



OFFICE OF THE MAYOR
THE COUNTY OF KAUAI

DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

MEMORANDUM

TO: Todd G. Raybuck
Chief of Police, Kauai Police Department

FR: Michael A. Dahilig
Managing Director *MAD*

DATE: March 26, 2020

RE: Enforcement of Emergency Rule #5
Exercise of First Amendment Constitutional Right to Practice Religion

As guidance for your officers, the above rule should not be read to narrow an individual's Constitutional First Amendment right to practice religion to a degree that they are no longer able to exercise that right. It should not be considered within the class of "essential services," rather an activity that supersedes rules at the state and county level given its basic rights status.

Although the exercise of religion is not prohibited, there is a health and safety nexus to curb mass assembly given COVID-19.

Rather than the local rules, officers should lean on the provisions of paragraphs C and D of the Governor's Third Supplementary Proclamation instituting the statewide Stay at Home, Work at Home order when evaluating whether individuals exercising their First Amendment right to practice religion are being conducted in a safe manner that does not endanger the public.

Should you have any questions, please do not hesitate to contact me. Mahalo.

