPC 2022-16:
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 April 22, 2022, Meeting. 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 liabilities as they may relate to this item. (Deferred on May 27, 2022)

ES KPC 2022-22:
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 27, 2022, Meeting. 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 liabilities as they may relate to this item.

ES KPC 2022-23:
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 concerning the Commission’s powers, duties, immunities, privileges, and liabilities as they may relate to Chief Raybuck’s FY July 1, 2021, to June 30, 2022, evaluation.
ES KPC 2022-24:
Pursuant to Hawai‘i Revised Statutes §92-4, §92-5 (a) (2) (4) and (5), the purpose of this Executive Session is for the Commission consult with its Attorney concerning the Commission’s powers, duties, immunities, privileges, and liabilities as they may relate to a request for legal representation to be provided by the County Attorney’s Office to Chief of Police Todd G. Raybuck, Police Lieutenant Christian Jenkins, Police Sergeant Ginny Pia, and Police Lieutenant (former/Resigned) in both their individual and professional capacities in Civil No. CV22 00269 LEK WRP that was filed by Mr. Wenjiu Liu in the United States Court for the District of Hawai‘i against Chief of Police Todd G. Raybuck, Police Lieutenant Christian Jenkins, Police Sergeant Ginny Pia, and Police Lieutenant Scott Williamson (former/Resigned).

ES KPC 2022-25:
Pursuant to Hawai‘i Revised Statutes §92-4, §92-5 (a) (2), (4) and (5), the purpose of this Executive Session is for the Commission to consult with its Attorney concerning the Commission’s powers, duties, immunities, privileges, and liabilities as they may relate to a request for legal representation to be provided by the County Attorney’s Office to Chief of Police Todd G. Raybuck, in both his individual and professional capacity in Civil No. 22 00286-LEK-WRP, that was filed by Donald S. Greer, Ph.D. in the United States Court for the District of Hawai‘i against Chief of Police Todd G. Raybuck.

ES KPC 2022-26:
Pursuant to Hawai‘i Revised Statutes §92-4, §92-5(2) (4), the purpose of this executive session is for the Commission to consult with its Attorney concerning the Commission’s powers, duties, immunities, privileges, and liabilities as it may relate to a letter dated June 15, 2022, from SHOPO Business Agent Roy Asher, Kauai to Chair Gerald Bahouth and Members of the Police Commission regarding comments that were made by commissioners in Chief Raybuck’s Police Commission Evaluation for the period of April 19, 2019, to April 22, 2020.

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

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
    Chief of Police Todd G. Raybuck
# KAUA'I POLICE DEPARTMENT

**POLICE COMMISSION MONTHLY REPORT**

**ADMINISTRATIVE AND TECHNICAL BUREAU**

<table>
<thead>
<tr>
<th>BUREAU</th>
<th>BUDGET</th>
<th>EXPENDITURES TO DATE</th>
<th>ENCUMBRANCES TO DATE</th>
<th>BALANCE 05/31/22</th>
<th>92% OF BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief's Office</td>
<td>$38,128,084.00</td>
<td>$31,016,270.38</td>
<td>$378,474.03</td>
<td>$6,733,339.59</td>
<td>82%</td>
</tr>
<tr>
<td>Administrative &amp; Technical Bureau</td>
<td>$2,185,634.00</td>
<td>$1,040,801.96</td>
<td>$563,614.41</td>
<td>$581,217.63</td>
<td>73%</td>
</tr>
<tr>
<td>Investigative Services Bureau</td>
<td>$704,533.00</td>
<td>$323,079.76</td>
<td>$275,556.22</td>
<td>$105,897.02</td>
<td>85%</td>
</tr>
<tr>
<td>Patrol Services Bureau</td>
<td>$560,629.00</td>
<td>$252,547.07</td>
<td>$109,523.51</td>
<td>$398,558.42</td>
<td>65%</td>
</tr>
<tr>
<td>Total General Fund</td>
<td>$41,578,880.00</td>
<td>$32,632,669.17</td>
<td>$1,327,168.17</td>
<td>$7,619,012.66</td>
<td>82%</td>
</tr>
<tr>
<td>Asset Forfeiture Funds</td>
<td>$100,008.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$100,008.00</td>
<td>0%</td>
</tr>
<tr>
<td>Salary &amp; Wages</td>
<td>$18,717,579.00</td>
<td>$15,687,092.40</td>
<td></td>
<td>$3,030,486.60</td>
<td>84%</td>
</tr>
<tr>
<td>Overtime</td>
<td>$2,538,207.00</td>
<td>$1,826,455.44</td>
<td></td>
<td>$711,751.56</td>
<td>72%</td>
</tr>
<tr>
<td>Fringe Benefits</td>
<td>$15,392,459.00</td>
<td>$12,352,820.25</td>
<td></td>
<td>$3,039,638.75</td>
<td>80%</td>
</tr>
<tr>
<td>Total Salary, OT, Fringe</td>
<td>$36,648,245.00</td>
<td>$29,866,368.09</td>
<td></td>
<td>$6,781,876.91</td>
<td>81%</td>
</tr>
<tr>
<td>Payroll % of Budget</td>
<td>88%</td>
<td>81%</td>
<td>19%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cumulative Overtime Hours FY2021</td>
<td>69,786</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FY2022</td>
<td>44,490</td>
<td></td>
<td></td>
<td>(25,296)</td>
<td></td>
</tr>
</tbody>
</table>

## Personnel Status as of 06/30/22

<table>
<thead>
<tr>
<th></th>
<th>AUTHORIZED</th>
<th>ACTUAL</th>
<th>VACANT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appointed</td>
<td>2</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Sworn</td>
<td>161</td>
<td>141</td>
<td>20</td>
</tr>
<tr>
<td>Civilian</td>
<td>74</td>
<td>55</td>
<td>19</td>
</tr>
</tbody>
</table>

<p>| County General Fund  | 64         | 48     | 16     |
| Temporary &amp; Grant Fund | 4        | 2      | 2      |
| Temporary [SAFNE]    | 6          | 5      | 1      |
| <strong>Total</strong>            | <strong>237</strong>    | <strong>198</strong>| <strong>39</strong> |</p>
<table>
<thead>
<tr>
<th>Recruitment:</th>
<th>Status:</th>
<th>Comments:</th>
</tr>
</thead>
</table>
| **97th & 98th Police Recruit Classes** | 9 Vacancies | **May's Referrals from HR:**  
06/30/22 – 3 Referred (12 applicants, 6 took exam, 3 passed)  
**COMBINED TOTAL:** Jan 1, 2022 – June 30, 2022  
Referred – 48  
Withdrew – 3  
Disqualified – 30  
Personal History Packet Phase – 2  
Background Investigation Phase – 5  
Polygraph scheduled for 07/10/22 – 4  
Suitable for hire for 98th Recruit Class – 1  
Hired 97th Recruit Class 07/01/22 – 3  
*97th Recruit Class start date July 1, 2022  
*98th Recruit Class start date January 1, 2023 |
| Assistant Chief                     | 1 Vacancy | No active recruitment or posting at this time |
| Police Captain                      | 1 Vacancy | No active recruitment or posting at this time |
| Police Lieutenant                   | 2 Vacancy | Promotional Exams scheduled for June 20-24, 2022 |
| Detective / Sergeant                | 7 Vacancies | Promotional Exams scheduled for June 20-24, 2022 |
| Fleet Coordinator                   | 1 Vacancy | **Posted Nov 1 – 10, 2021**  
Anticipated Hire date 07/16/22 – 1 |
| Administrative Support Assistant    | 1 Vacancy | No active recruitment or posting at this time. Vacancy occurred on 06/30/22 |
| Public Information Officer          | 1 Vacancy | No names referred at this time |
| Criminalist II                      | 1 Vacancy | **Posted Aug 22 – 31, 2021**  
Pending background review – 1 |
| Accountant II                       | 1 Vacancy | No active recruitment or posting at this time |
| Police Records Unit Supervisor      | 1 Vacancy | **Posted: Mar 21, 2022 – Continuous**  
No names referred by HR at this time. HR administering written exam on 07/07/22 |
| Police Records Technician I         | 1 Vacancy | **Posted: Apr 11 – 20, 2022 1212-316 through 318**  
Anticipated hire date 08/16/22 – 1 |
| Emergency Services Dispatcher I     | 1 Vacancy | **Posted: Mar 14, 2022 – Continuous**  
No names referred at this time |
| Public Safety Worker I              | 3 Vacancies | **Posted: Oct 4, 2021 – Continuous**  
Referred – 8  
Disqualified – 3  
Withdrew – 2  
Polygraph scheduled for 07/10/22 – 2  
Tentative Hire Date 07/01/22 – 1 |
| Police Evidence Custodian I         | 2 Vacancy | **Posted: Feb 14 – 23, 2022**  
Referred – 3  
Disqualified – 1  
Background Phase – 2 |
| Parking Enforcement Worker          | 1 Vacancy | **Posted: Mar 28 – Apr 6, 2022**  
Referred – 7  
Disqualified – 3  
Withdrew – 3  
Background Phase – 1 |
<p>| Background Investigator             | 3 Vacancies | No names referred at this time – Positions temporarily used for Contract Hires (1 Fleet Coordinator, 2 Public Safety Workers) |</p>
<table>
<thead>
<tr>
<th>Forensic Nurse Examiner (SAFNE)</th>
<th>1 Vacancy</th>
<th>No names referred at this time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clerk (Off-Duty)</td>
<td>1 Vacancy</td>
<td>No names referred at this time</td>
</tr>
</tbody>
</table>
| *Fiscal Officer II (Anticipated vacancy 08/31/22) | 1 Vacancy | Posted: June 13 – 22, 2022  
Referred – 3  
Suitability guidelines review – 3 |

**Firearms Registered: June 2022**

<table>
<thead>
<tr>
<th>Imported Handguns</th>
<th>65</th>
<th>Imported Rifles</th>
<th>85</th>
<th>Imported Shotguns</th>
<th>20</th>
<th>Imported Total</th>
<th>170</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic Handguns</td>
<td>41</td>
<td>Domestic Rifles</td>
<td>76</td>
<td>Domestic Shotguns</td>
<td>16</td>
<td>Domestic Total</td>
<td>133</td>
</tr>
<tr>
<td>Total Handguns</td>
<td>106</td>
<td>Total Rifles</td>
<td>161</td>
<td>Total Shotguns</td>
<td>36</td>
<td>Total Registered</td>
<td>303</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total Denials/Void</td>
<td>3</td>
</tr>
</tbody>
</table>

**Firearms Registered: January – June 2020**

| Total Handguns | 591 | Total Rifles | 1020 | Total Shotguns | 256 | Total Registered | 1,867 |

**Firearms Registered: January – June 2021**

| Total Handguns | 883 | Total Rifles | 1160 | Total Shotguns | 358 | Total Registered | 2,401 |

**Firearms Registered: January – June 2022**

| Total Handguns | 601 | Total Rifles | 995 | Total Shotguns | 178 | Total Registered | 1,774 |

**Bench Warrant Tracking: May 2022**

<table>
<thead>
<tr>
<th>Warrants Received</th>
<th>Warrants Served</th>
<th>Warrants Recalled</th>
<th>Outstanding Warrants (2yrs-Present)</th>
</tr>
</thead>
<tbody>
<tr>
<td>236</td>
<td>127</td>
<td>33</td>
<td>427</td>
</tr>
</tbody>
</table>

**Legal Services Received: May 2022**

<table>
<thead>
<tr>
<th>Total Warrants Received</th>
<th>Arrest Warrants</th>
<th>Bench Warrants</th>
<th>eBW Traffic</th>
<th>eBW Criminal</th>
<th>Juvenile Warrants</th>
<th>Month’s Total Legal Service Received</th>
<th>Total Received in 2022</th>
</tr>
</thead>
<tbody>
<tr>
<td>236</td>
<td>11</td>
<td>5</td>
<td>98</td>
<td>121</td>
<td>1</td>
<td>315</td>
<td>1,565</td>
</tr>
<tr>
<td>Summons / Other</td>
<td>TRO Family</td>
<td>Protective Order</td>
<td>TRO Civil</td>
<td>Subpoena Civil/OPA</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>27</td>
<td>5</td>
<td>4</td>
<td>42</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Legal Services Served (Non-Warrant): May 2022**

<table>
<thead>
<tr>
<th>Summons / Subpoena</th>
<th>TRO Family</th>
<th>Protective Order</th>
<th>TRO Civil</th>
<th>Total Legal Service for Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 / 29</td>
<td>0</td>
<td>3</td>
<td>13</td>
<td>61</td>
</tr>
</tbody>
</table>

**Community Engagement (School Resource Officers)**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description/Location:</th>
<th>Hours</th>
<th>Personnel Count</th>
<th>Audience Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Haloalaunuiakaa Career Day</td>
<td>2</td>
<td>3</td>
<td>35</td>
</tr>
<tr>
<td>2</td>
<td>Summer Fun Lihue Active Shooter Presentation</td>
<td>2</td>
<td>3</td>
<td>50</td>
</tr>
<tr>
<td>3</td>
<td>Junior Investigator SRO Presentation</td>
<td>1</td>
<td>2</td>
<td>20</td>
</tr>
<tr>
<td>4</td>
<td>A Room to Grow Preschool Career Day</td>
<td>2</td>
<td>4</td>
<td>30</td>
</tr>
<tr>
<td>5</td>
<td>Kekaha Summer Fun Career Day</td>
<td>2</td>
<td>3</td>
<td>35</td>
</tr>
</tbody>
</table>

**Total: 9**  
**3 of 5 Page**
## Training Provided by Kaua'i Police Department

<table>
<thead>
<tr>
<th>Order No.</th>
<th>Start:</th>
<th>End:</th>
<th>Training Description:</th>
<th>Personnel Trained:</th>
<th>Instructional Hours per Training:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>06/01/22</td>
<td>06/16/22</td>
<td>96th Recruit Class (11 days x 8hrs)</td>
<td>2</td>
<td>88</td>
</tr>
<tr>
<td>2</td>
<td>06/03/22</td>
<td>06/03/22</td>
<td>HIBS Bomb Tech Training</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>3</td>
<td>06/09/22</td>
<td>06/09/22</td>
<td>SRT Training</td>
<td>12</td>
<td>8</td>
</tr>
<tr>
<td>4</td>
<td>6/17/22</td>
<td>6/17/22</td>
<td>HIBS Bomb Tech Training</td>
<td>2</td>
<td>8</td>
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<td>5</td>
<td>06/24/22</td>
<td>06/24/22</td>
<td>HIBS Bomb Tech Training</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>6</td>
<td>06/23/22</td>
<td>06/23/22</td>
<td>SRT Training</td>
<td>8</td>
<td>8</td>
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<tr>
<td>7</td>
<td>06/24/22</td>
<td>06/24/22</td>
<td>sUSA Drive Review</td>
<td>5</td>
<td>8</td>
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**Total:** 33  136

## Training Provided by Outside Agency: Off-Island

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**Total:** 14  152

## Training Provided by Outside Agency: On-Island

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**Total:** 67  58

SUBMITTED BY:

[Signature]

MARK T. OZAKI
Acting Assistant Chief, ATB
GENERAL CRIMES SECTION

MAJOR INCIDENTS / NOTABLE HIGHLIGHTS:

SEXUAL ASSAULT: 4
ATTEMPTED SUICIDE / SUICIDE: 2
CHILD PORNOGRAPHY ICAC:
ABUSE FAMILY HOUSEHOLD MEMBER: 1
ASSAULT: 2
MISSING PERSONS: 2
CHILDREN JUSTICE CENTER FORENSIC INTERVIEWS = 5
DEATH RELATED INVESTIGATIONS = 16

TRAININGS:
06-03-2022 Medical evaluations on fractures/ injuries on children (2) Detectives
06-13-2022 Firearms technology and specialty training (1) Detective

MEETINGS
06-22-2022 Case review and case management with Major Crimes Detectives.
06-23-2022 Case review and case management with Sex Assault Detectives.
06-24-2022 Case review and case management with Internet Crimes Detective.
06-27-2022 Homicides cold case meeting with Amber Jackson and Friends.
06-28-2022 Hawaii Sex Assault Response Team meeting (zoom)
06-29-2022 Kauai Sex Assault Response Team meeting ISB Conference room.
06-30-2022 Navy Sex Assault Response Team meeting ISB Conference room.

COP:
06-21-2022 KPD Junior Investigator Course (ISB Instructors) (3.5 days) With SROs
SPECIAL FOCUS SECTION

MAJOR INCIDENTS / NOTABLE HIGHLIGHTS

Crime Spree Case: Detectives and members of the PSB Section, investigated and arrested a male subject, linked to the theft of four vehicles, burgling a residence stealing two firearms, and a lot of ammunition. Suspect was located and arrested. Four vehicles were recovered along with both guns and related ammunition.

Improvised Explosive Device (IED) Case: In a joint operation with FBI, ATF, Hawaii Interisland Bomb Squad (HIIBS) Task Force, the Kauai Police Department executed search warrants on a residence and vehicle in the Hanamaulu area related to the manufacturing and sale of IEDs. The subject was arrested. The investigation is still ongoing.

MEETINGS:
June 3, 2022          L.T. Nagahisa attended SHOPO State monthly meeting.
June 12, 2022         L.T. Nagahisa and Special Focus Section attended Spectrum Advisory Group presentation.
June 17, 2022         Detectives Nii and Hsu attended Kikiaola Land Company meeting regarding arson incident on property.
June 18, 2022         L.T. Nagahisa attended monthly Change Ambassador Teams meeting.
June 19, 2022         L.T. Nagahisa was a panel member on the PSW Interview Board.

TRAININGS / PRESENTATIONS / PUBLIC SPEAKING / OTHERS:
June 3, 2022          Detectives Nii & Hsu – monthly bomb Training.
June 15-17, 2022      Detective Hamberg – Fit Force certification training.
June 17, 2022         Detective Nii – monthly bomb Training.

COMMUNITY ACTIVITIES AND INVOLVEMENT:
Lieutenant serves as the VP of the Kawaihau Community Little League. Also volunteers as a coach and umpire in the league during the season.

06-21-2022          KPD Junior Investigator Course (ISB Instructors) (3.5 days)
CRIME SCENE AND LABORATORY SECTION

MAJOR INCIDENTS / NOTABLE HIGHLIGHTS

Criminalist (2) Major callout for assist in multi-agency investigation of explosive device investigation.

TRAININGS ATTENDED

Criminalist (1) – Firearm and Technology Specialist Training
Criminalist (2) - Social Media Investigations – Virtual training

TRAININGS INSTRUCTED:

Criminalist (1) – Continue QC MBIS, ten print recognition, face biometrics, OTN reports
Criminalist (3) – 1st Annual KPD Investigations and Forensic Science Camp – various topics
Criminalist (1) – Laboratory clean techniques and DNA isolation

COMMUNITY ENGAGEMENT EFFORTS:

Criminalist (3) 1st Annual KPD Investigations and Forensic Science Camp – various topics

MEETINGS:

Criminalist (1) – OSAC Task Group Conference

VICE SECTION

SEIZURES

No new seizures

ARRESTS:

None

Forfeiture

- Sgt Pia cases for forfeiture:
  - $11,818 in Cash  With AG office
  - $15,972 in Cash  With AG office
  - $6860 in Cash  With AG Office
  - $5117 in Cash  With AG office
  - Vehicle  With AG office
  - Vehicle/cash $8046  With AG office
MEETINGS/TRAINING/SCREENINGS

- **06/09/22: SRT training:** two (2) officer attended 8 hours of monthly training.
- **06/13/22-06/17/22: Reconnaissance Arrest Team training:** two (2) officer attended 40 hours of training in Washington.
- **06/14/22-06/16/22: Firearm Tec Specialist:** one (1) officer attended 24 hours of training on Oahu.
- **06/15/22-06/17/22: FIT Force Coordinator Training:** two (2) officer attended 24 hours of training.
- **06/16/22 CRT training:** one (1) officer conducted 8 hours of monthly training.
- **06/23/22 SRT training:** two (2) members of the unit attended 8 hours of monthly training.
- **06/27/22-06/30/22: INIA Conference:** three (3) members of the attended 32 hours of training in Tennessee.
- **06/27/22-06/28/22 Active Attach Integrated Response Training:** one (1) officer attended 16 hours of training.
- **06/29/22 Online Social media investigations:** two (2) officers attended 8 hours of training.

**K9 Section:**

- 1x PSB Assist

**COMMUNITY ACTIVITIES AND INVOLVEMENT:**
1x Officer currently an Assistant Couch with Kapaa girls softball club 14U Team.
1x Officer did a K9 presentation @ the Drug Summit
1x Officer assisted in the 1st Annual investigators camp

Submitted by:

James Miller  
Digitally signed by James Miller  
Date: 2022.07.11 15:51:02 -07'00'

James Miller  K-115  
A\Captain  ISB  
07-11-22  1525 hours
1. MAJOR INCIDENTS

MISC-PUB DROWNING  On 06/02/2022, Officers responded to an ocean rescue in Wailua that involved a father and son visiting Kauai. A witness in the area observed the victims being pulled out by the ocean currents. The witness was able to assist the juvenile back to shore but was unable to reach the adult. The juvenile was brought to shore and was uninjured during the incident. Upon first responders contacting the adult, it was learned that he was unresponsive. The adult died from an accidental drowning. ISB detectives were notified and responded to the scene.

MISC PUB DEATH  On 6/02/2022, Officers responded to an unattended death at the Nawiliwili Boat Harbor. The deceased was a 69-year-old male who resided on a sailboat located at the harbor. The deceased suffered from various medical conditions. There was no evidence of foul play. ISB detectives were notified and responded to the scene.

BURGLARY 1ST  On 6/12/2022, Officers responded to a Burglary investigation in Kilauea after being notified by the property manager that he observed two male suspects inside of the residence via a surveillance camera. Officers reviewed the surveillance footage and were able to positively identify one of the suspects based on previous police contacts. The suspect was later located and arrested for Burglary 1st. ISB detectives were notified and took over the investigation.

MISC-PUB SUICIDE  On 6/12/2022, Officers responded to a welfare check in Kilauea. Upon arrival, Officers located a deceased male victim who had a single gunshot wound. Based on the observations made by the officers on scene, the wound appeared to be self-inflicted. ISB detectives responded to the scene and took over the investigation.

ASSAULT P.O.  On 6/18/2022, Officers responded to a single car traffic collision on Lauoho Road in Lawai involving a vehicle that struck a utility pole. When Officers contacted the male driver of the vehicle involved, he assaulted one of the officers. The suspect was eventually taken into custody and arrested for Assault on a Police Officer and OVUUI. The Officer sustained minor injuries and was cleared to return to work full duty.
2. COMMUNITY INVOLVEMENT

PSB officers conducted a total of 15 Community-Oriented-Policing projects during the month of April. Highlights include the following:

- On 06/01/2022, a Sergeant from the Waimea District and two other Officers met with staff at Koloa School to discuss preventative measures in the event of an active assault. The school representatives were very appreciative in wake of the recent mass shootings that have occurred on the mainland.

- On 06/08/2022, the Kawaihau District Commander met with the Kapaa Business Association for their monthly committee meeting and addressed safety and security concerns.

- On 6/21/2022, a PSB officer from the Waimea met with store merchants in Hanapepe regarding recent suspicious activity. As a result of the meetings, officers have increased their presence in the vicinity of the art galleries in the area.

- On 6/21/2022, the Kawaihau District Commander and an officer rode an ATV on the Kapaa Bike path where they interacted with citizens.

- On 6/30/2022, Several PSB officers joined the Chief and Command Staff at Starbucks in the Kukui Grove Shopping Center for a “Coffee with a Cop” event. During the event, officers met with citizens and discussed issues such as crime trends and crime prevention techniques.
3. TRAINING

- 2 PSB Officers attended a 2-day Drone certification course.
- 2 PSB Officers a 2-day Special Response Team training.
- 1 PSB Officer attended a 40-hour Special Response Team training held on Oahu.
- 1 PSB Sergeant attended a 1-day Communication and Support Team training.
- 2 PSB Officers attended Special Response Team training.
- 3 PSB Officers attended a 1-day Active Attack Integrated Response Course training.

4. SPECIAL PROJECTS

- Throughout the month of June PSB Officers in Hanalei District conducted directed parking enforcement due to frequent reports of illegal parking. A total of 278 parking citations were issued during the month.

5. RETIREMENT

- Sergeant Ray Takekawa retired from the Kauai Police Department after twenty-five years of service. Takekawa was assigned to the Traffic Safety Section.
# Kauai Police Department

**Police Commission Monthly Report**

**Patrol Services Bureau**

**Traffic Enforcement Summary**

*Reporting Period June 2022*

## Misc

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## Moving

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### Parking Violations

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### Speeding Violations

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## Kauai Police Department
Police Commission Monthly Report
Patrol Services Bureau
Arrest Summary
Reporting Period June 2022

### Adult Arrest Summary

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### Juvenile Arrest Summary

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### Current Period to Prior Period Comparison

- **LIHUE**: Current Period 60, Prior Period 62
- **WAIMEA**: Current Period 35, Prior Period 38
- **KOLOA**: Current Period 34, Prior Period 36
- **KAWAIHAU**: Current Period 18, Prior Period 38
- **HANALEI**: Current Period 10, Prior Period 12
- **Others**: Current Period 3, Prior Period 3
Kauai Police Department
Police Commission Monthly Report
Patrol Services Bureau
Calls for Service and Incident Summary
Reporting Period June 2022

Calls for Service Summary

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Reported Incident Summary

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Current Period to Prior Period Comparison

Submitted by:

Elliott K. Ke
Digitally signed by Elliott K. Ke
Date: 2022.07.11 09:22:53 -10'00'

For

Roderick B. Green
K-23
Captain
Patrol Services Bureau
June 30, 2022

Chair Chip Bahouth
and Commission Members
Kauai Police Commission
c/o Office of Boards & Commissions
4444 Rice St., Ste. 150
Lihue, HI 96766

Dear Chair Bahouth and Commission Members:

Please allow this letter to serve as an overview of progress on KPD's FY21/22 Goals through June 30, 2022. For the benefit of the new police commissioners, I have also provided an overview of the establishment of the Chief's annual department goals.

Beginning with FY 19/20, I created three broad department goals divided into three focus areas: Employee, Department and Community. These three focus areas are the core elements that allow us to serve people, strengthen relationships, and improve the quality of life for our employees and the community we serve. The Chief's three Department Goals are: 1) Improve Employee Safety, Wellness and Resiliency (Employee) 2) Enhance Organizational Efficiency (Department), and 3) Increase Community Engagement (Community).

To maintain consistency of focus, the Chief's Department Goals carry over each fiscal year however, the three bureau commanders are responsible for establishing annual bureau goals that align with the Chief's Department Goals.

GOAL#1
Improve Employee Safety, Wellness and Resiliency

Renew/Update KPD Cordico Wellness App (ATB)
The Department contracted with Public Safety wellness company Cordico in 2020 to build a cell phone app that is accessible to all employees and their family members free of charge. The app provides self-assessment modules, wellness and fitness modules, and access to professional services. The updated modules added to the app included the following:

- The bullying and harassment module for first responders includes tools that supervisors can use to address bullying and harassment in the workplace.
- Managing death of a child investigations and personal loss of a child module provides information for first responders to assist in managing the response and aftereffects of a child death investigation. The module also includes information to assist parents that suffer the loss of a child.
Grief Debriefs and EAP Counseling (ISB)
ISB personnel participated in grief debriefs and EAP counseling/external support systems to assist in the grieving process due to the unexpected loss of two KPD officers.

GOAL#2
Enhance Organizational Efficiency

Reduction of Overtime Spending
Historically, KPD has exceeded the overtime budget due to post-shift overtime and patrol shortages resulting in overtime pay to cover vacant shifts. For the first time in at least 12 years, KPD is returning nearly $1,000,000.00 in unexpended FY21/22 overtime funds to the General Fund. The greatest reduction in overtime expenditures was due to increased department staffing and the prioritization of staffing in patrol resulting in significant reductions in vacant shifts.

Waimea District Substation Relocation (PSB)
October 2021 – Due to an expired lease, KPD moved the Waimea District Substation from its previous location on Ola Road into the West Kauai Technology and Visitor center located on Kaumualii Highway. The new location provides expanded working space for officers and clerical staff and the opportunity for future expansion within the building if needed. The new station is located near commercial and retail establishments in Waimea town and providing increased visibility and access to the public.

New Training Facility (ATB)
April 2022 – KPD Training Section moved operations into a new 6,000 square feet training facility located near KPD’s main headquarters in Nāwiliwili at the Hale Kaua’i Building adjacent to the Kaua’i Athletic Club. KPD was able to sign a five-year lease expiring on June 30, 2026, with the option to extend. The new training facility provides a designated training space that will improve the efficiency for scheduling regular in-service training as well as provide enough space to relocate the KPD Training Section and centralize all department training functions including the storage of all training supplies, inventory, and equipment. The relocation of the training personnel to Hale Kaua’i will also free up much needed office space in the main police station building.

Holding Facility Schedule Change (PSB)
PSB implemented a rotation and schedule change in the Holding Facility (Cell Block). The new schedule increased coverage on the Monday shift from two workers to three. The third employee on duty improves the overall safety in the Holding Facility by improving the processing and transportation of detainees over to the courts and insuring that two on duty employees remain in the Holding Facility. Furthermore, this scheduling change provides extra staffing every Monday which allows for training on regular time if necessary and increases the number of days off for employees over the course of a year. Holding Facility supervisors have seen a reduction in sick leave calls since implementation of the new schedule. (Goal #1- Improve Employee Wellness, and Resiliency)

Fleet Coordinator Position Modified and Filled (ATB)
The KPD Fleet Coordinator position became vacant on Dec 30, 2020. To maintain fleet maintenance and repair operations KPD hired a contract worker to perform the duties until a full-time worker could be hired. The position had a history of being hard to fill so KPD did a full analysis of the position which resulted in modification and updates to the job duties and responsibilities, increasing the minimum qualification requirements, changing of the job...
position specifications, and increase of the starting salary. KPD very recently hired a suitable and qualified applicant who is scheduled to start on July 16, 2022. The fleet coordinator has years of experience managing vehicle fleet and repair operations and will bring with him a wealth of knowledge that will enhance the overall efficiency and make positive change to the KPD fleet operations program.

Created New K-PAL/SRO Position (ATB)
A new K-PAL/SRO Position was created to restart and facilitate youth related activities at KPD. Target date to fill the new position is August 2022. This position will add more resources to increase KPD’s community engagement activities.

Created Two New Training Officer Positions (ATB)
Prior to the creation and staffing of the two new training officer positions, two training sergeants were responsible for conducting all instruction for two six-month recruit schools per year as well as re-certification training for all sworn personnel throughout the year. The new training officer positions enhance operational efficiency by doubling the size of the training cadre and creates two new lateral movement opportunities for officers.

Police/Military Partnership (PSB)
PSB has been working hard to build a stronger relationship with the security and administrative staff at PMRF (Goal #1). Since January, PSB command and the Waimea district lieutenant have held regular meetings with the Installation Security Officer and Major in command to discuss training opportunities and police/military interoperability. As a result, access to the installation for on-duty police personnel has greatly improved and PMRF is now allowing KPD an alternate access route to Polihale State Park by passing through the Base which reduces travel time by an estimated 20 minutes and reduced wear and tear on police vehicles because they no longer have to travel as far on the unimproved beach access road. Moreover, PMRF recently sponsored an active assaulter training and invited KPD to participate in the training at no cost. In addition to the training benefit, this opportunity has afforded KPD personnel an increased familiarization with the base facility and cultivation of new relationships to improve communication and trust between police, military, and security (civilian) personnel.

Motorola Radio System Upgrade (PSB)
In May 2022, the County radio contractor completed installation of the new Motorola radio system at the KPD Alternate Dispatch Center (ADC). This upgrade replaced the prior radio system, which was very old technology, unsupported by the manufacturer, and difficult to operate and manipulate. The new radio system includes the latest radio technologies and cybersecurity protections to ensure operational readiness and continuity of operations for Police/Fire/Medics and other governmental agencies that rely on the KPD 800mhz radio system to maintain public safety and other critical public services.

Electronic Submittals of Search Warrants and JDPC packets to Judiciary (PSB)
Implemented an electronic process and policy for the submittal of Judicial Determination of Probable Cause packets to the courts greatly reducing the time required for officers to properly prepare and complete the JDPC packet approval process. This process has improved departmental efficiency because workflow, review, and approvals are all done electronically by the click of a button. Moreover, it reduces overtime by eliminating the requirement for officers to remain on standby to meet with the assigned judge in person post-shift, when on days off, and on weekends and holidays. Lastly, the Lihue District Program Support Technician can better utilize her on-duty time because she is no longer required to hand deliver JDPC packets to the Judiciary daily.

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- The Emotional Intelligence module provides research-based training for improving positive outcomes in social situations and how individuals can strengthen areas of weakness. The module includes topics on: Awareness of own emotional state, In the moment stress management, Awareness of other’s emotional state, and Relationship management.

**Permanent Beat 453 (PSB)**
December 2021, PSB increased its patrol staffing from ten patrol officers per shift to eleven by permanently staffing an additional beat in the Kawaihau District. Adding an additional officer has improved officer wellness and safety by decreasing the workload on officers and decreasing the response time when additional officers are needed. Permanently increasing the staffing in one of the busiest Districts on Kauai has also increased the departments efficiency in responding to the needs of the Kawaihau District (Goal #2).

**Personnel Inspections (PSB)**
May 2022, PSB command held personnel and vehicle inspections at a location in Lihue. This was our first opportunity since the start of the pandemic to bring our uniformed team together for a bureau-wide inspection and it was also an opportunity for our us to recognize our employees for their service to the community. Personnel inspections keeps the bureau compliant with accreditation standards, reflects the department’s ongoing commitment to readiness and service to the community, and it allows our leadership team to engage their employees and show them how much we appreciate their ongoing efforts to keeping the Kauai community safe.

**Beat Boundary Assessment and Realignment (PSB)**
May 2022, PSB district command completed comprehensive beat boundary assessment to identify areas where boundaries required modifications and/or realignment. Over the course of this process, Beats 453, 456, and 450 were revised and realigned, and 153 was created for future use. The purpose of realigning Beats 453, 456, and 450 is to improve service coverage in those areas and balance the workload among officers working in the Lihue and Kawaihau Districts. Further, creating Beat 153 will add an extra officer to the Lihue District (when there is sufficient staffing) for a total of three officers in the Lihue District and effectively spreading out the workload and increasing officer safety during those coverage periods.

**New Patrol District Beat and Call Sign Designations (PSB)**
A task force of PSB personnel considered several options to modify the beat and call sign designations compared to the current numeric beat and corresponding call sign designations used by dispatch and patrol (i.e., 150, 250, 450, etc.). Through a series of meetings, a decision was made to move to an alpha numeric system to identify the District, Beat and Officers call signs (i.e., "Charlie 1, Charlie 2, Delta 1, Delta 2, etc."). The new call sign configuration will allow for easier division and expansion of beats within the districts, improve officer safety by creating distinctive calls signs for each district/beat, and allow for overlapping officer calls signs between shifts when a 4/10 schedule is implemented.

**Weight Loss and Exercise Challenge (ISB)**
Personnel voluntarily participated in a weight loss and exercise program challenge to promote overall health and wellness. Personnel were challenged to participate in 2,022 minutes of cardio (33.7 hours) of exercise during the fiscal year. Employees that participated lost a combined 120 pounds.

An Equal Opportunity Employer
**APCO Public Safety Telecommunicator Online Training (PSB)**

Beginning in May 2022, as part of a Statewide initiative, all KPD dispatchers are working to complete a State Approved Telecommunicator Certification offered by APCO International, the internationally recognized organization of telecommunication professionals. The overall goal of this training is to build a foundation to blend communication skills and technology, improve employee wellness, and provide enhanced emergency dispatching services to increase the quality of service to the public. Upon completion of the APCO PST1 40-hour certification training, Emergency Services Dispatchers will have received the most current information available including training in Next Generation 911, liability issues, interpersonal communications, and stress management.

**Purchase of Vehicle Lift Parking System (ATB)**

June 2022, completed the procurement of a multi-level vertical parking system that will be erected in the secured parking area adjacent to the existing evidence storage building. When installed and operational, the parking system will hold a total of 30-vehicles in a space similar to 10 (traditional) parking stalls. The strategy and justification for purchasing this type of parking system is to allow KPD to consolidate vehicles held for evidence and investigative purposes that are held for long periods of time into one designated area. This will free up parking spaces to allow additional parking for KPD fleet and specialty vehicles in the west parking lot.

**Motorola Computer Aided Dispatching (CAD) Maintenance Agreement (PSB)**

April 2022, completed the procurement of a 5-year service and maintenance agreement with Motorola Solutions Inc. This Agreement allows CAD system manufacturer Motorola to continue to provide KPD maintenance, warranty support, system upgrades, integration service, interface management, cyber threat protection, and many other critical services to ensure our CAD-RMS is operationally sound and resilient to threats against public safety networks and infrastructure.

**GOAL#3**

**Increase Community Engagement**

KPD recognizes the importance of community engagement as the way to increase trust and transparency with those we serve to advance improved police and community relationships. The community engagement philosophy is recognized and displayed department wide and there has been a concerted effort to increase community engagement activities.

Community involvement activities conducted includes but is not limited to:

- Chief Raybuck, along with approximately 20 KPD employees, participated in the Special Olympics Troy Barboza Torch Run at Vidinha Stadium.
- PSB
  - Organized and participated in Coffee with a COP events in Kawaihau, Elelele, and Lihue
  - Participated in "Walk with a Cop" events island wide to promote police and community member interaction.
  - Increased presence on school grounds interacting with students and faculty and assisting with traffic control and monitoring speeds at schools during times of heavy traffic.
  - Participated in community food and toy distributions
  - Assisted ISB with Scam presentation to Kupuna
  - Kawaihau District command attended Kapaa Business Association Meetings

An Equal Opportunity Employer
- Lihue District command attended Rice Street Business Association Meetings
- Participated in Anaina Hou drive-thru trick-or-treat.
- Conduct regular patrols on the Kapaa Bike Path with UTV to increase community presence and deter illegal activities
- TSS participated in Walking School Bus events at both Kalaheo School (2x) and Saint Theresa elementary schools.
- PSB has assisted/partnered with other agencies to include State Public Housing Agency, DLNR Land, DLNR Enforcement, DOT, Gay & Robinson, Alexander and Baldwin and COK Public Works, to help address issues and reduce calls for service to various areas across the island to deter criminal activity (illegal camping, illegal dumping, drug activities, etc) and to protect public and private property.
- Met with local non-profit organizations to gauge interest in and evaluate the feasibility of those entities partnering with KPD to provide youth wellness programs such as sports and non-athletic activities (KPAL).
- Officers from Waimea District conducted daily checks of citizens who were isolated due to the Waimea Valley Rocksidge.
- Participated in the Wilcox Elementary Read A Thon.
- Participated in KEO Advisory Meeting.
- Met with the committee for the Bike and Skateboard Safety Day Planning meeting.
- Master of Ceremony for the Memorial Day Ceremony held at the Veteran's Cemetery.

ATB
The School Resource Officer (SRO) Unit participated in community engagement events across the island including:
- Career Days at Kaua‘i Christian Academy, Olelo Christian Academy, Kawaihui Charter School, Haloaluanuiakia Early Learning Center, A Room to Grow Preschool, Kanuikapono Charter School, and the Kekaha Summer Fun event. In addition, SROs provided a Career Day presentation to the children of the Kaua‘i Marriott Hotel Security Staff.
- Volunteer at the Kaua‘i High School Prom as a Chaperone, assisted Kaua‘i, Kapaa, and Waimea High Schools with Graduation Ceremonies and Project Grad Activities, and participated in the Wilcox Elementary School 5th grade graduation.
- The SRO Unit conducted an Active Shooter Awareness Training at the Kaua‘i Marriott Hotel, provided an Active Shooter Presentation at the Lihue Neighborhood Center for Summer Fun Hires, and assisted Kaua‘i High School with a complete campus evacuation drill to the Kalapaki Beach Park.
- Assisted ISB with the 1st Investigators Camp for high school students
- Participated in the Life's Choices Kaua‘i Drug Summit.

ISB
- Provided Kupuna Scam Awareness presentations at the senior and community centers in Waimea/Kekaha, Hanapepe/Eleele, Lihue, Kapaa/Anahola/Kilauea, and the Lihue Hongwanji Women's Association.
- Conducted a Crime Scene Preservation training exercise for 17 volunteer members of the Kauai Search and Rescue (KSAR) team. The training included basics of crime scene preservation, case reviews, and a training exercise that included a mock crime scene. The training enhances the volunteer team's awareness of the need to preserve potential crime scenes located by KSAR for KPD investigations.

An Equal Opportunity Employer
• Participated in Kauai blood drives for Blood Bank of Hawaii in December 2021 and April 2022.
• Conducted KPD’s first Police Investigations and Forensic Science Camp. Sixteen high school and college aged students representing Kapaa High School, Kauai High School, Waimea High School, Island School, Maryknoll High School, Hawaii Tech Academy, Arizona State University, and the online GED program learned the basics of detective and forensic crime scene investigations.

In-Progress Goals
The two major goals for department reorganization and the implementation of a 4/10 patrol schedule remain in-progress. The impact of COVID-19 and the department’s response to the pandemic in 2020 and 2021 hindered the ability to place the needed resources and focus on the department reorganization effort. Several conceptual plans for implementing a 4/10 patrol schedule were developed and reviewed for feasibility. The need for a minimum of seven additional sergeants in patrol to implement a 4/10 patrol schedule was identified.

KPD realized the lowest number of sworn vacancies in more than fifteen years (eight in July 2021), however, lower than expected qualified candidates and new hires for police officer, coupled with attrition through separation and retirement has resulted in twenty sworn vacancies as of June 2022. The increased vacancies along with the need to fill vacant and newly created positions across the department has slowed progress toward department reorganization and implementation of the 4/10 patrol schedule. Work will continue in FY 22/23 toward recognizing the implementation of these goals.

In closing, the credit for the achievements listed above belongs to the leadership team and employees of KPD that have dedicated their work to making a positive difference within our community. I am very proud of our accomplishments during this fiscal year and look forward to what new opportunities lie ahead in our next fiscal year.

Sincerely,

TODD G. RAYBUCK
Chief of Police
June 15, 2022

c/o Chip Bahouth, Chairperson
Commission Members
Kauai Police Commission
4444 Rice Street, Suite 300
Lihue, HI 96766

Aloha Chairperson Bahouth and Members of the Police Commission,

Majority of you are familiar with me from my time as a member of the Kauai Police Department. For the new members, I’m Roy Asher a retired Assistant Chief, retiring in 2020 after 32+ years of service. I currently serve as a Business Agent for the State of Hawaii Organization of Police Officers (SHOPO), Kauai Chapter.

Recent events compel me to reach out to the Commission, with the hope of establishing free and open communications. I’m confident it can be mutually beneficial, very informative and absolutely productive. Past and more recent events in the form of News Articles that Civil Beat released, both Authored by Reporter Brittany Lytle, prompted this endeavor. I won’t go through the entire contents of the articles but will focus on specific excerpts and from an Attachment it contained, specifically where it referenced or concerns SHOPO.

The first Article was released April 15, 2021 and was Titled; Kauai Police Chief’s Rising Star Began to Fall, Job Reviews Show. In the Article a Redacted copy of Chief Raybuck’s Police Commission’s April 2020 Evaluation for the period April 22, 2019 to April 22, 2020 was provided for the reader’s review.

We noted three Comments of interest credited to different unidentified Commissioners;

Commissioner No. 4

“I would, however, would like to get more information whether Chief Raybuck is adhering to collective bargaining agreements with HGEA and SHOPO and if there’s open communications between Administration and the collective bargaining units”
Commissioner No. 4

“Continue to work professionally with HGEA and SHOPO to mitigate grievances.”

Commissioner No. 5

“I have not heard complaints about the collective bargaining issues. He has publicly stated that his desire is to have a good working relationship with the union.”

Our collective response to the above is that we do have for the most part an amicable relationship when dealing with Administrative reviews of Operational written directives. In regards to Grievances concerning our members, on occasion it does become tenuous, when navigating through the process. What does need to be noted is that the initiation of a Grievance is deep-rooted majority of the time (the Union asserts) that the Chief and/or the Administration has violated the Collective Bargaining Agreement (CBA) or on certain occasions the misinterpretation of the language contained in the CBA.

In the most recent Article dated May 22, 2022, Titled New Report Reveals How The Kauai Police Chief Found Himself In Trouble for Racist Remarks. We take exception and feel obligated to respond as a result of a quote contributed to Jeff Portnoy who is purported to be the Attorney of Chief Raybuck. He stated: “There are some elements of the Kauai Police Department, including the Union, that are constantly filing complaints against the chief and we are vigorously defending any one of them as they come forward,” said Portnoy. “It’s just a pattern and practice that’s very unfortunate.”

Please understand and let us be clear, SHOPO has a Fiduciary Duty to represent the membership and defend their individual Rights and that as a united body that are afforded all and individually by not only the CBA but what is contained in the Department’s written directives General Orders, written Policies and Procedures and on occasions what was mutually considered and accepted as Past practices. Furthermore, there exist specific Hawaii Laws that commands the Union to raise objections or initiate a Grievance when Violations occur.

In summary in regards to the Police Administration and Union interaction, it is our contention that examining and monitoring that relationship by the Commission and should certainly to be considered for inclusion in the Chief’s Annual Evaluation.

Please note that SHOPO is not the only entity that looks out for the welfare of the workforce. There are others such as the Civil Service Commission and the Hawaii Labor Relations Board, again another aspect worth exploring to evaluate the Chief’s adherence and effectiveness.
In an effort to promote open communications and transparency, I hope to be in attendance in all future monthly Police Commission meetings. I will also be prepared to provide a summary and status of current Grievances. However, we will not be providing the identity of those involved to preserve the Grievant’s privacy. Should you wish for me to clarify, expand or have any questions, please don’t hesitate to call on me.

Sincerely,

Roy Asher
Business Agent, Kauai

CC:  
SHOPO
Bobby Cavaco, President
James Kimo Smith, General Manager
Kennison Nagahisa, Chapter Chair
Christopher Calio, State Board Member at Large-Kauai
Kaua‘i Police Commission  
Piikoi Building 4444 Rice Street, Suite 300  
Līhu‘e, Hawai‘i 96766  
(808) 241-4920

May 27, 2022

PUBLIC ANNOUNCEMENT ON THE POLICE COMMISSION’S DISPOSITION FOR  
NOTARIZED COMPLAINT NO. KPC 2022-002

The complainant alleges that an officer in the Kauai Police Department covered up a hate crime. After discussion and deliberation, the Police Commission rendered the allegation unfounded because it was not based on facts.

This officially concludes the Commission’s review of Notarized Complaint KPC 2022-002.
July 12, 2022

Chair Chip Bahouth
and Commissioners
Kauai Police Commission
c/o Office of Boards & Commissions
4444 Rice Street, Ste. 300
Lihue, HI 96766

Subject: Request for Legal Representation Pursuant to HRS §52D-9 Determination of Scope of Duty

Dear Chair Bahouth and Commission Members:

I learned on June 11, 2022 that a lawsuit, Civil No. CV22 00269 LEK WRP, was filed by Mr. Wenjiu Liu in the United States Court for the District of Hawaii and named individuals alleging Federal Civil Rights Violations, Conspiracy to Violate Civil Rights, Malicious Prosecution, Employer Negligence in Supervision/Retention of Employee, Intentional Infliction of Emotional Distress, Negligent Infliction of Emotional Distress and Violation of Rights Secured to Plaintiff.

As such, and pursuant to Hawaii Revised Statute §52D-9 Determination of Scope of Duty, I am requesting legal counsel by the Kauai County Attorney’s Office for the following named individuals in both their individual and professional capacities:

Todd G. Raybuck, Chief of Police
Christian Jenkins, Police Lieutenant
Ginny Pla, Police Sergeant
Scott Williamson, Police Lieutenant (Former/Resigned)

Attached please find documents related to this request.

Sincerely,

TODD G. RAYBUCK
Chief of Police

TGR/gk

Enclosure
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

CV22 00269 LEK WRP

WENJIU LIU

Plaintiff

VS

COUNTY OF KAUA'I,
KAUAI POLICE DEPARTMENT,
KAUAI OFFICE OF THE PROSECUTING ATTORNEY,
HIRO SHIMADA, TODD G. RAYBUCK,
SCOTT P. WILLIAMSON, CHRISTIAN JENKINS,
GINNY PIA, DAVID C. LOOS,

Defendants

1
COMPLAINT

Plaintiff, JERRY WENJIU LIU, files for Complaint against the Defendants in this matter, states and avers as follows:

PARTIES

1. Plaintiff Jerry Wenjiu Liu ("Liu" or "Plaintiff") has lived in Kauai, Hawaii since November 4, 2020 and is expected to live in Kauai, Hawaii for the foreseeable future.

2. Defendant County of Kauai ("County") is a municipal corporation, which has the power to sue and be sued, and is a political subdivision of the State of Hawaii.

3. Defendant Kauai Police Department ("KPD") is an agency and entity of Defendant County of Kauai.

4. Defendant Kauai Office of the Prosecuting Attorney ("KOPA") is an agency and entity of Defendant County of Kauai. KOPA is physically located in the same building of KPD; its office is on the same floor of KPD Chief’s Office.

5. Defendant Todd G Raybuck ("Chief Raybuck") is a citizen and resident of the State of Hawaii, and is the Police Chief of the Kauai Police Department at relevant times for this action.

6. Defendant Scott P. Williamson ("Williamson") is a citizen and resident of the State of Hawaii. Williamson was a member of KPD’s Office of Professional Standards ("KPD-OPS") at relevant times for this action till July 2021.

7. Defendant Christian Jenkins ("Jenkins") is a citizen and resident of the State of Hawaii. Jenkins is a member of KPD’s Office of Professional Standards ("KPD-OPS") at relevant times for this action.

8. Defendant Ginny Pia ("Pia") is a citizen and resident of the State of Hawaii. Pia is a member of KPD’s Office of Professional Standards ("KPD-OPS") at relevant times for this action.

9. Defendant David C. Loos ("Loos") is a citizen and resident of the State of Hawaii. Loos is a Deputy Prosecuting Attorney at Kauai Office of the Prosecuting Attorney at relevant times for this action.

10. At all times relevant to this Complaint, Defendants were acting within the course and scope of their employment with the County of Kauai.

11. At all times relevant to this Complaint, Defendants were acting under color of state law.
12. This Complaint is brought against Defendants Iliro Shimada, Todd G Raybuck, Scott P. Williamson, Christian Jenkins, Ginny Pia, David C. Loos in their official and individual capacities.

JURISDICTION AND VENUE

13. All matters set forth in this Complaint arose in the State of Hawai‘i, County of Kauai.

14. This Court has jurisdiction over the federal claims in this action pursuant to 28 U.S.C. §§ 1331 & 1343, 42 U.S.C. §§ 1983, 1985 & 1988, as well as the First and Fourteenth Amendments of the Constitution of the United States. This Court has jurisdiction over what would otherwise be state law claims pursuant to 28 U.S.C. § 1367. Those state law claims are so related to the claims in the action within the original jurisdiction of this Court, that they form part of the same case or controversy under Article III of the United States Constitution.

15. Venue is proper pursuant to 28 U.S.C. § 1391 because this is the judicial district in which the Plaintiff resides, in which all Defendants reside, and in which the events and/or omissions giving rise to the claim occurred.

FACTS

16. Plaintiff Jerry Wenjiu Liu was a formal finance professor at California State University who is well known for his research work. On June 4, 2009, Forbes magazine published a dedicated article “Google’s Options Odyssey” reporting Liu’s research on U.S. stock markets.

17. On November 4, 2020, Plaintiff moved to in Kauai, Hawai‘i and has lived on the Kauai Island since November 4, 2020.

18. On December 30, 2020, Liu first discovered sea turtles coming to shore, resting on the east side of Poipu beach during evenings and nights.

19. During the winter months of years 2020 and 2021, there were life guards in the Poipu Beach cast life guard tower almost every day.

20. There were multiple, clear signs on the Poipu Beach warning people not to get too close to the resting turtles. One sign clearly stated,

“15 FOOT MINIMUM DISTANCE, NO FLASH PHOTOS, NO FLASHLIGHTS”

In December 2020 or January 2021, there were often tapes creating a protective zone for the sea turtles. Based on words on these warning signs, Plaintiff believed the warning signs were set up by either Hawaii Department of Land Nature Resources (DLNR) or Kauai Fire Department.
21. Between February 2021 and May 2021, probably due to the low tide on the east side of Poipu beach, there was no life guard on the east tower of Poipu Beach. During these months, no one came to Poipu beach to build up any turtle protective zone. One of the warning signs mentioned above was almost destroyed.

22. On February 1, 2021, Liu moved into a house near Poipu beach. After that date, Liu often went to the Poipu beach in the evening to watch the turtles coming to rest. After seeing that some tourists disturb the turtles, Liu, as a formal professor, realized he need to step out to protect turtles on the Poipu Beach. Starting around early February, 2021, Liu often told visiting tourists that they should stay 10 or 15 feet away from the turtles and do not use flashlights on turtle. Liu did so solely out of his love for Hawaii’s natural creatures and to protect public interest. Liu received full support from all tourists, tourists all worked together with Liu to protect the turtles.

23. Around 8:00pm on Sunday, June 13, 2021, Liu went to the Poipu beach. There were several large groups of tourists walking toward the turtle resting area from the Marriott hotel's direction. Some of them holding flash lights. Liu explained to the coming tourists that turtles are resting on the beach and they should leave 10 to 15 feet distance and turn off their lights. Most of the tourist were very happy to do so.

24. Around 8:35pm on June 13, 2021, another large group of tourists walked toward the turtles. In the dark, they were about to step on the resting turtles. As Liu politely told this group of tourists the 10-15 feet and no flash rule, one teenage boy with no shirts and looked drunk behaved violently, and he tried to seize Liu's phone. At 8:41pm, Liu called 911 to report the teenage boy's behavior. Based on Liu's phone record, the 911 call lasted 3 minutes.

25. Two police officers, Hiro Shimada ("Shimada") and Kelvin Villanueva ("Villanueva"), quickly arrived at the Poipu beach. Both of them held big flash lights and they shed lights directly on the resting turtles. They first asked Liu about the situation and then ask the other group. They ask for Liu's ID. Shimada and Villanueva took no action against the teenage boy or Liu.

26. Shimada and Villanueva shed huge lights on the turtles, then stood on the beach. Probably due to lack of knowledge on turtle protection laws, the two police officers made the following mistakes:

a. THEY ENCOURAGED PEOPLE TO SHED LIGHTS DIRECTLY ON THE RESTING TURTLES.

b. THEY ALSO ALLOWED OR ENCOURAGED TOURISTS TO GET AS CLOSE AS 3-5 FEET TO THE RESTING TURTLES.

27. At 9:13:15pm, Liu took several photos documenting Shimada and Villanueva's failure to stop tourists from harassing turtles.

28. Liu was not happy with the two police officers. Liu kept calm and talked peacefully to Shimada and Villanueva. Liu ask their name cards.
29. Liu told Shimada and Villanueva that they should get more education on turtle protection laws. By their facial appearance, Shimada and Villanueva were visibly angry at Liu.

30. At or around 9:20pm, Liu left Poipu beach. Liu realized that the two police officers might take retaliation actions against Liu. Liu once considered avoiding the two police officers by walking to his residence via a beach trail, but Liu finally walked toward his car in the parking lot.

31. Almost at the same moment that Liu started his car, from the parking lot across the street, Shimada and Villanueva immediately started their patrol cars and followed Liu. As Liu tried to let them pass by parking on the side of the road, Shimada and Villanueva immediately turned on the lights on their patrol cars.

32. Liu parked at the first possible parking space, at the Kalapaki Joe's parking lot. The parking lot is about 800 yards from where Liu started his car.

33. Before Shimada and Villanueva stopped Liu, they had no way to know whether Liu drives a car, or if Liu drives, which car belongs to Liu. It was about 9:25pm in the evening and the environment was totally dark. The only way for Shimada and Villanueva to stop Liu right after Liu started his car was that they were specifically stalking Liu in the parking lot.

34. Liu realized that Shimada and Villanueva were engaging in illegally retaliation against Liu's protected actions. At 9:29pm, Liu called 911. The professionally trained 911 operator listened to what was occurring, and the call lasted for 54 seconds.

35. As Shimada came close to Liu's parked car, Liu started to record with my phone. While complying with Shimada's request for driver license, insurance, etc., Liu told Shimada that "You are retaliating against me!" Villanueva also came close to Liu's car, and Liu made the statement to Villanueva "You are stalking me!"

36. In April 2021, Liu purchased a car in Los Angeles. Liu's car arrived in Kauai on May 17, 2021. By Hawaii law, Liu had one month grace period, ending on June 17, 2021, to finish all Hawaii DMV requirements. At or around 9:29pm on June 13, 2021, Liu told Shimada about this as shown in the video recorded by Liu.

37. On June 13, 2021, Liu also showed Shimada Liu's insurance card with the word, "Continuous until cancelled" (the conversation was recorded by Liu using his phone). Shimada also understood that Liu had valid insurance.

38. Shimada appeared to be even angry when he realized that he could not find any excuse to cover up his illegal retaliation. It is well known innocent people are often killed by rogue police officers. On May 25, 2020. Derek Chauvin, one of four police officers who arrived on the scene, knelt on Floyd's neck and back for 9 minutes and 29 seconds, and killed George Floyd. Shimada and Villanueva's rogue actions occurred in a dark parking lot with no other people.

39. To prevent another George Floyd style murder from happening, Liu called 911 at 9:36PM. The 911 operator, a professionally trained police woman, did not hang up and carefully listened. When Shimada realized he was being recorded by 911, became totally mad and dragged Liu out of Liu's car, stating that Liu was abusing 911. The 911 call lasted 4 minutes.
40. Shimada handcuffed Liu, then put Liu in another police van.

41. On the way from Kalapaki Joe’s parking lot in Poipu to Kauai Police headquarters, Liu watched Shimada drove above marked speed limit 14 times. At one time, Shimada was driving at 39 miles per hour (“MPG”) in a zone of 25 MPH. Although Liu warned Shimada not to drive above marked speed limits, Shimada continued to drive above speed limits, and turned off the speed meter on the police van so Liu cannot see it.

42. On June 13, 2021, Liu’s new car was left abandoned in the Kalapaki Joe’s parking lot. Liu happened to have about $100 cash on him. After paying the $100 bail, Liu only had about $16. Liu finally got on a shared taxi at the Lihue airport. Liu had to borrow money from another passenger. When Liu finally returned to his residence, it was almost 12:00 AM.

43. Near noon time on June 14, 2021, Liu went to KPD Chief’s Office to discuss Shimada’s illegal retaliation actions. A KPD senior officer, A. B. \(^1\), who had heard from Shimada, took an attitude of covering up. A. B. yelled at Liu, “You do not have law enforcement power!”

44. On April 18, 2021, Liu visited Larsen’s Beach on the North Shore of Kauai. Liu was attacked by three people although Liu never provoked them. On Larsen’s Beach, Liu called 911 19 times. Kauai Police Officer Aaron E. Bandmann (“Bandmann”) chose to sit inside his patrol car at the beach parking lot for about an hour, refusing to do a 5-minute walk to the beach to stop an ongoing attack. Bandmann also refused to go after two attackers after Liu told Bandman they were still on the beach.

45. Because Liu’s life was threatened, on May 12, 2021, Liu filed an official complaint against Bandmann at the KPD. Liu also had extensive discussion with A.B. on KPD’s failure to protect tourists at the Larsen’s Beach. In the discussion, A.B. stated to Liu that he had a similar view on the “nude beach” with Liu. However, much to Liu’s surprise, KPD took a cover-up attitude on Bandmann and made a conclusion that Bandmann should not be disciplined. The final conclusion letter was signed by Scott P. Williamson.

46. On June 18, 2021, Liu filed an official complaint against Shimada at KPD Chief’s Office. On July 14, 2021, KPD sent a letter, signed by Ginny Pia, to Liu stating,

“After full review of the body-worn camera recordings, no supporting evidence to sustain that any act of misconduct or violations occurred on June 13, 2021 relative to your complaint was found. Therefore, no disciplinary action will be imposed.”

\(^1\) The names of certain individuals will be identified only in “John Doe” fashion. A “key” regarding the names of those identified in John Doe fashion will be supplied to the attorneys for each of the Defendants upon request. In addition, at an appropriate time, Plaintiff will seek to file the “key” under seal and/or amend the complaint.
47. To make sure KPD’s chief, Todd G. Raybuck, to be fully aware of the Shimada case, after June 13, 2021, Liu wrote two separate letters to Raybuck, and personally delivered them to KPD chief’s office. On July 28, 2021, Chief Raybuck wrote back to Liu,

“This is to confirm receipt of your letter dated July 26, 2021, regarding complaints filed against Officers Bandmann and Shimada. Please be advised that a follow up response is forthcoming.”

48. Fully understood that KPD were covering up their officers’ rogue conduct, in June 2021, Liu visited Kauai Mayor’s Office and was introduced to Kauai Police Commission (thereafter “KPC”), Liu’s written complaint was forwarded to the KPC.

49. On July 23, 2021, Liu testified during KPC’s open meeting. The following is Liu’s statements according to the meeting minutes,

“Mr. Liu explained that he has been on Kauai for nine (9) months and is pretty neutral to the objectivity of the Kauai Police Department. However, as a professor his encounters with the Kauai Police Department have been very bad to the point where he had to file two (2) official complaints against police officers. He believes that the main issue has to do with the training of the officers which is very bad. He also feels that KPD is covering up their lower officer’s bad behavior.”

50. The meeting minutes for the July 23, 2021 KPC meeting lists 11 top leaders of KPD, who were present while Liu testified against KPD.

“Kauai Police Department: Chief of Police Todd G. Raybuck; Chief’s Secretary Gayle Kuboyama; Assistants Chief Mark Begley, Bryson Ponce and Elliott Ke; Captains Paul Applegate and Mark Ozaki; Lieutenant Darren Rose; Office of Professional Standards: Lieutenant Christian Jenkins and Sergeant Ginny Pia; and Lieutenant Darren Rose. KPD’s Public Information Officer Coco Zickos;”

51. On August 27, 2021, Liu was given three minutes to testify against KPD during KPC’s August 2021 open meeting.

52. The meeting minutes for the August 27, 2021 KPC meeting lists 14 members of KPD, who were present in the meeting.

“Kauai Police Department: Police Chief Todd Raybuck; Deputy Police Chief Stan Oisen, Assistant Chiefs Mark Begley, Elliott Ke and Bryson Ponce; Office of Professional Standards: Lt. Christian Jenkins and Sergeant Ginny Pia; Captains: Paul Applegate and Roderick Green; Lieutenant Darren Rose; Employees of the Month: Detectives Hanson Hsu and Michael Nii Jr; KPD’s Public Information Officer Coco Zickos and Chief’s Secretary Gayle Kuboyama.”
53. On or around May 2, 2022, on another occasion, Plaintiff had a conversation with Kristopher D. Breyer ("Breyer"), a member of KPD-OPC. Although Breyer did not attend either July or August meeting of KPC, he told Liu that he was well aware of Liu’s turtle story at the Poipu Beach. Breyer’s statements showed Liu’s arrest by Shimada was well discussed within the leader group of KPD.

54. On the tiny island of Kauai, there are repeated interactions between members of the Police Commission and leaders of the KPD. One person who are very familiar with Kauai’s legal system called group style corruption on Kauai as “incest”. On October 5, 2021, KPC secretary informed Liu that both of his complaints against Shimada and Bandmann were denied by KPC.

55. Upon information and repeated interaction with high-level KPD leaders, Liu is fully aware that KPD is a highly corrupted agency. KPD leaders including A.B. and many others hinted to Liu that he should not file any complaints against KPD officers.

56. By June 26, 2021, Liu had filed at least two official complaints against KPD officers. On July 23, 2021, Liu openly exposed KPD’s extensive cover-up at KPC’s open meeting. High-ranked leaders of KPD were determined to retaliate against Liu for his protected actions.

57. Although KPD leaders fully understood that natural of arrest of Liu on June 13, 2021, on July 7, 2021, KPD through Kauai Prosecuting Attorney office, filed criminal charges against Liu. This case is Hawaii Fifth Circuit 5DCW-21-000680 ("Case 680").

58. The following language were found in the complaint,

“On or about the 13th day of June, 2021, in the County of Kaua’i, State of Hawaii, WENJIK LIU, with reckless disregard of the risk that a public safety agency will respond by dispatching emergency services, did intentionally, knowingly, or recklessly access the telephone number 911 and made a false complaint or report of false information, thereby committing the offense of Misuse of 911 Emergency Telephone Service, a misdemeanor, in violation of Section 710-1014.5(1)(b) of the Hawaii Revised Statutes.”

59. In Case 680, KPD and KOPA openly linked their charges against Liu to Liu’s protected action of filing complaints against KPD officers. They did not even bother to hide their evil motivation of retaliation.

60. KPD and KOPA’s criminal charge against Liu is a textbook example of malicious prosecution. Malicious prosecution refers to criminal charges that are maliciously filed in order to intimidate, harass, defame, or otherwise injure the other party. Malicious prosecution occurs when one party has knowingly and with malicious intent initiated baseless litigation against another party. Case 680 initiated by KPD is clearly a malicious prosecution.

61. A KPD senior officer, C. D., who extensively interacted with Liu, did his/her best to appear friendly with Liu. However, from June 2021 to June 2022, C.D. directly told Liu several times that Liu should not tell an officer that he is going to file official complaints against them. When Liu asked C.D. several time to stop Case 680 against Liu, C.D. refused to do anything.
62. From June 13, 2021 to June 13, 2022, Liu has suffered tremendous humiliation, severe mental and emotional distress, and monetary damages. Solely because Liu was doing his best to protest Hawaii’s natural resource, turtles, Liu was dragged out his car, handcuffed, and taken to KPD’s jail in the worst possible fashion.

63. From June 13, 2021 to June 13, 2022, Liu had to go to Kauai’s Court at least once every month as a “criminal”.

64. As of June 12, 2022, the Case Docket for 5DCW-21-0000680 against Liu already has 62 entries at one online page and 41 entries at another online page in Hawaii’s Court System.

65. In or around January 2022, Mr. David C. Loos (“Loos”) from Office of the Prosecuting Attorney, County of Kauai became actively involved in court hearing of Case 680.

66. On or around May 4, 2022, Loos stated in Case 680 court hearing that he had reviewed all evidence related to what happened on June 13, 2021, and he “fully understood what happened”.

67. However, Loos continued to play out his role as an agent of the KPD, doing his best to bring pain and suffering to Liu, as a strategy for him to win Case 680.

68. On January 27, 2022, Liu filed a motion asking the Judge to throw out the malicious prosecution of Case 680. On February 27, 2022, Loos filed a motion with full of lies asking the Judge not to throw out Case 680.

69. Knowing that he could not win Case 680 before a Jury, on March 31, 2022, Loos wrote to Liu,

“Please find attached the State’s plea offer to resolve your current criminal case. Please note that this plea offer will allow your criminal charge to be reduced down to a violation, with a $200 fine. The violation of disorderly conduct is not a crime. There will be no jail with this plea offer, only the fine.”

Liu firmly rejected Loos’ offer and wrote on April 6, 2022,

“I found it insulting for you to suggest that I "admit guilty" although I did nothing wrong. As I stated in the court on April 5, 2022, I will fight to the end for the justice against KPD brutalities and corruptions, for which you, as a resident of Kauai, may also become a victim in the future. I deeply appreciate it if you could become an honest person in the following legal process and refrain from any attempt to force me to admit any "crime" that I never did.”

70. On May 31, 2022, the trial date for Case 680 was deferred to July 18, 2022.
COUNT I

(Federal Civil Rights Violations)

71. Plaintiff re-alleges and hereby incorporates by this reference paragraphs 1 through 70 inclusive, as if set forth in full herein.

72. On May 12, 2021, Liu filed an official complaint against Bandmann at the KPD. Liu reported to KPD the evidence of public corruption on the part of Bandmann.

73. At or around 9:15pm on June 13, 2022, Liu told Shimada and Villanueva that they should get more education on turtle protection laws. Shimada and Villanueva immediately retaliated by stalking Liu and arresting Liu with no reasonable cause.

74. On June 18, 2021, Liu filed an official complaint against Shimada at KPD Chief’s Office. Liu reported to KPD the evidence of public corruption on the part of Shimada.

75. On July 23, 2021, Liu testified during Kauai Police Commission’s open meeting. Liu reported to KPC the evidence of public corruption on the part of Kauai Police Department.

76. On August 27, 2021, Liu was given three minutes to testify against KPD during Kauai Police Commission’s open meeting. Liu reported to KPC for the second time the evidence of public corruption on the part of Kauai Police Department.

77. Liu told Shimada and Villanueva about turtle protection laws in his capacity as a public citizen. Liu also reported misconduct and violations of law in his capacity as a public citizen. Liu’s actions in educating of turtle protection law and reporting misconduct and violations of the law to KPD and KPC constituted his exercise of his constitutionally protected interest in freedom of speech, constitutionally protected by the First Amendment to the Constitution of the United States. This protected speech was on a matter or matters of public concern. Thus, the speech was constitutionally protected.

78. Liu protected speech was, clearly, a direct motivating factor in Shimada’s decision to arrest Liu.

79. Liu’s filing of two complaints at the KPD was constitutionally protected speech. KPD and all of its leaders were fully aware of Liu’s exercise of his First Amendment rights. Raybuck, Williamson, Jenkins, and Pia reacted by first denying Liu’s complaint; they further retaliated against Liu by executing the malicious prosecution of Case 680 against Liu.

80. Liu’s open exposure of cover-ups by the KPD leaders during the July and August 2021 KPC meetings was constitutionally protected speech. KPD and all of its leaders were angry at Liu for
exposing them to KPC. Raybuck, Williamson, Jenkins, and Pia reacted by doing their best to injure Liu with the malicious prosecution of Case 680.

81. Loos admitted that he had full knowledge of what happened on June 13, 2021. However, he insisted to bring more pain and suffering to Liu by filing several motions with nothing but lies.

82. For purposes of 42 U.S.C. §§ 1983 and 1985, Defendants County of Kauai, KPD, KOPA, Shimada, Raybuck, Williamson, Jenkins, Pia, and Loos are persons.

83. As a result of the unconstitutional deprivation of his rights by Defendants, Plaintiff has suffered brutal physical arrest, severe mental and emotional distress, monetary damages, and severe damage to Plaintiff's personal reputation.

84. The actions of Defendants were willful, wanton, malicious, and in such callous and reckless disregard of civil obligations, as to entitle Plaintiff to recover punitive damages.

85. Thus, Plaintiff is entitled to recover general, special, and punitive damages in an amount to be proven at trial.

**COUNT II**

(Conspiracy to Violate Civil Rights)

86. Plaintiff realleges and hereby incorporates by this reference paragraphs 1 through 70, inclusive, as if set forth in full herein.

87. Defendants, and others, conspired to violate the civil rights of Plaintiff described more fully above, in violation of 42 U.S.C. § 1983.

88. On May 12, 2021, Liu filed an official complaint against Bandmann at the KPD. Liu reported to KPD the evidence of public corruption on the part of Bandmann. Raybuck and Williamson jointly signed a letter denying Liu's allegations although Bandmann violated his duty as a police officer.

89. On June 18, 2021, Liu filed an official complaint against Shimada at KPD Chief's Office. Liu reported to KPD the evidence of public corruption on the part of Shimada.

90. On July 23, 2021, Liu testified during Kauai Police Commission's open meeting. Liu reported to KPC the evidence of public corruption on the part of Kauai Police Department. On August 27, 2021, Liu was given three minutes to testify against KPD during Kauai Police Commission's open meeting. Liu reported to KPC for the second time the evidence of public corruption on the part of Kauai Police Department.

91. Defendants KPD Chief Raybuck, Jenkins, and Pia were all involved into the investigation of Shimada. They were all present at the July and August 2021 KPC open meetings. None of them came out to protect Liu's Constitution rights. Raybuck and Pia jointly signed a letter denying
Liu’s complaint on Shimada. They used their repeated interactions with KPC members and manipulated the KPC to give an upside-down ruling.

92. KPD Chief Raybuck, Jenkins, Pia and KOPA member Loos worked as a team to inflict more damages on Liu with the malicious prosecution of Case 680.

93. As a result of the unconstitutional deprivation of her rights by Defendants, Plaintiff has suffered monetary damages, and severe mental and emotional distress.

94. The actions of Defendants were willful, wanton, malicious, and in such callous and reckless disregard of civil obligations, as to entitle Plaintiff to recover punitive damages.

95. Thus, Plaintiff is entitled to recover general, special, and punitive damages in an amount to be proven at trial.

**COUNT III**

(Malicious Prosecution)

96. Plaintiff realleges and hereby incorporates by this reference paragraphs 1 through 70, inclusive, as if set forth in full herein.

97. Defendants the County, the KPD and Raybuck, Jenkins, Pia, Shimada, and Loos brought the malicious prosecution Case 680 within the meaning of Thompson v. Clark, decided on April 4, 2022. By prosecuting Liu with malicious intent without reasonable grounds, the Defendants committed a crime violates the Fourth Amendment right against unreasonable search and seizure. The Defendants should be punished under § 1983.

98. As a result of the Malicious Prosecution by Defendants, Plaintiff has suffered severe mental and emotional distress, and monetary damages.

99. The actions of Defendants were willful, wanton, malicious, and in such callous and reckless disregard of civil obligations, as to entitle Plaintiff to recover punitive damages.

100. Thus, Plaintiff is entitled to recover general, special, and punitive damages in an amount to be proven at trial.

**COUNT VI**

(Employer negligence in supervision/retention of employee)

101. Plaintiff realleges and hereby incorporates by this reference paragraphs 1 through 70, inclusive, as if set forth in full herein.
102. Defendants Chief Raybuck, the KPD and the County were negligent in their supervision and retention of Shimada within the meaning of Abraham v. S.E. Onorato Garages, 50 Haw. 628 (1968) and other cases. This negligence is the proximate cause of Plaintiff’s injuries.

103. Defendants Chief Raybuck, the KPD and the County knew or should have known of the necessity and opportunity for exercising control over Shimada. KPD, the County, and Chiefs Raybuck had clear notice of Shimada’s dangerousness, and failed to ensure that the KPD Standards of Conduct were met. Therefore, the harm caused to Plaintiff by Shimada was foreseeable. The harm includes mental anguish, wage loss, and other damages.

104. Defendants Chief Raybuck, the KPD and the County acted, and/or refused to act, wantonly and recklessly, and they disregarded the probable consequences to the general public by Officer Shimada.

105. Thus, as a result of the Defendants’ conduct as above described, Plaintiff is entitled to recover general, special, and punitive damages in an amount to be proven at trial.

**COUNT V**

(Intentional infliction of emotional distress)

106. Plaintiff realleges and hereby incorporates by this reference paragraphs 1 through 70, inclusive, as if set forth in full herein.

107. The actions of Defendants, as set forth above, were intentional and unreasonable. Defendants did or should have realized that their actions would likely cause emotional distress. The conduct alleged herein was malicious, reckless, beyond the bounds of conduct recognized as appropriate by society, and extreme and outrageous, so as to render Defendants liable for the tort of intentional infliction of emotional distress.

108. As a result of these actions by Defendants, Plaintiff has suffered severe mental anguish and emotional distress, and monetary damages.

109. The actions of Defendants were willful, wanton, malicious, and in such callous and reckless disregard of civil obligations, as to entitle Plaintiff to recover punitive damages.

110. Thus, Plaintiff is entitled to recover general, special, and punitive damages in an amount to be proven at trial.

**COUNT VI**

(Negligent infliction of emotional distress)
111. Plaintiff realleges and hereby incorporates by this reference paragraphs 1 through 70, inclusive, as if set forth in full herein.

112. The actions of Defendants, as set forth above, were negligent and foreseeable and resulted in physical harm to Plaintiff, and were a legal cause of injury to Plaintiff.

113. As a result of these actions by Defendants, Plaintiff has suffered brutal dragging, handcuffing, and other physical, verbal abuse by Shimada.

114. As a result of these actions by Defendants, Plaintiff has suffered monetary damages, physical harm and mental anguish and emotional distress with which a reasonable person of normal mental health could not cope.

115. Thus, Plaintiff is entitled to recover general, special, and punitive damages in an amount to be proven at trial.

**COUNT VII**

(Violation of Rights Secured to Plaintiff
Pursuant to the Constitution of the State of Hawaii)

116. Plaintiff realleges and hereby incorporates by this reference paragraphs 1 through 70, inclusive, as if set forth in full herein.

117. The actions of Defendants as set forth above, violated Plaintiff's rights secured to him by the Constitution of the State of Hawai‘i, including, but not limited to, rights to freedom of speech, due process of law, equal protection of the law, and the enjoyment of his civil rights.

118. As a result of the unconstitutional deprivation of his rights by Defendants, Plaintiff has suffered severe mental, emotional distress, and monetary damages.

119. The actions of Defendants were willful, wanton, malicious, and in such callous and reckless disregard of civil obligations, as to entitle Plaintiff to recover punitive damages.

120. Thus, Plaintiff is entitled to recover general, special, and punitive damages in an amount to be proven at trial.
PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that judgment be entered as follows:

(1) Pursuant to 28 U.S.C. § 1343, and 42 U.S.C. §§ 1983, 1985 & 1988, for an injunction against Defendants barring them from continuing their illegal activities, and their continuing deprivation of Plaintiff's civil rights, for an injunction barring Defendants from retaliating against Plaintiff, for general, special, and punitive damages in an amount to be proven at trial, for costs and attorneys' fees, and for such other and further relief as the Court deems just and proper;

(2) Pursuant to Haw. Rev. Stat. §§ 378-63, appropriate injunctive relief and actual damages as therein defined, for costs and attorneys' fees, and such other and further relief as the Court deems just and proper; and

(3) Pursuant to all other claims and causes of action, appropriate injunctive and declaratory relief, including the injunctive and declaratory relief described above, general, special, and punitive damages in an amount to be proven at trial, attorneys' fees and costs, and such other and further relief as the Court deems just and proper.

Dated: Honolulu, Hawai'i, June 12, 2022,

[Signature]

Wenjiu Liu
Wenjiu Liu
4441 Rice Street, #3014
Lihue, HI 96766
Tel. No: 650-319-5680
profjerryliu@outlook.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

WENJIU LIU

Plaintiff

VS

COUNTY OF KAUAII,
KAUAII POLICE DEPARTMENT,
KAUAII OFFICE OF THE PROSECUTING ATTORNEY,
HIRO SHIMADA, TODD G. RAYBUCK,
SCOTT P. WILLIAMSON, CHRISTIAN JENKINS,
GINNY PIA, DAVID C. LOOS,

Defendants

DEMAND FOR JURY TRIAL

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DEMAND FOR JURY TRIAL

Plaintiff Jerry Wenjiu Liu demands a jury trial of all issues triable of right to a jury in the above captioned matter. This Demand for Jury Trial is made pursuant to Rule 38 of the Hawai‘i Rules of Civil Procedure.

DATED: Honolulu, Hawai‘i, June 12, 2022

Wenjiu Liu
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

WENJIU LIU

Plaintiff

VS

COUNTY OF KAUA'I,
KAUA'I POLICE DEPARTMENT,
KAUA'I OFFICE OF THE PROSECUTING ATTORNEY,
HIRO SHIMADA, TODD G. RAYBUCK,
SCOTT P. WILLIAMSON, CHRISTIAN JENKINS,
GINNY PIA, DAVID C. LOOS,

Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of (1) the Complaint and (2) Demand for Jury Trial will be duly served on all opposing parties.

"I, Wenjiu Liu, declare under penalty of law that the foregoing is true and correct to the best of my knowledge and belief."

Dated: Honolulu, Hawaii, June 12, 2022


Wenjiu Liu
WENJIN LIU

COUNTY OF KAUAI, KAUAI POLICE DEPARTMENT

KAHAI OFFICE OF THE PROSECUTING ATTORNEY

HIRO SHIMADA, TODD W. RAYBOLD, JAY P. WILLIAMSON

CHRISTIAN JENKINS, GINNIA PIA, DAVID C. LUX

V.

PLAINTIFF(S)

DEFENDANT(S)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

ALL NAMED DEFENDANTS

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: JUN 13 2022
Proof of Service

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for (name of individual and title, if any) _______________________________ was received by me on (date) _______________________________.

☐ I personally served the summons on the individual at (place) _______________________________ on (date) _______________________________; or

☐ I left the summons at the individual's residence or usual place of abode with (name) _______________________________ , a person of suitable age and discretion who resides there, on (date) _______________________________, and mailed a copy to the individual's last known address; or

☐ I served the summons on (name of individual) _______________________________ , who is designated by law to accept service of process on behalf of (name of organization) _______________________________ on (date) _______________________________; or

☐ I returned the summons unexecuted because _______________________________; or

☐ Other (specify): _______________________________.

My fees are $ __________________ for travel and $ __________________ for services, for a total of $ _______ 0.00.

I declare under penalty of perjury that this information is true.

Date: _______________________________.

Server's signature: _______________________________.

Printed name and title: _______________________________.

Server's address: _______________________________.

Additional information regarding attempted service, etc.: _______________________________.
July 12, 2022

Chair Chip Bahouth
and Commissioners
Kauai Police Commission
c/o Office of Boards & Commissions
4444 Rice Street, Ste. 300
Lihue, HI 96766

Subject: Request for Legal Representation Pursuant to HRS §52D-9 Determination of Scope of Duty

Dear Chair Bahouth and Commission Members:

I learned on July 15, 2022 that I was named as a defendant in a lawsuit, Civil No. 22 00286-LEK-WRP, that was filed by Donald S. Greer, Ph.D. in the United States Court for the District of Hawaii. The lawsuit is alleging Deprivation of Civil Rights against disability discrimination and equal protection of the laws.

As such, and pursuant to Hawaii Revised Statute §52D-9 Determination of Scope of Duty, I am requesting legal counsel by the Kauai County Attorney’s Office in both my individual and professional capacity.

Attached please find documents related to this request.

Sincerely,

TODD G. RAYBUCK
Chief of Police

TGR/gk

Enclosure