

COUNTY OF KAUAI
DRAFT Minutes of Meeting
OPEN SESSION

Board/Commission	Kaua'i Police Commission	Meeting Date	February 22, 2019	
Location	Mo`ikeha Building – Meeting Room 2A/B	Start of Meeting: 9:00 a.m.	End of Meeting: 11:27 a.m.	
Present	Chair Mary K. Hertog; Vice Chair Roy Morita; Commissioners: Catherine Adams, Gerald Bahouth, Leina`ala Jardin, Kevin Mince and Dean Pigao. Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Ellen Ching; Office of the County Attorney: Deputy County Attorney Mark Ishmael; Police Department: Assistants Chief Roy Asher and Bryson Ponce; Acting Assistant Chief Paul Applegate; Office of Professional Standards Lieutenant Scott Williamson and Sergeants Jason Matsuoka and Ginny Pia; Lieutenants Chris Calio and Christian Jenkins; Officers of the Month: Detectives Barry DeBlake and Brian Silva along with numerous ranking Officers in the Kaua'i Police Department.			
Excused				
Absent				



SUBJECT	DISCUSSION	ACTION
Call To Order		Chair Hertog called the meeting to order at 9:00 a.m. with all seven Commissioners present to conduct business.
Chair's Comments/Announcements	<ul style="list-style-type: none"> Next monthly meeting is scheduled for Friday, March 22, 2019 at 9:00 a.m. at the Mo`ikeha Building, Meeting Room 2A/2B. Executive Session to follow. Chair Hertog thanked all of KPD Officers including K9 for their extraordinary efforts in keeping the community safe in the handling of the recent murder/suicide, a fatal traffic accident in Kōloa and the arm threat at St. Catherine School in Kapa'a which resulted in the arrest of two suspects. 	
Officers of the Month	Presenting the first commendation for Detective Barry DeBlake was Investigative Service Bureau Lieutenant Christian Jenkins. In October 2018 Detective DeBlake conducted an investigation of three trailers that were reported stolen in three separate incidents. After discovering the whereabouts of the trailers he enlisted the assistance of the Department of Land and Natural Resource enforcement division.	

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	<p>Upon arrival of the said property Detective DeBlake observed a fa male suspect and a female suspect who was exiting the third trailer. He then observed the female suspect trying to remove something from the male suspect vehicle. Detective DeBlake approached the female suspect and observed her trying to remove and hide a firearm. The female suspect was immediately detained, along with the male suspect and the vehicle was seized as evidence. A search warrant was obtained and executed on the suspect's vehicle of which two firearms (one loaded), ammunition, methamphetamine, marijuana and U.S. currency was recovered from within the vehicle. Detective DeBlake's proactive approach, and strong work ethic led to the recovery of three stolen trailers, three firearms, ammunition, drugs and cash and because of his actions he has made the community a much safer place.</p> <p>Reading the commendation for Detective Brian Silva was Investigative Service Bureau Major Crimes Lieutenant Chris Calio. On January 9, 2019 Detective Silva initiated an investigation that led to the capture of two dangerous individuals for kidnapping, robbery in the 1st degree, terroristic threatening in the 1st degree, reckless endangering 1st degree, extortion 1st, and assault 2nd degree. The said victim was held a gun point and taken by force by two suspects to an isolated location where he was pistol whipped and choked by the suspects. The suspects has an extensive rap sheet and was convicted on several prior felony offenses. Detective Silva's commitment and dedication to excellence as a law enforcement officer has brought great credit upon himself for that he has earned the honor of being named as Officer of the Month.</p> <p>After the commendations were read and the certificates were presented, the Commissioners thanked Detectives Barry DeBlake and Brian Silva for their outstanding service in keeping the community safe.</p>	
<p>Approval or Amendments to the Minutes</p>	<p>Chair Hertog called for a motion to approve or amend the Regular Open Session Minutes of January 25, 2019.</p>	<p>Ms. Adams moved to approve the meeting minutes of January 25, 2019 as circulated. Vice Chair Morita seconded the motion. The motion carried 7:0.</p>

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<p>Chief's Monthly Reports</p>	<ol style="list-style-type: none"> 1. Administrative and Technical Bureau Reports for the period of January 2019 2. Investigative Services Bureau 3. Summary Reports: Calls for Service and Incident, Collision, Traffic Enforcement, Arrest, Offense by Severity, Warrant /Warrant Type and Legal Services. 4. Chief's Announcements and Pertinent Updates <p>A/C Asher reminded the Commissioners that on February 28, 2019 at 3:00 p.m. the Kaua'i Police Department will be holding a graduation ceremony for the 90th Graduation Recruit Class at the Kaua'i Convention War Memorial Hall in Lihu'e. There are six new recruits that will be sworn in.</p> <p>Vice Chair Morita asked relative to ISB's Report on drugs seized by KPD why the report does not reflect what the street value is for the drugs listed in the report. A/C Ponce stated that KPD sends a monthly report to HIDTA reflecting data on the amount of drugs that were seized and its street value for tracking purposes.</p> <p>Mr. Bahouth asked if over the years if he's seen an increase in the amount of drugs seized to which A/C Ponce replied that there is an increase in the use of methamphetamine and an increase in the amount of seizures and a decrease in the value of the drug itself due to the abundant of supply. Other drugs that are increasing in use are heroin, black tar and china white.</p> <p>Ms. Adams thanked KPD for taking the time to attend Wilcox Hospital sex trafficking in-service last month.</p>	

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<p>Business KPC 2018-19</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 12/21/2018)</p> <p>Mr. Ishmael stated that he should be ready to provide the Commission with his opinion at the Commission's March 22, 2019 meeting or before that.</p>	<p>Deferred to the March 22, 2019 meeting.</p>
<p>KPC 2019-04</p>	<p>Public announcement for Notarized Complaint No. KPC 2019-001 that was filed with the Kaua'i Police Commission on January 2, 2019.</p> <p>Chair Hertog read the public announcement for notarized complaint no. KPC 2019-001.</p> <p>After a diligent inquiry by the Commission, in which the Commissioners reviewed all available materials, including footage obtained by the body worn camera and testimony, the Kaua'i Police Commission have determined that the nature of the complaint was not within the Commission's purview. The complaint has been forwarded to the Office of the Chief for disposition. All parties have been notified of the Commission's final disposition. This officially concluded the Commission's review of notarized complaint KPC 2019-001.</p>	<p>Ms. Adams moved to accept the public announcement for notarized complaint KPC 2019-001. Mr. Pigao seconded the motion. The motion carried 7:0.</p>
<p>KPC 2019-05</p>	<p>Discussion on manning beats.</p> <p>Vice Chair Morita explained that he asked Chair Hertog if she could place the item on the agenda because of concerns he had about the lack of manpower covering the beats when an officer (s) have to respond to a call.</p> <p>In response to Vice Chair Morita's concerns, Captain Mark Ozaki explained that in effort to help with its recruitment, the Department has implemented a two-day police prep course design to help potential police service officer applicants prepare for KPD's physical readiness test as well as tips to help the applicant pass the written exam. The program provides tips on what to expect when they have to undergo a background check and psychological exam.</p>	

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	<p>Captain Ozaki thanked Mr. Mince for his valuable insight which pushed the program to what it is today and Sergeant Nonaka for keeping a record of all of the potential recruits that have come through the course. Chair Hertog asked Captain Ozaki to keep the Commission abreast on when the next session will be held to which Captain Ozaki replied yes.</p> <p>Mr. Mince asked relative to the giving tips on the psych-evaluation one of the things that the Commission learned during the hiring process to find a new Police Chief is that the applicant is able to take their psyche-exam on line especially after completing the physical readiness test.</p> <p>Chair Hertog expressed to Captain Ozaki that the Commission is willing to help the Department with it its recruitment and is open to presenting any ideas or recommendations that Captain Ozaki may have to KPD's leadership that will help to boost the Department's recruitment efforts</p> <p>Mr. Pigao voiced his concerns about a number of people he knows that have gone through the testing but have no idea why they are not getting a call back from the Department. He noted that it could be an HR issue but he would like to know why. Also, patrol has always been the backbone of the Department and he does not what the allocation of manpower is within KPD and what the actual allocation is and how KPD is allocating its manpower now. He added that given the shortage of manpower and the overtime issue perhaps the County should start thinking about 89 day contracts to cover some of the manpower shortage which he thinks would alleviate the workload for the patrol officers.</p> <p>Vice Chair Morita asked about the issue of not getting reimbursed by the State for the time KPD officers have to respond to incidents under the State jurisdiction. A/C Asher stated that it's an on-going issue with no end in sight; however, the Department is not giving up and will continue to bring the issue to</p>	

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	<p>light. Mr. Bahouth asked what happen to the manpower study that was done quite some time ago. Chair Hertog asked A/C Asher to follow-up with Acting Chief Contrades and have him prepare a report on the study's findings to which A/C Asher replied yes. Captain Ozaki stated that in regard to the man study matrix, KPD had to renew the contract up to December 2020 because KPD's old records management system was upgraded to a new records Spillman records management system and the old information that was sent in to the matrix was not as detailed enough or not accurate as the Department wanted it to be so they have to find a time to have them come down again to review the new numbers and provide advice or some suggestions.</p> <p>A/C Asher added that relative to the State's stance on reimbursing for services rendered, the Department has put the state on notice so the next time they ask for assistance they would be on shaky ground if they don't not pay the second time around. Chair Hertog asked Staff to place the matter on the Commission's next agenda for further discussion. Staff acknowledge the Chair's request and would place the matter on the Commission's March agenda.</p>	
KPC 2019-06	<p>Discussion and decision-making on designating three Police Commissioners to attend the 2019 State of Hawai'i Police Commissioners Conference on April 25 and 26, 2019, at the Hilton Hawaiian Village Waikiki Beach Resort.</p> <p>Mr. Bahouth stated that he would attend but won't staying the Hilton because he is the General Manager for another resort would prefer to stay there instead at no cost to the County of course. Ms. Adams pointed out that the April 26 is the Commission's next meeting so the date needs to be changed otherwise there would be no quorum. Chair Hertog stated that she'll work with Staff to determine the date of the next meeting.</p>	<p>The Commission unanimously designated Chair Hertog, Vice Chair Morita and Commissioners Dean Pigao and Gerald Bahouth to attend the 2019 State of Hawai'i Police Commissioners' Conference on O'ahu.</p>

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ES KPC 2019-001	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.	At 10:07 a.m. Ms. Adams cited the Hawai'i Revised Statutes to bring the meeting into Executive Session.
ES KPC 2019-002	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.	
ES KPC 2018-025	Pursuant to Hawai'i Revised Statutes §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for the Commission to discuss the hiring of a new Police Chief and other related items, and to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities as they may relate to this agenda item. (On-going)	
ES KPC 2018-031	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)	
ES KPC 2019-006	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 January 25, 2019 and to consult with its attorney on issues pertaining to the Commission's powers, privileges, immunities, and or liabilities as they may relate to this agenda item.	Chair Hertog called for a motion to enter into Executive Session. Vice Chair Morita moved to enter into Executive Session. Ms. Adams seconded the motion. The motion carried 7:0. At 10:10 a.m. the Commissioners entered into Executive Session.

SUBJECT	DISCUSSION	ACTION
<p>Return to Open Session to Ratify the actions taken in Executive Session</p>	<p>At 11:27 a.m. the Commissioners reconvened in Open Session. Chair Hertog called for a motion to ratify the actions taken in Executive Session.</p>	<p>Mr. Pigao moved to ratify the actions taken in Executive Session. Ms. Adams seconded the motion. The motion carried 7:0.</p> <p>ES KPC 2019-001: Motion carried 7:0 to receive the Monthly Reports by the Office of Professional Standards Lt. Scott Williamson.</p> <p>ES KPC 2019-002: Briefing by Assistant Chief Roy Asher.</p> <p>ES KPC 2019-025: Motion carried 6:1 to hold a Special Executive Session Meeting at 9:00 a.m. on Friday, March 1, 2019 as it relates to the hiring of a new Police Chief.</p> <p>ES KPC 2019-031: Deputy County Attorney Ishmael will be providing his report at the Commission's next meeting on March 22, 2019.</p> <p>ES KPC 2019-006 Motion carried 7:0 to approve the Executive Session Meeting Minutes of January 25, 2019.</p>
<p>Adjournment</p>	<p>With no further business to conduct, Chair Hertog called for a motion to adjourn the meeting.</p>	<p>Ms. Adams moved to adjourn the meeting. Ms. Jardin seconded the motion. The motion carried 7:0.</p> <p>At 11:27 a.m. the meeting adjourned.</p>

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Mary K. Hertog, Chair

- Approved as circulated on March 22, 2019
 Approved as amended. See minutes of _____ meeting.