



OPEN SESSION MEETING MINUTES

Board/Commission	Kauai Police Commission	Meeting Date	March 22, 2024
Location	Līhu‘e Civic Center, Moikeha Meeting Room 2A/2B 4444 Rice Street, Līhu‘e, Hawai‘i 96766	Start of Meeting: 9:00 a.m.	End of Meeting: 11:43 a.m.
Present	Chair Laurie Yoshida; Vice Chair Howard Leslie; Commissioners: John Calma, Mary K. Hertog, Walton Hong, and Lisa Knutson. 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: Police Chief Todd Raybuck; Assistant Police Chief Mark Ozaki, Executive Operations Manager David Carmichael, Police Captains Rod Green, Makana Rivera, and Darren Rose, Acting Assisting Chief Paul Applegate, and Office of Professional Standards Sergeant Kevin Gras, Detective Brad Candido, and Lieutenant Lance Okasaki Jr., Kaua‘i Police Department Public Information Officer Tiana Victorino, and Councilmember Felica Cowden. Public: Bruce Hart.		
Excused	Commissioner Monica Belz		
Absent			



SUBJECT	DISCUSSION	ACTION
Meeting Called to Order/ Roll Call	At 9:00 a.m., Chair Yoshida called the meeting to order. A roll call to ascertain quorum ensued with six (6) Commissioners present to conduct business.	
Approval of Agenda	Chair Yoshida called for a motion to approve the agenda as circulated.	Commissioner Hong made a motion to approve the circulated agenda, which was seconded by Commissioner Knutson. The agenda was approved with no objections.
Chair’s Announcements	The next Regular Monthly Meeting will be on Friday, April 26, 2024, at 9:00 a.m. in the Moikeha Meeting Room 2A/2B. Executive Session to follow. Subject to change.	
Public Testimony	Chair Yoshida stated that she would take public testimony now if anyone in the audience wishes to testify or wait until the agenda item comes. There was no testimony at this time.	

SUBJECT	DISCUSSION	ACTION
<p>Employees of the Month March 2024</p>	<p>Police Officers – Daniel Bell, Ian Cowden and Christian Kauai.</p> <p>Chief Raybuck stated that due to a conflict in schedules, he would like to request that the recognition for the Employees of the Month be deferred to the Commission’s April meeting. Chair Yoshida acknowledged the Chief’s request and then called for a motion to defer.</p>	<p>A motion to defer the March 2024 Employees of the Month to the April meeting was made by Commissioner Hertog and seconded by Commissioner Knutson. The motion carried 6:0 with no objections.</p>
<p>Approval of Open Session Minutes of February 23, 2024, Meeting</p>	<p>Chair Yoshida requested the approval of, or any amendments to be made to, the meeting minutes.</p> <p>Commissioner Hong requested that the minutes be amended to correct the spelling on Page 4 – instead of Chief Raybuck being a corner, it should reflect Chief Raybuck being a <u>coroner</u>.</p> <p>Vice Chair Leslie requested that the minutes be amended on Page 13 to insert the word “not” into the sentence to reflect that he would <u>not</u> be attending the Commission’s April meeting but he’ll get a copy of the Report.</p> <p>Also on page 13, insert the word particularly. It should read: He is concerned about not knowing if a crime increased or not, <u>particularly</u> violent crime, and because he doesn’t have a historical perspective, he wouldn’t know what is normal or not normal.</p> <p>Then on Page 14, cross out the words 6 groups of individuals. It should read The next step is to interview <u>6 groups of 10 individuals</u> who will make up the Focus Group, they will help to formulate the questions in the survey in April.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Lastly, on Page 18 – the words <i>asked if</i> was missing. It should say: Vice Chair Leslie asked if certain people on the Northshore are hiring police officers in an off-duty capacity, non-uniform to work security.</p> <p>There being no further corrections, Chair Yoshida called for a motion to approve the minutes as amended.</p>	<p>Commissioner Hertog made a motion to amend the minutes of the February 23, 2024 meeting. Commissioner Knutson seconded the motion, and the minutes were approved as amended.</p>
<p>Chief’s Monthly Reports February 2024</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 pieces of training. ♦ 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, pieces of training, traffic enforcement summary, arrest summary, and calls for service and incident summary ♦ Chief’s Office: <ul style="list-style-type: none"> ○ Statistics on crime and productivity based on a year-to-year comparison, 2022 vs. 2023 as requested by Vice Chair Howard Leslie. (Deferred to the Commission’s May meeting) 	

SUBJECT	DISCUSSION	ACTION
	<p>Chief Raybuck stated that the Reports were distributed to the Commissioners before the meeting and if they had any questions about the data reflected in the Reports, he would take those questions now.</p> <p><u>Questions from the Commissioners</u></p> <p>Vice Chair Leslie asked about back hazard pay for officers due to the COVID-19 pandemic and how it is going to affect the Kaua'i Police Department.</p> <p>Chief Raybuck stated that it is his understanding that the issue is under litigation and because he doesn't have any information about it he's unable to address the question. He noted that SHOPO filed litigation against all four (4) counties requesting hazard pay for its membership during the period of the governor's emergency order during the COVID-19 pandemic.</p> <p>Vice Chair Leslie stated that it looks like the only two counties that settled the litigation were Maui and Honolulu. Chief Raybuck replied Maui settled but he's unsure whether or not Honolulu settled. Vice Chair Leslie noted that he's just concerned about KPD having to take a financial hit later down the road. Chief Raybuck stated that the funds would not come from his budget the county is responsible for identifying the funds.</p> <p>Vice Chair Leslie asked at the last meeting, and he (Raybuck) talked about modifying the promotional exams where the Department is to which Chief Raybuck replied that Assistant Chief Kalani Ke has been continuing to work with human resources in preparing the announcements and testing dates but unfortunately, they haven't been able to consult with the union on the new promotions policy. He will be meeting with the</p>	

SUBJECT	DISCUSSION	ACTION
	<p>union on Monday to hopefully finalize the policy sometime in the next week or two.</p> <p>Vice Chair Leslie according to the Report, the Department lost two dispatcher positions since last month why is that? Lt. Darren Rose confirmed that the Department has a total of 10 dispatcher vacancies and last month's Report was incorrect. Vice Chair Leslie asked what is KPD doing to fill those ten (10) dispatcher vacancies to which Lt. Rose replied that the Department is working closely with the HGEA Union to find different ways to help supplement those vacant positions either by training police officers and use them temporarily, as well as collaborating with part-time emergency medical response employees who may want to work fulltime. They are also meeting with the Department of Human Resources to change the criteria to qualify for a dispatcher. The biggest hurdle is the pay level, not too many out there who want to work in a high-stress position for \$23 an hour, so they are looking at ways to supplement it.</p> <p>Vice Chair Leslie shared that, based on his research, dispatchers make an annual salary of \$55,000 and receive 21 days of vacation in their first year. He inquired about the recruitment process at KPD. Lt. Rose suggested increasing the amount of information available on the department's website and social media, as well as issuing a press release during National Telecommunication Week.</p> <p>Chair Yoshida and Vice Chair Leslie took the opportunity to acknowledge Lt. Darren Rose and Captain Roderick Green for their community outreach work.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chief Raybuck reported that they had a meeting with the Mayor's office to review their budget for the fiscal year 2024/2025. They have submitted their budget to the County Council for review and further discussion. The department has made a budget request to the council to hire an advertising firm to help with recruitment. The advertising firm will help to promote KPD's brand and communicate better with the community about the great work all KPD employees are doing in all positions for the betterment of the community. He commended the Mayor's office for supporting their request to add three (3) additional school resource officers to work at the middle schools.</p> <p>Chair Yoshida called on the audience to give public testimony, but none was offered.</p>	
<p>Communication</p>	<p><u>Copy of a communication dated February 25, 2024, from Mr. Ed Ewards to the Office of the Mayor, Police Chief, and the Kauai Police Commission regarding a recommendation that police officers in the State of Hawai'i pay tribute and honor the four police officers who lost their lives in the line of duty on September 9, 1924, in a labor-related tragedy in Hanapēpē, Kauai.</u></p> <p>Commissioner Hertog asked if the names of those four (4) officers were submitted to the National Law Enforcement Memorial in Washington, DC.</p> <p>Chief Raybuck replied that he didn't know if the names of those four (4) officers were submitted at the national level, but knows for sure that their names were added to the Hawai'i Law Enforcement Memorial Wall on O'ahu at a special ceremony which Police Captain Roderick Green attended. In addition, KPD also recognized those officers at a ceremony held on Kaua'i.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>He also took the time to recognize Mr. Edwards for bringing the matter forward and retire Chief Robinson for taking the necessary measures that allowed KPD to be able to recognize them officially last year.</p> <p>Commissioner Hertog recommended steps be taken to submit their names to the National Law Enforcement Memorial in Washington, DC.</p> <p>There being no further comments, Chair Yoshida called for a motion to receive the communication for the record.</p>	<p>A motion was made by Commissioner Hertog to receive the communication. The motion was seconded by Commissioner Hong. Hearing no objections, the motion carried 6:0.</p>
<p>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. (Deferred to the Commission’s April 26, 2024, meeting)</u></p>	<p>No discussion, the item was deferred to the Commission’s April meeting.</p>
<p>KPC 2024-6</p>	<p><u>Public announcement on the Police Commission’s disposition for Formal Notarized Citizen Complaint No. KPC 2023-011.</u></p> <p>Chair Yoshida called for public testimony.</p> <p><u>Testimony</u> Mr. Bruce Hart testified that he had made a complaint against Officer Ogihara and Officer Sarsona, stating that they had failed to take his written criminal complaint. He expressed his concern that the letter he (Vice Chair Leslie) had written and signed did not address the primary issue of their failure to act on his complaint. Mr. Hart posed a question to Vice Chair Leslie regarding the letter as to why it did not address his primary complaint.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair Leslie requested to see the letter and, upon reviewing it, concurred that the letter affirms that Officers Ogihara and Sarsona were not involved in any misconduct.</p> <p>Mr, Hart stated that it appeared to him that the police misconduct was something the Commission missed because nowhere in the letter did it say that the officers refused to take his criminal complaint. The allegations that he made are his perception about not taking his complaint.</p> <p>Vice Chair Leslie stated that the letter as written addresses states that those officers not taking his complaint, the Commission found not to be misconduct.</p> <p>Chair Yoshida read the announcement into the record.</p> <p>On February 23, 2024, the Kauai Police Commission examined Formal Notarized Citizen Complaint 2023-011. The Commission did not sustain the complaint because it was unable to discover any proof of police misconduct, negligence (failure to take proper care) failure to perform their reasonable duty, rudeness, discourteous, overbearing, and hostile behavior by the Officers named in the complaint after reviewing the body-worn camera footage. The Police Commission's official review of Formal Notarized Citizen Complaint KPC 2023-011 is now complete.</p>	

SUBJECT	DISCUSSION	ACTION
KPC 2024-7	<p><u>A request to Chair Laurie Yoshida and Members of the Police Commission from Police Chief Todd Raybuck that legal representation be provided to him by the County of Kaua'i relating to Civil No. 1:23-CV-00276-DKW-KJM, a First Amended Complaint filed by Noa Kaneali'i Io Pono I Kelii Ua Mau in the United States Court for the District of Hawai'i.</u></p> <p>Chair Yoshida called for public testimony, but none was offered.</p>	Deferred to after the Commission returns from Executive Session.
KPC 2024-8	<p><u>A request to Chair Laurie Yoshida and Members of the Police Commission from Police Officer Hiro Shimada that legal representation be provided to him by the County of Kaua'i relating to Civil No. 1:23-CV-00276-DKW-KJM, a First Amended Complaint filed by Noa Kaneali'i Io Pono I Kelii Ua Mau in the United States Court for the District of Hawai'i.</u></p> <p>Chair Yoshida called for public testimony, but none was offered.</p>	Deferred to after the Commission returns from Executive Session.
Executive Session (Closed to the Public)	<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 these items:</p>	At 9:27 a.m., Deputy County Attorney Chris Donahoe cited the following Statutes to take the meeting to Executive Session.
ES KPC 2024-1	<p><u>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/or 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/or report back to the Police Commission.</u></p>	

SUBJECT	DISCUSSION	ACTION
	<p>a) 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 discrimination. Referred to the Office of the Chief to investigate and to report the findings to the Commission for disposition. (Deferred February 23, 2024)</p> <p>c) 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. Referred to the Office of the Chief to investigate and report the findings to the Commission for disposition. (Deferred February 23, 2024)</p>	
<p>ES KPC 2024-8</p>	<p><u>On March 7, 2024, the Office of Boards and Commissions received a New Formal Notarized Citizen Complaint KPC 2024-002. According to the complaint, a Kauai Police Department officer was impolite, careless, and provided incorrect and false information.</u></p>	
<p>ES KPC 2024-9</p>	<p><u>On March 13, 2024, the Office of Boards and Commissions received a New Formal Notarized Citizen Complaint KPC 2024-003. According to the complaint, a Kauai Police Department officer targeted, made false allegations, and used bullying tactics.</u></p>	
<p>ES KPC 2024-10</p>	<p><u>Under Hawai'i Revised Statutes §92-4, §92-5 (a) (1), (2), (4), and (5), the purpose of this Executive Session for the Commission to consult with its attorney relating to a request from Police Chief Todd Raybuck and Officer Hiro Shimada that legal representation be provided to them by the County of Kaua'i relating to Civil No. 1:23-CV-00276-DKW-KJM, a First Amended Complaint filed by Noa Kaneali'i lo Pono I Kelii Ua Mau in the</u></p>	

SUBJECT	DISCUSSION	ACTION
	<p><u>United States Court for the District of Hawai'i. This briefing and consultation involves consideration of powers, duties, privileges, immunities, and/or liabilities of the Police Commission as they may relate to this agenda item.</u></p>	
<p>ES KPC 2024-3</p>	<p><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></p>	
<p>ES KPC 2024-11</p>	<p><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 February 23, 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></p>	
<p>ES KPC 2024-4</p>	<p><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. (Deferred to the Commission's April 26, 2024, meeting)</u></p>	<p>Before going into the Executive Session, Chair Yoshida called for public testimony on any of the items listed under the Executive Session portion of the meeting. But none was offered.</p> <p>Chair Yoshida called for a motion to enter the Executive Session.</p> <p>A motion was made by Commissioner Hertog to enter the Executive Session. The motion was seconded by Commissioner Hong. Hearing no objections, Chair Yoshida called for a ten (10) minute recess before entering the Executive Session.</p>

SUBJECT	DISCUSSION	ACTION
Return to Open Session	At 11:31 a.m., the Commissioners reconvened back in Open Session.	
Ratify the Actions taken in the Executive Session	<p>Chair Yoshida called on Deputy County Attorney Chris Donahoe to report the actions taken in Executive Session under Act 19. The Commission has concluded its Executive Session on the following agenda 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).</p> <p>As to item ES KPC 2024-1 (a), there was a discussion and the Commission voted to defer the matter to the June meeting as the investigation is still ongoing. 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).</p> <p>As to item ES KPC 2024-1 (c), the Commission voted to defer the matter to the May meeting as the investigation is ongoing. 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).</p> <p>ES KPC 2024-8: Notarized complaint KPC 2024-002, 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 exonerate the officer.</p>	<p>Chair Yoshida called for a motion to ratify the actions taken in the Executive Session.</p> <p>Commissioner Hertog moved. Commissioner Hong seconded the motion. Hearing no objections, the motion carried unanimously.</p>

SUBJECT	DISCUSSION	ACTION
	<p>ES KPC 2024-9: Notarized complaint KPC 2024-003, 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 not to sustain the complaint.</p> <p>ES KPC 2024-10: The matters discussed in this executive session are subject to non-disclosure under HRS 92-5, the Commission will now proceed to take final action on this item in Open Session on two separate motions as it relates to this agenda item.</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 2024-11: 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>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. No discussion.</p>	

SUBJECT	DISCUSSION	ACTION
KPC 2024-7	<u>A request to Chair Laurie Yoshida and Members of the Police Commission from Police Chief Todd Raybuck that legal representation be provided to him by the County of Kaua'i relating to Civil No. 1:23-CV-00276-DKW-KJM, a First Amended Complaint filed by Noa Kaneali'i lo Pono I Kelii Ua Mau in the United States Court for the District of Hawai'i.</u>	A motion was made by Commissioner Hertog that the Commission grant legal representation for Police Chief Todd Raybuck by the County of Kaua'i relating to Civil No. 1:23-CV-00276-DKW-KJM, a First Amended Complaint filed by Noa Kaneali'i lo Pono I Kelii Ua Mau in the United States Court for the District of Hawai'i. The motion was seconded by Commissioner Knutson. Hearing no objections, the motion carried unanimously.
KPC 2024-8	<u>A request to Chair Laurie Yoshida and Members of the Police Commission from Police Officer Hiro Shimada that legal representation be provided to him by the County of Kaua'i relating to Civil No. 1:23-CV-00276-DKW-KJM, a First Amended Complaint filed by Noa Kaneali'i lo Pono I Kelii Ua Mau in the United States Court for the District of Hawai'i.</u>	A motion was made by Commissioner Knutson that the Commission grant legal representation for Police Officer Hiro Shimada by the County of Kaua'i relating to Civil No. 1:23-CV-00276-DKW-KJM, a First Amended Complaint filed by Noa Kaneali'i lo Pono I Kelii Ua Mau in the United States Court for the District of Hawai'i. The motion was seconded by Commissioner Calma. Hearing no objections, the motion carried unanimously.
April Agenda Items	<ul style="list-style-type: none"> • Maui action Preliminary Report that addresses police actions during the fire in Lahaina – Chair Yoshida suggested the item be placed on the Commission's May agenda since Vice Chair Leslie would not be attending the April meeting. Administrator Ching stated that she would email Chief Raybuck so he could prepare a verbal presentation in May. • Discussion on third-party complaints • A request was made to have Deputy County Attorney Chris Donahoe attend the Commission's meeting in April. 	

SUBJECT	DISCUSSION	ACTION
Adjournment	There being no further business to conduct, Chair Yoshida called for a motion to adjourn the meeting.	A motion was made by Commissioner Hertog to adjourn the meeting. The motion was seconded by Commissioner Knutson. Hearing no objections, the meeting was adjourned at 11:43 a.m.

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Laurie Yoshida, Chair

(x) Approved as circulated on April 26, 2024.

() Approved as amended. See minutes of _____ meeting.