

Approved

OPEN SESSION MEETING MINUTES

Board/Commission	Kauai Police Commission	Meeting Date	April 28, 2023
Location	Moikeha Meeting Room 2A/2B	Start of Meeting: 9:00 a.m.	End of Meeting: 10:45 p.m.
Present	<p>Chair Mary K. Hertog ; Vice Chair Andrew Bestwick; Commissioners: John Calma and Laurie Yoshida.</p> <p>Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Ellen Ching; Office of the County Attorney: Deputy County Attorney Chris Donahoe; Police Department: Office of the Chief: David Carmichael, Executive Operations Manager, Patrol Bureau, Assistant Police Chief Elliott Ke and Captain Roderick Green; Investigative Services Bureau Captain/Acting Assistant Chief Paul Applegate; Office of Professional Standards, Lieutenant Christian Jenkins; Administrative and Technical Bureau, Captain Makana Rivera; General Crimes Anthony J. Morita; and Special Focus Section Lieutenant Anthony J.K. Morita; Employees of the Month Fiscal/Accounting Staff Vivian Akina and Jeaneth Panoy.</p>		
Excused	Commissioner Monica Belz and Police Chief Todd Raybuck		
Testifiers	Vice Section Lieutenant James Miller		

SUBJECT	DISCUSSION	ACTION
Meeting Called to Order/Roll Call to ascertain quorum.		Chair Hertog called the meeting to order at 9:00 a.m., Chair Hertog ascertained that a quorum was present.
Approval of Agenda	Chair Hertog sought a motion to approve the Police Commission April 28, 2023, meeting notice and agenda.	Commissioner Yoshida moved. Vice Chair Bestwick seconded the motion. By a unanimous vote, the motion was carried.

SUBJECT	DISCUSSION	ACTION
Announcements	Next Regular Monthly Meeting 9:00 a.m. Friday, May 26, 2023. Executive Session to follow. Subject to change.	
Public Testimony	None at this juncture.	
Approval of Minutes March 24, 2023, Open Session Meeting	Chair Hertog sought a motion to approve or amend the minutes of March 24, 2023, meeting.	Vice Chair Bestwick moved to approve. Commissioner Yoshida seconded the motion. By unanimous vote, the minutes were approved.
Employees of the Month April 2023	<p>Kauai Police Department Fiscal Section Vivian S. Akina, Departmental Staff Assistant II, and Jeaneth M. Panoy, Departmental Accounting Technician.</p> <p>Reading the commendation for Ms. Akina and Ms. Panoy was Administrative and Technical Bureau Acting Captain, Makana Rivera.</p> <p>Ms. Akina and Ms. Panoy were nominated Employees of the Month for April 2023. Both ladies work in the Administrative and Technical Bureau Fiscal Section and are responsible for the beta testing, training, and implementing the new County wide payroll software system known as “Workday”. Vivian and Jeaneth worked tirelessly on the new payroll system for the better part of last year, putting in over three hundred hours of overtime each. They both have an extensive understanding of collective bargaining unit contracts and past practices. Their attention to detail and accuracy is second to none. They have an open-door policy and they never turn anyone who is requesting for help away. They treat everyone like family and they take pride in their job with tremendous integrity. The amount of overtime they put in has ensured that all KPD personal are paid accurately and on time.</p>	

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	<p>Assistant Chief Elliott Ke expressed his heartfelt appreciation for Ms. Akina and Ms. Panoy and referred to them as two (2) of KPD's superheroes out of many working behind the scenes. Both ladies were each presented with a orchid lei and a certificate of outstanding and exemplary service in recognition of their dedication and devotion to their job.</p> <p>The Commissioners took turns congratulating Ms. Akina and Ms. Panoy for their hard work and dedication to ensure that the employees in the Kauai Police Department are paid on time and accurately while learning about the county's new Workday software program. It was mentioned that their open-door policy and willingness to help the employees in the Police Department was appreciated by everyone.</p> <p>Administrator Ching joined in the recognition for the Employees of the Month. She stated that the work that Ms. Akina and Ms. Panoy is tasked with is very challenging because it involves new applications. Unlike the other county departments, the fire department, especially the police department, have very complex configurations, and the one thing that is going to get everyone upset is not getting paid on time and if they are not getting paid correctly. Because of their hard work and dedication to their job it is only fitting that they were named the Kauai Police Department Employees of the Month for April 2023.</p> <p>Councilmember Cowden commended the Employees of the Month for doing an outstanding. She noted that the people working behind the scene is what holds up the entire team. She noted that the Workday software program is really going to make a difference in terms of tracking overtime, sick leave, and vacation time, so she is happy to have had the opportunity to congratulate Ms. Akina and Ms. Panoy for a job well done.</p> <p>Deputy County Attorney joined in the recognition. He stated that he knows how immense patience and perseverance must be because it must have been a difficult task to accomplish. He also thanked everyone in the county who played a major role in getting Workday up and running.</p>	

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	<p>SHOPO Business Agent Roy Asher expressed his appreciation for Ms. Akina, and Ms. Panoy. He stated that as a union member he relies a lot on them for information so that SHOPO can move forward and whatever they have to deal with in the Department.</p> <p>Lieutenants James Miller and Anthony Morita also expressed their appreciation and gratitude for Ms. Akina and Ms. Panoy. Lt. Miller stated that both Ms. Akina and Ms. Panoy are family to him and they will always have a special place in his heart. Over the years, they never hesitated to help him whenever he called on them. He will miss them and wish them all the best. Lt. Morita stated that they are professionals in what they do, they make sacrifices for KPD and always treat everyone who walks through their door with respect.</p> <p>Ms. Akina thanked everyone for their words of appreciation. She shared that she has been with KPD for a long time and has seen the recent recruit class and the recent retirees when they came in as new recruits. She really enjoys her job otherwise she would not be here, and although she keeps getting asked when she is going to retire, her answer is always she really doesn't know. In response to what Lt. Miller said about being like family to him, she feels the same way towards everyone in KPD.</p> <p>Ms. Panoy thanked the Kauai Police Department and the Police Commission for the recognition. She stated she loves her job and doesn't see herself looking for another job anytime soon even though working with the new Workday software was difficult.</p>	
<p>Chief's Monthly Reports, Pertinent Updates and Announcements</p>	<p>Filling in for Police Chief Todd Raybuck was Assistant Chief Elliott Ke. Chief Raybuck had to attend mandatory training therefore was unable to attend the meeting.</p> <ul style="list-style-type: none"> ● Administrative and Technical Bureau ● Investigative Services Bureau ● Patrol Bureau 	

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	<ul style="list-style-type: none"> • Matrix Study Update • Chief’s Office – Community Outreach <p>Chair Hertog asked the Commissioners if they had any questions for Assistant Chief Ke regarding the data reflected in the Chief’s Monthly Reports. Being there were no questions from the Commissioners on the Chief’s Monthly Reports.</p> <p>Chair Hertog gave the Commissioners background information on what drove the Matrix Study to be done and the Police Commission’s role in it, then called on Assistant Chief Ke to address the Commission.</p> <p>Assistant Chief Ke stated that the Matrix Study was a work in progress which started in 2016 and in 2018, an updated review and report of the patrol bureau was conducted with the implementation of the data collected from the new records management system. The third and final of the patrol bureau was completed and included in the final consolidated report that was provided to KPD in September of 2020.</p> <p>Chair Hertog stated that the Commissioners was provided with the Executive Summary and should have already reviewed it. She asked the Commissioners if they had any questions on the recommendations made for the Office of the Chief.</p> <p>Vice Chair Bestwick asked if the Executive Summary was shared with the rest of KPD or was it something the Commission had asked the Chief to put together for the Police Commission to which AC Ke replied that he believes that within the last week or so Chief Raybuck provided copies of the Executive Summary to his executive level staff.</p> <p>Vice Chair Bestwick asked AC Ke if he thinks it would be of value for the rest of the Department to see the Executive Summary to which AC Ke replied yes. Vice Chair Bestwick asked if there was a way to funnel the Executive Summary to the rank and file to which AC Ke replied that to</p>	

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	<p>clarify there has been communication between Office of the Chief and patrol on what has been working and what isn't working and to address his question about funneling the Executive Summary to the rank file, yes, it is possible.</p> <p>Chair Hertog stated that she agrees with Vice Chair Bestwick's recommendation on providing the Executive Summary to the rest of KPD.</p> <p>Chair Hertog asked relative to the Chief's Office a recommendation was made to maintain the current level in Professional Standards Unit, but it was not implemented, can she assume it's because of a lack of manpower to which AC Ke explained that because the Office of Professional Standards and the Criminal Intelligence Unit both fall under the Office of the Chief, in looking at that and the command structure, the Chief decided to make some changes which is part of the reason why the staffing levels were reduced rather than maintained.</p> <p>Chair Hertog asked out of the seven (7) recommendations that were made in the patrol services bureau there were two (2) recommendations that were not implemented, one being to augment cellblock staffing during prisoner transfer times to a total of three by calling a patrol officer in the Līhu'e District, to ensure that no fewer than two are on-duty at the detention facility. She asked why the recommendation was not implemented to which AC Ke explained that pulling an officer from the Līhu'e District is not feasible especially when there are only two officers on duty. So, to address that KPD would call on administrative sergeant who oversees the detention facility to support a prisoner transfer. After hours, KPD has a Līhu'e District sergeant to call on.</p> <p>Vice Chair Bestwick asked if the Matrix Consulting Group looked at recommendations in terms of new technology that would lessen the time a patrol officer issues a traffic ticket to which AC Ke explained that the Matrix Consulting Group did an analysis on calls for services and the data obtained was used to come up recommendations for the patrol services bureau.</p>	

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	<p>There being no further questions for AC Ke regarding recommendations for the patrol services bureau, Chair Hertog moved on to investigation services bureau recommendations.</p> <p>Chair Hertog asked about the partial implementation recommendation on formalizing a detective caseload prioritization system as part of the case screening process using a 7-priority system as a framework; what is a 7-priority system.</p> <p>Acting Assistant Chief Paul Applegate stated that ISB main focus is on felony crimes and the 7-system priorities are:</p> <ul style="list-style-type: none"> Priority 1: Felony crime with in-custody suspect or excellent chance of arrest. Priority 2: Misdemeanor crime with in-custody suspect or excellent chance of arrest. Priority 3: Felony crime with reasonable chance of arrest. Priority 4: Felony crime with limited chance of arrest. Priority 5: Misdemeanor crime with reasonable chance of arrest. Priority 6: Misdemeanor crime with limited chance of arrest. Priority 7: Courtesy phone call based on probability factors. <p>He added that because ISB only handles felony crimes, it did not implement the other three recommendations reflected in the Executive Summary because It does not apply to ISB.</p> <p>Commissioner Yoshida asked if it was safe for her to say that ISB has implemented all of the recommendations except for three because those recommendations did not apply to ISB to which Acting Applegate replied yes.</p> <p>Chair Hertog asked relative to the two recommendations that were partially implemented – how far is the bureau on developing a 1–3-year training plan to which Officer Makana Rivera replied the bureau is just getting started, recently the Department added four PO9’s who are dedicated training officers (2 sergeants and 2 officers) and all four of them have significantly</p>	

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	<p>progressed in their certification discipline and will be working on developing a plan looking out into the future.</p> <p>Chair Hertog encouraged the bureau to continue with its trainings (an officer is only good as the training he or she receives) and work on developing a succession plan or workforce plan for the Department.</p> <p>Commissioner Yoshida asked relative to the recommendation to evaluate the feasibility and potential value of providing a bonus program to attract new officer candidates; is that something the county can do to which Officer Makana replied that recruiting people has always been a challenge for KPD and with current budget limitations that recommendation would not be feasible. To his understanding, the four counties are looking at other options and are taking that into consideration to see if it is feasible at the county level.</p> <p>With no further questions, Chair Hertog called for a motion to receive the Chief’s Monthly Reports.</p>	<p><u>Motion No.1</u> Commissioner Yoshida moved. Vice Chair Bestwick seconded the motion. By a unanimous vote, the motion was carried 4:0.</p>
<p>KPC 2022-30</p>	<p>Discussion and decision-making on conducting an audit on the Kauai Police Department which may include discussion and decision-making to establish a permitted interaction group consisting of two or more members of the Commission, but less than the number of members which would constitute a quorum and defining the group’s scope of work which may include. (Deferred on March 24, 2023)</p> <ol style="list-style-type: none"> 1. Determining the process to have an audit performed. 2. Defining the scope of the audit. 3. Drafting any and all documents related to items #1 and #2. 	

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	<p>Chair Hertog called for public testimony. There were no testifiers.</p> <p>Chair Hertog asked the Commissioners if they would consider taking the matter off of the agenda. The rationale behind her ask is that at the last meeting the Commission passed a motion to hire Gallup to conduct a multi-year survey. It is also her understanding that the county had put out a survey to the department heads that is due in May therefore she does not want to over survey KPD to point where people would write anything to get it done. She asked the Commissioners for their thoughts on her suggestion.</p> <p>Vice Chair Bestwick stated that it's a fair approach not to over burden the system with surveys, therefore he supports the Chair's suggestion.</p> <p>Both Commissioners Calma and Yoshida agreed. Chair Hertog called for a motion.</p>	<p><u>Motion No.2</u> Commissioner Yoshida moved to take agenda item KPC 2022-30 off of the agenda indefinitely. Commissioner Calma seconded the motion. By a unanimous vote, the motion was carried.</p>
<p>KPC 2023-12</p>	<p><u>Presentation by the permitted interaction group on recommendations on the process, procedures, and tools to enhance the chief of police evaluation process to result in a more cohesive evaluation product. (Deferred on March 24, 2023)</u></p> <p>Chair Hertog stated that the PIG has not met yet and it hasn't picked a leader. Members of the PIG are Commissioner Yoshida, Vice Chair Bestwick and Chair Hertog. Commissioner Yoshida volunteered to take the lead.</p>	<p>Vice Chair Bestwick moved to nominate Commissioner Yoshida to lead the PIG. Commissioner Calma seconded the motion. By a unanimous vote, the motion was carried.</p>

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<p>KPC 2023-10</p>	<p><u>Presentation by the permitted interaction group consisting of Chair Mary K. Hertog and Commissioner Laurie Yoshida on recommendations for Rules 1-3 of the Kauai Police Commission Rules on Administrative Practice and Procedures. (Deferred on March 24, 2023)</u></p> <p>Chair Hertog stated that each Commissioner should have received a copy of the PIG’s recommendations regarding Rules 1-3. She asked the Commissioners to take home the draft recommendations to read and email their comments to Boards and Commissions staff within the next 2 weeks, then at the Commission’s May meeting have a discussion and decision-making on the PIG’s recommendations.</p> <p>In addition to the draft recommendations, Deputy County Attorney Donahoe pointed out grammatical errors that needed to be corrected as well as adding language to be consistent with the statutes and arranging the alphabets in organized format.</p>	
<p>KPC 2023-11</p>	<p><u>Discussion and decision-making regarding Police Chief Todd Raybuck’s fiscal year evaluation for the period of July 1, 2022 – June 30, 2023.</u></p> <p>Chair Hertog stated that Chief Raybuck is going to provide the Commission with his accomplishments at the Commission’s July meeting, then in mid-August she is going ask the Commissioners to complete the Chief’s fiscal year evaluation which would include the Chief’s 6-month evaluation that was previously done up to June 30, 2023, and submit their individual evaluation’s to Office of Boards and Commissions. For the Commissioners who recently came on board they should evaluate the Chief based on their tenure on the Police Commission up to June 30, 2023.</p>	
<p>KPC 2023-12</p>	<p><u>Discussion and decision-making on selecting three (3) Police Commissioners to attend the 2023 State of Hawai’i Police Commissioners’ Conference from June 1 and 2, 2023. This year’s conference will be held at the Waikiki Beach Marriott Resort & Spa. Hosted by the Honolulu Police Commission.</u></p>	

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	<p>1. Copy of the 2023 State of Hawai'i Police Commissioners' Conference Tentative Agenda.</p>	<p>Commissioner Calma moved to designate Vice Chair Bestwick and Commissioner Yoshida attend the 2023 State of Hawai'i Police Commissioners' Conference from June 1 and 2, 2023. Commissioner Yoshida seconded the motion. By a unanimous vote, the motion was carried. *Staff will make the travel arrangements for the Commissioners.</p>
<p>KPC 2023-13</p>	<p><u>Discussion and decision-making on selecting three (3) Police Commissioners to attend the 67th Annual Hawai'i State Law Enforcement Officials Association (HSLEOA) Conference on September 27-29, 2023, Waikoloa Beach Marriott Resort on Hawai'i island. Hosted by the Hawai'i Island Police Department.</u></p>	<p>Vice Chair Bestwick moved to defer item KPC 2023-13 to the Police Commission's June meeting to give the commissioners who are not present a chance to say if they want to attend the conference or not. Commissioner Yoshida seconded the motion. By unanimous vote, the motion was carried.</p>

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<p>KPC 2023-14</p>	<p><u>Update on the Gallup Climate Assessment Presentation that was presented to the Commission at its March 24, 2023 meeting.</u></p> <p>Chair Hertog called for public testimony. There were no testifiers.</p> <p>Chair Hertog called on Administrator Ching to provide an update on the Gallup climate assessment. Ms. Ching stated that she is in the process of working on procuring a contract for Gallup. She recognized Acting Assistant Chief Mark Ozaki, Lieutenant/Acting Captain Makana Rivera, and Fiscal Officer II Candida Souza for assisting her with the procurement because without their help she wouldn't be where she is right now in the procurement process if it wasn't for their help.</p>	<p>Commissioner Yoshida moved to keep agenda item KPC 2023-14 on the agenda for more updates. Vice Chair Bestwick seconded the motion. By a unanimous vote, the motion was carried.</p>
<p>KPC 2023-15</p>	<p><u>Discussion on a general orientation of the Kauai Police Department for all new Commissioners.</u></p> <p>Chair Hertog called for public testimony. There were no testifiers.</p> <p>Chair Hertog - after briefing the Commissioners about the orientation specifics, she presented the Commissioners with a draft of suggestions and asked them to write their comments or submit their feedback to Boards and Commissions.</p>	
<p>Public Testimony by Lt. James Miller on agenda item KPC 2023-11</p>	<p>Lt. James Miller stated his name for the record.</p> <p>In reading the Chief's last evaluation he has no idea what questions were asked or where the Commission's source of information came from. But that picture is nowhere near what is inside and nobody else is going to come out because they have their jobs to worry about. But he does have to worry now. Whenever the Chief's evaluation comes out, he fully intends to be here and will ask a lot of questions because he doesn't know if the Commission is taking whatever he (Chief Raybuck) tells the Commission is happening and that is what the Commission is believing but that is not the picture.</p>	

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	<p>Lt. Miller testified that he didn't want to be here today but the guy (Chief Raybuck) is like tooth decay – everything is cool on the outside but the inside is rotten. He is willing to predict that the Commission is going to see more retirements from the upper-level brass and others as soon as they can leave this place. For him he said he would stay for another two years, then it came down to one year – he could stick it out until December but he can't do it. It's like Alice in Wonderland. He (Chief Raybuck) would make a great PIO – he can do all kinds of Facebook stuff, but on the inside it's not the same picture. Regarding his evaluation, don't take whatever he is passing out – go find out what's really going on – who's willing to talk; get some real data; not the stuff he (Chief Raybuck) hands out. There are a lot of good people who are sticking in there , trying to make the Department good. He feels ashamed that he couldn't stay – he's seen dead bodies, he's seen the ugliness that the public do to one another, and he couldn't stand it was too much. He hopes the Commission....because the Commission is the only defense the officers have against him (Chief Raybuck). If I have a problem with a sergeant or a lieutenant there's always someone else to go to but when it's the Chief (the highest rank) and the problem is there – who do you go to. People came and talked to the Commission and have they come back since? Probably not because they saw nothing happened. So, he's pretty sure the Commission wont be seeing them come back again. So, for the sake of the people who cannot speak, you guys needs to figure this stuff out. That's all I got. He will be at the meetings and he will watch and see. We talk about accountability, he *Chief Raybuck) is the highest rank face of the Department and he should have the highest accountability of all of us; every single one of us, and they are being held accountable. So, they need the same for the one who wears K1. He's been through eight (8) chiefs already and this has been like Alice in Wonderland, but that's all he's got.</p> <p>He didn't want to be here, he doesn't like these kinds of things, he doesn't like conflict – you don't talk about other officers or the chief or anyone else outside of the Department. I was standing outside for 15 – 20 minutes arguing with himself and he kept on seeing texts from the other guys wishing him good luck. He has to speak for them because they cannot. And he will be here to do that. That's all he's got. Thanks for your time.</p>	

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	<p>Vice Chair Bestwick thanked Lt. Miller for having the courage to do it and no shame. Don't let this take away from the great service you have provided the community. It's a moment in time and the Commission takes it seriously and they appreciate him stepping up to talk to the Commission.</p> <p>Chair Hertog thanked Lt. Miller and stated that if he looked at the other previous evaluation, he would have known that the Chief had been disciplined for actions that he took or said. She doesn't want him to think that the Police Commission just rubber stamps anything because it does not. The Police Commission takes it seriously on everybody conduct – nobody is above the law period; that means the chief, that means him and that means anyone of us. The Commission will take whatever necessary action it has to take if it on cases that are substantiated. The Commission has done many investigations which have taken a long time – the Commission closed one out that took several months to do. Some cases are substantiated, unfounded, founded it just depends on what it is. She would hope that if the officers feel the same way, the Commission does not want to cultivate a climate of fear or retaliation. They need to talk to the Commission but they need to bring the facts. The Commission is not going on any hearsay. Lt. Miller stated that he would not expect anything less, he's known her from internal affairs time. He understands that the Commission is doing that and is trying but it doesn't hasn't made an affect- that is not the Commission's fault – he just wants the Commission to verify what the Chief is passing out. That is all he is asking for, and to take everything like a grain of salt.</p> <p>Councilmember/Committee Chair Public Safety Felicia Cowden introduced herself. She stated that she will be testifying on item KPC 2023-15 training for the Police Commission. She stated that she appreciates the effort being made to train the new Police Commissioners and how deeply important it is. She attends a lot of commission meetings and cannot understate and overstate how important it is for people to dig deep and learn what their role is and how to most effectively do it. She is happy that the training is moving ahead. She stated that if Chair</p>	

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	<p>Hertog wasn't restated the Police Commission would be a new Commission which is a challenge for both council and the commissions.</p> <p>Chair Hertog stated that in the past, council members were invited to do the orientation with the commissioners. She asked if the orientation could be open to the council so they can have an appreciation of what is going on in KPD i.e., manning issues and recruiting issues.</p> <p>SHOPO Business Agent Roy Asher introduced himself to the Commission. He testified that what he doesn't see with the Police Commission is he often times would get a phone call from councilmembers asking for clarity> Deputy County Attorney Donahoe asked Mr. Asher to identify the agenda item he wishes to testify on. Mr. Asher replied agenda item KPC 2023-11.</p> <p>Chair Hertog asked Mr. Asher if he's speaking as a member of the public, to which Mr. Asher replied yes.</p> <p>Mr. Asher testifies that as a former police officer he would invite councilmembers to reach out to him if they had any questions, and as a SHOPO business agent today, the invitation is still open. Very rarely does he get a call from a Police Commissioner. It is his understanding that there is nothing to prevent the Commissioners from contacting him to get the information they need. So, he would like to extend the invitation to the Police Commission.</p> <p>Chair Hertog questioned why councilmembers would call him instead of the Chief or Assistant Chief Ke about the budget to which Mr. Asher replied that as the AC's would formulate the budget. Chair Hertog stated that based on what he said, there are council members who are still calling him, to which Mr. Asher replied sometimes they do. Chair Hertog asked is it concerning the budget to which Mr. Asher replied yes. Chair Hertog asked if the council members call him because he's SHOPO to which Mr. Asher replied they call him because of his experience, not because he is SHOPO's business agent. Chair Hertog thanked Mr. Asher for clarifying.</p>	

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	<p>Chair Hertog commented that for her if she had questions, she would call the Chief direct and she hoped that the other Commissioners know that they can do the same, as long as they do not interfere in the day-to-day operations of the Department.</p> <p>With no further testimony, Chair Hertog called on Deputy County Attorney Donahoe to read the executive session items to take the meeting into Executive Session.</p>	
Executive Session Items	<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 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 these items:</p>	<p>Chair Hertog called on Deputy County Attorney Chris Donahoe to read the executive items to take the meeting into executive session. At 10:02 a.m. Deputy County Attorney Donahoe cited the following Hawai'i Revised Statutes.</p>
ES KPC 2023-1	<p><u>Regular Monthly update by Police Chief Todd Raybuck or his designated Representative regarding the Office of Professional Standards Monthly Report on the status and or disposition of formal notarized citizen complaints that were filed with the Kauai Police Department and with the Kauai Police Commission and referred to the Office of the Chief for further review.</u></p>	
ES KPC 2023-34	<p><u>Notarized complaint KPC 2022-012, dated October 4, 2022. The complainant alleges that an officer in the Kauai Police Department violated Article III, Article VI.B4, and Article VI.C12 of the Standards of Conduct by ordering the complainant to meet the officer at the police station so that the officer could serve the complainant with a Temporary Restraining Order ("TRO") for his sister. (Referred to outside investigator; report back to the Police Commission.)</u></p>	

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ES KPC 2023-8	<u>Notarized citizen complaint KPC 2023-001, dated March 3, 2023. The Complainant alleges dereliction of duty by an on-duty police officer for submitting a false misleading inaccurate statement, suppressing or falsifying a complaint or evidence, and deprived the complainant of his rights under Color of Law Title 18 U.S.C. Section 242. (Referred to the Office of Professional Standards to investigate and report back to the Commission.)</u>	
ES KPC 2023-4	<u>Regular Monthly update by Police Chief Todd Raybuck 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.</u>	
ES KPC 2023-5	<u>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 the Kauai County Police Commission Administrative Rules of Practice and Procedure.</u>	
ES KPC 2023-11	<u>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 March 24, 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.</u>	
Enter Executive Session	Chair Hertog sought a motion to enter executive session.	At 10:05 a.m. Vice Chair Bestwick moved to enter executive session. Commissioner Calma seconded the motion. By unanimous vote, the motion was carried.

SUBJECT	DISCUSSION	ACTION
<p>Return to Open Session to Ratify the Actions taken in Executive Session</p>	<p>At 10:42 a.m., the Commissioners reconvened in open session.</p> <p>Chair Hertog asked Deputy County Attorney Donahoe relative to the testimonies by Police Officer James Miller and SHOPO Business Manager Roy Asher regarding agenda item KPC 2023-11 what are the Commissioners allowed to do in terms of speaking directly to someone in the Kauai Police Department or anyone else without violating the Sunshine Law and without putting the Commissioners in jeopardy.</p> <p>Deputy County Attorney Donahoe explained that Section 11.03 of the Kauai County Charter referring to the general powers of the Police Commission states that the Police Commission <i>shall</i> under sub- section (d) refer all matters related to the administration of the Kauai Police Department to the Chief of Police, and under Section 11.04 the Chief of Police shall be appointed by the Police Commission and may be removed by the Police Commission only after given a written statement of charges against him or her and a hearing before the Commission.</p> <p>Additionally, Deputy County Attorney Donahoe pointed out that Police Commission Rule 2-1 states the general powers of the Police Commission Section (d) which references Section 11.03 of the Kauai County Charter - the Police Commission shall refer all matters to the Administration of the Kauai Police Department to the Chief of Police.</p> <p>Rule 2-10 Code of conduct (a) states the Police Commission shall act as a collective body; individuals have no authority unless delegated by the Police Commission, and (e), the Police Commission as a collective body as well as each individual police commissioner <i>shall</i> embody the spirit of principles of the Sunshine Law and under HRS 92-1 shall avoid any areas of secretiveness and shall publicize meetings and agendas so that the public is informed of pending issues; (g) the chief of police is charged with the responsibility of managing the Police Department. Individual commissioners <i>shall</i> not interfere or give the appearance of interfering with the said authority. Therefore, it is his advice that the Police Commission take what he just read into consideration when considering statement (s) made by members of the public.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Hertog thanked Deputy County Attorney Donahoe for clarifying what the Commission should do and cannot do. With no further discussion, she sought a motion and a second to ratify the actions taken in the executive session.</p>	<p>Commissioner Yoshida moved to ratify the actions taken in executive session. Vice Chair Bestwick seconded the motion. By unanimous vote, the motion was carried.</p> <p>ES KPC 2023-1: The motion to receive the Office of Professional Standards Monthly Report for April 2023 carried 4:0.</p> <p>ES KPC 2023-34: The Commission was briefed on the status of the investigation; on-going.</p> <p>ES KPC 2023-8: The Commission was briefed on the status of the investigation; on-going.</p> <p>ES KPC 2023-4: No Monthly Report.</p>

SUBJECT	DISCUSSION	ACTION
		<p>ES KPC 2023-5: Standing Item. No consultation was provided to the Commissioners by Deputy County Attorney Chris Donahoe.</p> <p>ES KPC 2023-11: By unanimous vote, the executive session minutes of March 24, 2023 meeting was approved.</p>
Adjournment	With no further business, Chair Hertog sought a motion and a second to adjourn the meeting.	Commissioner Yoshida moved to adjourn the meeting. Vice Chair Bestwick seconded the motion. By unanimous vote, the meeting was adjourned at 10:45 a.m.

Submitted by: _____
 Mercedes Omo, Staff Support Clerk

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

- Approved without amendments on May 26, 2023.**
 Approved as amended. See minutes of _____ meeting.