

Approved as Amended

OPEN SESSION MEETING MINUTES

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| Board/Commission | | Kauai Police Commission Meeting | | Meeting Date | February 23, 2024 |
| Location | Moikeha Building Meeting Room 2A/2B 4444 Rice Street, Līhu‘e, Kauai, Hawai‘i 96766 | | Start of Meeting: 9:00 a.m. | End of Meeting: 11:42 a.m. | |
| Present | Vice Chair Howard Leslie; Commissioners: Monica Belz, John Calma, and Mary K. Hertog. Also, present Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Ellen Ching; Office of the County Attorney: Deputy County Attorney Cameron Takamura. Kauai Police Department: Police Chief Todd Raybuck, Assistant Police Chief Mark Ozaki, Office of Professional Standards Sergeants Brad Candido and Kevin Gras, and other ranking officers in the Kauai Police Department. Employee of the Month February 2024 IT Project Coordinator Ms. Jolene Silva. | | | | |
| Excused | Chair Laurie Yoshida and Commissioners Walton Hong and Lisa Knutson | | | | |
| Testifiers | | | | | |



| SUBJECT | DISCUSSION | ACTION |
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| Meeting Called To Order/ Roll Call To Ascertain Quorum | Vice Chair Leslie called the meeting to order at 9:00 a.m., and a roll call to ascertain a quorum ensued with four (4) Commissioners present to conduct business. | |
| Approval of the Agenda | Deputy County Attorney Takamura stated that as to item KPC 2024-1, and item ES KPC 2024-1 neither himself nor Human Resources Director Annette Anderson will be present at the March meeting, so he would request that Vice Chair Leslie cancel those agenda items and address it at the Commission’s April meeting. Vice Chair Leslie mentioned that he would not be attending the Commission’s meeting in April, and then called to motion to approve the agenda canceled items KPC 2024-1 and ES KPC 2024-4. | There was a motion made by Commissioner Hertog to approve the agenda as amended. Commissioner Belz seconded the motion. Hearing no objections, the motion carried 4:0. |

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| Chair's Announcements | The next Regular Monthly Meeting will be at 9:00 a.m., Friday, March 22, 2024, in Meeting Room 2A/2B. Executive Session to follow. Subject to change. | |
| Public Testimony On Any Agenda Items | <p>Vice Chair Leslie asked if there was public testimony on any agenda item at this time or would like to wait for the agenda item to come up.</p> <p><u>Testimony</u></p> <p>Public Safety Committee Chair/ Councilmember Felicia Cowden called to attention the Investigative Bureau Report. There seems to be less and less relevant information regarding unattended deaths. There were 19 death-related reports in January 2024 but the ISB Report did not provide specific information except for two of the deaths one of which involved a visitor who died after falling from the Hanakapiai Falls Trail and the other was an unattended death involved a vehicle engulfed in fire at the Anahola Beach Park that looked like it was a murder.</p> <p>She stated that she has been requesting detailed information on death-related cases to be included in the ISB Monthly Report for well over a year, particularly the deaths that she believes to be suicides, drug-related, and deaths of despair where people were discovered in a decomposed state. She stated that need to count the things that matter because the number of deaths is increasing.</p> <p>She questioned the percentage of death rates for individuals, assuming that the trend will continue. In 2022 the [percentage of deaths increased by 22%, and in 2023 it increased by 19.5% in the first quarter of 2023. There were 115 more deaths in 2022 than there were on average in the ten (10) years previous.</p> | |

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| | <p>She expressed concerns about the economic pressures and the multiple suicides that occurred in a short period, particularly among younger people. She believes that it is critical to monitor neighborhood developments and wants to be able to see the data in the ISB Monthly Reports.</p> <p>Ms. Cowden mentioned that she repeatedly made requests for more specific information in her other meetings and now she wanted to make her request known publicly. She knows no reason why the information cannot be provided because it is an important indicator.</p> <p>Vice Chair Leslie agreed that the increase in deaths is very troubling. For clarity, he asked Ms. Cowden exactly what type of information she would like to see in the ISB Monthly Report.</p> <p>Ms. Cowden replied that she would like to see an accumulation of suicides, more details on the causes of death, if the body was found in a decomposition state, and where the deaths occurred. She stated that the Kauai community is in crisis as well as the rest of the country, and as the Public Safety Committee Chair, her kuleana is focused on Kauai.</p> <p>Commissioner Hertog pointed out that the information in the ISB Monthly Report has always been a month behind, which could mean that the Police Department might still be investigating those deaths.</p> <p>Ms. Cowden commented that because the fatality rate on Kauai is rising, it should be monitored, furthermore, the ISB Monthly Report does not include any information on autopsy results and the outcome of an investigation.</p> | |

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| | <p>Chief Raybuck stated that the Kauai Police Department is tasked by state law that the Chief of Police is the corner coroner for the county, as such, the delegation of duties for the corner's investigations are delegated to the Investigative Services Bureau. The detectives respond to all deaths that occur in the county regardless of the type of death and location. Unfortunately, a large majority of the deaths are unattended and of natural causes and are not suspicious. KPD's role is to determine whether foul play had occurred and if necessary, order an autopsy.</p> <p>He explained that autopsies are ordered when a doctor refuses to sign off the death certificate. The most common example is when a person is admitted to the hospital and they die within 24 hours of arrival. In those cases, KPD is required to do a corner investigation. Another example is when a person dies of natural causes, which can be either a resident or a visitor.</p> <p>There are also situations where a person knows that their time on earth is limited and they want to take one last trip with their family and then they die while on Kauai. In those cases, KPD is required to order an autopsy because no physician on Kauai can sign off on the death certificate.</p> <p>Chief Raybuck stated that he would take Councilmember Cowden's request into account and review what ISB has previously done.</p> <p>As far as requesting the results of an autopsy because it is a public record anyone can petition the Department of Health on the cause of death. He is unsure whether or not it is KPD's kuleana to release the information on the cause of death. Again, they will work on the ISB Report to see if they can make the data in the ISB Report more specific.</p> | |

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| | <p>Vice Chair Leslie relative to Councilmember Cowden’s comments about the 19 death-related cases that were investigated by ISB and the 11 autopsies that were performed putting a little more detail in the ISB Report shouldn’t be a problem.</p> <p>Chief Raybuck pointed out that when it comes to putting details in the ISB Report on death-related cases there are circumstances that warrant it to be included in the report particularly, the investigation of an unidentified person who was found in a vehicle that was engulfed in fire at the Anahola Beach Park.</p> <p>Vice Chair Leslie stated that he appreciates Chief Raybuck bringing up some very good points but having a little more detail in the ISB Report would help to calm the community.</p> <p>Chief Raybuck stated that as far as he’s concerned it is not an issue but it will take a little more time.</p> <p>Councilmember Cowden mentioned that she gets calls from people about people who were found decomposed as well as calls about fentanyl deaths typically from houseless people many of whom she has known when they were housed. All people should matter so she would like to be able to provide them with specific information because a lot of them believe that the person was murdered.</p> <p>Chief Raybuck responded that for any death that is identified as a crime, the information would be shared. Unfortunately, because of the coconut wireless and conspiracy theories, it has extended beyond the realm of reality. KPD often deals with friends or family who refuse to accept the proof that a suicide has taken place.</p> | |

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| | <p>In his law enforcement experience, he has worked on numerous suicide cases where a family member would find a loved one who took their own life and, despite the evidence being clear, they would refuse to accept that their loved one's passing was a result of a suicide. Because he is not a psychologist, he cannot say whether or not it's a coping mechanism.</p> <p>Councilmember Cowden noted that Suicide Prevention is provided with the statistics and she has not and like to thank him (Chief Raybuck) for his willingness to provide her with the numbers.</p> <p>There being no further testimony or comments, Vice Chair Leslie moved on to the Employee of the Month.</p> | |
| <p>Kauai Police Department Employee Of the Month Recognition</p> | <p>Reading the Employee of the Month Commendation Report for Employee of the Month for February was Administrative Technical Bureau Assistant Police Chief Mark Ozaki.</p> <p>Jolene Silva was nominated as the Kauai Police Department Employee of the Month. Ms. Silva is KPD's Information Technology Project Coordinator. Her outstanding technical expertise and organizational skills enable her to manage a wide range of computer hardware, software, and related equipment to keep the Police Department operating.</p> <p>On top of that, Ms. Silva also responds to a good number of the organization's requests for technical support. She has a great sense of humor and brings a lot of excitement and aloha to the Department. She's widely known for bringing an array of delectable foods to the Department's many events, and she livens up the office with her smile and by providing her colleagues with snacks.</p> | |

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| | <p>In February 2024, the Police Department was given fifty MDTs (mobile data terminals). Ms. Silva spent numerous days and hours configuring each of the 50 MDTs, which amounts to half a day’s labor for one MDT. In less than a month, she completed 35 MDTs and without skipping a beat, tended to her other duties and responsibilities. Ms. Silva is a vital member of the Kauai Police Department’s ‘Ohana and exemplifies the core values of integrity and excellence.</p> <p>After AC Ozaki completed reading Ms. Silva’s Commendation Report, Vice Chair Leslie presented her with a lei, and then each Commissioner took turns to congratulate her on a job well done. Additionally, Chief Raybuck expressed his appreciation for Ms. Silva and then presented her with a certificate of outstanding and exemplary service.</p> <p><u>Testimony</u> On behalf of the county council, Ms. Cowden expressed her appreciation for Ms. Silva’s outstanding work ethic and for her role in helping to build the Kauai Police Department into an efficient organization.</p> | |
| <p>Approval of Minutes</p> | <p>Being there was no public testimony, Vice Chair Leslie called for a motion to amend or approve the January 26, 2024, Open Session meeting minutes. Being there were no amendments to the minutes, he called for a motion to approve the minutes as circulated.</p> | <p>There was a motion by Commissioner Hertog to approve the Open Session minutes of the January 26, 2024, meeting as circulated. Commission Calma seconded the motion. Hearing no objections, the minutes were approved.</p> |
| <p>Chief’s Monthly Reports</p> | <ul style="list-style-type: none"> ♦ Administrative & Technical Bureau – Updates on the budget, staffing, overtime, recruitment, registered firearms, license-to-carry permit applications, bench warrants, legal services, community engagements (school resource officers), and training. | |

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| | <ul style="list-style-type: none"> ♦ Investigative Services Bureau - General Crimes Section, Special Focus Section, Crime Scene and Laboratory Section, and Vice Section. ♦ Patrol Bureau Reports on OVUII, unattended death (s), reckless endangering, terroristic threatening 1st, robbery, community activities, training, traffic enforcement summary, arrest summary, and calls for service and incident summary. <p>Chief Raybuck opened the floor for the Commissioners to ask questions on any of the data reflected in the Chief’s Monthly Reports.</p> <p><u>Questions from the Commissioners</u></p> <p>Commissioner Hertog asked if the robbery training was for financial institution employees and if it’s a requirement for all financial institution employees to have the training.</p> <p>Investigative Services Bureau Acting Assistant Chief/Police Captain Paul Applegate replied that the training was in response to a request from a credit union in Līhu‘e to train their employees on techniques to handle security situations in the event of a robbery. In response to her question on whether it is a requirement, AAC Applegate replied that he does not know.</p> <p>Vice Chair Leslie commended AAC Paul Applegate, Captain Rod Green, and Lt. Anthony Morita for positively engaging with the community.</p> <p>Vice Chair Leslie asked Chief Raybuck about his plans to fill the deputy chief position and the promotions.</p> | |

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| | <p>Chief Raybuck replied that he would refer his questions to Deputy County Attorney Cameron Takamura to see if it was appropriate for him to respond since the matter was not on the agenda.</p> <p>Vice Chair Leslie confirmed that the deputy chief vacant position is reflected in the Administrative and Technical Bureau Monthly Report.</p> <p>Deputy County Attorney Takamura stated that confirmed that both questions are allowable.</p> <p>Chief Raybuck reported that they are continuing to recruit people to fill all sworn and non-sworn vacancies.</p> <p>In response to his inquiry about promotions, Chief Raybuck reported that The Department is working with the Department of Human Resources to revise the Department's promotion policy to address reoccurring questions that seem to come up after each promotion. The revised policy will reflect the scoring criteria and what each category people would be graded on. The policy was presented to the union for review under Article 1 and Article 14 of SHOPO's bargaining unit contract which requires the Department to provide any policy changes to the union. A meeting and consultation with SHOPO Business Agent Roy Asher is scheduled for Tuesday of next week.</p> <p>Chief Raybuck stated that the written product for the promotional process for sergeant and lieutenant positions has been completed for several months now, and they are just waiting for the final posting of the promotion policy.</p> | |

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| | <p>Vice Chair Leslie voiced his concern about the 10 dispatcher vacancies, and then asked how many dispatchers KPD currently has working. Chief Raybuck replied that currently, 9 dispatchers are working.</p> <p>Vice Chair Leslie asked what plan KPD has in place to fill the 10 dispatcher vacancies.</p> <p>Chief Raybuck stated that Assistant Chief Kalani Ke, Dave Carmichael, and Assistant Chief Mark Ozaki have kept the conversation at the forefront including other issues KPD is dealing with. He reminded the Commission that police departments and public safety organizations across the country are faced with the same issues, particularly in dispatch.</p> <p>Vice Chair Leslie asked about a proposed bill by Congress to have first responders in a category of their own. Chief Raybuck explained that the bill is to recognize dispatchers as first responders but is unclear on what the implications are other than giving dispatchers the due recognition they deserve.</p> <p>At this point, Chief Raybuck called on AC Ke to address the 10 dispatcher vacancies, and what the Department is doing to alleviate the 9 dispatcher's workload.</p> <p>Assistant Chief Ke reported that because KPD is short on dispatchers those 9 dispatchers are working longer hours and on days when they should be off. He explained that to ensure coverage for incoming police, radio, and non-emergency calls they have to have three dispatchers at all times answering the calls and addressing the calls, promptly.</p> | |

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| | <p>For the shifts that are not covered due to the vacancies, their dispatchers have to come in four hours early or four hours late, which essentially means they are working 12-hour work shifts. Fortunately, the former dispatchers who left the position to work in another area of the Police Department or another county department have offered to pick up the shifts that are left open.</p> <p>To help address the problem further, they are looking for people in the Department who are not trained but are interested in filling the dispatcher vacancies in addition to their normal work duties, KPD of course will provide them with the appropriate training.</p> <p>AC Ke stated that the Police Department has been having ongoing conversations with the HGEA union on the lack of emergency dispatchers for quite some time. Last July, KPD worked with HR and HGEA was able to provide their dispatchers with a retention bonus.</p> <p>Unfortunately, because dispatchers' job classification is considered a clerk, they are severely underpaid. To change the job classification, the 911 SAVES Act was reintroduced to reclassify 911 dispatchers as first responders. The bill would give dispatchers legal protections and provide grant and funding opportunities. But as Chief Raybuck stated earlier he also doesn't know what the implications are.</p> <p>To his understanding, the state E-911 Board is working on reclassifying 911 dispatchers as well. In addition, the Department is looking at moving 911 dispatchers to another bargaining unit to hopefully reclassify the position and increase benefits. He stated that in the last few years, the bill has been reintroduced multiple times to the legislature but for each legislative session the bill died. But that will not deter KPD from continuing to push reclassification forward.</p> | |

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| | <p>Commissioner Hertog asked if they were successful in getting retention bonuses for the dispatchers. AC Ke replied that yes.</p> <p>Commissioner Hertog asked if conversations with the other police departments and public safety organizations and best practices are ongoing. AC Ke replied yes.</p> <p>Commissioner Hertog asked if Kauai County could do the reclassification without having to wait for the state. AC Ke replied no because it's a state issue it would take a state-wide effort to make the changes.</p> <p>Vice Chair Leslie asked if it was possible to convert some of the vacant dispatcher positions into part-time positions and then hire private-sector dispatchers to fill the part-time positions. AC Ke replied that the conversations were already in the works to see if it was allowable by law.</p> <p>Commissioner Belz asked how many hours of training are needed before a person can become a dispatcher.</p> <p>AC Ke replied that approximately 2 months of classroom training and a month and a half of training in the dispatch center. As for the minimum requirements, there are many requirements but just off the top of his head, a person will need to have a high school diploma, 2 years of clerical experience, and some college experience to name a few.</p> <p>Commissioner Belz asked if KPD could change the requirements. AC Ke replied that the requirements are in line with the state's classification.</p> | |

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| | <p>Commissioner Calma asked what the SR rating is for a dispatcher position. AC Ke replied that it's an SR 16 rating.</p> <p>Going back to Commissioner Belz's question on the dispatcher requirements, AC Ke stated that the requirements needed are a combination of education and experience substantively equivalent to graduating from high school, 2 years of clerical experience which involve providing information, answering questions/inquiries, and or explaining policies, rules, and regulations in person or by telephone. Qualifying clerical experience – work experience which involves a variety of clerical tasks demonstrates knowledge of office practices and procedures, and the ability to carry out procedures in clerical work system and operate various kinds of office equipment. Substitutions are allowed.</p> <p>Commissioner Calma asked how the county's SR rating compares to the private sector dispatchers' pay. AC Ke replied that the county's SR pay rate is slightly lower than the private sector.</p> <p>Vice Chair Leslie thanked AC Ke for his responses and stated that his main concern is taking officers from the field, so he hopes the Department's recruitment efforts will reap some benefits.</p> <p>Vice Chair Leslie asked at the last meeting the Commission discussed the crime statistics and that Chief Raybuck was going to put something together, he asked Chief if he was prepared to address the matter. Chief Raybuck stated that the Final Report will be completed in March so the earliest will be in April.</p> | |

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| | <p>Vice Chair Leslie stated that he would not be attending the Commission’s April meeting but he’ll get a copy of the Report. He noted that he is concerned about not knowing if a crime increased or not, particularly violent crime, and because he doesn’t have a historical perspective, he wouldn’t know what is normal or not normal.</p> <p>Commissioner Hertog recommended that the item be placed on the Commission’s May meeting agenda with the Chair’s permission. She asked if the vacant abandoned vehicle coordinator was filled. AC Mark Ozaki replied yes, the person started on February 1, 2024.</p> <p>Vice Chair Leslie called for public testimony, but none was offered.</p> | |
| <p>Communication</p> | <p><u>Communication dated January 19, 2024, from Maui Police Commission Chair Frank R. De Rego Jr. to Chair Mary K. Hertog informing the Kauai Police Commission that due to ongoing recovery efforts, the Maui Police Commission decided not to host the 2024 State of Hawai’i Police Commissioners’ Conference on Maui.</u></p> <p>Vice Chair Leslie called for a motion to receive the communication for the record. Vice Chair Leslie called for public testimony, but none was offered.</p> | <p>There was a motion by Commissioner Hertog to receive the communication dated January 19, 2024, for the record. Commission Belz seconded the motion. Hearing no objections, the motion carried 4:0.</p> |
| <p>Open Session items KPC 2024-1</p> | <p><u>Discussion and decision-making on the Permitted Interaction Group recommendations on Rule 11 of the Kauai Police Commission Rules and Administrative Practice.</u></p> | <p>This item was canceled.</p> |
| <p>KPC 2024-3</p> | <p><u>Update on the Gallup Survey.</u></p> | |

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| | <p>Vice Chair Leslie reported that the Gallup Project is moving forward. AC Mark Ozaki has joined the team and is a huge benefit to the team. Some of the team members that were chosen were from the Police Department and were approved by the Commission. All interviews have started and will be done by the end of February. The next step is to interview 6 groups of individuals 6 groups of 10 individuals who will make up the Focus Group, they will help to formulate the questions in the survey in April. The Gallup Survey will start in May and conclude in May and the results will be available later in May or early June. Gallup will be presenting the results and workshops on the results.</p> <p>Commissioner Hertog stated that depending on how the Focus Group interviews go, the timeline could move up.</p> <p>Vice Chair Leslie called for public testimony, but none was offered.</p> | |
| <p>KPC 2024-5</p> | <p><u>Discussion on the Kauai Police Department on officers providing off-duty services.</u></p> <p>AC Ke explained the Kauai Police Department Special Duty Employment is any specialized work that is an extension of police services performed for compensation by an officer for a vendor other than the Kauai Police Department accepting outside employment. Employment may include but is not limited to providing security and maintaining order at various events and businesses, traffic control, and escorts.</p> <p>Vendors are defined as a person, firm, business, agency, or corporation (other than the Kauai Police Department) that desires special duty officers. The Patrol Services Bureau oversees the program.</p> | |

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| | <p>According to AC Ke, a KPD employee was designated as the program's liaison until recently. The employee's job was to supervise the contract process from the vendor to the county government, the chain of command, and back to the vendor for employment. Officers who satisfy the qualifying standards may be assigned to special duties and, in certain cases, may also be required to undergo specialized training. Every special duty assignment is reviewed to ensure parity among the staff members. Usually, two policemen would be assigned, depending on the nature of the assignment. A supervisor will be triggered when four police officers are assigned.</p> <p>According to AC Ke, the KPD conducted research in 2022 with help from the Office of the County Attorney, and the findings showed that the legislation enabling police officers in Hawaii to carry out special duty duties dates back to the Kingdom of Hawai'i in the 1880s. Since then, changes have been made, except for the wording, which stays the same and permits the chief law enforcement officer of a given area to approve special duty employment inside that jurisdiction. Territory v. Willis is a case that is on file. These days, those specialized tasks cover a wider range of circumstances and occasions.</p> <p>The procedure has undergone numerous changes over time. To supervise off-duty work, KPD has an hourly part-time position, but because it doesn't offer benefits and requires fewer than 19 hours of labor per week, it has been unfilled for many years. Consequently, to oversee the program, a portion of KPD's workforce must take on more work. KPD has begun to hand over program management to a private company, at no expense to KPD, for the previous three months. The program is based on KPD policies, and the vendor's rules apply in the same way. Any company interested in hiring police officers for special duty duties can visit the KPD website and submit an application, which will be sent straight to the company for processing. Some of the special</p> | |

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| | <p>duties include traffic control, sporting events, police escort, security at construction job sites, community parades, concerts, marathons, and community gatherings.</p> <p>In 2022, the Department had a total of 500 special duty work requests, the majority of which were for traffic control and police escort. In 2023, there were 312 requests.</p> <p>Commissioner Belz asked what traffic control duty entails. AC Ke replied that it entails directing and facilitating traffic flow for state road work on the state highways. If officers are not available, the state will hire a private contractor. The Annual Kauai Marathon is the biggest event because it takes 15-20 officers to staff the event.</p> <p>Commissioner Hertog stated that at the meeting, Councilmember Cowden expressed concerns about public perception that police officers who may be on duty are providing security for private property owners on county time. As a suggestion, perhaps the Department’s new PIO could put out an educational piece to educate the public about the policy that officers who are hired to work special duty for a private vendor are paid by the vendor and who are not working on county time.</p> <p>AC Ke stated that her point was well taken. He noted that KPD is like a subcontractor. In the past, the vendor would normally pay the officers directly. Still, with the new special duty management service in place, the payments from the vendor would go directly to the special duty management service for distribution, and all payments and oversight would be tracked.</p> <p>Chief Raybuck clarified that the duties of those officers who are paid whether it's by the county or the vendor are only for police services. KPD does not enforce</p> | |

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| | <p>any private parties' policies and does not do anything that would fall out of the purview of the Kauai Police Department.</p> <p>Vice-Chair Leslie made it clear that the procedure is exclusive to uniform detail. AC Ke attested to it. Vice Chair Leslie questioned if non-uniform police officers can work special detail when off duty.</p> <p>AC Ke responded no. Vice Chair Leslie asked if certain people on the Northshore are hiring police officers in an off-duty capacity, non-uniform to work security. AC Ke replied that he was not aware of it.</p> <p>Vice Chair Leslie asked what type of situation they would not allow police officers to work at an event like a club. Chief Raybuck stated that there are rare examples they would not provide police services but the reality is because KPD is providing services for one entity, they are obliged to perform those services for any entity, otherwise it could considered discrimination or other legal issues. Predominantly, as long as it meets all of the county requirements KPD will provide the service. The vendor is responsible for liability insurance and they need to provide it for processing.</p> <p>Vice Chair Leslie asked if KPD would allow uniform officers to check IDs at a club to which Chief Raybuck replied no.</p> <p>At this point, Vice Chair Leslie called for a five-minute recess. Vice Chair Leslie called the meeting back to order.</p> <p>AC Ke stated that the policy states that officers engaged in special duty employment shall be subject to departmental rules and regulations to the same extent as on-duty officers. Officers working special duty shall limit their duties</p> | |

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| | <p>to investigating and or enforcing criminal laws and or traffic laws and to ensuring public safety as necessary during the assignment. Officers will not enforce policies or practices of private companies or vendors that fall outside of the scope of duties and obligations of law enforcement.</p> <p>Vice Chair Leslie asked about the process of using a private vendor, where in the process does a supervisor from the department approve or deny a permit. AC Ke replied that all requests would be vetted by himself and the patrol chain of command.</p> <p>Vice Chair Leslie commented that because the public has such a negative perception of this type of work, perhaps, the Department could conduct a public hall meeting on certain parts of the island.</p> <p>Vice Chair Leslie called for public testimony.</p> <p>Councilmember Cowden testified that she appreciated the agenda item and appreciated the Kauai Police Department for all of the good work that they do. It is important for the community to feel that they are supported by the Police Department. The question she would like to be looked at is whether officers are separately given 1099's for working special duty or if is it included in the officer's regular paycheck. Chief Raybuck replied that yes, the officers are given 1099's, that is the process for all four counties.</p> <p>Referring to the budget report, 76% of the budget was used and 48% of the regular staffing budget was used. Because the sworn officers have to work overtime and being 20 officers short it is important to place those officers in</p> | |

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| | <p>patrol. Her concern is developers versus community members when there is a civil conflict underway, particularly for high-end development on cultural land. People’s perception is it is going to fall in benefit of the developer and the damages that are allowed to continue to occur under the protection of police before a decision is made. This makes people very angry.</p> <p>At this point, Deputy County Attorney Takamura interjected due to the 3-minute testimony rule. Vice Chair Leslie gave her an additional 3 minutes to continue her testimony.</p> <p>Councilmember Cowden stated that for places that are in high conflict, she feels that Blue Knight security guards (as an example) should be on site instead of the Police Department then there wouldn’t be any public misconception that the law is on the side of the developers. She doesn’t want the people’s negativity to be projected at the Police Department because it is not right.</p> <p>Vice Chair Leslie thanked Councilmember Cowden for bringing up valid concerns. He stated that communication is the key so having some type of outreach from the Police Department to the community would help.</p> <p>Chief Raybuck also thanked Councilmember Cowden for bringing up valid concerns. He stated that the reality of policing is that most of the contacts the police have are with parties who appreciate their presence as well as those who are not appreciative of their presence. To address, her comment about damages being allowed to occur under the protection of police – before a developer can engage in activities on their property (which they have the lawful right to do) they have to obtain the proper permitting requirements, and licenses at the appropriate levels. The Police Department is not responsible for ensuring that things get done.</p> | |

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| | <p>He is familiar with the incident that Councilmember Cowden was referring to. He stated that the developer had all of the legal approvals to do the work that was being done. Unfortunately, the developer was experiencing vandalism, and trespassing by individuals who were protesting the development and who were harassing and causing conflict and fear in the people who were doing the work. KPD will not allow damages to occur - their role is to keep the peace and enforce criminal law. It is unfortunate for the people who are aggrieved by the development but the alternative is if the county isn't paying for those services, the developer is. He stated that if he needs to address those issues it will create a big impact on his ability to respond to emergencies as well as other issues. He is only aware of a handful of complaints that were brought to his attention by Councilmember Cowden. Dave Carmichael has spent the last week and a half speaking to multiple individuals to explain to them what the role of police officers is.</p> <p>Councilmember Cowden stated that she appreciated that the developer had all of his permits in order but grading and blasting does not define micro-blasting. There were other elements as well. There is accuracy on both sides and when thinking about the shortage of police officers she would rather see the police officers working regular shifts.</p> <p>Vice Chair Leslie thanked Councilmember Cowden for voicing her concerns. There being no further testimony, Vice Chair Leslie moved to item KPC 2024-4.</p> | |
| <p>KPC 2024-4</p> | <p><u>A representative from the Department of Human Resources to address the job descriptions for the chief of police and deputy chief of police.</u></p> <p>Human Resource Manager III, Janine Rapozo, explained that a police chief position is defined in the charter, and the charter also reflects the qualifications,</p> | |

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| | <p>and how a police chief can be terminated for cause. A deputy chief’s position is not in the charter, it is an exempt position that a chief of police can appoint at will and will serve at the pleasure of the police chief.</p> <p>Vice Chair Lelsie asked can the police chief hire a deputy chief temporarily and then ask him or her to leave when he or she finds someone suitable. Ms. Rapozo replied yes.</p> <p>Chief Raybuck stated that a director secretary in KPD is also at-will not just the deputy chief position. There being no public testimony, Vice Chair Leslie called on Deputy County Attorney Takamura to read the Hawai’i Revised Statutes to take the meeting to Executive Session.</p> | |
| <p>EXECUTIVE SESSION (CLOSED TO PUBLIC)</p> | <p>Under 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 of the Commission’s powers, duties, privileges, immunities, and liabilities as they may relate to the following agenda items:</p> | <p>At 10:32 a.m., Deputy County Attorney Cameron Takamura read the following Hawai’i Revised Statutes to take the meeting into Executive Session.</p> |
| <p>ES KPC 2024-1</p> | <p>Regular Monthly updates by Police Chief Todd Raybuck or his designated Representative related to the Office of Professional Standards Monthly Report on the status and disposition of formal notarized citizen complaints that were filed with the Kauai Police Department and filed with the Kauai Police Commission and referred to the Office of the Chief for disposition and report back to the Police Commission.</p> <p>a) <u>Discussion and decision-making on Formal Notarized Citizen Complaint KPC 2023-010, alleging that two Officers in the Kauai Police Department neglected their duties by ignoring a crime, not enforcing the law, and</u></p> | <p>Public Testimony was offered on the Executive Session items. But none was offered.</p> |

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| | <p><u>discrimination. The complaint was referred to the Office of the Chief to investigate and to report the findings to the Commission for disposition.</u></p> <p>b) <u>Discussion and decision-making on Formal Notarized Citizen Complaint KPC 2023-011, alleging police misconduct by two officers in the Kauai Police Department for failing to take proper care to perform their duties, were rude, hostile, overbearing, and were discourteous at times by the tone of their voice. The complaint was referred to the Office of the Chief to investigate and report the findings to the Commission for disposition.</u></p> <p>c) <u>Discussion and decision-making on new Formal Notarized Citizen Complaint KPC 2024-001, filed on January 3, 2024. The complaint alleges conduct unbecoming of two on-duty officers in the Kauai Police Department for failing to serve and protect minors, attempting to coerce one of the minors, failing to follow proper protocols, and exhibiting unprofessionalism. The complaint was referred to the Office of the Chief to investigate and report the findings to the Commission for disposition.</u></p> | |
| ES KPC 2024-6 | <u>Discussion and decision-making on communication regarding Notarized Citizen Complaint No. KPC 2023-008.</u> | |
| ES KPC 2024-3 | <u>Regular Monthly updates 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> | |

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| ES KPC 2024-4 | <u>Under 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 Rule 11.</u> | |
| ES KPC 2024-7 | <u>Under 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 January 26, 2024 meeting. Where consideration of matters affecting privacy will be involved and to consult with its Attorney on issues of the Commission's powers, duties, privileges, immunities, and liabilities as they may relate to this item.</u> | There was a motion by Commissioner Hertog to enter the Executive Session. The motion was seconded by Commissioner Belz. Hearing no objections, at 10:36 a.m., the Commissioners entered the Executive Session. |
| Return to Open Session to ratify the actions taken in the Executive Session | <p>At 11:41 a.m., the Commissioners reconvened the Open Session meeting. Deputy County Attorney Takamura was called upon by Vice Chair Leslie to read the actions taken during the Executive Session, as per Act 19 Disclosures.</p> <p>Deputy County Attorney Takamura read that the purpose of the Executive Session was 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 of the Commission's powers, duties, privileges, immunities, and liabilities as they may relate these items:</p> <p>ES KPC 2024-1: The Commission was briefed by the Office of the Professional Standards on the status of various citizen complaints. The discussion contained within is subject to non-disclosure under HRS 92-4 (b) as disclosure would defeat the purpose of the executive session according to 92-5 (a) (2). There was no discussion under 92-5 (a) (4). As to item ES KPC 2024-1 (a), there was a</p> | |

| SUBJECT | DISCUSSION | ACTION |
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| | <p>discussion and the Commission voted to defer the matter as the investigation is still ongoing. As to item ES KPC 2024-1 (b), there was discussion and the Commission voted not to sustain the complaint. Regarding item ES KPC 2024-1 (c), the Commission voted to defer the matter as the investigation is ongoing.</p> <p>ES KPC 2024-6: Notarized complaint KPC 2023-008, The discussion contained within is subject to non-disclosure under HRS 92-4 as it would intend to defeat the purpose of the executive session according to 92-5 (a) (2) and (a) (4). The Commission voted unanimously to send an apology letter to the complainant.</p> <p>ES KPC 2024-3: Monthly update by Police Chief Todd Raybuck on any significant adverse incidents/events involving personnel in the Kauai Police Department. The discussion contained within is subject to non disclosure under HRS 92-4 as it would intend to defeat the purpose of the executive session according to 92-5 (a) (2).</p> <p>ES KPC 2024-4: Under 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 Rule 11. The Commission voted in an open session to amend the agenda canceling the item.</p> <p>ES KPC 2024-7: Under Hawai'i Revised Statutes §92-4, §92-5 (a) (4), 92-9 (a) (1-4), the purpose of this executive session was for the Commission to approve or amend the regular executive session minutes of the January 26, meeting. The minutes were approved without discussion.</p> | <p>There was a motion by Commissioner Hertog to ratify the actions taken in the Executive Session. Commissioner Belz</p> |

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| | After completion of reading the actions, Vice Chair Leslie called for a motion to ratify them. | seconded the motion. Hearing no objections, the motion carried 4:0. |
| Adjournment | At 11:45 a.m., Commissioner John Calma left the meeting. Without a quorum, Vice Chair Leslie declared the meeting adjourned. | |

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Howard Leslie, Vice-Chair

() Approved as circulated on

(x) Approved as amended. See minutes of March 22, 2034 meeting. The amendments are in blue.