

Approved

OPEN SESSION MEETING MINUTES

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| Board/Commission | Kauai Police Commission | Meeting Date | July 26, 2024 |
| Location | Moikeha Conference Room 2A/2B, 4444 Rice Street, Līhu‘e, Hawai‘i 96766 | Start of Meeting: 9:01 a.m. | End of Meeting: 12:41 p.m. |
| Present | Chair Laurie Yoshida; Vice Chair Howard Leslie; Commissioners John Calma, Mary K. Hertog, Walton Hong and Lisa Knutson. Also present: Police Chief Todd Raybuck, Office of Professional Standards Sergeant Kevin Gras, Lieutenant Aaron Lester and Employee of the Month for July 2024 Patrol Services Officer Patrick Hutton, members of the Kauai Police Department, Council Chair Mel Rapozo, Councilmembers Bernard Carvalho, Felicia Cowden, Billy Decosta and Ross Kagawa. Prosecuting Attorney Rebbeca Like and SHOPO President Robert Cavaco and members of SHOPO. | | |
| Absent | Commissioner Monica Belz | | |
| Testifiers | Councilmember Felicia Cowden, SHOPO Kauai Chapter Chair, Bobby Thompson, SHOPO President Robert Cavaco, | | |

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| Meeting Called to Order/Roll Call to ascertain quorum | Chair Yoshida called the Police Commission meeting of July 26, 2024, to order at 9:00 a.m. A roll call ensued with six (6) Commissioners present to conduct business. With a quorum present, Chair Yoshida took the time to acknowledge Council Chair Mel Rapozo, Councilmembers Bernard Carvalho and Felicia Cowden, Prosecuting Attorney Rebbeca Like, SHOPO President Robert Cavaco, and the members of the Kauai Police Department. | |
| Approval of Agenda | <p>Chair Yoshida called for a motion to approve the agenda with the following amendments:</p> <ul style="list-style-type: none"> • Amend the Open Session meeting minutes of June 26, 2024, to reflect the correct date as June 28, 2024. • Under the Chief’s Office, include the word none. • Address item KPC 2024-1, after item KPC 2024-13. • Item KPC 2024-13 Presentation of Chief Raybuck’s fiscal year goals should reflect 2024 instead of 2025. | A motion was made by Vice Chair Leslie to approve the agenda with the amendments. Commissioner Knutson seconded the motion. Hearing no objections, the agenda was approved with the amendments. |

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| | <ul style="list-style-type: none"> • Executive Session item KPC 2024-20, amend complaint number KPC 2024-009 to KPC 2024-008. • Amend the date of the Executive Session meeting minutes of the June 26, 2024, to reflect the correct as June 28, 2024. | |
| Chair’s Announcements | The next regular monthly meeting will be at 9:00 a.m. on Friday, August 23, 2024, in the Moikeha Meeting Room 2A/2B. An executive session will follow. Subject to change. | |
| Public Testimony | Chair Yoshida called for public testimony, but none was offered at this time. | |
| Kauai Police Department Employee of the Month July 2024 | <p>Police Chief Todd Raybuck called on Lieutenant Aaron Lester to address the Employee of the Month for July 2024.</p> <p>Lt. Lester said with great admiration and respect that he could nominate Patrol Services Officer Patrick Hutton as the Kauai Police Department’s Employee of the Month for July 2024. For several weeks, Officer Hutton exhibited exceptional dedication and empathy in a conflicted case involving a resident in a difficult living situation. The individual was under the care of his brother, who, unfortunately, was abusive. The case came to Officer Hutton’s attention through multiple calls of domestic disturbances and welfare checks at the Kekaha Neighborhood Center, where the brothers were living out of a van.</p> <p>Officer Hutton worked alongside the Adult Protective Services and meticulously ensured the individual’s safety and well-being. The severity of the situation was evident through various interactions and observations. On several occasions, officers responded to calls where an individual exhibited injuries indicative of an abusive environment. Despite those challenges, the individual often had difficulty articulating his experiences due to his condition, which added a lower complexity to the</p> | |

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| | <p>case.</p> <p>Officer Hutton’s diligent follow-ups and detailed documentation helped build a comprehensive support plan that was instrumental in a decision to relocate the individual to Maui, where he could be with family members better equipped to provide the care and support the individual needed. Officer Hutton’s actions not only removed the individual from an abusive situation but significantly improved his quality of life and showcased the profound impact thoughtful and compassionate policing can have on individuals in the community.</p> <p>Officer Hutton’s unwavering commitment to protecting the most vulnerable and persistence in navigating a complex case reflect the highest ideals of the Kauai Police Department. His performance exemplifies the true spirit of service and Aloha. It is for those reasons that he (Lt. Lester) recommended Officer Hutton as the Employee of the Month for July 2024.</p> <p>Chief Raybuck expressed his utmost gratitude to Officer Hutton and Lt. Lester for nominating him. He stated that most often, the public’s view of policing is to arrest people and write tickets. Still, the reality is that the difference police officers make in people’s lives is when officers pay attention to what is happening in people’s lives.</p> | |

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| | <p>The Commissioners thanked Officer Hutton for his dedication and empathy in recusing a vulnerable resident. His diligent efforts to collaborate with Adult Protective Services and advocate for the individual ensured his safety, rescuing him from a dire situation and significantly enhancing his quality of life.</p> <p>Chief Raybuck presented Officer Hutton with a certificate of exemplary service, a special pin, and a Kukui nut lei.</p> <p>Officer Hutton expressed his appreciation for the Commission for setting time aside to recognize him and for Lt. Lester for nominating and the entire command staff for their support. Officer Hutton stated that he was surprised to see such a huge turnout and that dealing with abusive behavior and the actions he is being recognized for today, is common throughout the entire Police Department, the different districts, levels, and bureaus.</p> <p>Chair Yoshida called for public testimony and recognized Councilmember Felicia Cowden.</p> <p><u>Public Testimony</u> Councilmember/Public Safety Felicia Cowden testified that she's happy to have had some of her fellow councilmembers present and that she's confident that she speaks for all of them in honoring Officer Hutton for being a prime example of what caring for the community truly means.</p> <p>Bobby Thompson, SHOPO Kauai Chapter Chair, congratulated and thanked Officer Hutton for a job well done. He shared that he worked alongside Officer Hutton, and he is a good officer and does his job</p> | |

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| | <p>well. He is very articulate, and his empathy and dedication to helping someone vulnerable and needing help will resonate throughout the Department. Mr. Thompson also expressed his gratitude for the men and women of the Kauai Police Department, who also exemplify Officer Hutton's actions.</p> <p>There being no further public testimony, Chair Yoshida moved on to the approval of the minutes.</p> | |
| Approval of Minutes | <p>Chair Yoshida called for a motion to approve or amend the Open Session Minutes of the June 28, 2024, meeting. Before calling for the vote, Chair Yoshida invited the public to testify on the minutes, but none was offered, so she called for the vote to approve the minutes.</p> | <p>A motion was made by Commissioner Hertog to approve the minutes of the June 28, 2024, meeting. Commissioner Calma seconded the motion. Hearing no objections, the minutes were approved.</p> |
| Recess | <p>At 9:16 a.m., Chair Yoshida called for a recess to give Gallup time to set up their equipment. At 9:22 a.m., Chair Yoshida called the meeting back to order.</p> | |
| <p>GALLUP POWER POINT PRESENTATION TITLED “THE VOICE OF THE DEPARTMENT”</p> <p>A copy of Gallup’s presentation is on file with the Office of Boards and Commissions</p> | <p><u>County of Kauai Police Department Engagement & Culture Results 2024.</u></p> <p>Prior to Gallup’s presentation, Chair Yoshida stated that she would take public testimony at the end of the presentation. She then called on Gallup’s Executive Team to introduce themselves to the Commission.</p> <p>Gallup’s Executive Team, Kelley Wrinkler, Strategic Adviser; Brian Brim, Senior Practice Consultant Expert; and Skye Perrin, Lead Consultant, introduced themselves to the Commissioners.</p> | |

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| | <p>Before the presentation, Ms. Perrin thanked the Police Commission for sponsoring Gallup’s work on building a sustainable culture of engagement by partnering with the Department to understand the Department’s current state of culture, levels of morale, the effectiveness of leadership, get a baseline of department engagement, aim to cultivate towards better outcomes in supervisor engagement, employee retention and safety, create a roadmap to a unified department, and to better execute on the community-centric mission.</p> <p>Ms. Perrin's power point presentation reflected data on post-employee feedback of what makes employees feel valued, respected, and engaged, understanding and addressing employees' needs to build workplace energy in the Department, a comparison on positive outcomes v. adverse outcomes, a ratio of actively engaged, not engaged, and engaged employees, Q12 item percentiles, case study of Gallup's intervention producing proven results, leadership model depicting engagement v. culture, a chart reflecting employees are more engaged than connected, a chart of employees expressing a need for accountability, four key themes to strengthen the culture of KPD, employee quotes expressing that the values in KPD feels superficial and lack daily application, respect, results showing the culture is lacking communication and leadership alignment, relationships between line staff and command are worsening, a graph showing only 2 in 10 employees fully trust their leaders, a chart showing an opportunity to optimize the flow of information, authentic recognition and objective feedback is desired day to day, KPD employees believe change is needed, but want to preserve camaraderie, mission orientation, and opportunities for connection, last, an executive summary.</p> | |

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| | <p>At this point, the presentation concluded, and Chair Yoshida opened the floor for public testimony.</p> <p><u>Public Testimony</u></p> <p>Robert Cavaco, SHOPO President, thanked the Police Commission for making the effort to listen to the KPD employees' opinions on the status and future of the Department. SHOPO did its survey two years ago, and what impressed the State Board of SHOPO was the willingness of their members to share their thoughts on what worked and what did not. SHOPO's key takeaway was that the officers in the Kauai Police Department care deeply about their department because they view it as their department and want to feel valued and part of making change rather than have change put on them. He also believes that the Department's civilian employees share the same values. The point of SHOPO's survey was not to point fingers, and the Commission's study with Gallup was not to place blame on anyone but to listen, engage, and then lead.</p> <p>Mr. Cavaco underscored that he flew from Oahu to Kauai today to personally convey to the Commission that SHOPO is fully committed to supporting its members. He reiterated SHOPO's readiness to collaborate with the Police Commission and the entire leadership of the Kauai Police Department (KPD) to realize the Department's full potential. This collaborative approach, he believes, will not only benefit the officers and employees but also the Department as a whole. He concluded his remarks with a heartfelt thank you.</p> | |

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| | <p>Before calling for more public testimony, Chair Yoshida recognized Councilmember Billy Decosta and Councilmember Ross Kagawa who just entered the room.</p> <p>Councilmember Ross Kagawa thanked the Commissioners for doing a great job, noting that it's not normal for elected officials to speak to board and commission members approved and appointed by the County Council. He stated that this was the second time council members were briefed by SHOPO on the different surveys conducted. Honestly, the results are troubling. He grew up with some of the officers and considered them his friends. He stated going forward that for the officers to speak out and share their concerns is not just a job. Their families rely on them, and the officers rely on their families for mental support when they come home after having a hard day. He stated that the Police Commission is the body (based on the Hawaii Supreme Court case, Carvalho versus the Police Commission) that makes the decisions. The Honolulu Police Commission stepped up and decided, and now it's upon the Kauai Police Commission to make the same decision to try to fix some of the problems because it shouldn't be this bad. He stated that he worked in large organizations like schools, and many times, there were problems with principals, and he knows how the staff feels when the boss is doing something with no accountability. He hopes going forward; the Commission can try to have the officers feel happy and comfortable in their jobs because they are doing a great job regardless of the stress mentioned in the survey; it is incumbent for sustainability that the officers have a good sense of direction and goals, not just waiting to hit 25 years, to retire because they are unhappy. Thank you.</p> | |

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| | <p>Commissioner Hertog thanked Gallup for an excellent briefing; this was the second time some of the Commissioners got to see the briefing, and the first time, it was very sobering but not surprising in many respects. She thanked the SHOPO Chair for his comments; the Commission appreciates his feedback and the SHOPO's surveys as well; she mainly wanted to thank all the officers for their honesty and for coming forward and getting their comments out to make improvements, and she knows that the executive staff is on its way with the onsite they had yesterday and more of it today, it's all about leadership, communication, accountability, transparency, and trust. She knows that everyone can get there because, as one officer said, there is nowhere to go but up. It was a remarkable statement because we can take it forward and encourage everyone to do it together. The Commission and the Department will take advantage of Gallup coming back year after year because they sincerely want to help the Department. She knows KPD is an excellent Department, and the community thinks so. She doesn't want the officers sitting in the room to think they are not great; this is the first time everyone has seen the results in writing. It is sobering, and it should be so, please have confidence in your abilities and the trust the community has for the officers and the respect of the Commission.</p> <p>Vice Chair Leslie thanked Gallup; it was terrific working with them, and their enthusiasm and thoroughness were incredible. For the leadership of KPD, he begs them to take the Gallup results and do something with them; from the one slide, no one can wait for theirs for improvement. People need to realize other than the military, KPD is the only organization authorized to use deadly force. When people do not feel appreciated and feel that the rules do not apply to their bosses' bad things happen. Someone is going to get hurt, and we must do something</p> | |

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| | <p>about it, so someone is going to get hurt and pray it doesn't happen. So, please take it seriously and please lead.</p> <p><u>Chief Raybuck's comments</u> Chief Raybuck stated that, first and foremost, he would like to thank SHOPO State Board President Robert Cavaco for coming to Kauai and making his comments. But before his remarks today, he would like to thank SHOPO for the survey he did two years ago. That survey was the catalyst for KPD leadership to engage and hire Gallup because two years ago, SHOPO's survey results were harsh to swallow, and still, Gallup's survey is hard to swallow.</p> <p>As was communicated by the employees' surveys mean nothing without action. Sadly, we haven't had a roadmap in the past and the guidance they needed to develop what is necessary to make change within the organization. He is hugely grateful for the opportunity the Police Commission has put before KPD to engage Gallup, their persistence, and identifying and finding a way for KPD to engage in a three-year process or longer (he hopes) to be able to effect change. As mentioned, he would like to thank all of KPD's employees.</p> <p>Chief Raybuck stated that many people may think it's a cliché from him. Still, it isn't because he also recognizes and appreciates that every employee is the backbone of the Kauai Police Department, not him. The percentage of employees who participated in the survey shows how much they care about and how much change they want to see. KPD had the opportunity as a command staff to participate in a workshop yesterday and will continue the workshop in the afternoon. He stated that when they were presented with it, the executive staff got together,</p> | |

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| | <p>and many of the faces looked like those he was looking at—shocked, stunned, discouraged, frustrated, and bewildered about what they would do next. The big thing about the Gallup survey was it wasn't about hearing what people thought; Gallup is here to help KPD focus on identifying the priorities and implementing the processes to get results and not just keep talking about what they've always been talking about. Change is needed in the organization, and we are grateful to have Gallup here with their years of experience and clients from all over the world to help KPD's leadership provide direction and opportunities for that change.</p> <p>Chief Raybuck referred to a statement made by SHOPO President Robert Cavaco that participates in creating change, not have change placed on them. Mr. Cavaco is 100% right because one of the things leaderships cannot do is to have a kneejerk reaction by implementing a bunch of changes to say they did something. Gallup has been talking to the leadership and will continue to talk to leadership about the correct change that leadership needs to identify and focus on first. It will take a little time and patience for them to make the right changes in the right way. The change is not just about him, and as the captain of the ship, he is responsible for setting the course, but that course wasn't clearly defined as the survey says, which is also acknowledged because he knows it himself. KPD's leadership team will help set the course, but it will take all hands-on deck at every level for everyone to sail in the right direction and to keep sailing in that right direction, in the right way.</p> | |

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| | <p>Chief Raybuck shared that in the last month or so, he and President Cavaco have had conversations he truly values. He is grateful that they can work together to move things forward for everyone. Based on their conversations, what they talked about yesterday, and the future, he is very hopeful about where KPD will be in the future.</p> <p><u>Public testimony</u> Councilmember Billy Decosta thanked Councilmember Kagawa for saying something that needed to be said. He stated that he would address everyone, beginning with Chief Raybuck, the Commission, himself, the officers in the room, and his fellow council members.</p> <p>Gallup doesn't need to tell us what to do; we know what to do; we need to look into our hearts and make genuine decisions, starting with ourselves. Everyone in this room needs to start with themselves to make authentic decisions, and that is when the officers in the Police Department will feel that change is going to come. We need to start with ourselves. We all had relationships at one time or another, whether with a male or female; think about that relationship. Change doesn't happen by identifying the problem, setting goals, and trying to make things work; change happens because we genuinely want to make a difference—constructive information for the organization.</p> <p>Councilmember Decosta stated that he might not be the most well-liked guy, but he is the most genuine guy—a straight-shooter genuine. Thank you.</p> | |

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| | <p>Prosecutor Attorney Rebecca Like testified that she didn't have much to add to what already was said and didn't think the results were that surprising. Still, she's hopeful that the information Gallup shared today can charter a course forward for the Department. She had the privilege of working with the Department for almost 14 years and saw officers who cared. Often, she would see officers out of uniform going above and beyond. To the officers in the audience today, she would like to tell them to give it a chance. Please don't leave before trying something new. Try what Gallup is suggesting because it would be a significant loss to the island and less safe with officers gone. Thank you all for your commitment. It was hard to hear but remains hopeful. Thank you.</p> <p>Mr. Barry Deblake, who introduced himself as a Joe citizen, also provided testimony. He stated that he wanted to put some thoughts in the Commissioner's mind and take one second to look behind him if they noticed no one came up to testify. What is that telling the Commission? They don't want to say anything because of fear of retaliation that is going on and would like to ask the Police Commission if they had the mindset and power to do the right thing, if need be, what extreme change is needed or make altercations, something the Commission should think about. He knows for a fact that they want to say something. There are a couple of things the Commission may not know about rank and structure; any rank of captain has a different union. Lieutenant below SHOPO, without a doubt, SHOPO has the strength, and they have an impressive winning rate. HGEA, not so much. Why is he telling the Commission why the commanders are doing this, or how come the commanders are doing that? The Commission needs to understand by the time an officer gets to this rank, those officers are almost 25 years in and are eligible to retire.</p> | |

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| | <p>They have families; they love the Department and want to do the right thing. When you must go to work and wonder if your family will not get a paycheck, it is hard to make the right decision. He loves everyone in the Department, and they know that he would go through hell and back for them, but they're paralyzed because every day when they go to work, they say, isn't the Police Commission going to do something? When the Commission makes those decisions, it tries to understand that the officers are bound and can only fight so much alongside their union because they must go home to be with their families. If the union is not strong, you will see it in the decision-making process; he wants to stand up for what is right, but not at the cost of losing his family. Most often, the officers have 25 years of service, and he almost feels bad for them. Please acknowledge that there isn't one person in the room who will want to step up to testify. So, when you dig, dig hard and see why things are not happening. His question to Gallup is when talking about leadership, for those who don't know, one of his passions was leadership. He was in combat, and unfortunately, he had a couple of people die under his command, and since 2025, leadership has been his life. The Commission can challenge him on it if they want, and they can have a wonderful conversation with him because he is very passionate about leadership. His question to Gallup is, has anybody done a study on command staff narcissism? Why does he say that? One of the finished traits of a narcissist is that he can tell the Commission everything they need to know, and then they can walk away happy and wreak havoc on everybody.</p> <p>At this point, Deputy County Attorney Cameron Takamura, asked Mr. Deblake to stop his testimony because the 3-minute time limit for testimony had expired.</p> | |

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| | <p>There being no further testimony, at 10:25 a.m., Chair Yoshida called for a recess. At 10:32 a.m., Chair Yoshida called the meeting back to order.</p> | |
| <p>Chief's Monthly Reports June 2024</p> | <ul style="list-style-type: none"> ♦ Support Services 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. ♦ Field Operations Division – Death Reports, Assault 2nd, felony abuse, missing person, unattended death, cruelty to animals, terrorist threatening, escape/traffic collision, robbery, community activities and involvement, pieces of training, traffic grant enforcement, patrol services traffic enforcement summary, arrest summary, and calls for services and incident summary. ♦ Criminal Investigation Division - Major incidents/notable highlights, assault in the 2nd degree, other assault cases, unattended deaths, death within 24 hours, escape in the 2nd degree, missing person, robbery, runaway juvenile, sexual assault, terroristic threatening, year to date death statistics, natural deaths involving autopsy results, accidental deaths, undetermined pending toxicology results, drug overdoses, suicide, murder, projects/enforcement, special focus section-criminal property damage, UEMV, UCPV, burglary, theft, enforcement projects, community activities involvement, vice section – seizures, asset forfeiture, notable highlights. ♦ Chief's Office - No Report. | |

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| | <p>Chief Raybuck pointed out that he excused his command staff because they are schedule to attend the second workshop at 11:00 a.m.</p> <p>Chair Yoshida asked the Commissioners if they had any questions on the data reflected in the Chief’s Monthly Reports. Hearing none, Chair Yoshida moved on to item KPC 2024-11. There was no public testimony on the Chief’s Monthly Reports.</p> | |
| <p>KPC 2024-11</p> | <p><u>Discussion and decision-making on Police Chief Todd Raybuck’s Fiscal Year Performance Evaluation for the period of July 1, 2023 – June 30, 2024.</u></p> <p>Ms. Ching briefed the Commission on the Chief’s evaluation process from the previous year and the need to expedite the Chief’s evaluation. In response to a question from Vice Chair Leslie, Ms. Ching responded that the comments she got from the Commission in the past were that they didn’t want the evaluation process to be lengthy because after the Commission adopted the Report, the Chair and Vice Chair would have to sit down with the Chief and go over his evaluation. The Chief would sign off on his assessment. At a minimum, the Commission would be looking at a one-month versus two-month process.</p> <p>Chair Yoshida noted it would be a three-month process, which would leave the Chief with no opportunity to use feedback from last year to inform it this year after the first quarter is over.</p> | |

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| | <p>Vice Chair Leslie agreed, noting that Ms. Ching would email the evaluation form to the Commissioners and the Commissioners would send it back to Ms. Ching to consolidate, then at the Commission’s August meeting the Commission will have the opportunity to review the Consolidated Report and adopt as is or make amendments.</p> <p>Ms. Ching noted that ideally, that is the plan however, in the past, not all commissioners submitted their evaluation on a timely basis which made difficult for her to complete the draft of the Chief’s Consolidated Evaluation Report.</p> <p>In response to a question from Commissioner Knutson, Ms. Ching responded that the plan for last year is the same for this year. A PIG was formed, and they made recommendations. At the next meeting, the Commission would vote to adopt the PIG’s recommendations, thus finalizing the Consolidated Report.</p> <p>DCA Takamura explained the process of forming a permitted interaction group defined under §HRS 92-2.5 Permitted interactions of members.</p> <p>In response to a question from Vice Chair Leslie, DCA Takamura responded that if the Commission does not form a PIG, it can review the Consolidated Report and decide at the August meeting.</p> <p>Chief Raybuck inquired whether he, the Chair, and the Vice Chair can review the completed Consolidated Evaluation Report before it goes to the entire Police Commission for ratification. In previous years, when he received his evaluation, he raised concerns about the accuracy of the information in the Report.</p> | |

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| | <p>Ms. Ching procedurally, she doesn't think would be appropriate for the Chair and Vice Chair to meet with the Chief but if the Commission allows, she could share a copy with the Chief for him to review.</p> <p>DCA Takamura referred to Rule 4-5 (b) (2), which provides that the Chief and the Chair shall review and consider input from other commission members and stakeholders to prepare a final performance evaluation, which the chair and the vice chair will present the final draft to the Chief, then at a meeting in executive session the Commission would have a discussion and vote on the Chief's final ratification evaluation performance, which is basically what Chief Raybuck had asked for.</p> <p>Chair Yoshida clarified the evaluation process. 1) Ms. Ching will email the chief's evaluation form to the commissioners along with a deadline; 2) commissioners need to complete the form and email it back to Ms. Ching; 3) Ms. Ching will draft the Consolidated Report and give it to the commissioners for review and feedback; 4) present the Consolidated Report to Chief Raybuck; 5) at the next executive meeting (hopefully August) vote to ratify the Report.</p> <p>Vice Chair Leslie asked Chief Raybuck if the police officers go through the same evaluation process, to which Chief Raybuck responded that they indeed do. The officers receive their evaluation from their supervisor, can review it, and provide comments, which will be considered in the assessment. Chief Raybuck, as the head of the police department, previously did not have the same opportunity for review. Additionally,</p> | |

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| | <p>Chief Raybuck mentioned that if there are any inaccuracies in an officer's evaluation, the officers can make amendments to their evaluation report.</p> <p>Vice Chair Leslie stated that, considering Gallup's survey, he wanted to make sure that everything was consistent, and Chief Raybuck noted that he would like to have a consistent and accurate evaluation, too.</p> <p>DCA Takamura clarified that the motion Ms. Ching is looking for is to allow her send draft the Chief's performance evaluation.</p> <p>Ms. Ching stated that in case there is a lot of changes from different Commissioners on the draft she would recommend that the Commission form a permitted interaction group.</p> <p>Vice Chair Leslie asked DCA Takamura if it would be a good idea to form a PIG today, then if the Commission doesn't need, the Commission need to use the PIG to which DCA Takamura replied yes.</p> <p>Chair Yoshida asked Commissioner Knutson if she would amend her motion.</p> <p>Chair Yoshida called for public testimony, but none was offered.</p> | <p>Commissioner Knutson moved to allow Boards and Commissions Administrator Ellen Ching to draft the Chief's Consolidated Evaluation Report for the Commission to review without establishing a permitted interaction group. Vice Chair Leslie seconded the motion.</p> <p><u>Amended motion</u> Commissioner Knutson moved to amend the motion by allowing Boards and Commissions Administrator Ellen Ching to start the evaluation process for the Chief by drafting the Chief's Consolidated Evaluation Report using input from the Commissioners. Vice Chair Leslie seconded the motion. Hearing no objections, the motion carried 5:0.</p> |

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| <p>KPC 2024-12</p> | <p><u>Discussion and possible action on the creation of a permitted interaction group (PIG) to work on Police Chief Todd Raybuck’s performance evaluation. This includes the assignment of members, outlining the scope of the PIG, and defining the PIG members’ authority.</u></p> <p>Chair Yoshida called for a motion to establish a permitted interaction group consisting of Commissioner Lisa Knutson, Vice Chair Leslie, and herself in case there are many changes from different Commissioners on the draft Consolidated Evaluation Report for Chief Raybuck. The scope of the PIG is to assist the Administrator in drafting the Consolidated Evaluation Report for Chief Raybuck if needed.</p> <p>After the vote was made, Chair Yoshida called for public testimony, but none was offered.</p> | <p>Commissioner Hong moved to establish a permitted interaction group consisting of Commissioner Lisa Knutson, Vice Chair Leslie and Chair Yoshida, if necessary, and with the same authority to assist the Administrator in drafting the Consolidated Evaluation Report for Chief Raybuck. Commissioner Calma seconded the motion. Hearing no objections, the motion carried 5:0.</p> |
| <p>KPC 2024-13</p> | <p><u>Presentation by Police Chief Todd Raybuck’s on FY 2024 Goals to the Kauai Police Commission.</u></p> <p>Chair Yoshida called for public testimony, but none was offered.</p> <p>Chief Raybuck stated that reviewing the goals would typically happen before the fiscal year, May or June, which prevented KPD from concluding the fiscal year, which last year was in late August. He understands that the Commission wants to be on track with his evaluation so that he will highlight the areas with additional information. He would be remised, including in previous years.</p> <p>Chief Raybuck referred to a correspondence dated July 24, 2024, highlighting the reorganization of KPD, four major events in FY 2024, one of which involved a significant amount of KPD's resources because it</p> | |

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| | <p>involved an island-wide search for a person who was involved in a murder and shooting of another individual. The annual on-site inspection was during the fourth and final accreditation period. The Assessor did an on-site inspection on June 24 through 26, 2024. The Department selected four critical areas for inspection: Property/evidence, Community Engagement, Training, and Traffic Enforcement. During the inspection, in addition to reviewing all the Department's CALEA-mandated policies for compliance, the Assessor conducted 34 interviews with persons from within the Department, county partners, and community stakeholders, a narrative on the status of the Department's three specific areas of his goals.</p> <p>In response to Vice Chair Leslie's question that the agency data reveals a low use-of-force to population percentage ratio and that there were no founded claims or litigation during this assessment review period, was the assessor referring to litigation on the specific use of force? Chief Raybuck confirmed that it is particular to the use of force.</p> <p>In response to a question from Vice Chair Leslie on the annual goals, he applauds Chief Raybuck's goals and achievements. He remembers last year, the Commission asked for measurable goals, and because he is familiar with SMART goals, it's hard for the Commission to realize whether his goals were achieved during this period, particularly the foot beats, without knowing when it started and how many hours those foot beats occurred and if crime decreased during that period. Another example is the command ride-along program. When did the program come to fruition, how many times did people take advantage, and how many times did a command officer get into a car and drive around with staff non or sworn? Additionally, many of his goals are administratively</p> | |

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| | <p>based; it would be nice to see goals that are crime related. For example, if there is an increase in domestic violence, a goal could be to have the detective investigating domestic violence contact the victim within 48 hours, which is measurable.</p> <p>Chief Raybuck stated that he and his staff have been working on incorporating more of those types of goals in next year's goals preparations so they can measure those types of things. Concerning the recent Gallup survey where there was a lack of communication or awareness, this year, he provided all command staff a copy of the 2025 Goals; consolidated goals that he presented to the Police Commission included a copy of the correspondent dated July 17, 2024. For the 2025 Goals, both his staff and other staff members swapped information on the type of goals they want to achieve, and a conversation started between the line staff and his staff, saying they want these goals to be included in the Chief's Goals. His command staff had to explain to line staff that the Chief's goals are department-wide goals, and the goals are strategic goals for the command staff. Those goals include different tasks and goals for the individual bureaus to accomplish. It's a communication process, so they are doing there best to improve on communication and implementing measurable KPD's goals.</p> <p>Chair Yoshida thanked Chief Raybuck and requested that the discussion continue at the next meeting when the Commission addresses the Department FY 2025 Goals, Chief Raybuck replied sure. Vice Chair Leslie empathized measurable metric smart goals in crime.</p> | |

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| <p>KPC 2024-1</p> | <p><u>Discussion and decision-making on the Permitted Interaction Group recommendations on the proposed draft of Rule 11 of the Kauai Police Commission Rules and Administrative Practice.</u></p> <p>Chair Yoshida called for public testimony, but none was offered.</p> <p>Chair Yoshida stated that Rule 11 is the last of the amended rules the Commission needs to approve and that the entire rules will be provided together on a subsequent agenda.</p> <p>DCA Takamura referred to a copy of a Ramseyer format in the meeting folder to show the Commissioners that on May 26, 2023, the Commission voted to repeal Rule 3-1 (g) (6) and (g) (7) and basically created a new Rule 11 which incorporates much of Rule 3-1 (g) (6) and (g) (7) along with different changes to the procedure.</p> <p>Chair Yoshida noted that the Ramseyer format marked with a tab.</p> <p>DCA Takamura stated that he had some legal concerns and needs to be addressed in executive session. He noted that the Commission is free to discuss anything that does not require legal advice.</p> <p>During the discussion about Rule 11, Vice Chair Leslie raised a question. The rule states that it addresses complaints received by the Commission that could be investigated by other county entities. Leslie suggested that it might be better for the rule to specify that if a complaint is being investigated by another entity with the necessary expertise, the Commission should be informed of the investigation findings instead of handling the complaint through its own process. In response, DCA</p> | |

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| | <p>Takamura explained that the focus of the current discussion is on the 2018 Rule 3-1 (g). In those cases, the Commission would refer the investigation to another entity, avoiding the need for separate investigations.</p> <p>Vice Chair Leslie asked if it was done to keep the Commission in the loop when the investigation is completed so the Commission can make an adjudication. DCA Takamura responded that yes, it is the Commission’s investigation; it is just that the Commission referred the investigation to another entity to do the investigation and report back to the Police Commission.</p> <p>Chair Yoshida clarified that the agency would conduct the investigation on the Commission’s behalf. Vice Chair Leslie asked for clarification on who in the County of Kauai investigates hostile work environment complaints, Annette Anderson, Human Resources Director responded that it depends, it could be someone in HR or it could be an outside investigator.</p> <p>Vice Chair Leslie asked if someone in HR would make that decision, to which Ms. Anderson said no. DCA Takamura stated that the receiving agency would decide. If it involves the Chief of Police, KPC would be the receiving agency and would make the decision. If it were the Department of Water under the County's policy, the complaint would be filed directly with the employee's supervisor, director, or HR and disposed of differently. It depends on the structure of the organization when an employee is accused. Vice Chair Leslie stated that the Commission follows best practices because it is in the loop. DCA Takamura noted that Rule 11 focuses on complaints made against the Chief of Police compared</p> | |

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| | <p>to the 2018 Rule, which states that complaints against the Chief refer to the general investigation structure, which is applicable for complaints against officers or other members of KPD as well.</p> <p>VC Leslie asked because DCA Takamura is in contact with the other commissions they do have rules that they don't except certain complaints against a department head, DCA Takamura responded he doesn't know what the other commission rules say. Honolulu and Hawaii counties have different requirements and procedures from Kauai County.</p> <p>Chair Yoshida reiterated that complaints made against the Chief comes to the Police Commission to address and it would be up to the Commission to decide if it wants to refer the complaint to an HR investigator or an outside investigator. The investigator would then provide the Commission with the Investigation Report findings for adjudication.</p> <p>Ms. Ching mentioned that if the Commission believes that the Investigation Report needs further work or clarification on any questions the Commissioners may have, they can request the investigator to address their questions. In that case, the investigator will request an extension to address the Commission's concerns, answer their questions, and make any necessary additions to the Investigation Report.</p> <p>VC Leslie asked whether, under 11.2 (b) (1), the investigation may be conducted by county personnel or by an independent contractor. He wants a definition of an independent contractor because it would be nice to contact Honolulu's Police Commission because they have a full-time investigation unit, which has been done in the past. Is that an option for</p> | |

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| | <p>KPC?</p> <p>DCA Takamura responded that it hasn't been done before. VC Leslie stated that when Maui Chief had an incident Honolulu Police Commission was contacted and did the investigation.</p> <p>Ms. Ching stated that in the past, KPC has been very descriptive of what kind of investigator KPC wanted, that the investigator must meet the Commission's guidelines provided to her, and that the investigator cannot be any retired officer within the State of Hawaii. It cannot be someone on Kauai. So, it limits the kind of investigator she can get, and currently, the Rules say it must be a private investigator licensed in the State of Hawaii. She added that in the past, KPC was contacted by the other commissions, who wanted to know who KPC contracted with.</p> <p>VC Leslie stated that the new Rule is not as restrictive; Ms. Ching stated that it is not as restrictive. Again, it will depend on what the Commission expresses because the current Rule says there must be licensed private investigators in Hawaii. The Commission has different restrictions on what kind of investigator it wants when passing a motion to retain an investigator.</p> <p>DCA Takamura stated that the conversation is beginning to lead towards hypothetical about duties and liabilities and needs to be addressed in executive session.</p> <p>Chair Yoshida pointed out that the current rules say independent investigator, and Rule 11 says, independent contractor. Ms. Ching stated it was at her request because of her past experiences. Chair Yoshida</p> | |

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| | <p>indicated that she wants to know the definition of an independent contractor and suggests changing it to an independent outside investigator.</p> <p>Chief Raybuck thanked the Commission for setting time apart because he knows there are limitations because of all the different rules and processes. His only request is if KPC recognizes that each one of those steps requires a significant amount of time for an investigation to be completed as someone who has been a recipient of numerous and ongoing complaints for the past three years, it complicates the ability to perform the duties of Chief of Police with open and outstanding complaints that people take advantage to utilize as a tool to prevent the Chief of Police from making further decisions.</p> <p>VC Leslie thanked Chief Raybuck for his comments. He hit the nail on the head: It is not fair to the Chief of Police, and the Commission needs to figure it out.</p> | |
| <p>Executive Session</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 these items:</p> | <p>At 11:21 a.m., Deputy County Attorney Takamura read the following Hawaii Revised Statutes to take the meeting to Executive Session.</p> |
| <p>ES KPC 2024-1</p> | <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</u></p> | |

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| | <p><u>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> <p>c) <u>Discussion and decision-making on 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.</u></p> <p>Chair Yoshida called for public testimony, but none was offered.</p> | |
| ES KPC 2024-3 | <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>Chair Yoshida called for public testimony, but none was offered.</p> | |
| ES KPC 2024-18 | <p><u>Update on the investigation into Formal Notarized Complaint KPC 2024-004 alleging that on March 4, 2024, Police Chief Todd Raybuck acted inappropriately by mishandling his firearm.</u></p> <p>Chair Yoshida called for public testimony, but none was offered.</p> | |
| ES KPC 2024-20 | <p><u>Discussion and decision-making on Formal Notarized Complaint KPC 2024-008 received on July 17, 2024, at the Office of Boards and Commissions. The complaint alleges violation of the Code of Ethics, Standards of Conduct and hostile work environment.</u></p> | |

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| | <p>Chair Yoshida called for public testimony, but none was offered.</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 proposed draft on Rule 11.</u></p> <p>Chair Yoshida called for public testimony, but none was offered.</p> | |
| <p>ES KPC 2024-21</p> | <p><u>Under Hawai'i Revised Statutes §§92-4, 92-5 (a)(2), (a)(4), and 92-9 (b), the purpose of this executive session is for the Commission to approve or amend the regular executive session minutes of May 24, 2024, and June 28, 2024, meetings, as publication of the executive meeting minutes would defeat the lawful purpose of the executive meetings they reflect, including the purposes in HRS §§ 92-5(a)(2) and (a)(4).</u></p> <p>Chair Yoshida called for public testimony, but none was offered.</p> | <p>Chair Yoshida called for a motion to enter the Executive Session. A motion was made by Commissioner Hong to enter Executive Session. Commissioner Calma seconded the motion. Hearing no objections, at 11:25 a.m., the Commission entered executive session.</p> |
| <p>Return to Open Session</p> | <p>The Commissioners reconvened back in Open Session at 12:33 p.m., Chair Yoshida noted that Commissioner Walton Hong had to leave the meeting but Commissioners Hertog, Calma, Vice Chair Leslie and Chair Yoshida are present to conduct business.</p> <p>For the record, during executive session, Commissioner Knutson left the meeting at 11:46 a.m., and at the same time Commissioner Hertog returned to the meeting after a brief excused absence.</p> | |

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| <p>Ratification of actions taken in Executive Session</p> | <p>Chair Yoshida called on Deputy County Attorney Takamura to report the actions that were taken in Executive Session Report pursuant to HRS § 92-4 (b).</p> <p>ES KPC 2024-1: The Commission received a briefing from Sgt. Kevin Gras. The discussion is not subject to disclosure as disclosure would tend to defeat the purpose of the executive session pursuant to HRS 92-4, 92-5 (a) (2). Disclosure would have the purpose of defeating the purpose of the executive session. There was no action on this item. (C) The discussion on the item is not subject to disclosure as it would tend to defeat the purpose of the executive session pursuant to HRS 92-4, 92-5 (a) (4). The Commission voted to sustain a violation of failure to follow proper protocol and procedures for the active officer and found that the rest of the allegations were unfounded and not within the standards of conduct.</p> <p>Regarding the retired officer, the Commission voted to sustain as to the charges regarding not following proper protocol and procedures as well as exhibiting unprofessionalism. The Commission did not sustain the rest of the allegations and found that failure to serve and protect minors do not fall under the standards of conduct.</p> <p>ES KPC 2024-3: There was no discussion or action taken.</p> <p>ES KPC 2024-18: The Commission received an update from the HR Director. The rest of the discussion is not subject to disclosure as it would tend to defeat the</p> | |

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| | <p>purpose of the executive session pursuant to HRS 92-5 (a) (2) and (4).</p> <p>ES KPC 2024-20: The discussion is not subject to disclosure as disclosure would tend to defeat the purpose of the executive session pursuant to HRS 92-5 (a) (2) and (a) (4). The Commission’s final actions were to officially receive the complaint and voted to investigate pursuant to the Kauai Police Commission Rules (KPC) and referred the investigation to the Department of Human Resources (HR) except if HR declines, then refer the investigation to a third-party investigator.</p> <p>ES KPC 2024-4: The discussion is not subject to disclosure as disclosure would tend to defeat the purpose of the executive session pursuant to HRS 92-5 (a) (4). The Commission voted to defer to a subsequent meeting to discuss additional edits to the proposed draft Rule 11.</p> <p>ES KPC 2024-21: There was no discussion. The Commission voted to approve the executive session minutes as written.</p> | <p>A motion was made by Commissioner Hertog to ratify the actions that were taken in executive session. Commissioner Calma seconded the motion. Hearing no objections, the motion carried 4:0.</p> |
| <p>Adjournment</p> | <p>There being no further business, Chair Yoshida called for a motion to adjourn the meeting.</p> <p>After meeting was adjourned, Vice Chair Leslie ask when the Commissioners evaluations are due to which Administrator Ching to which Chair Yoshida replied that the timeline will be included in Ms. Ching’s email.</p> | <p>A motion was made by Commissioner Calma to adjourn the meeting. Commissioner Hertog seconded the motion. Hearing no objections, at 12:41 p.m., the meeting was adjourned.</p> |

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Laurie Yoshida, Chair

Approved as circulated on August 23, 2024.

Approved as amended. See minutes of _____ meeting.