POLICE COMMISSION

LAURIE YOSHIDA, CHAIR
MARY K. HERTOG, VICE CHAIR

MERRILEE "MIA" AKO, MEMBER
JOHN CALMA, MEMBER
LISA KNUTSON, MEMBER
WALTON HONG, MEMBER
PATRICK HIGA, MEMBER

Meetings of the Police Commission will be conducted as follows until further notice:

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COUNTY OF KAUA'I

- Meetings will be publicly noticed pursuant to HRS Chapter 92.
- Minutes of the meeting will be completed pursuant to HRS Chapter 92 and posted to the Commission's website upon completion and approval.

Public Comments and Testimony:

- **Written testimony** will be accepted for any agenda item herein.
  - Written testimony indicating your 1) name or pseudonym, and if applicable, your position/title and organization you are representing, 2) the agenda item that you are providing comment on, and 3) contact information (telephone number and email address), may be submitted to mromo@kauai.gov or mailed to the Police Commission, c/o Office of Boards and Commission, 4444 Rice Street, Suite 300, Lihue, Hawaii 96766.
  - Written testimony received by the Police Commission at least 24 hours before the meeting will be distributed to all Police Commissioners before the meeting.

- **Oral testimony** will be taken during the public testimony portion of the meeting in person at the public meeting.
  - It is recommended that anyone interested in providing oral testimony register at least 24 hours before the meeting by emailing mromo@kauai.gov or calling (808) 241-4920. Any request to register shall include 1) your name or pseudonym, and, if applicable, your position/title and the organization you are representing, 2) the agenda item you are providing comment on, and 3) your contact information (telephone number and email address).
  - Per the Police Commission and Chair's practice, there is a three-minute time limit per testifier per agenda item.
  - Individuals who have not registered to provide testimony will be given an opportunity to speak on an agenda item following speakers who have registered.

SPECIAL ASSISTANCE

IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH-SPEAKING PERSONS CONTACT THE OFFICE OF BOARDS AND COMMISSIONS AT (808) 241-4917 OR ADAVIS@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST. UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATIVE FORMATS, INCLUDING LARGE PRINT, BRAILLE, OR AN ELECTRONIC COPY.

REGULAR MONTHLY POLICE COMMISSION MEETING NOTICE AND AGENDA
Friday, October 23, 2026
9:00 a.m. or shortly after
4444 Rice Street, Moikeha Meeting Room 2A/2B, Līhu'e, Hawai'i 96766

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MEETING CALLED TO ORDER

ROLL CALL TO ASCERTAIN QUORUM

APPROVAL OF THE AGENDA

CHAIR'S ANNOUNCEMENTS:

- The next monthly meeting is scheduled for Friday, November 20, 2026, at 9:00 a.m. in the Moikeha Meeting Room 2A/2B, followed by an Executive Session. This schedule is subject to change.

PUBLIC TESTIMONY:

Individuals may testify on any agenda item now or wait until the item comes up.

KAUAI POLICE DEPARTMENT EMPLOYEES OF THE MONTH FOR SEPTEMBER AND OCTOBER 2026:

- Sworn and non-Sworn Employees in the Kauai Police Department (September)
- Michaelyn Ertata, Crime Scene Specialist III, and Dr. Christian Vlautin, Crime Scene Specialist III(October)

RECAP OF THE HAWAII STATE LAW ENFORCEMENT OFFICIALS CONFERENCE 70TH ANNUAL CONFERENCE, HOSTED BY THE STATE OF HAWAII DEPARTMENT OF LAW ENFORCEMENT SEPTEMBER 27-29, 2026, AT THE RITZ-CARLTON OAHU TURTLE BAY

PUBLIC HEARING:

- **DISCUSSION AND DECISION-MAKING ON THE PROPOSED RULE AMENDMENTS TO THE KAUAI POLICE COMMISSION RULES AND ADMINISTRATIVE PRACTICE AND PROCEDURE**

APPROVAL OF THE MINUTES:

- August 26, 2026, Open Session Meeting

CHIEF OF POLICE MONTHLY REPORTS FOR SEPTEMBER 2026 AND RECENT SIGNIFICANT INCIDENTS AND INVESTIGATIONS TO DATE:

- **Office of the Chief** – Notable Highlights, Special Projects, Community Engagement, Significant Meetings, Public Information Officer.
- **Support Services Bureau, Criminal Investigations Division, and Field Operations Division** – Budget Summary Estimate, Personnel Status, Recruitment Status, DARE Classes, KPAL Programs, Training Provided by Outside Agency: Off-Island, Training Provided by Kaua'i Police Department, Training Provided by Outside Agency: On-Island, Firearms Registered, Handgun Applications, Long Gun Applications, Licenses to Carry Applications, Crime Scene and Laboratory Section - Biometric Identification Facial and Ten Print, Crime Scene and Laboratory Section - Call Out Lab Request, YTD Death Statistics, Person Crimes Section Statistics, Person Crimes Section Enforcement, Property Crimes Section Statistics, Property Crimes Section Enforcement, Property Crimes Section Types, and Vice Section Statistics.
- **Preliminary Point & Time Data** – Crime Summary and Activity Summary
- **Agency Statistics** – Calls for Service/Incident Summary, Citation Summary, Arrest Summary, Legal Services, Warrant Type – All Divisions, and Warrant Tracking – All Divisions.

EXECUTIVE SESSION CLOSED TO THE PUBLIC

Under the 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 of the Kauai Police Department, with consideration of matters affecting privacy, provided that if the individual concerned requests an open meeting, an open meeting shall be held; and to consult with its attorney on issues related to the Commission's powers, duties, privileges, immunities, and liabilities as they may relate to these matters:

ES KPC 2026-1:

Regular Monthly updates by Chief of Police Rudy Tai 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 Commission and referred to the Office of the Chief for disposition and/or report back to the Police Commission.

- Discussion and possible action on an Investigation Report dated October 5, 2026, regarding Formal Notarized Complaint KPC 2026-03, which was received on July 17, 2026, by the Board Office and the Commission and referred to the Chief of Police for investigation. Date of Occurrence: the week of January 1, 2026, and the week of February 5, 2026. The complainant alleges that the Department failed to investigate the alleged criminal activities in a timely manner or refused to investigate them.

ES KPC 2026-2:
Regular Monthly updates by Chief of Police Rudy Tai or his designated representative of 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. **(Nothing to Report)**

ES KPC 2026-23:
Email dated September 29, 2026, forwarded to the Office of Boards and Commissions regarding a formal complaint that was filed with the Kauai Police Department concerning inaccurate information published by the Kauai Police Department on or About September 24, 2026, regarding the fatal traffic collision involving a bicyclist near Elepaio Road In Kekaha.

ES KPC 2026-24:
Two emails dated September 11, 2026, and September 19, 2026. Both emails were received by The Office of Boards and Commissions. The writer expressed concerns about an officer in the Kauai Police Department who suffers from mental health issues.

ES KPC 2026-25:
New formal charge/complaint KPC 2026-05, received by the Office of Boards and Commissions on September 30, 2026, regarding handling of a parent-time dispute and court-ordered time sharing. Date of occurrence: September 26, 2026.

ES KPC 2026-26:
Under Hawai'i Revised Statutes §§ 92-4, 92-5(a)(2), (a)(4), and 92-9(b), the purpose of this is for the Commission to approve or amend the Executive Session minutes of the August 28, 2026 meeting. Publishing the executive meeting minutes would undermine the lawful purpose of these meetings, including the reasons outlined in HRS §§ 92-5(a)(2) and (a)(4).

RETURN TO OPEN SESSION TO RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION

- Executive Session Report by Deputy County Attorney Kimberly Torigoe pursuant to HRS § 92-4(b).

EXECUTIVE SESSION: Under HRS § 92-7(a), the Commission may, when necessary, hold an executive session on any agenda item without prior written public notice if the item was not anticipated in advance. Any executive session shall be conducted in accordance with HRS § 92-4 and will be limited to the items specified in HRS § 92-5(a).

ADJOURNMENT

cc: Deputy County Attorney Kimberly Torigoe
Chief of Police Rudy Tai
Deputy Chief of Police Mark Ozaki

DRAFT to Be Approved

OPEN SESSION MEETING MINUTES

Board or Commission	**Kauai Police Commission**	Meeting Date	**August 28, 2026**
Location	**Moikeha Meeting Room 2A/2B** **4444 Rice Street, Lihue, Hawaii 96766**	Start of Meeting: 9:00 a.m.	End of Meeting: 11:43 a.m.
Present	Vice Chair Mary K. Hertog. Commissioners: Mia Ako, John Calma, Lisa Knutson, Walton Hong, and Patrick Higa. Also present: Boards and Commissions Staff: Administrator Ellen Ching, Deputy County Attorney Kimberly Torigoe, Support Clerk Mercedes Omo, and Kevin Mince. Office of the Chief: Chief of Police Rudy Tai, Deputy Chief of Police Mark Ozaki, Private Secretary; Officer of the Month August 2026: Kimberly Tamaoka. Office of Professional Standards: Lieutenant Kevin Gras. Public Information Officer Tiana Victorino; Support Services Bureau: Assistant Police Chief Makana Riveria; Operations Bureau Assistant Police Chief Darren Rose; Criminal Investigation Division: Police Captain Lance Okasaki; Person Crimes Section: Lieutenant Kennison Nagahisa; Technical Services Bureau: Police Captain Stacy Perreira; School Resource Officer: Sergeant Johnathan Anderson; Community Engagement: Sergeant Kunane Gayagas; Lihue District: Sergeant Brian Silva; Kawaihau District: Lieutenant/District Commander Christian Jenkins; Training Section: Lieutenant Aaron Lester; including some rank and file members in the Kauai Police Department. Public Safety Committee Chair: Councilmember Felica Cowden. Members of the public: Bruce Hart, Yelena Okhman, and David Hasselbeck. Gallup Representatives: Francis Coggins and Syke Perrin.		
Excused	Chair Laurie Yoshida		
Absent			

SUBJECT	DISCUSSION	ACTION
Meeting Called to Order/Roll Call to ascertain quorum	At 9:00 a.m., Vice Chair Hertog called the meeting to order. Chair Laurie Yoshida was absent with an excuse. Six (6) commissioners were present to conduct business.	
Approval of Agenda	Vice Chair Hertog called for a motion to approve the agenda.	Commissioner Hong moved to approve the agenda as circulated. Commissioner Ako seconded the motion, and the agenda was approved.

SUBJECT	DISCUSSION	ACTION
Chair's Announcement	The next monthly meeting is scheduled for Friday, September 25, 2026, at 9:00 a.m., in the Moikeha Meeting Room 2A/2B. Executive Session to follow. Subject to change.	
Public Testimony	Vice Chair Hertog called for public testimony, but no one offered it.	
Officer Jason Scalzo, KPD's Employee of the Month, August 2026	Reading the Commendation Report for Officer Jason Scalzo was Lieutenant/Kawaihau District Commander Christian Jenkins. Officer Scalzo was honored for his outstanding police work, initiative, and commitment to public safety. He led an operation that resulted in the arrest of nine individuals with outstanding bench warrants. His planning, tactical awareness, and attention to safety helped ensure the operation's success. He is known for his strong community connections and for sharing his knowledge and experience with fellow officers. His dedication, leadership, and willingness to take initiative show strong commitment to his fellow employees and the community. The Commissioners thanked Officer Scalzo for mentoring his fellow officers, his tactical ability, and his exemplary work with community members, and presented him with an orchid lei. Chief Tai commended Officer Scalzo for his outstanding proactiveness, knowledge of the community, and commitment to keeping the community safe, then presented him with a Certificate of Outstanding and Exemplary Service, a special pin, and a Kukui Nut lei.	

SUBJECT	DISCUSSION	ACTION
	Testimony: Councilmember/Public Safety Committee Chair Felicia Cowden and Kilauea resident. She thanked Officer Scalzo for his proactive policing. Being proactive sends a good message to the community. She thanked KPD's Public Information Officer for getting the news out to the community, which helps rebuild confidence. Bruce Hart- This is the most enjoyable time of the month for him. He is impressed with Officer Scalzo's ability to organize all this through informants without them communicating with each other. He is amazed by how much trust officers have within the community because the information they can give to officers often makes the difference. Too often, the public wants to speak up but is afraid because it might get leaked. Yelena Okhman – She's grateful to hear this good news because she's been meeting with so many people during her run for council who gave up on the idea that they were safe. We are strong, and the community needs to share information so we can do it well together. We must listen to each other and stay confident. Thank you for your encouragement. Officer Scalzo thanked Chief Tai, the Police Commission, and Lieutenant Christian Jenkins for nominating him, and the officers who came took part and did the work. It was a collaborative effort (Good Teamwork), and they will be doing another one next month.	
Recess	Vice Chair Hertog called for a five-minute recess.	

SUBJECT	DISCUSSION	ACTION
Gallup Presentation "The Voice of the Department " A copy of the PowerPoint presentation is on file with the Office of Boards and Commissions.	Gallup's Executive Team: Francis Coggins (Principal) based out of the Dallas, Texas Office and Syke Perrin (Senior Consultant) out of Chicago. The survey was conducted in June 2026 and is in the 3rd year of partnership. The survey compared KPD to 123 law enforcement agencies and global benchmarks. Gallup's Engagement Philosophy. Gallup is built on engagement science backed by decades of research; Gallup's tools and solutions have helped best-practice organizations achieve employee engagement levels more than three times those of workforces globally. Engagement growth tells a story of commitment and progress. Year-over-Year Progress: Double-digit growth; Officers' engagement is 3.37, up 0.33 from 3.04 in 2025. Engaged employees are 24%, up 19 pts from 5% in 2024; fully engaged employees grew nearly 5x. Actively Disengaged employees decreased to 30%, down 19 pts from 49% in 2024. Participation: 123 of 194 eligible employees completed the survey – a 63% overall response rate. Civilians were lower at 50%. By division, the Office of the Chief had 90% participation; the goal is 80% overall in future surveys. Trends by Tenure: ≤ 1 year: Highly engaged (honeymoon phase) 3-5 years: Lowest engagement; identified as critical to retention strategies. >10 years: High engagement and strong leadership.	

SUBJECT	DISCUSSION	ACTION
	Engagement Drivers: Recognition: Significant improvement; now above national law enforcement average. Materials/Equipment: Marked improvement. Feedback and Communication: Progress, but about 20% feel their opinions aren't heard. Best Friend at Work: Lowest-scoring item, typical for police departments, especially new hires. Qualitative Insights: Optimism: A quarter of responders are highly optimistic about new leadership. Areas for Improvement: Communication transparency, fairness, accountability, and retention. Performance Appraisals: Only 6% are satisfied with the current process, calling for modernization. Recommendations & Next Steps: Celebrate Progress: Share successes internally and with the community. Retention Focus: Conduct focus groups/interviews with 3–5-year officers to understand and address turnover risks. Targeted Action: Address pockets of lower engagement with tailored strategies. Feedback Loop: Improve follow-up on employees' suggestions to ensure voices are heard. Supervisor-Led Engagement: Supervisors to lead team discussions on survey results and action planning. Development Opportunities: Prioritize learning and growth opportunities, especially for mid-career officers. Closing and Next Steps: Commissioners thanked leadership and staff for the improvements. Future Actions: Chief Tai requested an update on next steps with Gallup and on internal strategies.	

SUBJECT	DISCUSSION	ACTION
	Questions clarified the survey methodology, engagement-level definitions, and best practices for retention. The discussion covered incentives used in other industries, such as incremental pay increases at milestone years. It encouraged slicing data by additional demographics (age, marital status, etc.). The Commission, along with Chief Tai, recognized KPD's leadership, supervisors, and collaboration with the union for driving positive change. <u>Public Testimony:</u> Councilmember/Public Safety Committee Chief Felicia Cowden – Commended Gallup for a great presentation and knows for sure that she speaks on behalf of the seven councilmembers. She appreciates KPD's leadership in stepping up and believes the Department's moving in the right direction. She shared that the Kilauea Neighborhood held its first neighborhood watch meeting and is working to build strength and happiness in the community. Bruce Hart – He's encouraged by the progress made. Often, slow growth is long-lasting and an endurance race. Although he expects KPD to reach its goals, he believes they must keep persevering. Running a police department, in his view, is somewhat like a family. It's a team effort, and when coaches engage and set a goal, the team wins. Deputy Chief of Police Mark Ozaki – Thanked Gallup for taking the time to come to Kauai and for giving the leadership credit, but he wants it to be clear that if it wasn't for having those weekly meetings with SHOPO and having those conversations, they want the Department to be better too, which is equal to what the Department wants.	

SUBJECT	DISCUSSION	ACTION
	He credits the senior officers and non-sworn employees who've been around for 20 years. KPD's leadership, in general, are all leaders and, at some point, have influence. He credits the union with wanting 2 years of weekly meetings. Their relationships were friendships before that. He may not have a best friend at KPD, but he has many good friends, and he hopes to keep it that way beyond his tenure as a police officer. Vice Chair Hertog, without putting Chief Tai on the spot, asked him to let the Commission know what the next step is he plans to take with Gallup or without Gallup, and to confirm that things will proceed, as he's on the right track and wants him to take it to the next level.	
Recess	At 10:36 a.m., Vice Chair called for a five-minute recess. At 10:45 a.m., the Vice Chair called the meeting back to order.	
Chief of Police Monthly Report for July 2026 and any recent significant incidents and investigations to date	• **Office of the Chief** – Notable Highlights, Special Projects, Community Engagement, Significant Meetings, Public Information Officer. • **Support Services Bureau, Criminal Investigations Division, and Field Operations Division** – Budget Summary Estimate, Personnel Status, Recruitment Status, DARE Classes, KPAL Programs, Training Provided by Outside Agency: Off-Island, Training Provided by Kaua'i Police Department, Training Provided by Outside Agency: On-Island, Firearms Registered, Handgun Applications, Long Gun Applications, Licenses to Carry Applications, Crime Scene and Laboratory Section - Biometric Identification Facial and Ten Print, Crime Scene and Laboratory Section - Call Out Lab Request, YTD Death Statistics, Person Crimes Section Statistics, Person Crimes Section Enforcement, Property Crimes Section Statistics, Property	

SUBJECT	DISCUSSION	ACTION
	Crimes Section Enforcement, Property Crimes Section Types, and Vice Section Statistics. • **Preliminary Point & Time Data** – Crime Summary and Activity Summary • **Agency Statistics** – Calls for Service/Incident Summary, Citation Summary, Arrest Summary, Legal Services, Warrant Type – All Divisions, and Warrant Tracking – All Divisions. In addition to his Monthly Reports, Chief of Police Tai highlighted the following: • Police efforts during Hurricane Lala – Officers and command staff were commended for their dedication and effective coordination with FEMA, public safety, fire, and EMS. Emphasis was on officer safety and community protection. Regular communication ensured timely information sharing and coordinated action. • Traffic safety achievements – traffic collision statistics are down 17% from the previous year. • Focus on education and prevention before enforcement; not all violations result in tickets – warnings are also issued. • Top accident causes: inattention, speed, alcohol/reckless driving. • Ongoing operations – impaired driving checks, seat belt enforcement, and community engagement. • Forensic summer internship Program; KPD hosted 9 participants, many from Chaminade pursuing criminal justice. Some interns gave positive feedback and expressed interest in returning to KPD. • KPD Cadets program. Currently, 10 applicants are undergoing the same testing as police officers. • Recruitment – All 8 recruits in the current class remain active and are performing well.	

SUBJECT	DISCUSSION	ACTION
	• Traffic Safety Concerns – A member of the public highlighted dangerous conditions near Waimea Bridge, especially during peak hours. Community concerns: • Traffic Safety Concerns – A member of the public highlighted dangerous conditions near Waimea Bridge, especially during peak hours. • Urged KPD to maintain proactive traffic control, reflecting widespread public anxiety about certain corridors. Public Testimony: Bruce Hart – He encouraged Chief Tai to remain proactive in improving traffic control performance.	
Business **OS KPC 2026-6**	<u>Discussion, deliberation, and possible action on recommendations to revise the Kauai Police Commission Rules on Administrative Practice and Procedure, including consideration of draft rule language, as follows:</u> • Table of Contents and renumbering • Rule 1-1: Definitions • Rule 2: General Powers and Organization of the Police Commission • Rule 3: Control, Management and Direction of the Department • Rule 4: Selection Process for the Chief of Police • Rule 5: Rules of Practice, Hearings • Rule 6: Public Information and Inspection • Rule 7: Adoption, Amendment or Repeal of Rules • Rule 8: Declaratory Ruling by the Commission • Rule 9: Cost of Rules	

SUBJECT	DISCUSSION	ACTION
	• NEW Rule 10: Public Charges Against the Conduct of the Department or any of its Members, Except the Chief of Police • NEW Rule 11: Public Charges, Discipline, and Removal of the Chief of Police Kevin Mince provided background on the rule revision efforts, which spanned more than 8 years and were delayed by leadership changes, elections, COVID-19, and administrative turnover. In 2023, the work resumed with a dedicated group focused on legal updates, including the Sunshine Law, charter changes, and user-friendly language. The Commission held five lengthy meetings to standardize and clarify the rules. After Mr. Mince's introduction, the Commissioners decided to address each rule one at a time. <u>Rule 1 Definitions:</u> To improve clarity, the Commission defined "charges" as synonymous with citizens' complaints submitted by the public regarding the Department's conduct or that of any of its members, including the chief of police. <u>Rule 2 General Powers and Organization of the Police Commission:</u> • Rule 2-2, updated MQ's for the chief of police from the County Charter. Testimony of the public is limited to 3 minutes. • Rule 2-8 replaces postponement with continuance to comply with the Sunshine Law. <u>Rule 3: Control, Management, and Direction of the Department:</u> To separate charges against employees and the chief of police, the Commission added a new Rule 10 and moved charges against the chief of police to a new Rule 11. Rule 3 (5) clarifies public access to contested	<u>Table of Contents:</u> Commissioner Ako moved to approve the recommended amendments to the Table of Contents and the renumbering. Commissioner Hong seconded the motion. The motion carried 6:0. <u>Rule 1-1: Definitions</u> Commissioner Knutson moved to approve the recommended amendments to Rule 1-1, without changes. Commissioner Ako seconded. The motion carried 6:0. <u>Rule 2: General Powers and Organization of the</u>

SUBJECT	DISCUSSION	ACTION
	case hearings. <u>Rule 4 Selection and Evaluation Processes for the Chief of Police:</u> Removes the 6-month evaluation of the chief of police. Evaluations will now occur at the end of the first year and annually. The new evaluation process will use a self-evaluation model. Three months before each evaluation, the chief of police will complete a 10-question self-assessment (6 core duties, 3 operations/outreach, 1 self-reflection). <u>Rule 5 Contested Case Hearing:</u> Eliminated excessive verbiage about the hearing process. Outlines due process for appeals. It was noted that contested cases are rare, possibly due to lack of public awareness. <u>Rule 6 Public Information, Rule 7 Adoption, Amendment, or Repeal of Rules, Rule 8 Declaratory Ruling by the Commission, and Rule 9 Cost of Rules.</u> Minor wording changes were made. The substance of the rules did not change. <u>New Rule 10 (Public Charges) addresses the conduct of the Department or any of its members, except the Chief of Police:</u> Clarifies who may file, which charges are considered, and the investigation methods. It specifies that only members of the public who have been personally or directly aggrieved by the Chief of Police's conduct may file a charge, with exceptions. Introduces 3 methods of investigating charges. <u>New Rule 11 (Chief of Police Discipline/Removal):</u> Specifies that only members of the public who have been personally or	<u>Police Commission.</u> **Motion No. 1:** Commissioner Hong moved to approve an amendment to Rule 2.8, replacing the term "postponement" with "continuance." Commissioner Ako seconded the motion. With no objections, the motion carried 6:0. **Motion No. 2:** Commissioner Ako moved to approve the remaining recommended amendments to Rule 2 without change. Commissioner Hong seconded the motion. With no objections, the motion carried 6:0. <u>Rule 3: Control, Management, and Direction of the Department.</u> **Motion No.1:** Commissioner Ako moved to approve and adopt the revisions to Rules 3-1(g)(5) and (c) proposed by Commissioner Hong. Commissioner Knutson seconded the motion. With no objections, the motion carried 6:0. **Motion No.2:** Commissioner Ako moved to approve Commissioner Hong's proposed amendments to Rule 3-2(n). Commissioner Higa seconded the motion. With no objections, the motion carried

SUBJECT	DISCUSSION	ACTION
	directly aggrieved by the Chief of Police's conduct may file a charge, with exceptions. The process now requires submitting charges against the Chief of Police in writing to the Office of Boards and Commissions rather than to the mayor. Next steps: The Commission must publish a public hearing notice 30 days before the next scheduled meeting. Public Testimony:	6:0. **Motion No.3:** Commissioner Ako moved to adopt Rule 3-2(n) as amended. Commissioner Knutson seconded the motion. The motion carried 6-0. <u>Rule 4: Selection and Evaluation Processes for the Chief of Police.</u> Commissioner Hong moved to approve the proposed rule-recommended amendments to Rule 4. Commissioner Calma seconded the motion. With no objections, the motion carried 6:0. <u>Rule 5: Contested Case Hearing.</u> Commissioner Knutson moved to approve the proposed rule-recommended amendments to Rule 5. Commissioner Ako seconded the motion. With no objections, the motion carried 6:0. <u>Rule 6: Public Information and Inspection, Rule 7: Adoption, Amendment, or Repeal of Rules, Rule 8: Declaratory Ruling by the Commission, and Rule 9: Cost of Rules.</u> Commissioner Hong moved to approve the proposed rule-recommended amendments to Rules 6, 7, 8, and 9. Commissioner Calma

SUBJECT	DISCUSSION	ACTION
		seconded the motion. With no objections, the motion carried 6:0. <u>New Rule 10: Public Charges Against the Conduct of the Department or any of its Members, Except the Chief of Police.</u> Commissioner Ako moved to approve the proposed rule-recommended language for Rule 10. Commissioner Hong seconded the motion. With no objections, the motion carried 6:0. <u>New Rule 11: Public Charges, Discipline, and Removal of the Chief of Police.</u> Commissioner Ako moved to approve the proposed rule-recommended language for Rule 11. Commissioner Hong seconded the motion. With no objections, the motion carried 6:0.
OS KPC 2026-8	<u>Discussion, deliberation, and possible action on recommendations regarding revisions to the Chief of Police's performance evaluation process, including the Chief of Police Self-Evaluation Form, the Police Commissioner's Performance Evaluation Outline, and the Chief of Police Performance Evaluation Form.</u> Vice Chair Hertog asked Mr. Kevin Mince to give a brief background and walk the Commissioners through the Police Commission's new chief of police evaluation process.	

SUBJECT	DISCUSSION	ACTION
	Mr. Mince - At the Commission's request, the Commission sought a better evaluation process for the chief of police. The current process, developed in 2017 by Commissioner Hertog and himself, created problems because it included both 6-month and 12-month evaluations, which required the Commissioners to submit written comments to Boards and Commissions. When comments disagreed or were incorrect, it delayed completion of the evaluation process. The new Chief of Police Evaluation process will provide an overview and instructions for the chief and the Commissioners. The evaluation process is based on Maui's self-evaluation model. Three months before the evaluation, the chief completes a 10-question self-assessment (6 core duties, 3 operations/outreach, and a self-reflection). The Commission will receive the self-evaluation and a matching outline to guide their notes. At the meeting, the Commissioners will discuss and produce a consolidated evaluation, then formally present it to the chief. The new process aims to foster open discussion and reduce delays caused by conflicting individual comments. The new form will take effect once the Commission adopts its rules.	Commissioner Knutson moved to approve the new Chief of Police Performance Evaluation Process form without amendments. Commissioner Calma seconded the motion, and the motion carried 6:0.
OS KPC 2026-9	<u>Discussion, deliberation, and possible action on recommendations to revise the Kauai Police Commission's formal complaint form.</u> The public complaint process was updated, and the complaint form and guidelines were revised for clarity and improved public understanding. Once the Commission approves and adopts the rules, it will post the complaint form on the Kauai Police Commission's County of Kauai webpage.	Commissioner Ako moved to approve the revised Kauai County Police Commission guidelines for filing charges and the revised Kauai Police Commission Formal Charge(s) Form without amendment. Commissioner Hong seconded the motion, and it carried 6:0.
Executive Session	Under the 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 of the Kauai Police Department, with consideration of matters affecting privacy, provided that if the	At 11:14 a.m., Deputy County Attorney Kimberly Torigoe began to cite the Hawaii Revised Statutes to take the meeting into Executive Session.

SUBJECT	DISCUSSION	ACTION
	individual concerned requests an open meeting, an open meeting shall be held; and to consult with its attorney on issues related to the Commission's powers, duties, privileges, immunities, and liabilities as they may relate to these matters:	
ES KPC 2026-1	Regular Monthly updates by Chief of Police Rudy Tai or his designated representative related to the Office of Professional Standards, Monthly Report on the status and/or disposition of formal notarized citizens complaints that were filed with the Kauai Police Commission and referred to the Office of the Chief for disposition and/or report back to the Police Commission. **(Nothing to Report)**	
ES KPC 2026-2	Regular Monthly updates by Chief of Police Rudy Tai or his designated representative of 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. **(Nothing to Report)**	
ES KPC 2026-18	New formal notarized complaint KPC 2026-03, received on July 17, 2026, by the Office of Boards and Commissions. Date of occurrence: the week of January 1, 2026, and the week of February 5, 2026. The complainant alleges the Department failed to timely investigate or refused to investigate the alleged criminal activities.	
ES KPC 2026-19	Under Hawai'i Revised Statutes §§ 92-4, 92-5(a)(2), (a)(4), and 92-9(b), the purpose of this is for the Commission to approve or amend the Executive Session minutes of July 24, 2026. Publishing the executive meeting minutes would undermine the lawful purpose of these meetings, including the reasons outlined in HRS §§ 92-5(a)(2) and (a)(4).	

SUBJECT	DISCUSSION	ACTION
ES KPC 2026-20	Under Hawaii Revised Statutes §92-4 (a), (b), §92-5 (a) (4), the purpose of this Executive Session is for the Commission to consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities as it may relate to agenda item OS KPC 2026-6. Discussion, deliberation, and possible action on recommendations to revise the Kauai Police Commission Rules on Administrative Practice and Procedure, including consideration of draft rule language, as follows: • Table of Contents and renumbering • Rule 1-1: Definitions • Rule 2: General Powers and Organization of the Police Commission • Rule 3: Control, Management and Direction of the Department • Rule 4: Selection Process for the Chief of Police • Rule 5: Rules of Practice, Hearings • Rule 6: Public Information and Inspection • Rule 7: Adoption, Amendment or Repeal of Rules • Rule 8: Declaratory Ruling by the Commission • Rule 9: Cost of Rules • NEW Rule 10: Public Charges Against the Conduct of the Department or any of its Members, Except the Chief of Police • NEW Rule 11: Public Charges, Discipline, and Removal of the Chief of Police	
ES KPC 2026-21	Under Hawaii Revised Statutes §92-4 (a), (b), §92-5 (a) (4), the purpose of this Executive Session is for the Commission to consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities as they may relate to agenda item OS KPC 2026-8. Discussion, deliberation, and possible action on	

SUBJECT	DISCUSSION	ACTION
	recommendations regarding revisions to the Chief of Police's performance evaluation process, including the Chief of Police Self-Evaluation Form, the Police Commissioner's Performance Evaluation Outline, and the Chief of Police Performance Evaluation Form.	
ES KPC 2026-22	Under Hawaii Revised Statutes §92-4 (a), (b), §92-5 (a) (4), the purpose of this Executive Session is for the Commission to consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities as they may relate to agenda item OS KPC 2026-9. Discussion, deliberation, and possible action on recommendations to revise the Kauai Police Commission's formal complaint form.	
Enter the Executive Session	Vice Chair Hertog called for a motion to enter the Executive Session. She noted that Commissioner Knutson had to leave, but there was still a quorum.	Commissioner Hong moved to enter the Executive Session. Commissioner Ako seconded the motion. At 11:19 a.m., the Commission entered the Executive Session.
Return to the Open Session/Ratify the actions taken in the Executive Session	At 11:38 a.m., the Commissioners reconvened in the Open Session. Vice Chair Hertog called on Deputy County Attorney Kimberly Torigoe to read the Executive Session Report pursuant to HRS §92-4 (b). ES KPC 2026-1: No discussion. Nothing to Report. ES KPC 2026-2: No discussion. Nothing to Report.	

SUBJECT	DISCUSSION	ACTION
	ES KPC 2026-18: The Commission addressed complaint ES KPC 2026-03, a notarized complaint the Office of Boards and Commissions received on July 17, 2026. The Commission voted to receive the complaint, referring it to a specially assigned member of the Department, designated by the Chief of Police, for investigation, and to report back to the Commission for appropriate action. The discussion is not subject to disclosure because it would undermine the purpose of the executive session under HRS 92-5 (a) (2) and (4). ES KPC 2026-19: The Commission voted to approve the executive session minutes of the July 24, 2026, meeting. The discussion is not subject to disclosure because revealing it would undermine the purpose of the Executive Session outlined in HRS §§ 92-5(a)(2), (4), and 92-9 (b). ES KPC 2026-20: No discussion. Nothing to Report. Item was addressed in Open Session. ES KPC 2026-21: No discussion. Nothing to Report. Item was addressed in Open Session. ES KPC 2026-22: No discussion. Nothing to Report. Item was addressed in Open Session.	Commissioner Calma moved to ratify the actions taken in the Executive Session. Commissioner Hong seconded the motion, and the motion carried 6:0.
Adjournment	There being no further business, Vice Chair Hertog called for a motion to adjourn the meeting.	Commissioner Hong moved to adjourn the meeting. Commissioner Calma seconded the motion. At 11:43 a.m., the meeting was adjourned.

Submitted by: _____ Reviewed and Approved by: _____
Mercedes Omo, Staff Support Clerk Mary K. Hertog , Vice Chair

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

KAUA‘I COUNTY POLICE COMMISSION
RULES ON ADMINISTRATIVE
PRACTICE AND PROCEDURE

AMENDMENTS APPROVED & ADOPTED ON

DATE

RULES ON ADMINISTRATIVE PRACTICE AND PROCEDURE FOR THE KAUA‘I COUNTY POLICE COMMISSION

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FORWARD

AUTHORITY

Article XI of the Kaua‘i County Charter specifies that there shall be a Police Department consisting of a Police Commission, a Chief of Police, and the necessary staff.

This article enumerates the powers, duties, and functions of the Police Commission and the Chief of Police. As authorized by Article XI, the following rules, processes and policies have been promulgated by the Police Commission to carry out its responsibilities.

MISSION STATEMENT

The Mission of the Kaua‘i Police Commission is to ensure that a competent Law Enforcement Professional occupies the position of Chief of Police, and that the Chief of Police is in command of an honest and effective police department that serves the people of the County of Kaua‘i.

RULE 1 DEFINITIONS

Rule 1-1 Definitions. Wherever used in these rules, the terms shall be taken to have the following meanings:

a. "Charter" shall mean the Charter of the County of Kauaʻi, State of Hawaiʻi.

b. "Charges" shall mean a written complaint submitted by the public to the Commission against the conduct of the Department or any of its members, including the Chief of Police.

c. "Chief of Police" shall mean the Chief of Police of the Department.

d. "Commission" shall mean the Police Commission of the County of Kauaʻi, State of Hawaiʻi.

e. "County" shall mean the County of Kauaʻi, State of Hawaiʻi.

f. "Department" shall mean the Police Department of the County of Kauaʻi, State of Hawaiʻi.

g. "Employees" shall mean personnel of the Department, other than police officers, as classified by the Department of Human Resources of the County of Kauaʻi, State of Hawaiʻi.

h. "Officers" shall mean regular and reserve police officers of the Department, as classified by the Department of Human Resources of the County of Kauaʻi, State of Hawaiʻi.

RULE 2 GENERAL POWERS AND ORGANIZATION OF THE POLICE COMMISSION

Rule 2-1 General Powers of the Commission. Per Section 11.03 of the Kauaʻi County Charter, the Police Commission shall:

a. Adopt such rules as may be considered necessary for the conduct of its business and for the regulation of matters relating to the goals and aims of the Department.

b. Review the annual budget prepared by the Chief of Police and may make recommendations thereon to the Mayor.

c. Receive, consider, and investigate charges brought by the public against the conduct of the Department or any of its members and submit a written report of its findings to the Chief of Police within ninety (90) days.

d. Refer all matters relating to the administration of the Department to the Chief of Police.

e. Adopt such rules to regulate political activities of the members of the Department.

Rule 2-2 Chief of Police. Per Section 11.04 of the Kaua‘i County Charter.

The Chief of Police shall have had a minimum of fifteen (15) years of training and experience in law enforcement, of which at least ten (10) years have been as a peace officer in a full-service, public sector, law enforcement agency, and at least three (3) of those ten (10) years have been performing management-level duties at the rank of lieutenant or higher. The Chief of Police shall have a bachelor's degree in administration of justice, business administration, public administration, or a similar administrative field.

Rule 2-3 Composition of Commission. The Commission shall consist of seven members as provided by the Charter of the County of Kaua‘i, State of Hawai‘i.

Rule 2-4 Administrative Services. The Commission shall request clerical and other support services from the Office of Boards and Commissions.

Rule 2-5 Election of Chair, Vice-Chair. The members of the Commission shall elect annually, in the month of December, a Chair and Vice-Chair to serve for the ensuing year. In the absence of the Chair at any meeting, the Vice-Chair shall preside over the meeting.

Rule 2-6 Transaction of Business. All transactions of business shall be conducted pursuant to Hawai‘i Revised Statutes, the Kaua‘i County Charter, and Robert's Rules of Order.

Rule 2-7 Special Committees. The Commission may conduct activities through the establishment of Special Committees pursuant to Hawai‘i Revised Statutes to address, research, and make recommendations on issues or projects before the Commission. Police Officers may be considered as members of such Special Committees at the Commission's discretion.

Rule 2-8 Commission Meetings. In general, regular meetings of the Commission shall be held once a month at a time, date, and location as may be determined by the Chair or, in the absence of the Chair, the Vice-Chair of the Commission. The meeting must be accessible by the general public. Special meetings may be held at the call of the Chair or the Vice-Chair. The Chair or Vice-Chair, or three or more members of the Commission, may consent to the continuance of any meeting to any other day within the following week.

Rule 2-9 Agenda. The Commission shall give public notice of any regular, special, or rescheduled meeting by filing the notice with the County Clerk and at the Office of Boards and Commissions for public inspection. The notice shall be filed at least six (6) calendar days before the meeting and shall include an agenda listing all the items to be considered at the forthcoming meeting, as well as the date, time, and place.

a. All items for the agenda shall be submitted to the Chair for placement on the agenda no later than 12 noon, four (4) business days before the agenda notice is filed. Subject to timeliness described herein, Commission members who wish to have items placed on the agenda shall contact the Chair. The Chair shall have the discretion to place items submitted after the deadline on the agenda of the

forthcoming meeting or hold such late items until the next scheduled meeting after the forthcoming meeting. The Chair shall be responsible for designating and approving the form and content of the agenda.

Rule 2-10 Testimony by Members of the Public. The Commission shall afford all interested persons an opportunity to submit data, views, or arguments, in writing, on any agenda item. The Commission shall allow all interested persons to present oral testimony on any agenda item.

a. Oral testimony from interested persons shall be limited to three (3) minutes, but such time limit shall not include pertinent responses by the speaker to questions posed by the members of the Commission. The Chair may grant an additional three (3) minutes to provide further testimony after all interested persons have had an opportunity to provide oral testimony.

b. The Commission is authorized to establish parameters to conduct an orderly, efficient, and productive meeting. Public statements or remarks of aggression or threats of violence will not be considered. Respectful communication will further the Commission's significant interest in conducting an orderly, efficient, and productive meeting. Any person who willfully disrupts a meeting to prevent or compromise the conduct of the meeting may be removed from the meeting.

Rule 2-11 Code of Conduct. The basic responsibility of the Commission is to ensure that a competent person occupies the position of Chief of Police, and that the Chief of Police operates an honest and effective Department.

a. The Commission is charged with responsibility and acts as a collective body. The individual Commissioners have no authority unless delegated by the Commission.

b. The Commission acts as a sounding board for the community through:

    1. Charges from citizens.

    2. Citizen suggestions.

c. The Commission may review and selectively support appropriate legislation and rules and regulations relating to law enforcement, and shall communicate these positions to the appropriate legislative or administrative body.

d. Police Commissioners shall maintain high standards of conduct and not behave in a manner that brings discredit upon the Commission and the Department.

e. The Commission collectively, and each Police Commissioner individually, shall embody the spirit and principles of the Sunshine Law, and shall avoid any appearance of secretiveness. Meetings and agendas shall be publicized so that the public and media are informed of impending issues.

f. The Commission shall strive for the release of information to the public through the media, as long as the release of this information does not violate the privacy rights of individuals to whom the information pertains and does not interfere with effective law enforcement.

g. The Chief of Police is charged with the responsibility of managing the Department. Individual Commissioners shall not interfere or give the appearance of interfering with said authority.

RULE 3 CONTROL, MANAGEMENT, AND DIRECTION OF THE DEPARTMENT

Rule 3-1 Specific Powers, Duties and Responsibilities of the Commission.

a. Oversight of the Chief of Police. To fulfill its oversight obligations, the Commission shall evaluate the Chief of Police's management and leadership of the Department. The Commission may require reports on the affairs and condition of the Department. Commission oversight shall be achieved through ongoing communication between the Chief of Police and the Commission on operational, administrative, and personnel matters.

    1. The Chief of Police shall not withhold information from the Commission merely because it casts the Department, Departmental employees, or the Chief of Police in a negative light. Doing so may be grounds for disciplinary action.

    2. An exception shall be made for ongoing criminal investigations as well as internal employment investigations until appropriate. However, the Chief of Police shall advise the Chair and/or the Vice-Chair of such instances when an investigation occurs and request that the sensitive information not be shared with the entire Commission until appropriate.

b. Goals and Objectives of the Department. The Commission shall adopt such rules as it deems necessary for the conduct of its business and the regulation of matters related to the Department's goals and objectives.

c. Advisory Powers. The Commission may pass advisory resolutions concerning matters exclusively within the authority of the Chief of Police. However, in such cases, the Chief of Police shall not be bound by any such advisory resolution.

d. Administration. Except for purposes of inquiry, neither the Commission nor its individual members shall interfere in any way with the administrative affairs of the Department administered by the Chief of Police.

e. Commission and Commissioner Inquiries. All Commission inquiries shall be initially submitted to the Chief of Police, Deputy Chief of Police, or the appropriate Bureau Commander. Should an inquiry prove to require substantial Departmental work hours, the Chair shall be informed of the inquiry by either the Chief of Police or their designee so that the matter can be put on the floor for a vote as to whether the topic should be pursued.

f. Performance of Duty. The Commission shall determine whether the acts of a police officer, for which they are being prosecuted or sued, were done in the performance of duty, to entitle them to be represented by legal counsel provided by the County.

g. Request for Legal Representation.

1. Procedure for Requesting Legal Counsel. If a police officer desires legal representation to be provided by the County in civil or criminal proceedings initiated against the police officer, they shall submit a written request to the Commission after being formally charged in the pending criminal matter or served in the pending civil matter.

2. Action by the Commission. Upon receipt of the police officer's written request, the Commission shall request that the Chief of Police or their authorized designee submit a written report to the Commission informing the Commission of the status of the Department's investigation concerning the facts underlying the matter in which the officer is seeking legal representation from the County.

    a. The written report shall include all relevant police report(s).

    b. The report shall be submitted to the Commission within thirty (30) calendar days of the Commission's request.

    c. The Commission may determine whether good cause or extraordinary circumstances exist to extend the time for submitting the report.

3. Consultation with the County Attorney. Before making a determination of whether an act for which the police officer is being sued or prosecuted was performed in the course of duty, the Commission shall consult with the County Attorney and seek the County Attorney's recommendation.

4. Decision of Commission. The Commission may allow the police officer to appear before the Commission and discuss their request for representation, so long as the police officer is made aware that any comment they make can be used against them in a legal proceeding. All discussions concerning the police officer's request for legal representation shall be discussed as required by law. The Commission's decision on whether to grant or deny the police officer's request for legal representation shall be announced as required by law.

    a. The Commission shall subsequently inform the police officer of its decision in writing.

    b. The Commission shall inform the police officer of the right to have a contested case hearing as required by law.

    c. Any police officer aggrieved by the Commission's decision may, within fifteen (15) calendar days of the issuance of the Commission's decision, request in writing a contested case hearing. Upon receipt of a timely request, the Commission shall

subsequently hold a contested case hearing pursuant to the procedures set forth in Rule 5 and the Hawai‘i Revised Statutes, Chapter 91.

d. If the police officer fails to submit a timely request for a contested case hearing within fifteen (15) calendar days of the issuance of the Commission's decision, the contested case hearing shall be deemed waived, and the Commission may deny the police officer's request.

5. Contested Case Hearing.

a. The contested case hearing shall be conducted by the Commission pursuant to the procedures set forth in Rule 5 and the Hawai‘i Revised Statutes, Chapter 91.

b. The police officer requesting representation shall have the burden of proof, including the burden of producing evidence and the burden of persuasion by a preponderance of the evidence.

c. The contested case hearing shall be open to the public; after providing notice that a compelling interest may necessitate the closure of the proceeding and affording the public an opportunity to be heard, the contested case hearing may be closed. The Commission shall enter findings on the record that the public's right of access is outweighed by an overriding interest, and that closure is essential to preserving that interest.

Rule 3-2 Powers, Duties, and Responsibilities of the Chief of Police.

In accordance with the laws of the State of Hawai‘i and the Charter of the County of Kaua‘i, the Chief of Police shall:

a. Act as administrative head of the Department.

b. Appoint the necessary staff for the Department for which appropriations have been made.

c. Supervise, manage, and control all employees and police officers of the Department.

d. Discipline or remove any police officer or employee of the Department pursuant to all applicable laws.

e. Assign and reassign the duties of any police officer or employee of the Department.

f. Make all personnel actions concerning police officers or employees of the Department as provided by law.

g. Train, equip, maintain, and supervise the police officers and employees of the Department.

h. Preserve the peace, prevent crime, detect and arrest offenders, protect personal property rights, enforce the law, and prevent violations of law.

i. Serve process in both civil and criminal proceedings.

j. Make annual reports to the Commission as to the state of affairs and condition of the Department as well as such other reports as the Commission shall request, within its authority.

k. Exercise such other powers or duties as may be provided by law, contained within the Charter or assigned by the Commission.

l. Adopt rules and regulations necessary to implement the powers, duties, and responsibilities of the Chief of Police set forth in Rule 3-2.

m. Make a monthly report at each Commission meeting to inform the Commissioners of significant incidents, issues, and opportunities involving the Department.

n. As soon as practicable, after gathering all available factual information, notify the Commission Chair and/or Vice-Chair and Mayor/Managing Director of any event involving the discharge of a firearm, on or off duty, that results in death, serious or life-threatening injuries, or hospitalization of any Department employee, police officer, or other person.

For purposes of this section, discharge of firearms does not include weapons training, recreational use of a firearm, hunting, or use in military service.

Rule 3-3 Collective Bargaining Agreements. All of the powers, duties and responsibilities of the Commission and the Chief of Police enumerated in these rules shall be subject to and in conformity with any collective bargaining agreements existing between the police officers or employees of the Department and/or the County.

Rule 3-4 Political Activities. All members, police officers, and employees of the Department, including, but not limited to, the Commission, shall comply with all State and Federal laws regulating political activities of government employees.

RULE 4 SELECTION AND EVALUATION PROCESSES FOR THE CHIEF OF POLICE

Rule 4-1 General Powers of Appointment. The Commission shall appoint the Chief of Police.

Rule 4-2 Qualifications for Chief of Police. Section 11.04 Kaua'i County Charter states the minimum qualifications for the Chief of Police to be: fifteen (15) years of training and experience in law enforcement, of which at least ten (10) years have been as a peace officer in a full-service, public sector, law enforcement agency, and at least three (3) of those ten (10) years have been performing management-level duties at the rank of lieutenant or higher. The Chief of Police shall have a bachelor's degree in administration of justice, business administration, public administration, or a similar administrative field.

In addition to the minimum qualifications set by the Charter, the Commission determines that a successful applicant for Chief of Police shall possess the desired skills, knowledge, and ability to perform the Essential Duties and Responsibilities set forth in the County Department of Human Resources job description for the Chief of Police as adopted by the Commission.

Rule 4-3 Selection Process.

a. Hiring of a Consultant. The Commission may choose to hire a consultant to assist with the recruitment and selection of a Chief of Police. Should the Commission choose to hire a consultant, the Commission shall follow the procurement procedures set forth under the Hawai‘i Revised Statutes and any other applicable State statutes and County ordinances.

b. Selection of Semi-Finalists and/or Finalists. In the event that there are multiple applicants for the position of Chief of Police, the Commission may choose to narrow down the list of applicants to semi-finalists and/or finalists. The interviews and/or selections of such semi-finalists and/or finalists shall be conducted in open session unless contrary to the law. The Commission shall decide how to interview and make the selection of the semi-finalists and/or finalists.

c. Assessment by Consultant. In the event a consultant conducts an assessment of any of the finalists, the Commission shall not participate in the assessment. The consultant shall provide the Commission with the following:

    1. Name of eliminated candidates.
    2. Rationale for eliminated candidates.

d. Selection of Final Candidate. Following the interviews with the finalists, the Commission shall vote on a final candidate to whom it shall extend a conditional job offer. The said vote shall take place in open session unless contrary to the law.

e. Follow-up Requirements. Following the extension of the conditional job offer, the Commission shall require the final candidate to undergo mandatory follow-up examinations as required by the Department and consistent with State and Federal laws.

f. Final Job Offer. Once the Commission has approved the candidate as the new Chief of Police, and the candidate has accepted the Offer of Employment as the new Chief of Police, the terms of employment shall be set forth in the Offer of Employment letter.

Rule 4-4 Salary of the Chief of Police. The Commission shall determine the initial salary of any new Chief of Police and determine any subsequent increases in salary consistent with the County Salary Resolution and applicable law.

Rule 4-5 Evaluation of Performance. The Chief of Police’s performance shall be subject to on-going evaluation on a performance evaluation form duly adopted by the Commission. The Chief of Police serves at the Commission’s pleasure and is not subject to a probationary period.

a. First Year Evaluation. Twelve (12) months from the date of hire, the Commission shall evaluate the Chief of Police's first-year performance according to the process described below:

   1. The Commission shall place on its agenda a notice to commence the Chief of Police's First Year Performance Evaluation process approximately three (3) months prior to the Chief of Police's first employment anniversary date.

b. Annual Evaluation. Following the First Year Performance Evaluation, the Commission shall evaluate the Chief of Police's performance once a year, at the end of the fiscal year or soon thereafter. The evaluation period shall encompass the fiscal year immediately preceding the performance evaluation.

   1. If the Chief of Police's First Year Performance Evaluation occurs within six (6) months of the end of the fiscal year, the Commission may elect not to conduct an additional annual performance evaluation during that fiscal year. In such an event the next annual performance evaluation shall be conducted during the following fiscal year.

   2. The Commission shall place on its agenda a notice to commence the Chief of Police's Annual Performance Evaluation process at the April Commission meeting, or as soon as possible. The Chief of Police's Annual Performance Evaluation will be placed on the agenda for the Commission's July meeting, or soon thereafter.

c. Other Input. The Commission may seek input into the Chief of Police's performance from the following:

   1. The Mayor and Managing Director,

   2. Other stakeholders in the government and private sector, including, but not limited to: elected officials, heads of various county departments, public safety peers, and labor union representatives.

d. Consolidated Evaluation. The Chair, Vice-Chair, a designated Commissioner, or the Office of Boards and Commissions shall prepare a consolidated performance evaluation based upon the input of the Commission and assessment of the Chief of Police's performance.

   The consolidated Performance Evaluation with the consolidated input of all Commissioners shall be provided to each Commissioner before a Commission meeting at which the Chief of Police's performance is to be discussed. Commissioners shall review and discuss the consolidated Performance Evaluation Form. The Commission may revise the consolidated evaluation as necessary. Following discussion and any revisions, the Commission shall adopt the consolidated performance evaluation.

e. Discussion with Chief of Police. Following the Commission's approval of the evaluation, the Chair or Vice-Chair shall meet with the Chief of Police to present the Performance Evaluation Form and discuss their performance. The Chair or Vice-Chair shall provide the Chief of Police with a copy of the Commission's evaluation.

f. Performance Improvement Required. If at any time, the Chief of Police's performance does not meet expectations, a Performance Improvement Plan shall be prepared that incorporates:

1. Areas of concern;

2. Observations, previous discussions, or counseling;

3. Improvement goals and required actions;

4. Resources needed to complete improvement activities;

5. Management support;

6. Follow-up and timeline with level of progress expected at each review point; and

7. Consequences of failure to reach or maintain performance standards.

Rule 4-6 Continuity of Command.

It is vital that there be a process to clearly define the powers of the Commission and the Chief of Police, ensuring there is always a single person in command of the Department when the Chief of Police is absent from their office.

The following rules regarding the appointment of an Acting Chief of Police and an Interim Chief of Police are promulgated to ensure continuity of command.

Powers of the Commission and the Chief of Police.

a. Police Commission. As stated in the County Charter, Article XI, Section 11.04, the Commission has the sole power to appoint the Chief of Police. The power to appoint the Chief of Police does not grant the Commission the authority to appoint an Acting Chief of Police, as defined below in Rule 4-7 a.

b. Chief of Police. The Chief of Police has the sole power to appoint an Acting Chief of Police during their routine absence as defined below in Rule 4-7 b.

c. General Rule. As a general rule, whenever there is a Chief of Police who is receiving compensation from the County of Kaua'i, regardless of whether they are actively performing their duties, only they can appoint an Acting Chief of Police as defined below in Rule 4-7 b.

Conversely, whenever the Office of the Chief of Police is vacant due to an action by the Chief of Police or the Commission, the Commission may appoint an Interim Chief of Police.

Rule 4-7 Acting Chief of Police.

a. Acting Chief of Police Defined. An Acting Chief of Police is a sworn police officer of the Department who is appointed by the Chief of Police to assume the duties of Department Head during their absence. It is recommended that the Acting Chief of Police meet the minimum Charter requirements for Chief of Police.

b. Absences.

1. Appointment of the Acting Chief of Police. When the Chief of Police is absent from their office for operational or personal reasons with a known return to duty date, the Chief of Police uses the Departmental procedures to appoint an Acting Chief of Police.

   The Commission is not involved in this process.

2. Notification. An email notification shall be made to the Commission Chair and Vice-Chair, and the Mayor and Managing Director of their absence and return date, and the person appointed as Acting Chief of Police.

c. Other Conditions. An Acting Chief of Police who assumes the duties and authority of the Chief of Police shall be subject to the Commission's Rules on Administrative Practice and Procedure to the same extent as the Chief of Police.

Rule 4-8 Interim Chief of Police.

a. Interim Chief of Police Defined. An Interim Chief of Police is an individual who meets the minimum Charter requirements for Chief of Police, and who is appointed by the Commission to head the Department.

   For all intents and purposes, an Interim Chief of Police is the Chief of Police. That person occupies the position to serve at the pleasure of the Commission until a new permanent Chief of Police is hired, or the Chief of Police returns to duty.

b. Conditions for Appointing an Interim Chief of Police. To maintain continuity of command, the Commission will appoint an Interim Chief of Police during any period when the position of Chief of Police is vacant. The position is considered vacant when the Chief of Police:

1. Resigns;
2. Is removed;
3. Abandons position (Commission shall contact the Department of Human Resources for guidance);
4. Dies;
5. Is absent from their position, and no Acting Chief of Police was appointed; or
6. Any other time when the Chief of Police is not receiving financial compensation from the County.

c. Selection of Interim Chief of Police. In its selection of an Interim Chief of Police, the Commission may utilize two (2) courses of action:

1. From Within the Department. The Commission may select and appoint an active member of the Department as Interim Chief of Police until a new permanent Chief of Police is hired, or the Chief of Police returns to duty.

   In its selection of an Interim Chief of Police from within the Department, the Commission shall utilize the criteria:

   a. The Department's chain of command will be followed.

   b. The employee next to the chain of command accepts the position.

   c. No cause exists to exclude the employee from assuming the position.

   d. In the event that no member of the Department agrees to accept the position of Acting Chief of Police, the Commission shall appoint the highest ranking, most qualified member who meets the minimum Charter requirements for the Chief of Police, as Interim Chief of Police.

2. From Outside of the Department.

   If circumstances exist that require the Commission to place an Interim Chief of Police in command of the Department, the Commission may opt to select and appoint an individual who has never been a member of the Department under the following conditions:

   a. The Commission determines that the candidates from within the Department's chain of command are not suitably qualified to assume the position of Interim Chief of Police.

   b. In its selection of an Interim Chief of Police from outside of the Department, the Commission shall seek and give preference to former top-tier law enforcement executives with experience as the Chief of Police, Deputy Chief of Police, or senior police management-level (or its equivalent).

d. Other Conditions. All other conditions as stated in Rule 4-7 c. shall apply to the Interim Chief of Police.

RULE 5 CONTESTED CASE HEARING

Rule 5-1 Applicability.

a. A petitioner shall be entitled to a contested case hearing only if the right to a contested case hearing is provided by applicable law or by these rules.

b. A contested case hearing shall be conducted upon motion of the Commission in accordance with these rules and Hawai‘i Revised Statutes, Chapters 91 and 92.

c. Any person aggrieved by a final action after the Commission determines that person's legal rights, duties, or privileges, may petition the Commission for a contested case hearing in accordance with the rules.

d. These rules shall be construed to be consistent with Chapters 91 and 92, Hawai'i Revised Statutes. If any provision of these rules is inconsistent with Chapters 91 and 92, Hawai'i Revised Statutes, the applicable statutory provision shall prevail.

Rule 5-2 Petition. A petition for a contested case hearing shall be filed with the Office of Boards and Commissions and shall include the following:

a. The petitioner's name, mailing address, telephone number, and email address,

b. A statement describing the petitioner's interest in the matter and the reasons for requesting a contested case hearing,

c. A complete and concise statement of the relevant facts and issues giving rise to the petitioner's request including:

1. The date and nature of the Commission's action or decision being challenged;

2. The legal and factual grounds upon which the request is based; and

3. A summary of the factual circumstances giving rise to the dispute.

d. A statement of the specific relief requested.

e. A request that the Commission grant a contested case hearing, and

f. The petitioner shall sign the petition and certify that the information contained therein is true and correct to the best of the petitioner's knowledge and belief.

Rule 5-3 Review of Petition. Petitions for a contested case hearing shall be reviewed by the Commission. The Commission may reject any petition that does not conform to the requirements outlined in Rule 5-2. The Commission may grant a contested case and set for hearing, grant a contested case with modification and set for hearing, or deny a contested case hearing at the regular meeting following receipt of the petition. The Commission shall provide written notice of a denial of a petition to the petitioner within a reasonable time after the Commission's denial. All other notices will be done pursuant to law.

Rule 5-4 Notice. If the Commission determines that a contested case hearing will be held, the Commission, or its designee, shall provide written notice of the hearing to all parties within fifteen (15) days prior to the hearing. Notice shall be served by registered or certified mail with return receipt requested, or by any other method authorized by law. The notice shall include, where applicable, a statement of:

a. The date, time, place, and nature of hearing;

b. The legal authority under which the hearing is to be held;

c. The particular sections of the statutes and rules involved; and

d. A statement in plain language of the issues involved and the facts alleged by the Commission in support thereof; provided that if the Commission is unable to state such issues and facts in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved, and thereafter, upon application, a bill of particulars shall be furnished.

An individual may appear on the individual's own behalf. A corporation, trust, partnership, association, governmental entity, or other organization may appear through an officer, member, or employee authorized to act on its behalf, to the extent permitted by law. Any party may be represented by an attorney.

Rule 5-5 Procedure, Rules. In a contested case hearing, the following rules and procedures shall apply:

a. The Commission or the Master(s), if one is appointed, shall determine the order in which the parties to the proceeding shall present their case to the Commission or Master(s).

b. Opportunity shall be afforded to all parties to present evidence and arguments on all issues involved.

c. Every party to the proceeding shall have the right to conduct cross-examination as may be required for a full and true disclosure of the facts; and shall have the right to submit rebuttal evidence.

d. Any oral or documentary evidence may be received by the Commission and the strict rules of evidence shall not be applicable; however, irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

e. Documentary evidence may be received in the form of copies of excerpts, if the original is not readily available; provided that upon request, parties shall be given an opportunity to compare the copy with the original.

f. The Commission shall give effect to the rules of privilege recognized by law.

g. The Commission may take notice of judicially recognizable facts. In addition, the Commission may take notice of generally recognized technical or scientific facts within its knowledge; but parties to the proceedings shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed.

h. Any procedure in a contested case may be modified or waived by stipulation of the parties and informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

i. No matters outside the record shall be considered by the Commission in making its decision except as provided herein.

j. A contested case hearing shall be held pursuant to law. However, any privileged dialogue between the Commission and the Office of the County Attorney advising the Commission shall be held in executive session.

Rule 5-6 Decision and Order. Every final decision and order rendered by the Commission in a contested case, shall be in writing and shall be accompanied by separate findings of fact and conclusions of law. If any party to the proceeding has filed proposed findings of fact, the Commission shall incorporate in its decision a ruling upon each proposed finding so presented. Parties to the proceeding shall be notified by delivering or mailing a certified copy of the decision and order and accompanying findings and conclusions within thirty (30) days to each party or to their attorney of record. The decision and order of the Commission shall be announced in open session.

Rule 5-7 Consultation by Commissioner. No Commissioner participating in the decision of a contested case shall consult with any person regarding an issue of fact unless all parties have received notice and an opportunity to participate, except as otherwise authorized by law for the disposition of ex parte matters.

Rule 5-8 Appeals. Any person aggrieved by the final decision and order of the Commission in a contested case hearing may seek judicial review or any other remedy authorized by applicable law.

RULE 6 PUBLIC INFORMATION AND INSPECTION

Rule 6-1 Obtaining Information. The public may obtain information on matters within the jurisdiction of the Commission by inquiring in person, during regular business hours, at the Office of Boards and Commissions, or by submitting a written request to the Office of Boards and Commissions.

Rule 6-2 Public Inspection of Rules. All rules of the Commission including the adoption, amendment, or repeal thereof, are available for public inspection during regular business hours at:

a. Office of Boards and Commissions

b. Office of the County Clerk

c. Office of the Lieutenant Governor

Rule 6-3 Public Inspection of Statements of Policy and Interpretation. All written statements of policy or interpretation formulated, adopted, or used by the Commission in the discharge of its functions and all final opinions and orders of the Commission are available for public inspection at the Office of Boards and Commissions during regular business hours.

Rule 6-4 Public Information and Inspection Prohibited. Matters within the jurisdiction of the Commission, including confidential information, written statements of policy or interpretation formulated, adopted, or used by the Commission in the discharge of its functions, may be withheld from the public where permitted by law.

RULE 7 ADOPTION, AMENDMENT OR REPEAL OF RULES

Rule 7-1 Method of Adopting, Amending or Repealing of Rules. The rules adopted, amended or repealed by the Commission shall be made in accordance with the following procedure:

a. Prior to the adoption, amendment or repeal of any rule, a public hearing shall be held by the Commission. At least thirty (30) days' notice shall include a statement of the substance of the proposed rule, and of the date, time, and place where interested persons may be heard thereon. The notice shall be mailed to all persons who have made a timely written request to the Commission for advance notice of its rule-making proceedings and shall be published at least once in a newspaper of general circulation.

   All interested persons shall be afforded an opportunity to submit data, views, or arguments orally or in writing. The Commission shall fully consider all written and oral submissions respecting the proposed rule. The Commission may make its decision at the public hearing or announce then the date as to when it intends to make its decision. Upon adoption, amendment, or repeal of a rule, the Commission shall, if requested to do so by an interested person, issue a concise statement of the principal reasons for and against its determination.

b. Notwithstanding the foregoing, if the Commission determines that an imminent peril to the public health, safety or morals requires adoption, amendment or repeal of a rule, the Commission may proceed without notice of a hearing or less than thirty (30) days' notice of hearing. The Commission shall state in writing its reason for such finding, and it may proceed without prior notice or hearing upon such abbreviated notice and hearing as it finds practicable to adopt an emergency rule.

Rule 7-2 Filing. Certified copies of the rules adopted, amended, or repealed by the Commission shall be filed forthwith with the County Clerk, and as may be otherwise required by law for the filing of rules for the Office of Boards and Commissions.

Rule 7-3 Effective Date of Rules. The adoption, amendment, or repeal of any rule by the Commission shall become effective:

a. Ten (10) days after filing of the rules with the County Clerk; provided that if a later effective date is required by statute or specified in the rule, such later date shall be the effective date. However, no rule shall specify an effective date more than thirty (30) days after the filing of the rule as provided herein.

b. An emergency rule shall be effective, upon filing with the County Clerk, for a period of not longer than one hundred twenty (120) days without renewal unless extended in compliance with the provisions of subsections a. and b. of Rule 7-1, if

the Commission finds that immediate adoption of the rule is necessary because of imminent peril to the public health, safety, or morals. The Commission's findings and brief statement of the reasons therefore shall be incorporated in the rule as filed. The Commission shall make an emergency rule known to persons who will be affected by it by publication at least once in a newspaper of general circulation within five (5) days from the date of filing of such rule.

Rule 7-4 Petition. Any interested person may petition the Commission for the adoption, amendment, or repeal of any Commission rule. The petition shall be submitted in duplicate and delivered to the Office of Boards and Commissions.

Rule 7-5 Form, Contents, and Rejection of Petition. The petition need not be in any special form but it must contain:

a. A statement of the nature of each petitioner's interest.

b. A draft of the substance of the proposed rule or amendment and/or a designation of the provisions sought to be repealed.

c. An explicit statement of the reasons in support of the proposed rule, amendment or repeal.

d. Any other information relevant to the petition.

e. The name, address, and telephone number of each petitioner.

f. The signature of each petitioner.

The Commission may reject any petition that does not conform to the requirements set forth hereinabove.

Rule 7-6 Processing of Petition. Upon receipt of the petition, the Commission shall cause it to be dated to determine the date of submission. The Commission shall notify the petitioners of the date, time, and place when the Commission shall consider the petition and the petitioner's privilege of personal appearance, with or without counsel, and the privilege of presenting evidence in support of the petition.

Rule 7-7 Consideration of Petition. Within ninety (90) days after the receipt of the petition, the Commission shall either deny the petition in writing, stating its reason for such denial, or initiate proceedings in accordance with Rule 7-1, for the adoption, amendment or repeal of the rule, as the case may be.

RULE 8 DECLARATORY RULING BY THE COMMISSION

Rule 8-1 Petition. Any interested person may petition the Commission for a declaratory order as to the applicability of any statute or of any rule or order of the Commission.

Rule 8-2 Form, Contents, and Rejection. The petition shall be submitted in duplicate to the Office of Boards and Commissions. The petition need not be in any special form, but it shall contain:

a. A statement of the nature of each petitioner's interest, including reasons for the submission of the petition.

b. A designation of the specific provisions, rules, or order in question.

c. A complete statement of the relevant facts.

d. A statement of the position or contention of the petitioner.

e. A memorandum of authorities, containing a full discussion of the reasons, including any legal authorities, in support of such position or contention.

f. The name, address, and telephone number of each petitioner.

g. The signature of each petitioner.

Any petition that does not conform to the foregoing requirements may be rejected by the Commission.

Rule 8-3 Processing of Petition. The petition shall be processed in the manner provided by Rule 7-6.

Rule 8-4 Non-issuance of Declaratory Order. The Commission may for good cause refuse to issue a declaratory order. Without limiting the generality of the foregoing, the Commission may refuse where:

a. The question is speculative or purely hypothetical and does not involve an existing situation or one which may reasonably be expected to occur in the near future.

b. The petitioner's interest is not of the type that would give them standing to maintain an action in a court of law.

c. The issuance of the declaratory order may adversely affect the interest of the County in any litigation which is pending or may reasonably be expected to arise.

d. The matter is not within the jurisdiction of the Commission.

Rule 8-5 Consideration of Commission. Within forty-five (45) days, after a hearing is held in the manner provided for by Rule 7-7, the Commission shall either deny the petition, stating its reasons therefore, or issue a declaratory order. Upon the disposition of the petition, the petitioner shall by promptly notified by the Commission.

RULE 9 COST OF RULES

Rule 9-1 Cost. Compilation and supplements of these rules shall be made available free of charge upon request by State officers in the case of a State agency and by county

officers in the case of a county agency. Copies may also be made available, free of charge, to agencies of the federal government or of other states that have a need for the rules. As to all other persons, the price for copies of these rules shall be charged in accordance with prices set forth by the Office of the County Clerk, County of Kaua‘i.

RULE 10 PUBLIC CHARGES AGAINST THE CONDUCT OF THE DEPARTMENT OR ANY OF ITS MEMBERS, EXCEPT THE CHIEF OF POLICE

Rule 10-1 Overview.

a. Applicability. This rule applies to charges brought by a member of the public against the conduct of the Department or any of its members, except the Chief of Police.

1. Charges against the Chief of Police shall be addressed pursuant to the procedures set forth in Rule 11.

2. Only a member of the public who has been personally or directly aggrieved by the conduct of the Department or any of its members may file a charge, except that:

a. A parent or legal guardian may file a charge on behalf of a minor under eighteen (18) years of age;

b. A personal representative may file a charge on behalf of a deceased person;

c. A legal guardian, conservator, or agent acting under a valid power of attorney may file a charge on behalf of a person who is physically or mentally unable to file a charge;

d. A person otherwise authorized by law or court order to act on behalf of the aggrieved individual may file a charge.

3. A person filing a charge on behalf of another person pursuant to this section shall submit, together with the Kaua‘i Police Commission Formal Charge(s) Form, documentation demonstrating the person’s authority to act on behalf of the person on whose behalf the charge is filed.

b. Filing of Charges – Requirements. All charges against the conduct of an employee and/or the Department shall be filed with the Office of Boards and Commissions.

1. Charges shall be in writing on the Kaua‘i Police Commission Formal Charge(s) Form and must be notarized.

2. In lieu of a notarized statement, an incarcerated person may make an unsworn declaration, in writing, subscribed as true under penalty of law, and dated, in substantially the following form:

I, (name of person), do declare under penalty of law that the foregoing is true and correct.

Dated:

Signature

3. Any charges received informally by an individual Commissioner or by Department personnel shall be referred to the Office of Boards and Commissions for proper filing and processing.

c. Time Frames. Charges shall be filed with the Office of Board and Commissions no later than thirty (30) calendar days after the date of occurrence. Charges filed after the 30-day period will not be investigated unless the Commission finds good cause for an extension of time.

Rule 10-2 Charges Considered, Received, and Investigated.

a. Charges Considered.

1. The date the Office of Boards and Commissions receives the charge shall be noted on the first page of the form in the space provided and signed for by the recipient.

2. After a charge is properly filed with the Office of Boards and Commissions, staff will forward the charge to the Chief of Police to determine if the charge involves possible criminal conduct.

3. When all requirements stated above have been met, charges shall be officially considered on the date of the next Commission meeting, as permitted by law. All such charges shall be considered by the Commission.

b. Charges Received. When the requirements set forth above have been satisfied and the charge concerns a matter within the Commission's jurisdiction, the charge shall be officially received on the date of the next Commission meeting. Charges that are officially received may be referred to for investigation as authorized by law.

c. Notifications.

1. The Commission Chair shall provide written acknowledgement of the receipt and status of such charges to the Commission members, the Commission Investigator, the Chief of Police, and the charging party.

2. The Chief of Police shall notify the employee in question of the charges according to Department rules and regulations.

3. The Commission Investigator shall not commence the investigation of such charges until after the employee in question has been notified of the charges.

The restriction shall not apply in circumstances where, despite good faith efforts, the employee cannot be notified.

d. Confidentiality. The Commission shall keep any and all discussions concerning charges confidential and shall discuss charges only as authorized by applicable law.

Rule 10-3 Investigations.

a. Types of Investigations. The Commission may utilize different types of investigation processes, including but not limited to:

1. Police Commission. Commissioners will review available information, including but not limited to: Body camera video, audio files, reports, statements of Department employees, charging party, witnesses, applicable law, and Department policy to render a finding.

2. Department Investigation. At the request of the Commission, the Chief of Police will designate an investigator. Once the investigation is completed, a report is provided to the Commission. The Commission will consider the investigative report and renders a finding.

3. Independent Investigation. The Commission directs the Office of Boards and Commissions to secure the services of an Independent Investigator. Acting on behalf of the Commission, the Independent Investigator obtains all information pertinent to the charges and prepares a report. Once completed, the Independent Investigator shall provide a report to the Commission. The Commission will consider the report and renders a finding.

b. Investigation of Charge.

1. Investigator Duties. The Investigator shall conduct all investigations in a proper and ethical manner; shall obtain all information pertinent to the charges; and shall, upon completion of the investigation, submit a written report to the Commission.

2. Communications. Communications between the Investigator and the Commission or individual Commissioners shall be through the Office of Boards and Commissions.

3. Confidentiality of Details. Details of the investigation shall be considered confidential and shall not be released or discussed with any persons other than the Commission as permitted by law.

4. Obtaining Information. The Investigator shall be authorized to obtain from the Department, on behalf of the Commission, any such information as may be needed for the investigation, subject to the prior approval of the Chief of Police.

c. Investigative Findings. An Investigator's report shall contain all investigative findings and a summary or transcript of all interviews. If an individual's Garrity

Rights are invoked due to possible criminal conduct, the Investigator's summary of that interview will only state that the individual was interviewed and Garrity Rights were invoked.

d. Timeframes. The Investigator shall submit the report within ninety (90) days of the date they are commissioned to investigate the charges. The Commission, for good cause, may grant an extension of time for the submittal of the report by the Investigator. Once an investigation has been completed and the Commission has received the investigative report, the Commission shall submit a written report of its findings to the Chief of Police within ninety (90) days.

e. Continued Investigation. Upon review of the investigative report, the Commission may conduct further investigation including interviews of the Investigator and/or any other person involved in the case. In addition, the Commission may resubmit the report to the Investigator for further investigation.

Rule 10-4 Findings. The Commission shall utilize the following findings in rendering a decision on charges brought to its attention through the citizen charges process:

a. Unfounded – The charge is not based on facts or the incident upon which the charge is based did not occur.

b. Exonerated – The incident upon which the charge is based occurred, but the employee's actions were lawful and proper.

c. Not Sustained – There is not sufficient evidence to prove or disprove the charge.

d. Sustained – There exists sufficient evidence of misconduct to sustain the charge or justify disciplinary action.

Rule 10-5 Commission Report.

a. After the Commission has made a finding, the Commission shall thereafter submit a written report of its decision to the Chief of Police within ninety (90) days.

1. The Commission shall notify the charging party of its decision in writing.

2. Every Commission decision shall be made public during a regularly scheduled meeting.

Rule 10-6 Citizen Charges Received by the Department.

a. Action by the Department.

1. The Department will refer all citizen charges, whether received via written or verbal form, to the Office of Boards and Commissions.

2. Citizens may file charges with the Department, with the Commission, or both. Each charge is independent of the other.

RULE 11 PUBLIC CHARGES, DISCIPLINE, AND REMOVAL OF THE CHIEF OF POLICE

a. Standing to File Charges. Only a member of the public who has been personally or directly aggrieved by the conduct of the Chief of Police may file a charge, except that:

1. A parent or legal guardian may file a charge on behalf of a minor under eighteen (18) years of age;

2. A personal representative may file a charge on behalf of a deceased person;

3. A legal guardian, conservator, or agent acting under a valid power of attorney may file a charge on behalf of a person who is physically or mentally unable to file a charge;

4. A person otherwise authorized by law or court order to act on behalf of the aggrieved individual may file a charge.

b. Authorization of Representation. A person filing a charge on behalf of another person pursuant to this section shall submit, together with the Kaua‘i Police Commission Formal Charge(s) Form, documentation demonstrating the person's authority to act on behalf of the person on whose behalf the charge is filed.

Rule 11-1 Filing of Charges, Discipline, and Removal of the Chief of Police.

a. Notice of Charge. All charges shall be in writing and filed with the Office of Boards and Commissions in accordance with Rule 10-1 b. and Rule 10-1 c.

b. Charge Process. Upon receipt of a written charge, the Office of Boards and Commissions shall transmit said charge to each Commissioner and to the Mayor.

1. The Commission shall meet in executive session to review the charge. The seriousness of the allegations shall be considered to determine whether a special executive session is required or whether the charge can be discussed at the next regularly scheduled Commission meeting.

2. The Commission shall determine if the charge warrants an investigation. If an investigation is warranted, the process described in Rule 10 shall be utilized.

3. The Commission shall review the complete investigation and, after duly considering all factual information, render a finding as described in Rule 10-4.

4. The completed investigation shall be forwarded to the Mayor for their review. The Mayor may make a recommendation to the Commission on appropriate discipline, if warranted. The Commission may consider the Mayor's recommendation but shall not be bound by it.

5. After the Commission enters a finding as described in Rule 10-4, the Commission shall notify the Chief of Police, charging party, and Mayor of the Commission's decision in writing.

Rule 11-2 Discipline or Dismissal of the Chief of Police.

a. Grounds for Discipline or Dismissal. The Chief of Police may be disciplined or dismissed only for cause and not arbitrarily or capriciously. Grounds for discipline or dismissal of the Chief of Police shall include, but not be limited to, the following:

   1. Malfeasance – Wrongful act by a public official.
      Misfeasance – Wrongful exercise of law authority.
      Nonfeasance – Omission of an act that ought to have been performed.

   2. Falsification of the candidate's application.

   3. Conviction of any misdemeanor or felony.

b. Disciplinary Procedures. The Commission may institute disciplinary procedures against the Chief of Police upon motion of any member of the Commission and a majority vote in favor thereof. The Chief of Police may be removed by the Commission only after being given a written statement of the charges against them and a hearing before the Commission. Any hearing pertaining to charges brought against the Chief of Police shall be considered a contested case and be conducted in accordance with Rule 5 of these rules.

c. Disciplinary Actions. The Commission may sustain the allegations of any charge against the Chief of Police by a majority vote and may take any of the following actions:

   1. Reprimand the Chief of Police (written or verbal).

   2. Suspend the Chief of Police for a period of time determined by the Commission.

   3. Dismiss the Chief of Police.

d. After the Commission takes disciplinary action, the Commission shall notify the Chief of Police, Charging Party, and Mayor of the Commission's decision in writing within a reasonable time.

CERTIFICATE OF ACKNOWLEDGEMENT

I, _____, in my capacity as Chair for the Kaua‘i County Police Commission, do hereby certify that the foregoing is true and correct. These amendments to the Rules were adopted by the Police Commission at its meeting on _____. A notice of public hearing on the foregoing rules of the Kaua‘i Police Commission, which notice included the substance of such rules was published in The Garden Island Newspaper on _____.

_____
NAME, Chair
Kaua‘i Police Commission

APPROVED AS TO FORM AND LEGALITY:

_____
NAME, County Attorney, County of Kaua‘i

****

Approved on this ____ day of _____, 2026,

_____
Derek S.K. Kawakami, Mayor, County of Kaua‘i

I hereby certify that the foregoing amendments to the Rules and Practice and Procedure of the Kaua‘i Police Commission of the County of Kaua‘i were received and filed in my Office this _____ day of _____, 2026.

_____
Jade K. Fountain-Tanigawa, County Clerk, County of Kaua‘i

KAUA‘I COUNTY POLICE COMMISSION
RULES ON ADMINISTRATIVE
PRACTICE AND PROCEDURE

AMENDMENTS APPROVED & ADOPTED ON

[~~January 26, 2018~~] DATE

RULES ON ADMINISTRATIVE PRACTICE AND PROCEDURE FOR THE KAUA‘I COUNTY POLICE COMMISSION

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FORWARD

AUTHORITY

Article XI of the Kaua‘i County Charter specifies that there shall be a Police Department consisting of a Police Commission, a Chief of Police, and the necessary staff.

This article enumerates the powers, duties, and functions of the Police Commission and the Chief of Police. As authorized by Article XI, the following rules, processes and policies have been promulgated by the Police Commission to carry out its responsibilities.

MISSION STATEMENT

The Mission of the Kaua‘i Police Commission is to ensure that a competent Law Enforcement Professional occupies the position of Chief of Police, and that the Chief of Police is in command of an honest and effective police department that serves the people of the County of Kaua‘i.

RULE 1 DEFINITIONS

Rule 1-1 Definitions. Wherever used in these rules, the terms shall be taken to have the following meanings:

a. "Charter" shall mean the Charter of the County of Kaua'i, State of Hawai'i.

[~~b. "Commission" shall mean the Police Commission of the County of Kaua'i, State of Hawai'i.~~

~~c. "Department" shall mean the Police Department of the County of Kaua'i, State of Hawai'i.~~

~~d. "Chief of Police" shall mean the Chief of Police of the Police Department.~~

~~e. "Officers" shall mean regular police officers of the Department, as classified by the Department of Personnel Services of the County.~~

~~f. "Employees" shall mean personnel of the Department, other than police officers, as classified by the Department of Personnel Services of the County.~~

~~g. "County" shall mean the County of Kaua'i.~~]

b. "Charges" shall mean a written complaint submitted by the public to the Commission against the conduct of the Department or any of its members, including the Chief of Police.

c. "Chief of Police" shall mean the Chief of Police of the Department.

d. "Commission" shall mean the Police Commission of the County of Kaua'i, State of Hawai'i.

e. "County" shall mean the County of Kaua'i, State of Hawai'i.

f. "Department" shall mean the Police Department of the County of Kaua'i, State of Hawai'i.

g. "Employees" shall mean personnel of the Department, other than police officers, as classified by the Department of Human Resources of the County of Kaua'i, State of Hawai'i.

h. "Officers" shall mean regular and reserve police officers of the Department, as classified by the Department of Human Resources of the County of Kaua'i, State of Hawai'i.

RULE 2 GENERAL POWERS AND ORGANIZATION OF THE POLICE COMMISSION

Rule 2-1 General Powers of the Commission. Per Section 11.03 of the Kaua‘i County Charter, the Police Commission shall:

a. Adopt such rules as [~~it~~] may be considered necessary for the conduct of its business and for the regulation of matters relating to the goals and aims of the [~~d~~]Department.

b. Review the annual budget prepared by the [~~c~~]Chief of [~~p~~]Police and may make recommendations thereon to the [~~m~~]Mayor.

c. Receive, consider, and investigate charges brought by the public against the conduct of the [d]Department or any of its members and submit a written report of its findings to the [~~c~~]Chief of [~~p~~]Police within ninety (90) days.

d. Refer all matters relating to the administration of the [~~d~~]Department to the [~~c~~]Chief of [~~p~~]Police.

e. Adopt such rules to regulate political activities of the members of the [~~police~~] [~~d~~]Department. [~~(Amended 1984)~~]

Rule 2-2 Chief of Police. Per Section 11.04 of the Kaua‘i County Charter.

The Chief of Police shall [~~be appointed by the police Commission. He/She may be removed by the Police Commission only after being given a written statement of charges against him / her and a hearing before the commission. The Chief of Police shall have had a minimum of five years of training and experience in law enforcement, at least three years of which shall be in a responsible, administrative capacity. He / She shall make a monthly report at each Police Commission meeting to inform the Commissioners of significant incidents, issues, and opportunities involving the department. In addition, the Chief shall annually make a report to the Commission regarding the state of affairs and condition of the Police Department.~~] have had a minimum of fifteen (15) years of training and experience in law enforcement, of which at least ten (10) years have been as a peace officer in a full-service, public sector, law enforcement agency, and at least three (3) of those ten (10) years have been performing management-level duties at the rank of lieutenant or higher. The Chief of Police shall have a bachelor’s degree in administration of justice, business administration, public administration, or a similar administrative field.

Rule 2-3 Composition of Commission. The Commission shall consist of seven members as provided by the Charter of the County of Kaua‘i[~~.~~], State of Hawai‘i.

Rule 2-4 [~~Appointment of Secretary.~~]Administrative Services. The [~~Police~~] Commission shall request [~~secretarial~~]clerical and other support services from the Office of Boards and Commissions.

Rule 2-5 Election of Chair, Vice-Chair. The members of the [~~Police~~] Commission shall elect annually, in the month of December, a Chair and Vice-Chair to serve for the ensuing

year. In the absence of the Chair at any meeting, the Vice-Chair shall preside over the meeting.

Rule 2-6 Transaction of Business. All transactions of business shall be conducted pursuant to Hawai‘i Revised Statutes, the Kaua‘i County Charter, and Robert’s Rules of Order.

Rule 2-7 Special Committees. [~~Special committees as may be necessary shall be appointed by the Chair.~~] The Commission may conduct activities through the establishment of Special Committees pursuant to Hawai‘i Revised Statutes to address, research, and make recommendations on issues or projects before the Commission. Police Officers may be considered as members of such [~~s~~]Special [~~c~~]Committees [~~in~~]at the Commission’s discretion.

Rule 2-8 Commission [~~meetings.~~]Meetings. [~~The~~]In general, regular meetings of the Commission shall be held [~~no less than~~] once a month at a time, date, and location as may be determined by the Chair or, in the absence of the Chair, the Vice-Chair of the Commission. The meeting must be [~~held at a building that is~~] accessible by the general public. Special meetings may be held at the call of the Chair or the Vice-Chair. [~~T~~]The Chair or Vice-Chair, or three or more members of the Commission, may consent to the continuance of any meeting to any other day within the following week.

Rule 2-9 Agenda. The Commission shall give public notice of any regular, special, or rescheduled meeting by filing the notice with the County Clerk and at the [~~Police Commission o~~]Office of Boards and Commissions for public inspection. The notice shall be filed at least six (6) calendar days before the meeting and shall include an agenda [~~which lists~~] listing all [~~of~~] the items to be considered at the forthcoming meeting, [~~and~~]as well as the date, time, and place [~~of the meeting~~].

a. All items for the [~~Agenda~~]agenda shall be submitted to the Chair for placement on the [~~Agenda~~]agenda no later than 12 noon, four (4) business days before the [~~Agenda~~]agenda notice is filed. Subject to timeliness described herein, Commission members who wish to have items placed on the agenda shall contact the Chair. The Chair shall have the discretion [~~of placing~~]to place items submitted after the deadline on the [~~Agenda~~]agenda of the forthcoming meeting[~~,~~] or [~~holding~~]hold such late items until the next scheduled meeting after the forthcoming meeting. The Chair shall be responsible for designating and approving the form and content of the [~~Agenda~~]agenda.

Rule 2-10 Testimony by Members of the Public. The Commission shall afford all interested persons an opportunity to submit data, views, or arguments, in writing, on any agenda item. The Commission shall allow all interested persons to present oral testimony on any agenda item.

a. Oral testimony from interested persons shall be limited to three (3) minutes, but such time limit shall not include pertinent responses by the speaker to questions posed by the members of the Commission. The Chair may grant an additional three (3) minutes to provide further testimony after all interested persons have had an opportunity to provide oral testimony.

b. The Commission is authorized to establish parameters to conduct an orderly, efficient, and productive meeting. Public statements or remarks of aggression or threats of violence will not be considered. Respectful communication will further the Commission's significant interest in conducting an orderly, efficient, and productive meeting. Any person who willfully disrupts a meeting to prevent or compromise the conduct of the meeting may be removed from the meeting.

Rule 2-[~~10~~]11 Code of Conduct. The basic responsibility of the [~~Police~~]Commission is to ensure that a competent person occupies the position of [~~the~~]Chief of Police, and that the Chief of Police [~~is in operation of~~]operates an honest and effective [~~police department~~]Department.

a. The [~~Police~~]Commission is charged with responsibility and acts as a collective body. The individual Commissioners have no authority unless delegated by the Commission.

b. The Commission acts as a sounding board for the community[~~, and Police Department employees~~] through:

1. [~~Complaints~~]Charges from citizens[~~;~~].

2. Citizen suggestions.

c. The Commission [~~shall~~]may review and selectively support appropriate legislation and rules and regulations relating to law enforcement, and shall communicate these positions to the appropriate legislative or administrative body.

d. Police Commissioners shall maintain high standards of conduct and not behave in a manner that brings discredit upon the [~~Police~~]Commission and the [~~Kaua'i Police~~]Department.

e. The [~~Police~~]Commission collectively, and each Police Commissioner individually, shall embody the spirit and principles of the Sunshine Law, and shall avoid any appearance of secretiveness. [~~and shall publicize m~~]Meetings and agendas shall be publicized so that the public and media are informed of impending issues.

f. The [~~Police~~]Commission shall strive for the release of information to the public through the media, as long as the release of this information does not violate the privacy rights of individuals to whom the information pertains and does not interfere with effective law enforcement.

g. The Chief of Police is charged with the responsibility of managing the [department]Department. Individual Commissioners shall not interfere or give the appearance of interfering with said authority.

RULE 3 CONTROL, MANAGEMENT, AND DIRECTION OF THE DEPARTMENT

Rule 3-1 Specific Powers, Duties and Responsibilities of the [~~Police~~]Commission.

a. Oversight of the Chief of Police. To fulfill its oversight obligations, the Commission shall evaluate the Chief of Police's management and leadership of the Department. The Commission may require reports on the affairs and condition of the Department. Commission oversight shall be achieved through ongoing communication between the Chief of Police and the Commission on operational, administrative, and personnel matters.

1. The Chief of Police shall not withhold information from the Commission merely because it casts the Department, Departmental employees, or the Chief of Police in a negative light. Doing so may be grounds for disciplinary action.

2. An exception shall be made for ongoing criminal investigations as well as internal employment investigations until appropriate. However, the Chief of Police shall advise the Chair and/or the Vice-Chair of such instances when an investigation occurs and request that the sensitive information not be shared with the entire Commission until appropriate.

[~~a. Goals and Objectives of the Department. The Commission shall adopt such rules as it may consider necessary for the conduct of its business, and the regulation of matters relating to the goals and objectives of the department.~~

~~b. Advisory Powers. The Commission may pass advisory resolutions concerning the matters exclusively within the authority of the Chief of Police. However, in such cases, the Chief of Police shall not be bound by any such advisory resolution.~~

~~c. Administration. Except for purposes of inquiry, neither the Commission nor its individual members shall interfere in any way with the administrative affairs of the department administered by the Chief of Police.~~

~~d. Commission and Commissioner Inquiries. All Commission inquiries shall initially be submitted to the Chief, Deputy Chief or the appropriate Bureau Commander. Should an inquiry prove to require substantial departmental work-hours, the Chair shall be informed of the inquiry by either the Chief or their designee so that the matter can be put on the floor for a vote as to whether this topic should be pursued.~~

~~e. Performance of Duty. The Commission shall determine whether the acts of an officer, for which he or she is being prosecuted or sued, were done in the performance of duty, so as to entitle him or her to be represented by legal counsel provided by the County.~~

~~f. Request for Legal Representation.~~

~~i. Procedure for Requesting Legal Counsel. If a police officer desires legal representation to be provided by the County of Kaua'i in a civil or criminal proceedings initiated against the officer, he shall submit a written request to the Police Commission within thirty (30) calendar days of being either formally indicted in the pending criminal matter or served in the pending civil~~

matter. The Commission may determine that good cause exists to extend the time to submit a written request.

ii. Action by the Commission. Upon receipt of the police officer's written request, the Commission shall request that the Chief of Police or his authorized designee submit a written report to the Commission informing the Commission of the current status of the police department's investigation concerning the facts underlying the matter in which the officer is seeking legal representation from the County. The written report shall include all relevant police report (s). The report shall be submitted to the Commission within thirty (30) calendar days of the Commission's request. The Commission may determine that good cause exists to extend the time for submittal of the report.

iii. Consultation with the County Attorney. Before making a determination of whether an act, for which the officer is being sued or prosecuted, was done in the performance of duty, the Commission shall consult with the County Attorney and ask for a recommendation to the Commission.

iv. Decision of Commission. The Commission may allow the police officer to appear before the Commission and discuss his/her request for representation, so long as the officer is made aware that any comments he/she makes can be used against him/her in a legal proceeding. The Commission shall subsequently inform the officer of its decision in writing. All discussions concerning the officer's request for legal representation shall be discussed in executive session.

v. Contested Case Hearing. Any police officer aggrieved by the Commission's decision may, within fifteen (15) calendar days of the issuance of the Commission's decision, request in writing that the Commission reconsider its decision. The Commission may determine that good cause exists to extend the time for submittal of the request. When requesting reconsideration, the police officer may submit a written statement setting forth the specific reasons why the actions were done in the performance of duty as a police officer, thus entitling him/her to representation by counsel provided by the County. The Commission shall subsequently hold a contested case hearing pursuant to the procedures set forth in Rules 5-2 through 5-8 and Hawai'i Revised Statutes, Chapter 91.

g. Public Charges Against the Conduct of the Department or Any of its Members.

1. Charges Defined. For purposes of this section "Charges" shall mean allegations filed with the Police Commission through the citizen complaint process.

2. Filing of Charges. Any and all charges shall be in writing of such form as the Commission may designate and shall be notarized.

In lieu of a notarized statement, an unsworn declaration may be made by an incarcerated person, in writing, subscribed as true under penalty of law, and dated, in substantially the following form:

I, (name of person), do declare under penalty of law that the foregoing is true and correct.

Date:

Signature

a. Charges shall be filed with the Office of Boards and Commissions no later than thirty (30) calendar days after the date of occurrence. Charges filed after the thirty (30) day period will not be investigated unless the Commission finds good cause for an extension of time. However, in no event may the Commission consider a complaint filed more than 180 calendar days after the date of the occurrence.

b. The date the Office of Boards and Commissions receives the charges shall be noted on the first page of the form in the space provided and signed for by the recipient.

c. Any charges received informally by an individual Commissioner or by Department personnel shall be referred to the Office of Boards and Commissions for proper filing and processing.

d. When all requirements stated above have been met, charges shall be officially received the date of the next Commission meeting, as permitted by law. All such officially received charges shall be reviewed and investigated by the Commission.

e. The Commission Chair shall provide written acknowledgement of the receipt and status of such charges to the Commission members, the Commission Investigator, the Chief of Police and the complainant.

f. The Chief of Police shall notify the employee in question of the charges according to department rules and regulations.

g. The Commission Investigator shall not commence the investigation of such charges until after the employee in question has been notified of the charges. The restriction shall not apply in circumstances where, despite good faith efforts, the employee cannot be notified.

3. Confidentiality. The Commission shall keep any and all discussions concerning charges confidential and discuss them only in Executive Session.

4. Investigation of Charge. The Commission may use an Investigator, or such other persons as may be necessary, to investigate any and all charges referred to the Commission. The Investigator may be a member of the department specially assigned by the Chief of Police to the Commission. In cases where the Commission hires or contracts the services of an independent Investigator, that person shall have a minimum of three (3) years of active experience in general investigative work; be licensed as private detective in accordance with the provisions of Hawai'i Revised Statutes, Chapter 463; have a high school diploma; have a current driver's license and a vehicle for use on the job; be familiar with the Kaua'i community and the procedures of the Kaua'i Police Department or have the ability to acquire such; be readily available on short notice to perform investigative tasks for the Commission; possess a character above reproach; and have no felony or misdemeanor convictions.

    a. The Investigator shall conduct all investigations in a proper and ethical manner; shall obtain all information pertinent to the charges; and shall upon completion of the investigation, submit a written report to the Commission.

    b. Communications between the Investigator and the Commission or individual Commissioners shall be through the Chair or her his designate.

    c. Details of the investigation shall be considered confidential and shall not be released or discussed with any persons other than the Commission.

    d. The Investigator shall be authorized to obtain from the department on behalf of the Commission any such information as may be needed for the investigation subject to the prior approval of the Chief of Police. Such information may include copies of police reports or statements from department personnel.

    e. The Investigator's report shall contain a detailed report of all investigative findings, and a summary of all interviews.

    f. The Investigator shall submit the report within sixty (60) days of the date the charges were officially received. The report shall be submitted to the Commission Secretary for duplication and immediate distribution to the Commission.

    g. Upon review of the investigative report, the Commission may conduct further investigation, including interviews of the Investigator and/or any other person involved in the case. In addition the Commission may resubmit the report to the Investigator for further investigation.

5. Findings. The Commission shall utilize the following findings in rendering a decision on charges brought to its attention through the citizen complaint process:

    a. Unfounded – The charge is not based on facts or the incident upon which the charge is based did not occur.
    b. Exonerated – The incident upon which the charge is based occurred but the employee's actions were lawful and proper.
    c. Not Sustained – There is not sufficient evidence to prove or disprove the charge.
    d. Sustained – There exists sufficient evidence of misconduct to sustain the charge or justify disciplinary action.

6. Complaints Filed Against the Chief of Police.

    a. Written Complaints against the Chief of Police Filed with the Mayor.

        i. County of Kaua'i Police regarding the Discipline of Department Heads Subject to Removal by Boards and Commissions states that complaints against Department Heads who are appointed by a Board or Commissions shall be filed with the Mayor.

        ii. This policy provides direction to the Mayor, and the Police Commission, on the procedures to be followed when a complaint is filed against the Chief of Police.

        iii. All such complaints filed with the Mayor shall be in writing.

        iv. Upon receipt of a written complaint the Mayor shall transmit said complaint to the Chairperson of the Kaua'i Police Commission.

            1. The Police Commission shall meet in Executive Session to review the complaint. The seriousness of the allegations shall be considered as to whether a special Executive Session is required, or if the complaint can be discussed at the next regularly scheduled Commission meeting.

        v. If, after review, the Commission determines further information is required, the Mayor shall be advised that an investigation is warranted.

        vi. The Mayor and the Chairperson, shall determine if the complaint warrants an investigation utilizing the process described in the County Policy Regarding Discipline of Department Heads Subject to Removal by Boards and Commissions or through the process contained in the Police Commission Rules, Section 3-1-(g), Investigation of Citizens Complains.

1. Regardless of which investigation route is followed, upon completion of the investigation the Mayor may make a recommendation to the Commission on appropriate discipline, if warranted. The Commission will consider, but shall not be bound by the Mayor's recommendation.

vii. The Commission shall also review the investigation, and after duly considering all factual information, and the Mayor's recommendation, render a decision.

b. Written Complaints Against the Chief of Police filed with the Police Commission.

i. Police Commission Rules, Section 3-1 (g), describes the procedures for the filing of Public Charges against the Conduct of the Department or any of its Members through the Citizens Complaint process.

ii. When the Police Commission receives a complaint against the Chief of Police in this manner the Chairperson shall advise the Mayor.

iii. After review by the Mayor and the Chairperson, a determination shall be made if the complaint warrants an investigation utilizing the process described in the County Policy or through the process contained in Police Commission Rules for the investigation of Citizens Complaints.

c. Non-Written Complaints against the Chief of Police.

i. If the allegations of misconduct by the Chief of Police come to the attention of the Police Commission through other than the filing of a written complaint, the Chairperson shall advise the Mayor.

ii. The Mayor shall provide direction on whether the allegations are of sufficient seriousness to warrant an investigation.

iii. If the Mayor determines that no investigation is to be conducted the Chairperson shall request a written statement from the Mayor to that effect.

iv. The fact that a non-written complaint against the Chief of Police was brought to the Mayor's attention by the Police Commission, and the Mayor declined to investigate, shall be placed on the Executive Session Agenda at the next Commission meeting to document the Commission's actions.

7. Charges against the Chief of Police.

a. It is the intent of this rule that the Chief of Police be disciplined Or dismissed only for cause and not arbitrary or capriciously. Grounds for discipline or dismissal of the Chief shall include but not limited to the following:

1. Malfeasance (Wrongful act by public official).
   Misfeasance (Wrongful exercise of law authority).
   Nonfeasance (Omission of an act that ought to have been performed).

2. Falsification of candidate's application.

3. Conviction of any misdemeanor of felony.

b. The Commission may institute disciplinary procedures against the Chief upon motion of any member of this Commission and a majority vote if favor thereof. Any proceedings pertaining to charges brought against the Chief shall be considered a contested case and be conducted in accordance with Chapter 5, except that all such proceedings shall be closed to the public unless otherwise requested by the Chief.

c. The Commission may sustain the allegations of any charge against the Chief by a majority vote and may take any of the following actions:

1. Reprimand the Chief (written or verbal)
2. Suspend the Chief for a period of time determined by the Commission.
3. Dismiss the Chief.

8. Commission Decision. After the charge has been fully investigated, the Commission shall enter a decision finding that there is either sufficient or insufficient evidence to prove the charge. The Commission shall thereafter submit a written report of its decision to the Chief of Police; in no case longer than ninety (90) days after the Commission concludes its investigation. The Commission may inquire with the Chief of Police as to any departmental action taken following the Commission's decision.

a. The Commission shall notify the complainant of its decision in writing.

b. Every Commission decision shall be made public during a regularly scheduled meeting. Names of individual complainants and the subject employee shall be made public.

c. The charges and circumstances surrounding the charge and its findings shall be thoroughly explained.

d. In cases where discipline has been imposed by the Chief of Police based on a Commission decision there shall be no additional or

~~subsequent investigation imposed on the Subject employee for the same incident.~~]

b. Goals and Objectives of the Department. The Commission shall adopt such rules as it deems necessary for the conduct of its business and the regulation of matters related to the Department's goals and objectives.

c. Advisory Powers. The Commission may pass advisory resolutions concerning matters exclusively within the authority of the Chief of Police. However, in such cases, the Chief of Police shall not be bound by any such advisory resolution.

d. Administration. Except for purposes of inquiry, neither the Commission nor its individual members shall interfere in any way with the administrative affairs of the Department administered by the Chief of Police.

e. Commission and Commissioner Inquiries. All Commission inquiries shall be initially submitted to the Chief of Police, Deputy Chief of Police, or the appropriate Bureau Commander. Should an inquiry prove to require substantial Departmental work hours, the Chair shall be informed of the inquiry by either the Chief of Police or their designee so that the matter can be put on the floor for a vote as to whether the topic should be pursued.

f. Performance of Duty. The Commission shall determine whether the acts of a police officer, for which they are being prosecuted or sued, were done in the performance of duty, to entitle them to be represented by legal counsel provided by the County.

g. Request for Legal Representation.

1. Procedure for Requesting Legal Counsel. If a police officer desires legal representation to be provided by the County in civil or criminal proceedings initiated against the police officer, they shall submit a written request to the Commission after being formally charged in the pending criminal matter or served in the pending civil matter.

2. Action by the Commission. Upon receipt of the police officer's written request, the Commission shall request that the Chief of Police or their authorized designee submit a written report to the Commission informing the Commission of the status of the Department's investigation concerning the facts underlying the matter in which the officer is seeking legal representation from the County.

a. The written report shall include all relevant police report(s).

b. The report shall be submitted to the Commission within thirty (30) calendar days of the Commission's request.

c. The Commission may determine whether good cause or extraordinary circumstances exist to extend the time for submitting the report.

3. Consultation with the County Attorney. Before making a determination of whether an act for which the police officer is being sued or prosecuted was performed in the course of duty, the Commission shall consult with the County Attorney and seek the County Attorney's recommendation.

4. Decision of Commission. The Commission may allow the police officer to appear before the Commission and discuss their request for representation, so long as the police officer is made aware that any comment they make can be used against them in a legal proceeding. All discussions concerning the police officer's request for legal representation shall be discussed as required by law. The Commission's decision on whether to grant or deny the police officer's request for legal representation shall be announced as required by law.

    a. The Commission shall subsequently inform the police officer of its decision in writing.

    b. The Commission shall inform the police officer of the right to have a contested case hearing as required by law.

    c. Any police officer aggrieved by the Commission's decision may, within fifteen (15) calendar days of the issuance of the Commission's decision, request in writing a contested case hearing. Upon receipt of a timely request, the Commission shall subsequently hold a contested case hearing pursuant to the procedures set forth in Rule 5 and the Hawai'i Revised Statutes, Chapter 91.

    d. If the police officer fails to submit a timely request for a contested case hearing within fifteen (15) calendar days of the issuance of the Commission's decision, the contested case hearing shall be deemed waived, and the Commission may deny the police officer's request.

5. Contested Case Hearing.

    a. The contested case hearing shall be conducted by the Commission pursuant to the procedures set forth in Rule 5 and the Hawai'i Revised Statutes, Chapter 91.

    b. The police officer requesting representation shall have the burden of proof, including the burden of producing evidence and the burden of persuasion by a preponderance of the evidence.

    c. The contested case hearing shall be open to the public. However, after providing notice that a compelling interest may necessitate the closure of the proceeding and affording the public an opportunity to be heard. The Commission shall enter findings on

the record that the public's right of access is outweighed by an overriding interest, and that closure is essential to preserving that interest.

Rule 3-2 Powers, Duties, and Responsibilities of the Chief of Police.

In accordance with the laws of the State of Hawai‘i and the Charter of the County of Kaua‘i, the Chief of Police shall:

a. Act as administrative head of the [~~department.~~]Department.

b. Appoint the necessary staff for the [~~department~~]Department for which appropriations have been made.

c. Supervise, manage, and control all employees and police officers of the [~~department.~~]Department.

d. Discipline or remove any police officer or employee of the Department pursuant to all applicable laws.

e. Assign and reassign the duties of any police officer or employee of the [~~department.~~]Department.

f. Make all personnel actions concerning police officers or employees of the [~~department~~]Department as provided by law.

g. Train, equip, maintain, and supervise the police officers and employees of the [~~department.~~]Department.

h. Preserve the [~~public~~]peace, prevent crime, detect and arrest offenders, protect personal property rights[~~ and enforce and prevent violations of law.~~], enforce the law, and prevent violations of law.

i. Serve process in both civil and criminal proceedings.

j. Make annual reports to the Commission as to the state of affairs and condition of the [~~department~~]Department as well as such other reports as the Commission shall request, within its authority.

k. Exercise such other powers or duties as may be provided by law, contained within the Charter,[~~ of the County of Kaua‘i~~] or assigned by the Commission.

l. Adopt rules and regulations necessary to implement the powers, duties, and responsibilities of the Chief of Police set forth in Rule 3-2.

m. Make a monthly report at each Commission meeting to inform the Commissioners of significant incidents, issues, and opportunities involving the Department.

n. As soon as practicable, after gathering all available factual information, notify the Commission Chair and/or Vice-Chair and Mayor/Managing Director of any event involving the discharge of a firearm, on or off duty, that results in [~~serious~~] death, serious or life-threatening injuries, or hospitalization of any Department employee, police officer, or other person.

For purposes of this section, discharge of firearms does not include weapons training, recreational use of a firearm, hunting, or use in military service.

Rule 3-3 Collective Bargaining Agreements. All of the powers, duties and responsibilities of the [~~Police~~]Commission and the Chief of Police enumerated in these rules shall be subject to and in conformity with any collective bargaining agreements existing between the police officers or employees of the [~~department~~]Department and/or the County[~~of Kaua'i~~].

Rule 3-4 Political Activities. All members, police officers, and employees of the [~~Kaua'i Police~~]Department, including, but not limited to, [~~Police~~]the Commission[~~ers~~], shall comply with all State and Federal laws regulating political activities of government employees.

RULE 4 SELECTION AND EVALUATION PROCESSES FOR THE CHIEF OF POLICE

Rule 4-1 General Powers of Appointment. The [~~Police~~]Commission shall appoint the Chief of Police.

[~~In no event, shall the Commission appoint an applicant for the position of Chief of Police to act as interim or acting Chief, solely for the purpose of permitting the applicant to obtain the necessary qualifications for the position of Chief of Police.~~]

Rule 4-2 Qualifications for [~~Police Chief.~~]Chief of Police. Section 11.04 Kaua'i County Charter states the minimum qualifications for the Chief of Police to be: [~~Five years of training and experience in law enforcement, at least three of which shall be in a responsible, administrative capacity.~~]fifteen (15) years of training and experience in law enforcement, of which at least ten (10) years have been as a peace officer in a full-service, public sector, law enforcement agency, and at least three (3) of those ten (10) years have been performing management-level duties at the rank of lieutenant or higher. The Chief of Police shall have a bachelor's degree in administration of justice, business administration, public administration, or a similar administrative field.

[~~In addition to the minimum qualifications set by the county charter, the Police Commission determines that a successful applicant for Chief of Police shall:~~

- ~~Possess the desired skills, knowledge, and ability to perform the Essential Duties and Responsibilities set forth in the County of Kaua'i, Department of Human Resources Job Description for Chief of Police (Annex 4-A).~~]

In addition to the minimum qualifications set by the Charter, the Commission determines that a successful applicant for Chief of Police shall possess the desired skills, knowledge, and ability to perform the Essential Duties and Responsibilities set

forth in the County Department of Human Resources job description for the Chief of Police as adopted by the Commission.

Rule 4-3 Selection Process.

a. Hiring of a Consultant. The Commission may choose to hire a consultant to assist [~~in~~]with the recruitment and selection of a Chief of Police. Should the Commission choose to hire a consultant, the Commission shall follow the procurement procedures set forth under [~~HRS Section 103D-304~~]the Hawai‘i Revised Statutes and any other applicable State statutes and County ordinances.

b. Selection of Semi-Finalists and/or Finalists. In the event that there are multiple applicants for the position of Chief of Police, the Commission may choose to narrow down the list of applicants to semi-finalists and/or finalists. The interviews and/or selections of such semi-finalists and/or finalists shall be conducted in [~~closed~~]open session unless contrary to the law.[~~, and t~~]The Commission shall decide how to interview and make the selection of the semi-finalists and/or finalists. [~~All details and identities of the applicants shall be kept confidential, unless any applicant expressly agrees to wave his privacy rights.~~]

c. Assessment by Consultant. In the event [~~that~~]a consultant conducts an assessment of any of the finalists, the Commission shall not participate in the assessment. The consultant shall provide the Commission with the following:

    1. Name of eliminated candidates.
    2. Rationale for eliminated candidates.

d. Selection of Final Candidate. Following the interviews [~~of~~]with the finalists, the Commission shall vote on a final candidate to whom [~~the Commission~~]it shall extend a conditional job offer. [~~S~~]The said vote shall take place in [~~executive~~]open session[.]unless contrary to the law. [~~The final candidate's identity, as well as the result of the votes, shall remain confidential until the candidate has been given an official job offer, or if the candidate expressly agrees to waive his or her privacy rights, whichever occurs sooner.~~]

e. Follow-up Requirements. Following the extension of the conditional job offer, the Commission shall require the final candidate to undergo mandatory follow-up examinations as required by the [~~Kaua‘i Police~~]Department and consistent with State and Federal laws.

f. Final Job Offer. [~~Following the completion of all required examinations by the final candidate, the Commission shall vote to extend an official job offer to said candidate.~~]Once the Commission has approved the candidate as the new Chief of Police, and the candidate has accepted the Offer of Employment as the new Chief of Police, the terms of employment shall be set forth in the Offer of Employment letter.

[~~The Commission shall also vote on the terms of the employment contract that the Commission shall extend to the candidate. The contract may also specify a time~~

~~period, or may be an open-ended contract. The contract shall also specify the job duties and salary specifications, in addition to any other provisions that the Commission believes necessary to incorporate into the contract.~~]

Rule 4-4 Salary of the Chief of Police. The Commission shall determine the initial salary of any new Chief of Police[~~,~~] and determine any subsequent increase[d]s in salary[,] consistent with the County [~~of Kaua'i salary ordinance.~~]Salary Resolution and applicable law.

Rule 4-5 Evaluation of Performance. The Chief of Police's performance shall be subject to on-going evaluation[~~ by the Commission.~~] on a performance evaluation form duly adopted by the Commission. [~~Such evaluation will comply with the following:~~]The Chief of Police serves at the Commission's pleasure and is not subject to a probationary period.

a. First Year Evaluation. [~~The newly appointed Chief of Police shall not be subjected to a probationary period. However, the performance of a newly appointed Chief of Police shall be subject to an on-going evaluation for the first twelve (12) months beginning of the date of hire. During this period the Chief's performance shall be documented six 6) months from the date of hire. The procedures contained in section c, below shall be utilized for this on-going review. The Commission developed an on-going Evaluation Form in Annex 4 (b) shall be utilized for this evaluation.~~]Twelve (12) months from the date of hire, the Commission shall evaluate the Chief of Police's first-year performance according to the process described below:

[~~i. All Commissioners shall provide input into this evaluation during Executive Session. The Chair and Vice and/or Vice Chair will utilize the feedback from the entire Commission in preparing this six (6) month evaluation.~~

~~ii. The Chair and/or Vice Chair shall conduct a discussion with the Chief regarding his/her performance.~~

~~iii. If the Chief's performance "does NOT meet expectations" a Performance Improvement Plan, outlined in section 4-5 (d) below, shall be prepared by the Commission.~~

~~iv. One year from the date of hire a final evaluation shall be prepared by the Commission. The County of Kaua'i Performance Evaluation for Chief of Police contained in Annex 4 (c) shall be utilized for this evaluation.~~

~~v. After successfully completing twelve (12) months of employment the Chief of Police shall thereafter be evaluated on a fiscal year basis to align his/her performance with departmental goals.~~]

1. The Commission shall place on its agenda a notice to commence the Chief of Police's First Year Performance Evaluation process approximately three (3) months prior to the Chief of Police's first employment anniversary date.

b. Annual Evaluation. [~~The Commission shall on a fiscal year basis, evaluate the Chief's performance. Each Commissioner shall be provided the opportunity to rate the Chief's performance utilizing the County's Performance Evaluation Form.~~

~~i. The Commissioners may seek input from various stakeholders in government and the private sector into the Chief's performance. Stakeholders include, but are not limited to: The Mayor, other elected officials, heads of various county departments, public safety peers, and labor union representative.~~

~~ii. The Chief and Chair shall review and consider input from other Commission members and external stakeholders to prepare a final performance evaluation which the Chair and/or Vice Chair shall present to the Chief.~~

~~iii. Once the Chief has reviewed his/her performance evaluation all Commission members will be provided the opportunity to review, in Executive Session, the completed performance evaluation.~~]

Following the First Year Performance Evaluation, the Commission shall evaluate the Chief of Police's performance once a year, at the end of the fiscal year or soon thereafter. The evaluation period shall encompass the fiscal year immediately preceding the performance evaluation.

1. If the Chief of Police's First Year Performance Evaluation occurs within six (6) months of the end of the fiscal year, the Commission may elect not to conduct an additional annual performance evaluation during that fiscal year. In such an event, the next annual performance evaluation shall be conducted during the following fiscal year.

2. The Commission shall place on its agenda a notice to commence the Chief of Police's Annual Performance Evaluation process at the April Commission meeting, or as soon as possible. The Chief of Police's Annual Performance Evaluation will be placed on the agenda for the Commission's July meeting, or soon thereafter.

[~~c. Semi Annual Performance Review Feedback. The Commission shall on a semi-annual basis conduct a review of the Chief's performance. The purpose of the semi-annual review is to ensure that the Police Commission and the Chief of Police are in concurrence regarding the Chief's performance, departmental operations, personnel issues, fiscal accountability, and the Commission's expectations. Such review will be documented utilizing the on-going Performance Review Form, Annex 4- (c) and presented to the Chief.~~

~~i. The semi-annual review shall discuss areas of exceptional performance, areas of concern regarding the Chief's performance, issues, facing KPD efforts toward goal attainment, and fiscal accountability.~~

~~ii. The review form shall be maintained by the Commission secretary and utilized during the preparation of the Chief's Annual Performance Evaluation.~~]

~~d. Performance Improvement Required. If, at any time, the Chief's performance does not meet expectations a Performance Improvement Plan shall be prepared which incorporates:~~

~~1. Areas of Concern.~~
~~2. Observations, Previous Discussions or Counseling.~~
~~3. Improvement Goals/Behaviors and Tasks.~~
~~4. Resources Needed to Complete Improvement Activities.~~
~~5. Management Support.~~
~~6. Follow up / Meeting Dates – Level of Progress Expected.~~
7. ~~Consequences / Failure to reach or Maintain Performance Standards.~~]

c. Other Input. The Commission may seek input into the Chief of Police's performance from the following:

1. The Mayor and Managing Director,

2. Other stakeholders in the government and private sector, including, but not limited to: elected officials, heads of various county departments, public safety peers, and labor union representatives.

d. Consolidated Evaluation. The Chair, Vice-Chair, a designated Commissioner, or the Office of Boards and Commissions shall prepare a consolidated performance evaluation based upon the input of the Commission and assessment of the Chief of Police's performance.

The consolidated Performance Evaluation with the consolidated input of all Commissioners shall be provided to each Commissioner before a Commission meeting at which the Chief of Police's performance is to be discussed. Commissioners shall review and discuss the consolidated Performance Evaluation Form. The Commission may revise the consolidated evaluation as necessary. Following discussion and any revisions, the Commission shall adopt the consolidated performance evaluation.

e. Discussion with Chief of Police. Following the Commission's approval of the evaluation, the Chair or Vice-Chair shall meet with the Chief of Police to present the Performance Evaluation Form and discuss their performance. The Chair or Vice-Chair shall provide the Chief of Police with a copy of the Commission's evaluation.

f. Performance Improvement Required. If at any time, the Chief of Police's performance does not meet expectations, a Performance Improvement Plan shall be prepared that incorporates:

1. Areas of concern;

2. Observations, previous discussions, or counseling;

3. Improvement goals and required actions;

4. Resources needed to complete improvement activities;

5. Management support;

6. Follow-up and timeline with level of progress expected at each review point; and

7. Consequences of failure to reach or maintain performance standards.

[ANNEX 4-A Chief of Police Job Description

DEPARTMENT OF PERSONNEL SERVICES COUNTY OF KAUAI
CHIEF OF POLICE

JOB PURPOSE

Administrative head of the Kaua'i Police Department.

ESSENTIAL DUTIES AND RESPONSIBILITIES

- Administers, supervises, and manages all aspects of police operations for Kaua'i Police Department.
- Ensures the preservation of peace within the community, enforces state and federal law, and county ordinances.
- Provides for traffic safety and traffic safety education.
- Recruits, selects, trains and manages personnel.
- Utilizes resources to promote effective law enforcement services and activities.
- Reports to the Commission on administrative, budgetary, legislative, and policy matters, making recommendations for appropriate action.
- Develops the annual operating and capital budget. Submits budget and supporting documentation to Commission, Mayor, and County Council as required.
- Oversees implementation of the operating budget and ensures fiscal accountability.
- Establishes department's priorities, goals and objectives with input from the Mayor and Police Commission, when necessary or appropriate.
- Communicates with the Office of the Mayor, County Council, Police Commission, and other county agencies on issues that impact the health, safety, or welfare of the County of Kaua'i and its' residents and visitors.
- Maintains positive working relationship and open communications with all labor organizations representing employees of the Kaua'i Police Department. Adheres to the provisions of bargaining unit contracts.
- Maintains positive, on-going, and open communications with citizens and community groups.
- Receives and investigates citizen's complaints, taking action as necessary.
- Assumes direct command of major emergency incidents, civil disturbances, natural disasters, and special police problems.
- Ensure proper procedures are in place regarding records retention and confidentiality, and reporting requirements.
- Maintains a safe and secure workplace that is in compliance with federal, state, and county regulations and policies regarding Equal Employment Opportunity, Americans with Disabilities Act, and Workplace Violence, and free from any form of discrimination, harassment or retaliation based on any protected class such as age, sexual orientation, gender, religion, national origin, gender identification.
- Performs other duties as required by law or at the direction of the Commission.

MINIMUM QUALIFICATION REQUIREMENTS

- ~~Five years of training and experience in law enforcement, at least three of which shall be in a responsible administrative capacity.~~
- ~~Possess a valid Hawai‘i motor vehicle operator’s license upon hire.~~
- ~~Meet federal and state eligibility requirements to possess firearms.~~
- ~~Be a citizen of the United States.~~
- ~~Willingness to establish residence on Kaua‘i and shall, upon hire, reside in the County on such date and shall continue to reside in the county.~~

~~DESIRABLE KNOWLEDGE OF~~

- ~~The principles of police administration, crime prevention, and investigation.~~
- ~~The principles and practices of law enforcement organization and management.~~
- ~~The technical and administrative aspects of law enforcement, rules of evidence, criminal investigations, and identification.~~
- ~~Organizational development, leadership and supervision, team development, discipline, and conflict resolution.~~
- ~~The structure of Kaua‘i County government, the functions of the various departments within that structure, and the principles and practices of county administration.~~
- ~~The State of Hawai‘i governmental structure, including laws, regulations, administrative and legislative practices, procedures, and history.~~
- ~~The historical and cultural background of the State of Hawai‘i, the County of Kaua‘i, and its people.~~
- ~~Federal, state and county Equal Employment Opportunity laws, regulations and policies.~~

~~DESIRABLE SKILLS~~

- ~~Communicates effectively verbally and in writing.~~
- ~~Ability to utilize computer and related software.~~
- ~~Demonstrated skills in leadership, teambuilding, goal achievement, and conflict resolution.~~
- ~~Possession of interpersonal skills that fosters trust, and establishes positive working relationships with: diverse cultural groups, the community, subordinates, the Police Commission, peers, supervisors, and other governmental agencies.~~
- ~~Proficiency with firearms.~~

~~SPECIAL WORKING CONDITIONS~~

- ~~Irregular work hours that may includes week-ends, evenings, and holidays.~~
- ~~Successfully pass post-offer background check, medical and psychological examinations.~~

~~OTHER DESIRABLE QUALIFICATIONS~~

- ~~Possession of Bachelor’s Degree. A degree in Criminal Justice, Public Administration, Social Science of related field is desirable.~~
- ~~Progressively responsible Law Enforcement supervisory and management experience. Experience as bureau, section, station, departmental commander, or higher, preferred.~~

~~Approved by County Human Resources and Police Commission on August 26, 2016~~

ANNEX 4-B – Chief of Police On-Going Review

COUNTY OF KAUA'I – POLICE COMMISSION – CHIEF OF POLICE – ON-GOING REVIEW

Name: _____ **Reporting Period:** _____ **to** _____ **Type of Report:** (circle one) **Semi-Annual Review** **Improvement Needed**
Notable Accomplishments This Reporting Period:
Progress Toward Annual Goal Accomplishment:
Areas of Concern by Police Commission:
Overall Performance for this Reporting Period: **Meets Expectations** **Does NOT Meet Expectations**
I Received a Copy of this Performance Review: _____ **Date:** _____ _____ **Chief of Police**
Discussed with Chief By: _____ **Date:** _____ _____ _____ Chair – Kaua'i Police Commission

- Word document format – boxes expand to accommodate inserted narrative.

ANNEX 4-C – Chief of Police – Annual Evaluation

COUNTY OF Kaua'i – POLICE COMMISSION
CHIEF of POLICE – ANNUAL PERFORMANCE EVALUATION

Name:	**Appointment Date:**
Reason for Report: Annual – Improvement Required)	**Period of Report:** _____To_____

CRITICAL PERFORMANCE FACTORS

1. Leadership Skills and Professional Qualities

- **Leads by example. Exhibits honesty, integrity and self-discipline.**
- **Sets and enforces professional standards.**
- **Promotes, supports, and implements EEO policies and programs.**
- **Motivates and develops subordinates. Serves as a mentor.**
- **Accepts personal responsibility.**

Discussion: (Provide specific examples of performance. Absent examples mark Unable to Rate below) • •		
Meets Expectations	***Does NOT Meet Expectations***	***Unable to Rate***

2. Policies, Procedures, Rules and Regulations

- **Knows and implements the technical and administrative aspects of law enforcement, rules of evidence, criminal investigation and the principles of police administration.**
- **Knows and implements Federal, state, and county EEO laws, regulations, and practices. Adheres to and implements collective bargaining agreements.**
- **Applies knowledge and experience to daily operations and non-routine situations.**

Discussion: (Provide specific examples of performance. Absent examples mark Unable to Rate below) • •		
Meets Expectations	***Does NOT Meet Expectations***	***Unable to Rate***

3. Planning, Organizing, and Setting Priorities

- **Sets priorities. Develops realistic and attainable goals with accompanying metrics to measure programs.**
- **Develops plans to achieve departmental and county goals.**
- **Anticipates and solves problems.**
- **Anticipates and budgets for future personnel and equipment.**
- **Develops contingency plans for major events and emergency operations.**

Discussion: (Provide specific examples of performance. Absent examples mark Unable to Rate below) • •		
Meets Expectations	***Does NOT Meet Expectations***	***Unable to Rate***

4. Personnel and Resource Management

- **Insures specialized training for all KPD members to maintain current on tactics, techniques, and procedures.**
- **Recognizes and addresses personnel problems at the earliest stages.**
- **Pursues external funding sources and uses other resources outside the department to enhance KPD capabilities.**
- **Prepares the budget in accordance with department and county policies. Exercises fiscal control, with emphasis on controlling overtime.**

Discussion: (Provide specific examples of performance. Absent examples mark Unable to Rate below) • •		
Meets Expectations	***Does NOT Meet Expectations***	***Unable to Rate***

5. Communications

- **Provides positive feedback and corrective counseling to subordinate personnel as appropriate.**
- **Maintains on-going communications with county leadership, media and community on public safety issues and incidents.**
- **Keeps the Police Commission and county leadership informed on incidents that could affect departmental operations and community relations. Responds promptly to Commission requests for information.**

Discussion: (Provide specific examples of performance. Absent examples mark Unable to Rate below) • •		
Meets Expectations	***Does NOT Meet Expectations***	***Unable to Rate***

Achievement of Goals: (Provide explanation for goals Not Achieved)	
Summary of Performance:	
Employee Signature: **I acknowledge receipt of this Performance Evaluation_____ Date:_____**	
Rater Certification: _____ _____ **Date:** _____ _____ Chair – Kaua'i Police Commission	

- Word document format – Boxes expands to accommodate additional narrative.]

Rule 4-6 Continuity of Command.

It is vital that there be a process to clearly define the powers of the Commission and the Chief of Police, ensuring there is always a single person in command of the Department when the Chief of Police is absent from their office.

The following rules regarding the appointment of an Acting Chief of Police and an Interim Chief of Police are promulgated to ensure continuity of command.

Powers of the Commission and the Chief of Police.

a. Police Commission. As stated in the County Charter, Article XI, Section 11.04, the Commission has the sole power to appoint the Chief of Police. The power to appoint the Chief of Police does not grant the Commission the authority to appoint an Acting Chief of Police, as defined below in Rule 4-7 a.

b. Chief of Police. The Chief of Police has the sole power to appoint an Acting Chief of Police during their routine absence as defined below in Rule 4-7 b.

c. General Rule. As a general rule, whenever there is a Chief of Police who is receiving compensation from the County of Kaua‘i, regardless of whether they are actively performing their duties, only they can appoint an Acting Chief of Police as defined below in Rule 4-7 b.

   Conversely, whenever the Office of the Chief of Police is vacant due to an action by the Chief of Police or the Commission, the Commission may appoint an Interim Chief of Police.

Rule 4-7 Acting Chief of Police.

a. Acting Chief of Police Defined. An Acting Chief of Police is a sworn police officer of the Department who is appointed by the Chief of Police to assume the duties of Department Head during their absence. It is recommended that the Acting Chief of Police meet the minimum Charter requirements for Chief of Police.

b. Absences.

   1. Appointment of the Acting Chief of Police. When the Chief of Police is absent from their office for operational or personal reasons with a known return to duty date, the Chief of Police uses the Departmental procedures to appoint an Acting Chief of Police.

      The Commission is not involved in this process.

   2. Notification. An email notification shall be made to the Commission Chair and Vice-Chair, and the Mayor and Managing Director of their absence and return date, and the person appointed as Acting Chief of Police.

c. Other Conditions. An Acting Chief of Police who assumes the duties and authority of the Chief of Police shall be subject to the Commission's Rules on Administrative Practice and Procedure to the same extent as the Chief of Police.

Rule 4-8 Interim Chief of Police.

a. Interim Chief of Police Defined. An Interim Chief of Police is an individual who meets the minimum Charter requirements for Chief of Police, and who is appointed by the Commission to head the Department.

For all intents and purposes, an Interim Chief of Police is the Chief of Police. That person occupies the position to serve at the pleasure of the Commission until a new permanent Chief of Police is hired, or the Chief of Police returns to duty.

b. Conditions for Appointing an Interim Chief of Police. To maintain continuity of command, the Commission will appoint an Interim Chief of Police during any period when the position of Chief of Police is vacant. The position is considered vacant when the Chief of Police:

1. Resigns;
2. Is removed;
3. Abandons position (Commission shall contact the Department of Human Resources for guidance);
4. Dies;
5. Is absent from their position, and no Acting Chief of Police was appointed; or
6. Any other time when the Chief of Police is not receiving financial compensation from the County.

c. Selection of Interim Chief of Police. In its selection of an Interim Chief of Police, the Commission may utilize two (2) courses of action:

1. From Within the Department. The Commission may select and appoint an active member of the Department as Interim Chief of Police until a new permanent Chief of Police is hired, or the Chief of Police returns to duty.

   In its selection of an Interim Chief of Police from within the Department, the Commission shall utilize the criteria:

   a. The Department's chain of command will be followed.

   b. The employee next to the chain of command accepts the position.

   c. No cause exists to exclude the employee from assuming the position.

   d. In the event that no member of the Department agrees to accept the position of Acting Chief of Police, the Commission shall appoint the highest ranking, most qualified member who meets the minimum Charter requirements for the Chief of Police, as Interim Chief of Police.

2. From Outside of the Department.

If circumstances exist that require the Commission to place an Interim Chief of Police in command of the Department, the Commission may opt to select and appoint an individual who has never been a member of the Department under the following conditions:

a. The Commission determines that the candidates from within the Department's chain of command are not suitably qualified to assume the position of Interim Chief of Police.

b. In its selection of an Interim Chief of Police from outside of the Department, the Commission shall seek and give preference to former top-tier law enforcement executives with experience as the Chief of Police, Deputy Chief of Police, or senior police management-level (or its equivalent).

d. Other Conditions. All other conditions as stated in Rule 4-7 c. shall apply to the Interim Chief of Police.

RULE 5 [~~RULES OF PRACTICE, HEARINGS~~]CONTESTED CASE HEARING

Rule 5-1 [~~Informal Hearing. The Commission may, in its discretion, on its own motion, or upon petition filed with the Commission at least fifteen (15) days prior to the date of the regular meeting hold an informal hearing on matters within its jurisdiction.~~
~~The petition need not be in any form but shall, where applicable, include:~~

~~a. Nature of the petitioner's interest and the reasons for requesting an informal petition.~~

~~b. A complete statement of the relevant facts.~~

~~c. Position or contention of the petitioner.~~

~~d. Name, address and telephone number of petitioner.~~

~~In an informal hearing the Commission shall determine the manner and procedure in which the hearing shall be conducted.~~]

Applicability.

a. A petitioner shall be entitled to a contested case hearing only if the right to a contested case hearing is provided by applicable law or by these rules.

b. A contested case hearing shall be conducted upon motion of the Commission in accordance with these rules and Hawai'i Revised Statutes, Chapters 91 and 92.

c. Any person aggrieved by a final action after the Commission determines that person's legal rights, duties, or privileges, may petition the Commission for a contested case hearing in accordance with the rules.

d. These rules shall be construed to be consistent with Chapters 91 and 92, Hawai'i Revised Statutes. If any provision of these rules is inconsistent with Chapters 91 and 92, Hawai'i Revised Statutes, the applicable statutory provision shall prevail.

Rule 5-2 [~~Contested Case Hearing. A formal hearing shall be conducted upon motion by the Commission in accordance with Hawai'i Revised Statutes, Chapter 91. Persons aggrieved by actions of the Commission, may petition for a formal hearing before the Commission.~~]

Petition. A petition for a contested case hearing shall be filed with the Office of Boards and Commissions and shall include the following:

a. The petitioner's name, mailing address, telephone number, and email address,

b. A statement describing the petitioner's interest in the matter and the reasons for requesting a contested case hearing,

c. A complete and concise statement of the relevant facts and issues giving rise to the petitioner's request including:

1. The date and nature of the Commission's action or decision being challenged;

2. The legal and factual grounds upon which the request is based; and

3. A summary of the factual circumstances giving rise to the dispute.

d. A statement of the specific relief requested.

e. A request that the Commission grant a contested case hearing, and

f. The petitioner shall sign the petition and certify that the information contained therein is true and correct to the best of the petitioner's knowledge and belief.

[~~Rule 5-3 Petition. The petition shall be filed with the Chair of the Commission and shall consist of:~~

~~a. Name, address and telephone number of the petitioner.~~

~~b. Nature of petitioner's interest and the reasons for requesting formal hearing.~~

~~c. A complete statement of the relevant facts giving rise to the petitioner's request.~~

~~d. Position or contention of the petitioner.~~

~~e. Petition for a hearing.~~

Rule 5-4 Setting, Rejecting. Petitions for formal hearing may be approved or modified and approved, and set for hearing or rejected at the regular meeting following receipt of the petitions. Petitioners who have been rejected shall be notified in writing of the Commission's action.

Exception. The Commission shall not reject a petition for a contested case hearing arising out of a denial by the Commission of a police officer's request for legal representation.

Rule 5-5 Notice. If the Commission determines to hold a contested case hearing, the Commission shall, within fifteen (15) days prior to the hearing, notify the parties of the hearing in writing, by registered or certified mail with return receipt requested.

If service by registered or certified mail is not made because of the refusal to accept service or the Commission has been unable to ascertain the address of the party after reasonable and diligent inquiry, the notice of hearing may be given to the party by publication at least once in each of two successive weeks in a newspaper of general circulation. The last published notice shall appear at least fifteen (15) days prior to the date of the hearing. The notice shall include, where applicable, a statement of:

a. The date, time, place and nature of hearing;

b. The legal authority under which the hearing is to be held;

c. The particular sections of the statutes and rules involved;

d. A statement in plain language of the issues involved and the facts alleged by the Commission in support thereof; provided that if the Commission is unable to state such issues and facts in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved, and thereafter, upon application, a bill of particulars shall be furnished;

e. The fact that any part may retain counsel if he so desires, and the fact that an individual may appear on his own behalf, or a member of a partnership, or an officer of authorized employee of a corporation or trust or association may represent the corporation, trust or association.

Rule 5-6 Procedure, Rules. In a contested case hearing, the following rules and procedures shall apply:

a. The Commission shall determine the order in which the parties to the proceeding shall present their case to the Commission.

b. Opportunity shall be afforded all parties to present evidence and arguments on all issues involved.

c. Every party to the proceeding shall have the right to conduct cross-examination as may be required for a full and true disclosure of the facts; and shall have the right to submit rebuttal evidence.

d. Any oral or documentary evidence may be received by the Commission and the strict rules of evidence shall not be applicable; however irrelevant, immaterial or unduly repetitious evidence shall be excluded.

e. Documentary evidence may be received in the form of copies of excerpts, if the original is not readily available; provided that upon request, parties shall be given an opportunity to compare the copy with the original.

f. The Commission shall give effect to the rules of privilege recognized by law.

g. The Commission may take notice of judicially recognizable facts. In addition, the Commission may take notice of generally recognized technical or scientific facts within its knowledge; but parties to the proceedings shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed.

h. Any procedure in a contested case may be modified or waived by stipulation of the parties and informal disposition may be made of any contested case stipulation, agreed settlement, consent order, or default.

i. For the purpose of Commission decisions, the records shall include:

1. All pleadings, motions, intermediate rulings;

2. Evidence received or considered, including oral testimony, exhibits, and a statement of matters officially noticed;

3. Offers of proof and rulings thereon;

4. Proposed fundings and rulings thereon;

5. Report of the officer who presided at the hearing;

6. Staff memoranda submitted to members of the Commission in connection with their consideration of the case.

j. It shall not be necessary to transcribe the record unless requested for the purposes of rehearing the court or review.

k. No matters outside the record shall be considered by the Commission in making its decision except as provided herein.

l. A contested case hearing shall be held in closed session, unless all parties to the proceeding choose to have the hearing in open session. However, any privileged dialogue between the Commission and the County Attorney advising the Commission shall be held in Executive Session.

~~Rule 5-7 Decision and Order. Every decision and order adverse to a party to the proceeding, rendered by the Commission in a contested case, shall be in writing or stated in the record and shall be accompanied by separate findings of fact and conclusions of law. If any party to the proceeding has filed proposed findings of fact, the Commission shall incorporate in its decision a ruling upon each proposed finding so presented. Parties to the proceeding shall be notified by delivering or mailing a certified copy of the decision and order and accompanying findings and conclusions within a reasonable time to each party or to his/her attorney of record. The decision and order of the Commission shall be announced in open session, with the names of all the parties to the proceeding withheld, unless said parties agree to have their names released.~~

~~Rule 5-8 Consultation by Commissioner. No Commissioner who renders a decision in a contested case shall consult any person on an issue of fact except upon notice and opportunity for all parties to participate, save to the extent required for the disposition of ex parte matters authorized by law.~~]

Rule 5-3 Review of Petition. Petitions for a contested case hearing shall be reviewed by the Commission. The Commission may reject any petition that does not conform to the requirements outlined in Rule 5-2. The Commission may grant a contested case and set for hearing, grant a contested case with modification and set for hearing, or deny a contested case hearing at the regular meeting following receipt of the petition. The Commission shall provide written notice of a denial of a petition to the petitioner within a reasonable time after the Commission's denial. All other notices will be done pursuant to law.

Rule 5-4 Notice. If the Commission determines that a contested case hearing will be held, the Commission, or its designee, shall provide written notice of the hearing to all parties within fifteen (15) days prior to the hearing. Notice shall be served by registered or certified mail with return receipt requested, or by any other method authorized by law. The notice shall include, where applicable, a statement of:

a. The date, time, place, and nature of hearing;

b. The legal authority under which the hearing is to be held;

c. The particular sections of the statutes and rules involved; and

d. A statement in plain language of the issues involved and the facts alleged by the Commission in support thereof; provided that if the Commission is unable to state such issues and facts in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved, and thereafter, upon application, a bill of particulars shall be furnished.

An individual may appear on the individual's own behalf. A corporation, trust, partnership, association, governmental entity, or other organization may appear through an officer, member, or employee authorized to act on its behalf, to the extent permitted by law. Any party may be represented by an attorney.

Rule 5-5 Procedure, Rules. In a contested case hearing, the following rules and procedures shall apply:

a. The Commission or the Master(s), if one is appointed, shall determine the order in which the parties to the proceeding shall present their case to the Commission or Master(s).

b. Opportunity shall be afforded to all parties to present evidence and arguments on all issues involved.

c. Every party to the proceeding shall have the right to conduct cross-examination as may be required for a full and true disclosure of the facts; and shall have the right to submit rebuttal evidence.

d. Any oral or documentary evidence may be received by the Commission and the strict rules of evidence shall not be applicable; however, irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

e. Documentary evidence may be received in the form of copies of excerpts, if the original is not readily available; provided that upon request, parties shall be given an opportunity to compare the copy with the original.

f. The Commission shall give effect to the rules of privilege recognized by law.

g. The Commission may take notice of judicially recognizable facts. In addition, the Commission may take notice of generally recognized technical or scientific facts within its knowledge; but parties to the proceedings shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed.

h. Any procedure in a contested case may be modified or waived by stipulation of the parties and informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

i. No matters outside the record shall be considered by the Commission in making its decision except as provided herein.

j. A contested case hearing shall be held pursuant to law. However, any privileged dialogue between the Commission and the Office of the County Attorney advising the Commission shall be held in executive session.

Rule 5-6 Decision and Order. Every final decision and order rendered by the Commission in a contested case, shall be in writing and shall be accompanied by separate findings of fact and conclusions of law. If any party to the proceeding has filed proposed findings of fact, the Commission shall incorporate in its decision a ruling upon each proposed finding so presented. Parties to the proceeding shall be notified by delivering or mailing a certified copy of the decision and order and accompanying findings and

conclusions within thirty (30) days to each party or to their attorney of record. The decision and order of the Commission shall be announced in open session.

Rule 5-7 Consultation by Commissioner. No Commissioner participating in the decision of a contested case shall consult with any person regarding an issue of fact unless all parties have received notice and an opportunity to participate, except as otherwise authorized by law for the disposition of ex parte matters.

Rule 5-8 Appeals. Any person aggrieved by the final decision and order of the Commission in a contested case hearing may seek judicial review or any other remedy authorized by applicable law.

RULE 6 PUBLIC INFORMATION AND INSPECTION

Rule 6-1 Obtaining Information. The public may obtain information on matters within the jurisdiction of the Commission by inquiring in person, during regular business hours, at the Office of Boards and Commissions[~~, 4444 Rice Street, Suite 150, Līhu‘e, Hawai‘i, 96766,~~] , or by submitting a written request to[said Office.] the Office of Boards and Commissions.

Rule 6-2 Public Inspection of Rules. All rules of the Commission including the adoption, amendment, or repeal thereof, are available for public inspection during regular business hours at:

a. Office of Boards and Commissions
[~~4444 Rice Street, Suite 150~~
~~Līhu‘e, Hawai‘i 96766~~]

b. Office of the County Clerk
[~~County Building~~
~~Līhu‘e, Hawai‘i 96766~~]

c. Office of the Lieutenant Governor
[~~State of Hawai‘i~~
~~State Capitol~~
~~Honolulu, Hawai‘i 96813~~]

Rule 6-3 Public Inspection of Statements of Policy and Interpretation. All written statements of policy or interpretation formulated, adopted, or used by the Commission in the discharge of its functions and all final opinions and orders of the Commission are available for public inspection at the Office of Boards and Commissions during regular business hours.

Rule 6-4 Public Information and Inspection Prohibited. [~~When m~~]Matters within the jurisdiction of the Commission, including confidential information, written statements of policy or interpretation formulated, adopted, or used by the Commission in the discharge of its functions, may be withheld from the public where permitted by law.

RULE 7 ADOPTION, AMENDMENT OR REPEAL OF RULES

Rule 7-1 Method of Adopting, Amending or [~~Repeal~~]Repealing of Rules. The rules adopted, amended or repealed by the Commission shall be made in accordance with the following procedure:

a. Prior to the adoption, amendment or repeal of any rule, a public hearing shall be held by the Commission. At least thirty (30) days' notice shall include a statement of the substance of the proposed rule, and of the date, time, and place where interested persons may be heard thereon. The notice shall be mailed to all persons who have made a timely written request [~~of~~]to the Commission for advance notice of its rule-making proceedings[,] and shall be published at least once in a newspaper of general circulation.

   All interested persons shall be afforded an opportunity to submit [~~date~~]data, views, or arguments[~~,~~] orally or in writing. The Commission shall fully consider all written and oral submissions respecting the proposed rule. The Commission may make its decision at the public hearing or announce then the date as to when it intends to make its decision. Upon adoption, amendment, or repeal [~~or~~]of a rule, the Commission shall, if requested to do so by an interested person, issue a concise statement of the principal reasons for and against its determination.

b. Notwithstanding the foregoing, if the Commission [~~finds~~]determines that an imminent peril to the public health, safety or morals requires adoption, amendment or repeal of a rule, the Commission may proceed without notice of a hearing or [~~upon~~] less than thirty (30) days' notice of hearing. [~~and~~]The Commission shall state[~~s~~] in writing its reason[~~s~~] for such finding, and it may proceed without prior notice or hearing upon such abbreviated notice and hearing as it finds practicable to adopt an emergency rule[~~- to be effective for a period of not longer than one hundred twenty days without renewal~~].

Rule 7-2 Filing. Certified copies of the rules adopted, amended, or repealed by the Commission shall be filed forthwith with the County Clerk, and as may be otherwise required by law for the filing of rules for[Boards and Commissions.] the Office of Boards and Commissions.

Rule 7-3 Effective Date of Rules. The adoption, amendment, or repeal of any rule by the Commission shall become effective:

a. Ten (10) days after filing of the rules with the County Clerk; provided that if a later effective date is required by statute or specified in the rule, such later date shall be the effective date. However, no rule shall specify an effective date [~~in excess of~~]more than thirty (30) days after the filing of the rule as provided herein.

b. An emergency rule shall be effective, upon filing with the County [~~clerk~~]Clerk, for a period of not longer than one hundred twenty (120) days without renewal unless extended in compliance with the provisions of subsections [~~(a)~~]a. and [~~(b)~~]b. of Rule 7-1, if the Commission finds that immediate adoption of the rule is necessary because of imminent peril to the public health, safety, or morals. The

Commission's findings and brief statement of the reasons therefore shall be incorporated in the rule as filed. The Commission shall make an emergency rule known to persons who will be affected by it by publication at least once in a newspaper of general circulation within five (5) days from the date of filing of such rule.

Rule 7-4 Petition. Any interested person may petition the Commission for the adoption, amendment, or repeal of any [~~rule of the~~]Commission rule. The petition shall be submitted in duplicate and delivered to the Office of Boards and Commissions.

Rule 7-5 Form, Contents, and Rejection of Petition. The petition need not be in any special form but it must contain:

a. A statement of the nature of each petitioner's interest.

b. A draft of the substance of the proposed rule or amendment and/or a designation of the provisions sought to be repealed.

c. An explicit statement of the reasons in support of the proposed rule, amendment or repeal.

d. Any other information relevant to the petition.

e. The name, address, and telephone number of each petitioner.

f. The signature of each petitioner.

The Commission may reject any petition [~~which~~]that does not conform to the requirements set forth hereinabove.

Rule 7-6 Processing of Petition. Upon receipt of the petition, the Commission shall cause it to be dated to determine the date of submission. The Commission shall notify the petitioners of the date, time, and place when the Commission shall consider the petition and the petitioner's privilege of personal appearance, with or without counsel, and the privilege of presenting evidence in support of the petition.

Rule 7-7 Consideration of Petition. Within [~~thirty (30)~~]ninety (90) days after the receipt of the petition, the Commission shall either deny the petition in writing, stating its reason for such denial, or initiate proceedings in accordance with Rule 7-1, for the adoption, amendment or repeal of the rule, as the case may be.

RULE 8 DECLARATORY RULING BY THE COMMISSION

Rule 8-1 Petition. Any interested person may petition the Commission for a declaratory order as to the applicability of any statute or of any rule or order of the Commission.

Rule 8-2 Form, Contents, and Rejection. The petition shall be submitted in duplicate to the [~~Police Commission.~~] Office of Boards and Commissions. The petition need not be in any special form, but it shall contain:

a. A statement of the nature of each petitioner's interest, including reasons for the submission of the petition.

b. A designation of the specific provisions, rules, or order in question.

c. A complete statement of the relevant facts.

d. A statement of the position or contention of the petitioner.

e. A memorandum of authorities, containing a full discussion of the reasons, [~~includes~~]including any legal authorities, in support of such position or contention.

f. The name, address, and telephone number of each petitioner.

g. The signature of each petitioner.

Any petition [~~which~~]that does not conform to the foregoing requirements may be rejected by the Commission.

Rule 8-3 Processing of Petition. The petition shall be processed in the manner provided by Rule [~~3-6~~]7-6.

Rule 8-4 Non-issuance of Declaratory Order. The Commission may for good cause refuse to issue a declaratory order. Without limiting the generality of the foregoing, the Commission may [~~so~~] refuse where:

a. The question is speculative or purely hypothetical and does not involve an existing situation or one which may reasonably be expected to occur in the near future.

b. The petitioner's interest is not of the type [~~which~~]that would give [him]them standing to maintain an action in a court of law.

c. The issuance of the declaratory order may adversely affect the interest of the County in any litigation which is pending or may reasonably be expected to arise.

d. The matter is not within the jurisdiction of the Commission.

Rule 8-5 Consideration of Commission. Within forty-five (45) days, after a hearing is held in the manner provided for by Rule [~~7-6~~]7-7, the Commission shall either deny the petition, stating its reasons therefore, or issue a declaratory order. Upon the disposition of the petition, the petitioner shall by promptly notified by the Commission.

RULE 9 COST OF RULES

Rule 9-1 Cost. Compilation and supplements of these rules shall be made available free of charge upon request by [~~state~~]State officers in the case of a [~~state~~]State agency and by county officers in the case of a county agency. Copies may also be made available, free of charge, to agencies of the federal government or of other states [having]that

have a need for the rules. As to all other persons, the price for [copy]copies of these rules shall be charged in accordance with prices set forth by the Office of the County Clerk, County of Kaua‘i.

RULE 10 PUBLIC CHARGES AGAINST THE CONDUCT OF THE DEPARTMENT OR ANY OF ITS MEMBERS, EXCEPT THE CHIEF OF POLICE

Rule 10-1 Overview.

a. Applicability. This rule applies to charges brought by a member of the public against the conduct of the Department or any of its members, except the Chief of Police.

1. Charges against the Chief of Police shall be addressed pursuant to the procedures set forth in Rule 11.

2. Only a member of the public who has been personally or directly aggrieved by the conduct of the Department or any of its members may file a charge, except that:

a. A parent or legal guardian may file a charge on behalf of a minor under eighteen (18) years of age;

b. A personal representative may file a charge on behalf of a deceased person;

c. A legal guardian, conservator, or agent acting under a valid power of attorney may file a charge on behalf of a person who is physically or mentally unable to file a charge;

d. A person otherwise authorized by law or court order to act on behalf of the aggrieved individual may file a charge.

3. A person filing a charge on behalf of another person pursuant to this section shall submit, together with the Kaua‘i Police Commission Formal Charge(s) Form, documentation demonstrating the person’s authority to act on behalf of the person on whose behalf the charge is filed.

b. Filing of Charges – Requirements. All charges against the conduct of an employee and/or the Department shall be filed with the Office of Boards and Commissions.

1. Charges shall be in writing on the Kaua‘i Police Commission Formal Charge(s) Form and must be notarized.

2. In lieu of a notarized statement, an incarcerated person may make an unsworn declaration, in writing, subscribed as true under penalty of law, and dated, in substantially the following form:

I, (name of person), do declare under penalty of law that the foregoing is true and correct.

Dated:

Signature

3. Any charges received informally by an individual Commissioner or by Department personnel shall be referred to the Office of Boards and Commissions for proper filing and processing.

c. Time Frames. Charges shall be filed with the Office of Board and Commissions no later than thirty (30) calendar days after the date of occurrence. Charges filed after the 30-day period will not be investigated unless the Commission finds good cause for an extension of time.

Rule 10-2 Charges Considered, Received, and Investigated.

a. Charges Considered.

1. The date the Office of Boards and Commissions receives the charge shall be noted on the first page of the form in the space provided and signed for by the recipient.

2. After a charge is properly filed with the Office of Boards and Commissions, staff will forward the charge to the Chief of Police to determine if the charge involves possible criminal conduct.

3. When all requirements stated above have been met, charges shall be officially considered on the date of the next Commission meeting, as permitted by law. All such charges shall be considered by the Commission.

b. Charges Received. When the requirements set forth above have been satisfied and the charge concerns a matter within the Commission's jurisdiction, the charge shall be officially received on the date of the next Commission meeting. Charges that are officially received may be referred to for investigation as authorized by law.

c. Notifications.

1. The Commission Chair shall provide written acknowledgement of the receipt and status of such charges to the Commission members, the Commission Investigator, the Chief of Police, and the charging party.

2. The Chief of Police shall notify the employee in question of the charges according to Department rules and regulations.

3. The Commission Investigator shall not commence the investigation of such charges until after the employee in question has been notified of the charges. The restriction shall not apply in circumstances where, despite good faith efforts, the employee cannot be notified.

d. Confidentiality. The Commission shall keep any and all discussions concerning charges confidential and shall discuss charges only as authorized by applicable law.

Rule 10-3 Investigations.

a. Types of Investigations. The Commission may utilize different types of investigation processes, including but not limited to:

1. Police Commission. Commissioners will review available information, including but not limited to: Body camera video, audio files, reports, statements of Department employees, charging party, witnesses, applicable law, and Department policy to render a finding.

2. Department Investigation. At the request of the Commission, the Chief of Police will designate an investigator. Once the investigation is completed, a report is provided to the Commission. The Commission will consider the investigative report and renders a finding.

3. Independent Investigation. The Commission directs the Office of Boards and Commissions to secure the services of an Independent Investigator. Acting on behalf of the Commission, the Independent Investigator obtains all information pertinent to the charges and prepares a report. Once completed, the Independent Investigator shall provide a report to the Commission. The Commission will consider the report and renders a finding.

b. Investigation of Charge.

1. Investigator Duties. The Investigator shall conduct all investigations in a proper and ethical manner; shall obtain all information pertinent to the charges; and shall, upon completion of the investigation, submit a written report to the Commission.

2. Communications. Communications between the Investigator and the Commission or individual Commissioners shall be through the Office of Boards and Commissions.

3. Confidentiality of Details. Details of the investigation shall be considered confidential and shall not be released or discussed with any persons other than the Commission as permitted by law.

4. Obtaining Information. The Investigator shall be authorized to obtain from the Department, on behalf of the Commission, any such information as may be needed for the investigation, subject to the prior approval of the Chief of Police.

c. Investigative Findings. An Investigator's report shall contain all investigative findings and a summary or transcript of all interviews. If an individual's Garrity Rights are invoked due to possible criminal conduct, the Investigator's summary of that interview will only state that the individual was interviewed and Garrity Rights were invoked.

d. Timeframes. The Investigator shall submit the report within ninety (90) days of the date they are commissioned to investigate the charges. The Commission, for good cause, may grant an extension of time for the submittal of the report by the Investigator. Once an investigation has been completed and the Commission has received the investigative report, the Commission shall submit a written report of its findings to the Chief of Police within ninety (90) days.

e. Continued Investigation. Upon review of the investigative report, the Commission may conduct further investigation including interviews of the Investigator and/or any other person involved in the case. In addition, the Commission may resubmit the report to the Investigator for further investigation.

Rule 10-4 Findings. The Commission shall utilize the following findings in rendering a decision on charges brought to its attention through the citizen charges process:

a. Unfounded – The charge is not based on facts or the incident upon which the charge is based did not occur.

b. Exonerated – The incident upon which the charge is based occurred, but the employee's actions were lawful and proper.

c. Not Sustained – There is not sufficient evidence to prove or disprove the charge.

d. Sustained – There exists sufficient evidence of misconduct to sustain the charge or justify disciplinary action.

Rule 10-5 Commission Report.

a. After the Commission has made a finding, the Commission shall thereafter submit a written report of its decision to the Chief of Police within ninety (90) days.

1. The Commission shall notify the charging party of its decision in writing.

2. Every Commission decision shall be made public during a regularly scheduled meeting.

Rule 10-6 Citizen Charges Received by the Department.

a. Action by the Department.

1. The Department will refer all citizen charges, whether received via written or verbal form, to the Office of Boards and Commissions.

2. Citizens may file charges with the Department, with the Commission, or both. Each charge is independent of the other.

RULE 11 PUBLIC CHARGES, DISCIPLINE, AND REMOVAL OF THE CHIEF OF POLICE

a. Standing to File Charges. Only a member of the public who has been personally or directly aggrieved by the conduct of the Chief of Police may file a charge, except that:

1. A parent or legal guardian may file a charge on behalf of a minor under eighteen (18) years of age;

2. A personal representative may file a charge on behalf of a deceased person;

3. A legal guardian, conservator, or agent acting under a valid power of attorney may file a charge on behalf of a person who is physically or mentally unable to file a charge;

4. A person otherwise authorized by law or court order to act on behalf of the aggrieved individual may file a charge.

b. Authorization of Representation. A person filing a charge on behalf of another person pursuant to this section shall submit, together with the Kaua‘i Police Commission Formal Charge(s) Form, documentation demonstrating the person’s authority to act on behalf of the person on whose behalf the charge is filed.

Rule 11-1 Filing of Charges, Discipline, and Removal of the Chief of Police.

a. Notice of Charge. All charges shall be in writing and filed with the Office of Boards and Commissions in accordance with Rule 10-1 b. and Rule 10-1 c.

b. Charge Process. Upon receipt of a written charge, the Office of Boards and Commissions shall transmit said charge to each Commissioner and to the Mayor.

1. The Commission shall meet in executive session to review the charge. The seriousness of the allegations shall be considered to determine whether a special executive session is required or whether the charge can be discussed at the next regularly scheduled Commission meeting.

2. The Commission shall determine if the charge warrants an investigation. If an investigation is warranted, the process described in Rule 10 shall be utilized.

3. The Commission shall review the complete investigation and, after duly considering all factual information, render a finding as described in Rule 10-4.

4. The completed investigation shall be forwarded to the Mayor for their review. The Mayor may make a recommendation to the Commission on appropriate discipline, if warranted. The Commission may consider the Mayor’s recommendation but shall not be bound by it.

5. After the Commission enters a finding as described in Rule 10-4, the Commission shall notify the Chief of Police, charging party, and Mayor of the Commission's decision in writing.

Rule 11-2 Discipline or Dismissal of the Chief of Police.

a. Grounds for Discipline or Dismissal. The Chief of Police may be disciplined or dismissed only for cause and not arbitrarily or capriciously. Grounds for discipline or dismissal of the Chief of Police shall include, but not be limited to, the following:

1. Malfeasance – Wrongful act by a public official.
Misfeasance – Wrongful exercise of law authority.
Nonfeasance – Omission of an act that ought to have been performed.

2. Falsification of the candidate's application.

3. Conviction of any misdemeanor or felony.

b. Disciplinary Procedures. The Commission may institute disciplinary procedures against the Chief of Police upon motion of any member of the Commission and a majority vote in favor thereof. The Chief of Police may be removed by the Commission only after being given a written statement of the charges against them and a hearing before the Commission. Any hearing pertaining to charges brought against the Chief of Police shall be considered a contested case and be conducted in accordance with Rule 5 of these rules.

c. Disciplinary Actions. The Commission may sustain the allegations of any charge against the Chief of Police by a majority vote and may take any of the following actions:

1. Reprimand the Chief of Police (written or verbal).

2. Suspend the Chief of Police for a period of time determined by the Commission.

3. Dismiss the Chief of Police.

d. After the Commission takes disciplinary action, the Commission shall notify the Chief of Police, Charging Party, and Mayor of the Commission's decision in writing within a reasonable time.

CERTIFICATE OF ACKNOWLEDGEMENT

I, _____, in my capacity as Chair for the Kaua‘i County Police Commission, do hereby certify that the foregoing is true and correct. These amendments to the Rules were adopted by the Police Commission at its meeting on _____. A notice of public hearing on the foregoing rules of the Kaua‘i Police Commission, which notice included the substance of such rules was published in **The Garden Island Newspaper on _____.**

_____
NAME, Chair
Kaua‘i Police Commission

APPROVED AS TO FORM AND LEGALITY:

_____
NAME, County Attorney, County of Kaua‘i

****

Approved on this ____ day of _____, 2026,

_____
Derek S.K. Kawakami, Mayor, County of Kaua‘i

I hereby certify that the foregoing amendments to the Rules and Practice and Procedure of the Kaua‘i Police Commission of the County of Kaua‘i were received and filed in my Office this _____ day of _____, 2026.

_____
Jade K. Fountain-Tanigawa, County Clerk, County of Kaua‘i

KAUA‘I POLICE DEPARTMENT

POLICE COMMISSION MONTHLY REPORT

OFFICE OF THE CHIEF OF POLICE

REPORTING PERIOD **September 2026**

Notable Highlights

	DATE	EVENT DESCRIPTION/LOCATION	BUREAU
1	09/02/26	Responded to a major traffic collision on Kaumuali‘i Hwy. near Wahiawa Bridge; westbound lane closed and later reopened.	POB
2	09/02/26	Investigated an unresponsive male found floating in the ocean in Kapa‘a; investigation ongoing.	POB
3	09/02/26	Investigated a vehicle-bicycle collision involving a juvenile in the Kīlauea area; roadway temporarily closed.	POB
4	09/05/26-09/25/26	KEMA Activation	ALL
5	09/06/26-09/09/26	ABIS (Automated Biometric Identification System) down from 9/6/26 Prep for Hurricane Lowell and trouble shoot to restart, completed 9/30/26	POB
6	09/07/26	Hurricane Lowell recovery efforts	ALL
7	09/08/26	Investigated a missing person case in the Kalāheo area following Hurricane Lowell; subject was located deceased the following day. Preliminary findings indicate probable drowning.	POB
8	09/09/26	Investigated first-degree criminal property damage at a Po‘ipū business; identified suspect resisted arrest; incident occurred during the Hurricane Lowell emergency proclamation.	POB
9	09/10/26	Investigated a terroristic threatening case in the Hanamā‘ulu area; suspect later located near Kukui Grove, arrested without incident.	POB
10	09/11/26	Investigated a major traffic collision involving a juvenile in the Kōloa district.	POB
11	09/11/26	Investigated a death involving a subject found in storm debris in the Wainiha area. Preliminary findings indicate probable drowning.	POB
12	09/19/26	Responded to an unresponsive female near ‘Anini Beach; investigation ongoing.	POB
13	09/21/26-09/26/26	National Forensic Science Week	SSB
14	09/22/26	Investigated a vehicle-bicyclist collision in Kekaha; roadway closed for approximately 1.5 hours.	POB
15	09/29/26	Investigated a reported sexual assault involving a minor; investigation ongoing.	POB
16	09/29/26	Investigated a reported sexual assault in Hanalei; two suspects were arrested on federal immigration warrants and subsequently deported. Investigation ongoing.	POB
17	09/30/26	Investigated multiple burglaries in Hanalei involving the theft of food and personal property; a person of interest was identified. Investigation ongoing.	POB
18	09/30/26	Closed Kūhiō Hwy. between Hanalei Plantation Road and Hanalei town due to flooding from heavy rain; roadway reopened with DOT monitoring conditions.	POB

Special Projects

	DATE	EVENT DESCRIPTION/LOCATION	HOURS	PERSONNEL	BUREAU
1	09/28/26	Parking enforcement on Haleukana Street		5	POB

Public Information

MEDIA INQUIRIES

	DATE	PRIMARY MEDIA ACTIVITY	# OF INQUIRIES
1	09/01/26-09/08/26	UIPA for ALPRs, Hurricane Lowell public safety message, and sheriff car damaged by storm surge	3
2	09/09/26	Missing persons, Bronze Robson police report, and missing persons, damages, injuries, and deaths from Hurricane Lowell	4
3	09/10/26-09/16/26	Donation scams, Wainiha death age discrepancy, storm deaths, crime stats, first responder spotlight, expired driver license, and women in policing	7
		Total	**14**

PRESS RELEASES & SOCIAL MEDIA POSTS

	DATE	PRIMARY COMMUNICATIONS ACTIVITY	# OF COMMS
1	Sept	Recruitment content and current job postings	Continuous
2	09/01/26-09/06/26	Suicide Prevention Month, Kaumualiʻi Highway traffic diversion, identification of deceased man in Kapaʻa, and Kauaʻi Marathon road closures canceled	4
3	09/08/26-09/11/26	Hurricane Lowell residential damage reporting, major road closures and updates, deceased man found at Nomilu Fishpond, car seat check cancellation, KPD phone dispatch outage, essential travel advisory, and Hurricane Iniki anniversary	7
4	09/12/26-09/13/26	Don’t ride the wake messaging, safe-driving police escort reel, disaster recovery scam warning, utility work and escorts, and storm cleanup and highway closure guidance	10
5	09/16/26-09/19/26	KPD job openings, EOC appreciation, non-emergency phone line restored, community thanks for Hurricane Lowell recovery efforts, and Kaumualiʻi Highway storm cleanup	5
6	09/21/26-09/26/26	Major highway cleanup, car seat safety and Seat Check Saturday promotions, Forensic Science Week proclamation, and storm cleanup	9
7	09/29/26	Traffic Tip Tuesday: Speeding	1
		Total	**36**

CRIME STOPPERS

	DATE	CRIME STOPPERS TIP	BUREAU	OUTCOME
1	September	Harassment, drugs, homicide, other, and vehicle theft tips	POB	N/A
		Total Crime Stoppers Tips Received		**1**
		Tips Resulting in Arrests		**0**

Community Engagement

DATE		EVENT DESCRIPTION/LOCATION	HOURS	PERSONNEL COUNT	BUREAU	AUDIENCE COUNT
	Sept	Coaching High School Softball/Baseball	52	1	POB	60+
	09/01/26	Kīlauea Neighborhood Meeting	1	1	POB	15
	09/04/26	Waimea HS & MADD Hawai‘i Roadside Rally	1	4	ALL	100+
	09/04/26	Evacuation Drill – Kapa‘a High School	1	3	SSB	1000+
	09/08/26	Car Safety Check – Wilcox Medical Center	1	6	ALL	10+
	09/24/26-10/02/26	Recruitment at the Pacific Islander Festival and UNLV Career Fair		4	SSB	50,000+
		Total	**56+**	**19**		**51,185+**

KAUA'I POLICE DEPARTMENT

POLICE COMMISSION MONTHLY REPORT

SUPPORT SERVICES BUREAU · CRIMINAL INVESTIGATIONS DIVISION · FIELD OPERATIONS DIVISION

REPORTING PERIOD **September 2026**

Budget Summary Estimate: Period of September 2026

BUREAU/DIVISION	BUDGET	EXPENDITURES TO DATE	ENCUMBRANCES TO DATE	BALANCE 9/30/26	% OF BUDGET
Chief's Office	$49,077,887.00	4,016,357.67	2,604,005.74	$42,457,523.59	13%
Support Services Bureau	$3,840,518.00	407,427.01	1,104,642.86	$2,328,448.13	39%
Criminal Investigations Division	$813,624.00	16,181.03	198,897.39	$598,545.58	26%
Police Operations Bureau	$571,174.00	35,203.07	195,132.21	$340,838.72	40%
Total General Fund	$54,303,203.00	4,475,168.78	4,102,678.20	$45,725,356.02	16%
Asset Forfeiture Funds	$100,008.00	$0.00	$0.00	$100,008.00	0%
Salary, Overtime & Fringe Benefits Breakdown Summary					
Salary & Wages	$24,089,628.00	$2,222,754.43		$21,866,873.57	9%
Overtime	$2,629,731.00	$188,852.61		$2,440,878.39	7%
Fringe Benefits	$18,433,472.00	$766,291.66		$17,667,180.34	4%
Total Salary, OT, Fringe	$45,152,831.00	$3,177,898.70		$41,974,932.30	7%
Payroll % of Budget	92%	7%		93%	

Personnel Status as of September 30, 2026

	AUTHORIZED	ACTUAL	VACANT
Appointed	**2** 1-Chief 1-Deputy Chief	**2**	**0**
Sworn	**164** 2-Assistant Chief 5-Captain 12-Lieutenant 37-Sergeant 108-Officer	**136**	**28** 2-Captain [Pos 403, 433] 3-Police Lieutenant [Pos 394, 405, 535] 3-Police Sergeant [Pos 400, 412, 457] 20-Police Officer [Pos ***407 (John),*** 437, 447, **453 *(Mark)***, 468, **500 *(Eric)***, 503, ***509 (Ale),*** 515, ***516 (Dean M.), 517 (Ray),*** 519, 525, ***540 (Paddy)***, ***552 (Miller)***, ***587 (Ken)***, 1317, 1318, 1321, 1322]
Non-Sworn ***3 – Dispatchers Grant funded***	**69** 4-Accountant 4-Admin Asst. 1-Business Administrator 1-Contracts Specialist 4-Criminalist 1-DV/AV Coord. 1-DVIC 19-Emergency Services Dispatcher 3-Evidence Custodian 1-Fiscal Officer II 1-Fleet Coord. 1-IT Prog. Coord. 1-Public Safety Manager 1-Police Inv. Op. Asst. 1-Secretary 2-Parking Enforcement Worker 1-Police Records Supervisor 5-Police Records Technician 4-Prog. Support Asst. 2-Public Information Officer 9-Public Safety Worker 1-Weapons Clerk 1-Dept. Staff Asst.	**45**	**24** 7-Emergency Services Dispatcher [Pos 315, 316, 323, 536, ***537 (Donn)***, T565, T566] 7-Public Safety Worker I [Pos 378, 379, 380, ***1307 (Simeon)***, 1310, ***1315 (Tyler)***, 1947] 2-Parking Enforcement Worker [Pos 339, 384] 1-Fiscal Officer II [Pos 564] 2-Police Records Technician [Pos. 588, 1301] 1-Crime Scene Specialist [392] 1-Police Investigative Operations Assistant [Pos. 583] 2-Accountant [Pos. 343, 532] 1-Evidence Custodian [Pos. 491]
Total	**235**	**183**	**52**
Hourly Positions ***Does not factor into vacancy totals*** ***Special-Duty Clerk not County funded***	*9* 2-Background Investigator 6-Sex Assault Forensic Nurse Examiner 1-Clerk (Special-Duty)	*7* ***1303-(Scott)*** ***1309-(Dean)***	*2 *Does not factor into vacancy totals* *1-Clerk (Special-Duty) [Pos T475]* *1-Sex Assault Forensic Nurse Examiner [Pos. 9805]*
Total – ***Including Hourly Positions that do not factor into vacancy totals***	*244*	*190*	*54*

Recruitment Status as of September 30, 2026

POSITION	VACANCIES	COMMENTS
Police Services Officer (104th Recruit Classes)	20	**Posted: December 1, 2025 – December 31, 2026** 9/23/2026 Written Exam: 11 scheduled, 4 took exam, 3 passed & referred 9/28/2026 Written Exam: 15 scheduled, 6 took exam, 3 passed & referred **Hired 104th Recruit Class 07/01/2026 – 8**
Captain	2	Pending Promotional Announcement relevant to staffing
Police Lieutenant	3	**Posted: September 30, 2026 – October 9, 2026**
Detective/Sergeant	3	**Posted: September 30, 2026 – October 9, 2026**
Emergency Services Dispatcher I	7	**Posted: July 14, 2025 – Continuous** Referred – 38 Disqualified – 25 Withdrew – 6 Background Investigation Phase – 5 Hired – 2
Public Safety Worker I	7	**Posted: July 3, 2023 – Continuous** Referred – 28 Disqualified – 16 Withdrew – 8 Background Investigation Phase – 4
Parking Enforcement Worker	2	**Posted: July 14, 2025 – Continuous** Referred – 8 Disqualified – 4 Withdrew – 1 Interview Phase – 3
Fiscal Officer II	1	**Posted: July 29, 2026 – Continuous** Referred – 2 Background Investigation Phase – 2
Police Investigation Operations Assistant	1	**Pending Recruitment Announcement** Pending Interview
Police Records Technician	2	**Posted: March 16, 2026 – Continuous** Referred – 4 Disqualified – 1 Withdrew – 1 Background Investigation Phase – 1 Interview Phase – 1
Senior Police Records Clerk		**Posted: July 20, 2026 – Continuous** Referred – 3 Disqualified – 1 Withdrew – 1 Interview Phase – 1
Crime Scene Specialist	1	**Posted: March 16, 2026 – March 25, 2026** Referred – 17 Disqualified – 12 Withdrew – 3 Interview Phase – 2
Accountant I / II / Technician / Trainee	2	Referred – 11 Disqualified – 6 Withdrew – 2 Background Investigation Phase – 3
Evidence Custodian	1	**Pending Recruitment Announcement**

Training Provided by Outside Agency: On-Island

	ORDER NO:	START:	END:	TRAINING DESCRIPTION:	PERSONNEL TRAINED:	COURSE HOURS PER TRAINING:
1	26-25232	09/02/26	09/16/26	CPJAD's Virtual Grant Administration Training – Modular Series	4	2
2	26-23223	09/17/26	09/17/26	2026 Protect. Reduce. Prevent. Leadership (PRPL) – Virtual Session 3	1	1
				Total	**5**	**3**

Training Provided by Kaua'i Police Department

	ORDER NO:	START:	END:	TRAINING DESCRIPTION:	PERSONNEL TRAINED:	COURSE HOURS PER TRAINING:
1	26-25139	09/01/26	09/30/26	SRT Training	15	16
2	26-25143	09/01/26	09/30/26	HIBS Training	2	32
3	26-25142	09/01/26	09/30/26	CAST Training	13	8
4	26-25149	09/01/26	09/30/26	CNT Training	5	8
5	26-25233	09/01/26	09/30/26	K9 Training	2	8
6	26-25254	09/01/26	09/11/26	2026 Taser/Firearms Recall Training	92	8
7	26-25221	09/16/26	09/17/26	Intoxilyzer 9000 Supervisor Training Course	1	15
8	26-25237	09/23/26	09/26/26	Child Passenger Seat Technician Certification	3	32
9	N/A	09/01/26	09/30/26	104th Recruit Academy	8	144
10	N/A	09/01/26	09/31/26	CSLS New Hire Training Program – Phase 4	1	120+
11	N/A	09/03/26	09/03/26	Summer Intern CSLS Visit	1	8
				Total	**143**	**399+**

Training Provided by Outside Agency: Off-Island

	ORDER NO:	START:	END:	TRAINING DESCRIPTION:	PERSONNEL TRAINED:	COURSE HOURS PER TRAINING:
1	26-25141	09/21/26	09/26/26	Public Safety Bomb Technician Recertification	2	48
2	26-25180	09/28/26	09/30/26	2026 NIAIA Training Conference	2	24
3	26-25234	09/01/26	09/04/26	American Polygraph Association 60th Annual Seminar	1	32
				Total	**5**	**104**

Crime Scene and Laboratory Section - Biometric Identification Facial and Ten Print

LATENT PRINT DEVELOPMENT	FACIAL RECOGNITION PROCESSING	TEN PRINT QUALITY CONTROL	TEN PRINT EXAMINATION
0	40	400	90

Crime Scene and Laboratory Section - Call Out, Lab Request

AUTOPSY	DIGITAL EXAM	SEX ASSAULT KITS	FORENSIC TEST RESULTS INTERPRETATION	KPD WARRANTS	FORENSIC CONSULTATION	CALL OUT TOTAL	TOTAL NEW CASES
1	9	0	3	0	4	10	10

YTD Death Statistics

DEATH TYPES	RESIDENT	UNHOUSED RESIDENT	VISITOR
Natural Death Involving Autopsy	42	5	7
Accidental Deaths	9	1	7
Drug Overdoses	8	4	0
Suicide	8	3	0
Homicide	1	0	0

Person Crimes Section Statistics

	ASSIGNMENT				CASE DISPOSITION							
(5) DETECTIVES	Carry Over Last Month	Cases Assigned/ Follow Up	Total Offenses	Total Case	Unfound	RTP	Record Only	Arrest Self	Arrest Other	Cases Closed/%	PFD	Carry Over Next Month
TOTAL	-	-	-	-	-	-	-	-	-	-	-	-

Person Crimes Section Enforcement

Felony Arrest	MD Arrest	Vio Arrest	Total Arrest	Search Warrant	Special Projects	Arrest Warrant	Grand Jury	Surveillance	Follow Ups	Info Charging
-	-	-	-	-	-	-	-	-	-	-

Property Crimes Section Statistics

	ASSIGNMENT				CASE DISPOSITION							
(6) DETECTIVES	Carry Over Last Month	Cases Assigned/ Follow Up	Total Offenses	Total Case	Unfound	RTP	Record Only	Arrest Self	Arrest Other	Cases Closed/%	PFD	Carry Over Next Month
TOTAL	-	-	-	-	-	-	-	-	-	-	-	-

Property Crimes Section Enforcement

Felony Arrest	MD Arrest	Vio Arrest	Total Arrest	Search Warrant	Special Projects	Arrest Warrant	Grand Jury	Surveillance	Follow Ups	Info Charging
-	-	-	-	-	-	-	-	-	-	-

Property Crimes Section Types

	CASES	ADULT ARREST	JUVENILE ARREST	REFER TO PROSECUTORS	PENDING FURTHER DEVELOPMENTS	UNFOUNDED
Criminal Property Damage (CPD)						
Unauthorized Entry into a Motor Vehicle (UEMV)	3				3	
Unauthorized Control of a Propelled Vehicle (UCPV)	2				1	1
Burglary						
Theft						

Vice Section Statistics

	COCAINE	FENTANYL	METH	HEROIN	MARIJUANA	VEHICLES	CURRENCY	FIREARMS	SEARCH WARRANT	ARREST
SEPT	0	37.8g	31.3g	0	629.8g	2	0	2	6	3
YTD	1451.9g	215.3g	13179.7g	0	11030.6g	19	$18,786.00	4	59	21

**Note: the YTD numbers include controlled purchases of narcotics that may add to the total weight collected.*

Kauai Police Department
Firearms Registration Summary Comparison

For Dates Between: 09/01/2026 and 09/30/2026
For Districts: ALL
Print Date: 10/19/2026 15:57

	YTD 2026	YTD 2025	Percent Change	09/01/2026 TO 09/30/2026	08/01/2026 TO 08/31/2026	09/01/2025 TO 09/30/2025
Total Firearms Registered:	2,132	2,206	-3.4%	120	211	191
Handguns:	1,030	822	25.3%	50	114	82
Rifles:	932	1,179	-20.9%	64	82	102
Shotguns:	170	205	-17.1%	6	15	7
Total Firearms Imported:	1,086	1,144	-5.1%	55	102	104
Handguns:	559	436	28.2%	19	47	47
Rifles:	442	599	-26.2%	33	46	54
Shotguns:	85	109	-22.0%	3	9	3
Handgun Applications:	552	419	31.7%	29	62	53
Handgun Permits To Aquire Issued:	539	368	46.5%	39	79	34
Handgun Permits To Aquire Rejected:	8	1	700.0%	0	0	0
Handgun Permits To Aquire Voided:	101	6	1,583.3%	8	10	1
Longgun Applications:	399	410	-2.7%	31	26	43
Longgun Permits To Aquire Issued:	407	369	10.3%	15	31	19
Longgun Permits To Aquire Rejected:	5	0	500.0%	0	0	0
Longgun Permits To Aquire Voided:	161	4	3,925.0%	9	22	0
Permit to Carry Applications:	77	114	-32.5%	7	13	14
Permit to Carry Applicants:	55	89	-38.2%	6	10	10
Security Licenses Issued:	2	6	-66.7%	0	0	0
Security Licenses Denied:	1	0	100.0%	0	0	0
Citizen Licenses Issued:	66	99	-33.3%	4	8	4
Citizen Licenses Denied:	0	0	0.0%	0	0	0
Total Licenses to Carry Issued:	68	105	-35.2%	4	8	4
OC Citizen Applications:	0	0	0.0%	0	0	0
OC Citizen Licenses Issued:	0	0	0.0%	0	0	0
Citizen Licenses Denied:	0	0	0.0%	0	0	0
Total Firearms Registered By Dealers:	837	949	-11.8%	44	66	82

Kauai Police Department
Crime Summary - Preliminary Point & Time Data
for dates between 09/01/2026 & 09/30/2026

Crimes

Crime Category	YTD 2026	YTD 2025	Percent Change	09/01/2026 TO 09/30/2026	08/01/2026 TO 08/31/2026	Percent Change
Violent Crimes						
Murder	-- -- --	-- -- --	-- -- --	-- -- --	-- -- --	-- -- --
Completed	3	1	200.0%	0	1	-100.0%
Murder Total	3	1	200.0%	0	1	-100.0%
Rape	-- -- --	-- -- --	-- -- --	-- -- --	-- -- --	-- -- --
Family	21	12	75.0%	3	2	50.0%
Known to Victim	19	18	5.6%	2	0	200.0%
Stranger	2	3	-33.3%	1	0	100.0%
Undetermined	7	11	-36.4%	0	2	-200.0%
Rape Total	49	43	14.0%	6	4	50.0%
	0	0	0.0%	0	0	0.0%
Robbery Total	4	5	-20.0%	0	0	0.0%
Aggravated Assault	-- -- --	-- -- --	-- -- --	-- -- --	-- -- --	-- -- --
04B - Knife or Cutting Instr	10	7	42.9%	0	3	-300.0%
04C - Other Dangerous Wea	13	14	-7.1%	0	3	-300.0%
04D - Hands, Fist, Feet, Etc	35	42	-16.7%	3	1	200.0%
Other - Unknown	31	25	24.0%	1	6	-83.3%
Aggravated Assault Total	75	82	-8.5%	4	10	-60.0%
Total Violent Crimes	**131**	**131**	**0.0%**	**10**	**15**	**-33.3%**
Property Crimes						
	0	0	0.0%	0	0	0.0%
Burglary Total	144	139	3.6%	21	13	61.5%
	0	0	0.0%	0	0	0.0%
Larceny Theft Total	742	854	-13.1%	58	70	-17.1%
	0	0	0.0%	0	0	0.0%
Motor Vehicle Theft Total	102	94	8.5%	14	11	27.3%
Total Property Crimes	**988**	**1,087**	**-9.1%**	**93**	**94**	**-1.1%**
Total Crime	**1,119**	**1,218**	**-8.1%**	**103**	**109**	**-5.5%**

Arrests

Violent Crimes						
Murder Total	3	2	50.0%	0	0	0.0%
Rape Total	10	10	0.0%	4	3	33.3%
Robbery Total	6	2	200.0%	0	0	0.0%
Aggravated Assault Total	56	46	21.7%	4	7	-42.9%
Total Violent Crimes	**75**	**60**	**25.0%**	**8**	**10**	**-20.0%**
Property Crimes						
Burglary Total	41	40	2.5%	1	8	-87.5%
Larceny Theft Total	143	186	-23.1%	7	23	-69.6%
Motor Vehicle Theft Total	27	36	-25.0%	2	3	-33.3%
Total Property Crimes	**211**	**262**	**-19.5%**	**10**	**34**	**-70.6%**
Total Arrests	**286**	**322**	**-11.2%**	**18**	**44**	**-59.1%**

Kauai Police Department
Activity Summary - Preliminary Point & Time Data
for dates between 09/01/2026 & 09/30/2026

Calls for Service	YTD 2026	YTD 2025	Percent Change	09/01/2026 TO 09/30/2026	08/01/2026 TO 08/31/2026	Percent Change
Call Statistics						
Law Total	37,424	35,781	4.6%	4,025	4,595	-12.4%
Fire Total	6,240	6,133	1.7%	718	684	5.0%
EMS Total	5,472	5,540	-1.2%	579	557	3.9%
Total Calls for Service	**49,136**	**47,454**	**3.5%**	**5,322**	**5,836**	**-8.8%**
Officer Initiated						
Total Traffic Stops	**4,125**	**4,844**	**-14.8%**	**329**	**523**	**-37.1%**
Total Citations	**8,855**	**11,208**	**-21.0%**	**562**	**1,228**	**-54.2%**
Total Warnings	**1,737**	**2,033**	**-14.6%**	**112**	**178**	**-37.1%**
Total FI's	**992**	**419**	**136.8%**	**33**	**94**	**-64.9%**
Incidents by District						
Lihue	4,295	4,526	-5.1%	403	493	-18.3%
Waimea	1,512	1,696	-10.8%	118	182	-35.2%
Koloa	1,475	1,644	-10.3%	128	155	-17.4%
Kawaihau	2,675	3,378	-20.8%	262	326	-19.6%
Hanalei	1,493	1,439	3.8%	109	167	-34.7%
Not Specified	10	5	100.0%	8	0	800.0%
WALK	3	8	-62.5%	1	0	100.0%
Total Incidents	**11,463**	**12,696**	**-9.7%**	**1,029**	**1,323**	**-22.2%**
Crash Statistics						
Tc Major	316	373	-15.3%	27	40	-32.5%
Tc Minor	323	396	-18.4%	27	40	-32.5%
Total Fatalities	**5.00**	**7.00**	**-28.6%**	**1.00**	**0.00**	**100.0%**
Total Crashes	**639**	**769**	**-16.9%**	**54**	**80**	**-32.5%**

Kauai Police Department
Agency Statistics
For dates between 09/01/26 00:00 & 09/30/26 23:59

CALLS FOR SERVICE / INCIDENT SUMMARY

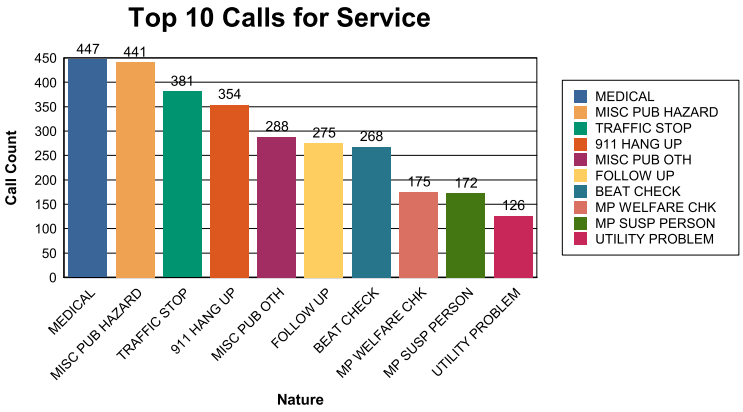
Total Calls for Service: 4,649

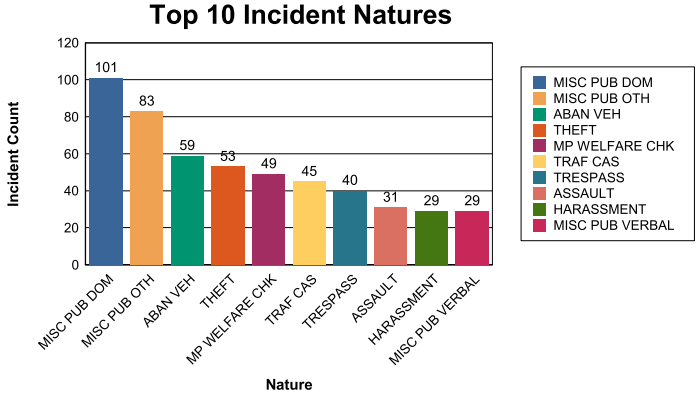
Total Law Calls for Service: 4,025

Total Incidents: 1,028

All Units: 4,550

Primary on Incidents: 1,028 **Charges Initiated: 1,060**





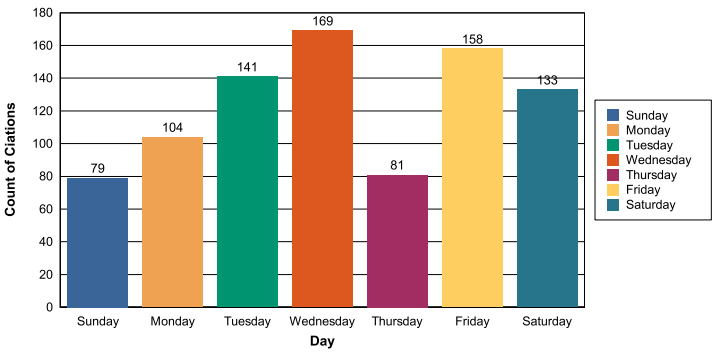
CITATION SUMMARY

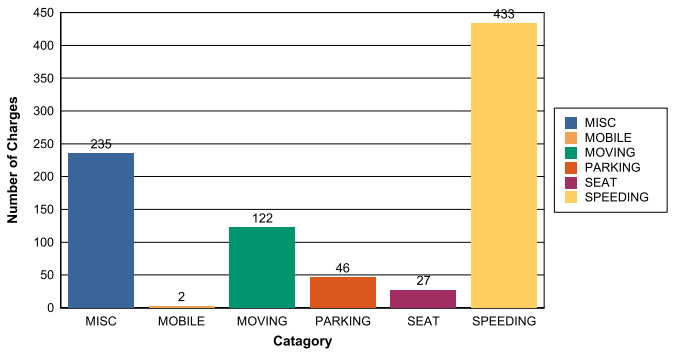
Total Traffic Stops: 329

Total Traffic Warning Issued: 110

Total FI's: 33

Misc	Mobile	Moving	Parking	Seat	Speed	Covid	Totals	Viol	Non
231	2	116	46	18	149	0	562	284	66





Kauai Police Department
Agency Statistics
For dates between 09/01/26 00:00 & 09/30/26 23:59

ARREST SUMMARY

Total Arrests: 164 - Juvenile: 19 - Adult: 145

Total Charges: 178 - Felonies: 28 - Total Misdemeanors: 66 - Total Petty Misdemeanors: 62 - Total Others: 22

Total OVUII Arrest Charges: 12

