

PUBLIC HEARING

NOVEMBER 20, 2019

A public hearing of the Council of the County of Kaua'i was called to order by Arryl Kaneshiro, Chair, Committee of the Whole, on Wednesday, November 20, 2019, at 1:30 p.m., at the Council Chambers, 4396 Rice Street, Suite 201, Historic County Building, Līhu'e, and the presence of the following was noted:

Honorable Arthur Brun
Honorable Mason K. Chock
Honorable Felicia Cowden
Honorable Luke A. Evslin
Honorable KipuKai Kualii
Honorable Arryl Kaneshiro

Excused: Honorable Ross Kagawa

The Clerk read the notice of the public hearing on the following:

“Resolution No. 2019-53 – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO QUALIFICATIONS FOR THE CHIEF OF POLICE,”

which was ordered to print by the Council of the County of Kaua'i on October 23, 2019, and published in The Garden Island newspaper on October 30, 2019.

The following communication was received for the record:

1. Hertog, Mary K., dated November 12, 2019

The hearing proceeded as follows:

SCOTT K. SATO, Deputy County Clerk: We have received one (1) written testimony and have two (2) registered speakers. The first speaker is Mary K. Hertog, representing the Kaua'i Police Commission, followed by Todd Raybuck.

Council Chair Kaneshiro: Mary.

MARY K. HERTOOG: Good afternoon. My name is Mary K. Hertog, Chair of the Kaua'i Police Commission and I am warning you that this is going to take more than three (3) minutes, so I will break. As for my background, I spent thirty-four (34) years in the United States Air Force (USAF), twenty-seven (27) of those years in the police career field. I was chief of police for three (3) separate bases, leading police units that varied in size from two hundred fifty (250) to six hundred fifty (650) officers. I also rose in the ranks to become the Director of Security Forces (Top Cop) of the Air Force, responsible for the organizing, training, and equipping of

over thirty thousand (30,000) police officers. I have been a police commissioner for over five plus (5+) years, serving as either chair or vice chair for the last four (4) years.

Just for some perspective, there are over eighteen thousand (18,000) different police agencies in the United States (US), from federal, state, city and county, and more than seventy-five percent (75%) of these departments have less than twenty-five (25) officers, which is considered a small police department. Kaua'i Police Department (KPD) is a mid-size police department based on the number of officers it has and the population it serves.

As you know, we hired a new chief of police in April 2019, starting the process in July 2018 when the previous chief of police submitted his intent to retire. I was one of the three police commissioners chartered to be a member of the Permitted Interaction Group that did the initial vetting of one hundred thirty-three (133) applicants for this position. In reviewing all of these applications, we quickly realized we needed to increase the minimum requirements for our chief of police position. We had some very highly qualified applicants, both in experience and education. For example, one hundred two (102), or seventy-seven percent (77%) of these one hundred thirty-three (133) applicants had advanced degrees. To sum it up, forty-one (41) had Bachelor's degrees, fifty-five (55) had Master's degrees, five (5) were attorneys, and one (1) had a PhD. Our County Charter has no educational requirement for someone applying to be the chief of police, not even a high school education requirement, whereas the requirement for our entry police officers' candidates is a minimum of a high school education.

A 2017 study published by the National Police Foundation found that thirty percent (30%) of all police officers have four-year degrees, almost fifty-one percent (51%) have a two-year degree and five percent (5%) have graduate degrees. Additional studies show that officers need not only be street smart, but if they have a college degree, they have a better understanding of the criminal justice system and an individual's civil rights, can adapt better to change, are better communicators, are less likely to use excessive force, and especially have better problem-solving skills and critical thinking and interpersonal skills. In this day and age, the path to police professionalism is through education, not just experience or years on the force. Requiring the chief of police to have a four-year degree is not an anomaly, it is now the norm in today's policing.

The current minimum requirements in the County Charter are so broad and vague that an employee with any police department with five (5) years experience can apply to be the chief of police. Policing has changed over the years and requires management, supervisory, and especially leadership skills that you cannot accumulate in five (5) years.

In fact, the way the County Charter now reads, "The chief of police shall have a minimum of five-year experience in law enforcement, at least three (3) which shall be in a responsible administrative capacity," means that an applicant does not need to have been a sworn law enforcement officer, simply that they have five (5) years of law enforcement experience. That means a civilian employee of a police agency, say a dispatcher, a crime scene analyst, or a property clerk, could become chief of police

without ever having been a sworn officer. I will now turn it over, because I almost hit my time. Thank you.

Council Chair Kaneshiro: Perfect. You must have timed your speech.
Chief.

TODD G. RAYBUCK, Chief of Police: Good morning. Chief of Police Todd Raybuck, on behalf of the Kaua'i Police Department. Chair, Honorable Members of the Council, thank you for your time. I just want to reiterate what the chair had mentioned. A lot of people think because we are this small island in comparison to the rest of the State that we are a small police department. As you heard we are a mid-size police department. Predominantly most police departments or the eighteen thousand (18,000) departments have less than one hundred (100) officers. We have one hundred sixty-two (162), which puts us in the second largest category of police officers in the United States. It is one hundred (100) to two hundred fifty (250) and then two hundred fifty (250) and above, so we are a mid-size police department. As you heard, most police departments and chief of police positions require a four-year degree. About a year before I applied for this position, I knew I was going to be looking for a chief of police job and I signed up for multiple job announcement sites, just to see what the requirements were. The minimum requirements for a chief of police...because I wanted to make sure I met those minimum requirements...and the majority of those all required a minimum of a four-year degree and most requested that you would have a Master's degree. What we are asking for today or what the commission is asking for today, I should say, I support. I think it is important. Not that a college education makes people smarter. We all know that is not true, but the skills of this job require research, writing, speaking, the ability to use complex and critical thinking skills, and that is what a degree helps develop. That is why I support the educational requirement increase. My previous organization required educational steps to be met just for promotion. You had to have a minimum of an Associate's degree to promote to lieutenant and a Bachelor's degree for captain. Raising a family, I had to put my education on hold for many years. I struggled and sacrificed financially to put myself through school, because I knew that I wanted to promote in the ranks and that I also wanted to be a chief of police and that was the minimum requirement. It takes sacrifice and dedication to do that. The majority of my executive staff had at least an Associate's degree, the majority of them have a Bachelor's degree or in the process of completing that Bachelor's degree. In KPD, we have the ability and we have a fund that we help support peoples tuition reimbursement, and so there is a path for us to assist our employees to be able to obtain a Bachelor's degree, so that they can be eligible for chief of police. I think that it is a great idea for us to increase the level of education and the training. KPD and this community deserves the best qualified candidate for their chief. I do not plan on leaving anytime soon, but I think the steps need to be in place to be able to make sure they are eligible to receive the best applicant moving forward. Thank you.

Council Chair Kaneshiro: Thank you. Is there anyone else in the audience wishing to testify for the first time? Jan.

JAN TENBRUGGENCATE: Thank you, Council. My name is Jan TenBruggencate. I sit as Chair of the County Charter Review Commission. I am not

speaking for the commission, we have not taken a vote on this issue, but as you know this issue, the identical language with the exception of the amendment that was proposed today is before the Charter Commission as well as the Council. My personal view is that this is a needed amendment and I support it. Whether the Council puts it on the ballot for the voters to vote on or whether the Charter Commission does, does not matter much to me. I do think that the Police Commission has presented useful, valuable, needed language, and that we have a bazaar situation if the qualifications for police recruit are higher than the qualifications to be chief of police. That is something that needs to be fixed and I suspect that if presented to the voters, the voters will support that. I am happy to answer any questions, if you have any, but I support this process.

Council Chair Kaneshiro: Thank you. Anyone else wishing to testify for the first time? If not, Mary, we will have you back up.

Ms. Hertog: For all the reasons you heard, we strongly advocate that anyone considered for the Kaua'i Chief of Police position must have a four-year Bachelor's Degree in Law Enforcement, Public Administration, Business Administration or related fields of study, such as we list in this proposal. And beyond that we believe it is necessary that future applicants applying for the chief of police position need fifteen (15) years of experience in law enforcement and training, of which three (3) years must be performing at the rank of lieutenant or higher.

We arrived at fifteen (15) years' experience as the minimum by looking at just how complex police work and being a chief of police has become. It takes several years to become an effective patrol officer. It take several more years to learn the job as a first line supervisor. Anyone aspiring to move higher in a police organization knows that patrol is just part of the job. The administration side of any law enforcement agency is even more complex and requires years to master. Budgeting, Collective Bargaining, Recruiting, Crime Prevention, and Community Policing are just a few of the responsibilities a chief of police must master.

We specific the rank of lieutenant as that is considered by most police agencies to be the first level of management. That way we know these individuals have been supervisors and know how to lead, supervise, manage, and have developed critical thinking and interpersonal skills.

As you recall we had one hundred thirty-three (133) applicants for the KPD chief of police position. In our selection process we moved twenty (20) applicants to the second round of our screening process. Of the twenty (20) applicants, nineteen (19) had at least a four-year degree, and the most junior applicant had eighteen (18) years of experience.

Many of Kaua'i's police officers already have two (2) to four-year degree. Some have master's degrees. We should never have a chief of police that has a lower educational level than officers on their force.

Comments have been make that local officers are at a disadvantage living on an island when it comes to the opportunity to go to college, especially when it comes

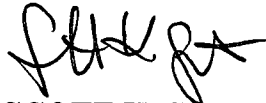
to earning a four-year degree. This is simply not true. Kaua'i Community College (KCC) offers two-year degree programs, and through KCC's University Center, a four-year degree can be earned without ever leaving Kaua'i. Even now many KPD officers are using Distance Learning to pursue their four-year degrees. Yes, getting a four-year degree is time-consuming and costly, but the men and women pursuing those degrees know that the sacrifice is well-worth it. It makes them better police officers, better leaders and managers, and education opens the door to promotions.

We know some people may still not be convinced that a higher educational and experience level is necessary, and may think it is too hard to achieve, but I would disagree. Our new Chief of Police Todd Raybuck is a living proof of someone who obtained his degree while working his way up in the Las Vegas Metropolitan Police Department. Thank you.

Council Chair Kaneshiro: Thank you. We did receive your written testimony also. Is there anyone else in the audience wishing to testify? Seeing none, this public hearing is now adjourned.

There being no one present to testify on this matter, the public hearing adjourned at 1:43 p.m.

Respectfully submitted,



SCOTT K. SATO
Deputy County Clerk

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