

COUNTY OF KAUAI  
Minutes of Meeting  
**OPEN SESSION**

Board/Commission	<b>Kaua'i Police Commission</b>	Meeting Date	<b>March 22, 2019</b>
Location	Mo`ikeha Building – Meeting Room 2A/B	Start of Meeting: 9:00 a.m.	End of Meeting: 11:33 a.m.
Present	Chair Mary K. Hertog; Commissioners: Gerald Bahouth; Leina`ala Jardin, Kevin Mince and Dean Pigao. Also present: Board & Commissions Office Staff: Administrative Specialist I Anela Segreti; Administrator Ellen Ching; Office of the County Attorney: Deputy County Attorney Mark Ishmael; Police Department: Acting Chief Michael Contrades; Lieutenant Christian Jenkins of the Investigative Services Bureau; Lieutenant Scott Williamson from the Office of Professional Standards, including numerous ranking officers in the Kaua'i Police Department. Public testimony: Councilmember Felicia Cowden.		
Excused	Vice Chair Roy Morita and Commissioner Catherine Adams		

SUBJECT	DISCUSSION	ACTION
<b>Call To Order</b>		Chair Hertog called the meeting to order at 9:00 a.m. She noted that there were five Commissioners present to conduct business, then suspended the rules to allow public testimony.
<b>Public Testimony</b>	Councilmember Felicia Cowden began by thanking Acting Chief Contrades for his amazing job as the leader of the Kaua'i Police Department and for allowing her to take part of the Citizens Police Academy. She noted that it's a great program because it allows the community to gain first-hand experience on the various aspects of policing. Acting Chief Contrades gave credit to his hard working staff for putting together such a well-received citizen's academy and thanked Ms. Cowden for her willingness to want to be a part of the academy.	
<b>Chair's Comments/ Announcements</b>	<ul style="list-style-type: none"> <li>Next monthly meeting – <b>Tuesday, April 30, 2019</b> at 9:00 a.m. at the Mo`ikeha Building, Meeting Room 2A/2B. Executive Session to follow.</li> </ul>	

SUBJECT	DISCUSSION	ACTION
	<ul style="list-style-type: none"> <li>• Oath of Office/Change of Command Ceremony between A/C Contrades and new Chief of Police Todd G. Raybuck scheduled for <b>Monday, April 22, 2019</b> at 10:00 a.m. at the Kaua‘i War Memorial Convention Hall in Līhu‘e.</li> <li>•</li> </ul>	
<p><b>Officer of the Month Recognition</b></p>	<p>Chair Hertog announced that in lieu of Officers of the Month Christopher Cabrera &amp; Kalama Lingaton not being able to attend the meeting she would like to call for a motion to recognize “King” and his handler Lieutenant Daniel Oliveria.</p> <p>The Kaua‘i Police Department along with the Police Commission honored “King” for capturing two suspects for terroristic threatening in the 1<sup>st</sup> degree and illegal gun possession and using it in the commission of a separate felony. The incident started around 2 p.m. Tuesday when one of the suspects allegedly approached a vehicle in which a 26-year-old Kapaa woman sat with a 51-year-old male passenger. They were parked outside of St. Catherine School in Kapaa when one of the suspects approached the car and threatened them with a gun. By the time the officers arrived to the scene the suspects had already fled up Kawaihau Road to Lihi Park. The Officers utilized and Air 1 to aid in the search of the suspects where they were spotted near the park. Once spotted the pair turned onto Olohena Road before abandoning their vehicle at Waipouli Road and was seen fleeing on foot into a nearby pasture. While ground pursuit, the Officers utilized “King” and was able to quickly track and locate the suspects and eventually place them under arrest without incident. Standing alongside King during the presentation was his handler, Lieutenant Daniel Oliveria who was also commended.</p>	<p>Mr. Mince moved to recognize working dog King as the Employee of the Month with commendations made to his handler, Lt. Daniel Oliveria. Mr. Bahouth seconded the motion. The motion carried 5:0.</p>
<p><b>Approval of Minutes</b></p>	<ul style="list-style-type: none"> <li>• Regular Open Session Minutes of February 22, 2019</li> <li>• Special Open Session Minutes of March 1, 2019</li> </ul>	<p>Mr. Mince moved to approve the meeting minutes of February 22, 2019 &amp; March 1, 2019. Mr. Pigao seconded the motion. The motion carried 5:0.</p>

SUBJECT	DISCUSSION	ACTION
<p><b>Chief's Monthly Reports &amp; Pertinent Updates</b></p>	<ol style="list-style-type: none"> <li>1. Administrative and Technical Bureau Reports for the period of February 2019</li> <li>2. Investigative Services Bureau</li> <li>3. Summary Reports: Calls for Service and Incident, Collision, Traffic Enforcement, Arrest, Offense by Severity, Warrant/Warrant Type and Legal Services</li> </ol> <p>In addition to his monthly reports, A/C Contrades highlighted the following events:</p> <ol style="list-style-type: none"> <li>1) The Department held its PTO training and out of the twenty-four people who were invited to participate in the training only half showed up. Eleven people passed with the exception of one, but he was invited to come back in a month to work with the training cadre and this time he passed. Also, an agreement was reached between the Department and Human Resources to have HR hold the written exams of individuals who passed their written exams, but did not pass the agility test active for a year.</li> <li>2) KPD has launched its new online reporting system. The system will make it easier for the community to file a police report relating to property loss; criminal damage; criminal property damage in the 3<sup>rd</sup> degree; theft in the 4<sup>th</sup> degree; theft shoplifting; miscellaneous cases and civil matters without having to wait for an officer to show-up to take their report. The program will also free up the officers time so they can focus more on priority calls and enforcement duties. Other benefits includes reduction in the cost of gasoline and the wear and tear of the patrol vehicles. Special acknowledgement went to Sgt. Stacey Perreira for creating the new reporting system.</li> </ol>	

SUBJECT	DISCUSSION	ACTION
	<p>3) The contract to conduct a matrix study to see if the Department is at an adequate staffing level was extended to June 2019 to give KPD more time to gather all of the 2018 data, and because KPD is going through a lot of changes another study needs to be done on composition of the Department. As the result of the study, KPD has in addition to its abandon vehicle coordinator, criminologist and crime scene specialist, KPD will now have its own in-house public information officer (made possible by grant funding), a grant manager and an in-house IT position.</p> <p>4) KPD's Police Officers will be moving into permanent shifts starting on April 1, 2019. The change will be beneficial to the officers health and overall well-being and will give the officers a quality life.</p> <p>Mr. Mince shared that he recently watched a County Council meeting where the head of the State's ERS System was on Kaua'i to talk about the State's retirement system and one particular subject that came up that caught his attention was the use of the term pension spiking specifically directed at police and fire.</p> <p>He stated that he's against using the term pension spiking because it's politically easier to group certain individuals and label them as pension spikers when in reality there are a lot of good police officers out there who is working really hard and who are making overtime who are now being labeled as pension spiking. He asked if the twenty-one positions Councilmember Kagawa referred to in his power point presentation as pension spiking positions were made available to the Department.</p> <p>A/C Contrades replied yes, but he has not seen the list yet and agrees with Mr. Mince that use of the term pension spiking is a political method to put blame where blame it isn't due when the real issue is the Department has been short manpower for many years and to his knowledge there hasn't been any spiking in a sense that people are purposely making up things to do so they can get their high three.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>He pointed out there is there always a lot of work to do and the comment about pension spiking was somewhat disingenuous.</p> <p>Mr. Mince asked A/C Contrades when he comes across the list, if he could review it and come back to the Commission to say that he had reviewed the list and everything on the list is legitimate to which A/C Contrades replied sure.</p> <p>Mr. Mince added that another comment Councilmember Kagawa made which he found quite bothersome was that he was going to personally do something about the pension spiking and salaries by proposing a resolution, because if the Police Commission is going not to do something about it, he would. Which leads to his suggestion that perhaps now would be a good time to educate the councilmembers on the things Commission can and cannot do because the salaries involves collective bargaining.</p> <p>Chair Hertog stated that to her knowledge the Salary Commission have submitted Salary Resolution 2019-1 over to the County Council and their proposal to increase (one of many) for the Police Chief was a result of both the Vice Chair and herself appearing before the Salary Commission to ask for consideration to increase the salary cap for the Chief, especially after going through the process of hiring a new Police Chief because the fact of the matter is, the Chief's subordinates make more money than the Chief because SHOPO has been quite successful in getting the raises plus they get to earn overtime when the Chief does not.</p> <p>She noted that if her suspicions are correct it probably won't go well with Council to approve the increases, but at least the Commission took the initiative to go before the Salary Commission to ask for an increase. She also pointed out that approving the salary increases is very important especially when none of KPD's ranking officers with the exception of one wanted to apply for the Chief's position because they would be making far less than what they make now. She stated that the inversions</p>	

SUBJECT	DISCUSSION	ACTION
	<p>may never be corrected, but at least, the Commission took the incentive like it did in 2016 (the last increase) to ask for an increase.</p> <p>With no further comments, Chair Hertog moved to item KPC 2018-19.</p>	
<p><b>Business</b>  <b>KPC 2018-19</b></p>	<p>General overview on procedural practices used in investigating complaints that the Department of Human Resources deem to involve the Chief of Police.          (Deferred on 3/22/2019)</p>	<p>Mr. Ishmael reported that the opinion is with the County Attorney for review therefore, he would ask that the Commission defer the item to the next meeting in April.</p> <p>Chair Hertog asked Mr. Ishmael if the opinion is approved by the County Attorney before the Commission's next meeting, if he could email the written opinion to the Commissioners to which Mr. Ishmael replied yes.</p>
<p><b>KPC</b>  <b>2019-07</b></p>	<p><u>Update on the State's stance on reimbursing the County for services rendered by the Kaua'i Police Department and other related matters.</u></p> <p>Chair Hertog stated that the issue goes back quite a ways where KPD would get a call from the State Sheriff asking for assistance and till today the County has not received any reimbursement for those services.</p> <p>A/C Contrades stated that over the years, the Department has made countless billing attempts to get the State to reimburse the County for services. The Department has gone to the point of reaching out to the various public safety administrators that have come and gone and their usual response is they don't have the money to reimburse the County. KPD has even threatened not to assist the State but to no avail because their response is okay, we just won't arrest anyone and just call KPD to do it. He added that although the newly appointed Sheriff recognizes KPD's dilemma the State has done nothing to date and it is a statewide issue.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Hertog asked if there is a memo of understanding between the State and the Department to which A/C Contrades replied that no, and stated that KPD has made numerous attempts to get the State to agree to a memo of understanding, but each time they have refused.</p> <p>A/C Contrades shared that there had been discussion with the previous Mayor on whether KPD would like to absorb the Department of Land and Natural Resources and create a Bureau of Conservation within KPD, at the time he was willing to do it, but only if the money and the positons came with it.</p> <p>Mr. Mince stated that two years ago, he recalls the Commission bringing the issue up to the Mayor and several members of the County Council, to get reimburse and to recoup the costs for police responses and although they were on board with the idea no one had the will to follow-up on it.</p> <p>Public Safety Committee Chair, Felicia Cowden testified that she is willing to bring the issue to the various state agencies and to the next Hawai'i Association of Counties Convention in June. She stated that if the Commission would like to work with the Council on a good proposal they could bring the issue forward.</p> <p>A/C Contrades stated that it's easier said than done because the State could easily shuck their duties, then it would fall right back on KPD and they would never turn a blind eye when it comes to keeping the community safe. Mr. Pigao stated that it's not just about getting paid, it's about the State pulling their own load.</p> <p>Chair Hertog suggested that the Commission create a permitted interaction group to look further into the issue.</p>	<p>Mr. Bahouth moved to form a permitted interaction group. Mr. Pigao seconded the motion. The motion carried 5:0.</p> <p>Chair Hertog asked for two volunteers to serve on the PIG. Commissioners Bahouth and Pigao both volunteered. She explained that the purpose of the PIG is to negotiate a memo of understanding which she believes would spark a fire between the State to get things resolved sooner rather than later.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Acting Chief Contrades shared that there has been on-going discussion between the State and the Department in which Assistant Chief Asher is spearheading to try to have a better relationship with the State. But there are stumbling blocks ahead.</p> <p>Chair Hertog stated that with the new Police Chief coming on board the Commission should get input from him as well. She noted that on the advice of Mr. Ishmael a motion to receive a report from A/C Contrades outlining the issues and problems related to the use of the County and KPD services and personnel in service of the State Sheriff would be appropriate.</p> <p>Mr. Bahouth shared that in the past, he did meet with some of councilmembers about the issue but it didn't go anywhere because there was a lot of dissention between the Mayor and the Council.</p> <p>Ms. Cowden shared that she went to O'ahu and met with Director of Public Safety Mr. Nolan Espinda and Senator Clarence Nishihara, Chair of the Department of Public Safety to talk somewhat about the issue. She noted that is in the process of writing a letter to address the State's handling of prisoners upon their release, but could wait until she meets with Commissioners Bahouth and Pigao.</p>	
<b>KPC 2019-08</b>	<p>Invitation by Acting Assistant Chief Paul Applegate inviting Chair Mary K. Hertog and Vice Chair Roy Morita to attend the 2019 FBINAA Hawai'i Chapter Re-Trainer on April 10-12, 2019 at the Sheraton Kaua'i Resort in Po'ipū.</p>	
<b>KPC 2019-09</b>	<p>Communication dated February 20, 2019 from Maui Chief of Police Tivoli S. Faamu to Chair Mary K. Hertog thanking the Kaua'i Police Commission for recognizing the efforts of Ms. Cathleen Boettger for assisting with the polygraph exams for the candidates vying for the Chief of Police position, and the efforts of Assistant Chief Victor Ramos and Secretary Lisa Tomita for helping with the coordination.</p>	
<b>EXECUTIVE SESSION</b>	<p>Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (2) and (4), the purpose of this Executive Session is for the Commission to review and discuss charges brought against an officer or employee in the Kaua'i Police Department, where consideration</p>	<p>Mr. Mince cited that Hawai'i Revised Statutes to bring the meeting into Executive Session.</p>

SUBJECT	DISCUSSION	ACTION
	of matters affecting privacy will be involved, provided that if the individual requests an open meeting, an open meeting shall be held; and to consult with its attorney on issues pertaining to the Commission's powers, duties, privileges, immunities, and or liabilities as they may relate to the following agenda items:	
<b>ES KPC 2019-001</b>	Monthly update by Office of Professional Standards Lieutenant Scott Williamson on the status of the Department's disposition on all formal notarized complaints that were filed with the Kaua'i Police Department, and formal notarized complaints that were filed with the Police Commission and referred to the Office of the Chief for further review.	
<b>ES KPC 2019-002</b>	Monthly update by Acting Police Chief Michael Contrades or his designated representative on any significant adverse incidents/events involving personnel in the Kaua'i Police Department that could potentially impact the County, the Police Commission and the Kaua'i Police Department.	
<b>ES KPC 2019-007</b>	New notarized complaints KPC 2019-002 and KPC 2019-003 filed by the same individual. The allegations range from covering up, not including the complainant's full statements in the police reports, misleading to the level of conspiracy, accusing the complainant of being delusional and needing medical attention, threatening and harassment.	
<b>ES KPC 2018-031</b>	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 on issues pertaining to the Commission's powers, duties, privilege immunities, and or liabilities as they may relate to a discussion and possible decision-making on the Police Commission's administrative rules and the powers of the Police Commission under State Law and the County Charter, laws and policies. (On-going)	
<b>ES KPC 2019-008</b>	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 the Executive Session meeting minutes of February 22, 2019 and Special Executive Session meeting minutes of March 1, 2019 to consult with its attorney on issues pertaining to the Commission's powers, privileges, immunities, and or liabilities as they may relate to this agenda item.	Mr. Pigao moved to enter into Executive Session. Mr. Mince seconded the motion. The motion carried 5:0.  At 9:50 a.m. the Commission entered into Executive Session.

SUBJECT	DISCUSSION	ACTION
<p><b>Return to Open Session to Ratify the Actions taken in Executive Session</b></p>	<p>At 11:30 a.m. the Commissioners reconvened in Open Session. Before calling for a motion to ratify the actions taken in Executive Session, Chair Hertog called for two motions relating to Open Session item KPC 2019-07.</p> <p><u>Motion No. 1</u>            A motion was made and carried 5:0 by Mr. Bahouth; seconded by Mr. Mince to receive a report from Acting Chief Michael Contrades outlining and stating the issues and problems related to the use of the County and KPD's facilities, services and personnel in service of the State Sheriff.</p> <p><u>Motion No. 2</u>            A motion was made and carried 5:0 by Mr. Bahouth; seconded by Mr. Pigao to create a Permitted Interaction Group ("PIG") to study and formulate a response to the issues and problems relating to the use of County and KPD facilities, services and personnel in service of the State Sheriff. Chair Hertog called for a motion to ratify the actions taken in Executive Session.</p>	<p>Mr. Bahouth moved to ratify the actions taken in Executive Session for the following Executive Session items. Mr. Mince seconded the motion.</p> <p>ES KPC 2019-001:            Motion carried 5:0 to receive Office of Professional Standards Lt. Williamson verbal report.</p> <p>ES KPC 2019-002:            The Commissioners were briefed by Acting Chief Contrades on incidents involving the personnel in the Kaua'i Police Department.</p> <p>ES KPC 2019-007            Motion carried 5:0 to close the complaint as unfounded.</p> <p>ES KPC 2019-031:            Deferred to the Commission's April 30, 2019 meeting.</p> <p>ES KPC 2019-008:            Motion carried 5:0 to approve the meeting Minutes of February 22, 2019 and March 1, 2019 as circulated.</p>

SUBJECT	DISCUSSION	ACTION
<b>Adjournment</b>	With no further business to conduct, Chair Hertog called for a motion to adjourn the meeting.	Mr. Bahouth moved to adjourn the meeting. Mr. Mince seconded the motion. The motion carried 5:0.  At 11:33 a.m. the meeting adjourned.

Submitted by: \_\_\_\_\_  
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: \_\_\_\_\_  
Mary K. Hertog, Chair

Approved as circulated on April 30, 2019

Approved as amended. See minutes of \_\_\_\_\_ meeting.