



POLICE COMMISSION

LAURIE YOSHIDA, CHAIR
MARY K. HERTO, VICE CHAIR

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

26 AUG 19 P 4:05

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

- 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.

RECEIVED

REGULAR MONTHLY POLICE COMMISSION MEETING NOTICE AND AGENDA

Friday, August 28, 2026

9:00 a.m. or shortly after

26 AUG 19 P4:05

4444 Rice Street, Moikeha Meeting Room 2A/2B, Līhu'e, Hawai'i 96766

MEETING CALLED TO ORDER

ROLL CALL TO ASCERTAIN QUORUM

APPROVAL OF THE AGENDA

CHAIR'S ANNOUNCEMENTS:

- The next monthly meeting is scheduled for **Friday, September 25, 2026, at 9:00 a.m.** in the Moikeha Meeting Room 2A/2B, with an Executive Session to follow. 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 AUGUST 2026:

- Officer Jason Scalzo

UPDATE BY REPRESENTATIVES OF GALLUP ON THE PROGRESS MADE IN THE DEPARTMENT

APPROVAL OF THE MINUTES:

- July 24, 2026, Open Session Meeting

CHIEF OF POLICE MONTHLY REPORTS FOR JULY 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.

BUSINESS:

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

OS KPC 2026-8:

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.

OS KPC 2026-9:

Discussion, deliberation, and possible action on recommendations to revise the Kauai Police Commission's formal complaint form.

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. **(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 Board Office and Commission. Date of Occurrence: the week of January 1, 2026, and the week of February 5, 2026. The complainant alleges the Department lacked timeliness in investigating or refused to investigate 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 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).

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 it may relate to agenda item OS KPC 2026-8. 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.

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 it 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.

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



KAUAI POLICE DEPARTMENT

The Voice of the Department

Employee Engagement Survey Results | Summer 2026

Executive Briefing prepared for County of Kauai Police Commission

Commission Briefing Agenda



- 1** Gallup's Engagement Philosophy
- 2** KPD Survey Overview
- 3** Engagement Deep Dives
- 4** Next Steps



Gallup's Engagement Philosophy

Gallup Built the Science of Engagement

Backed by decades of research, Gallup's tools and solutions have helped best-practice organizations achieve employee engagement levels that are more than three times those of workforces globally.

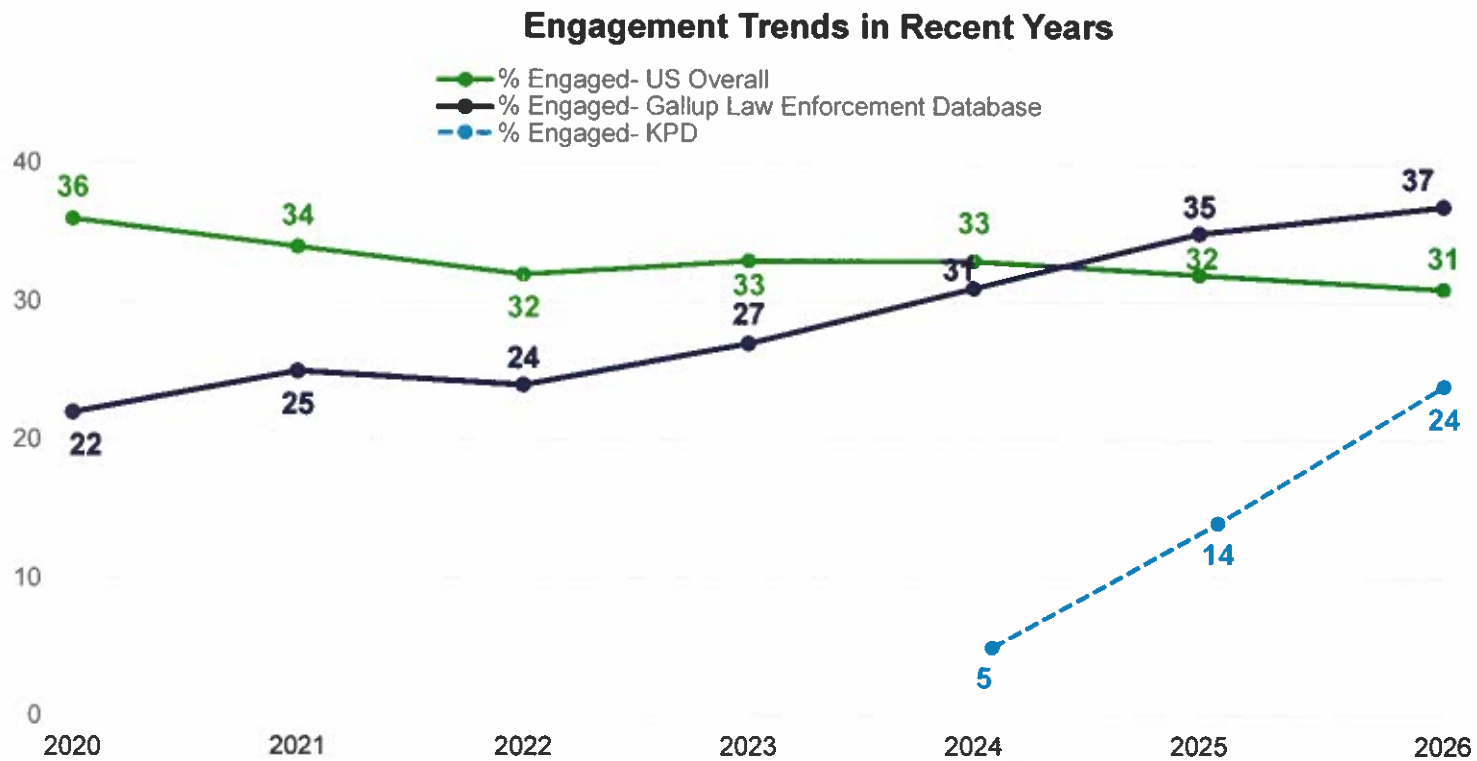
Gallup's Engagement Database Includes:

- Workplace research developed **over 25+ years**
- **63.9 million** respondents
- **5.6 million** workgroups
- **219** countries and **62** languages

- Engagement is not a survey. It is an operating strategy for sustaining and optimizing performance.
- Engagement is most effective at the local level. Managers and their teams should set and execute priorities to enhance individual and team engagement.
- Engagement requires meaningful conversations between managers and their teams and individual employees.
- Engagement is not about the average. It is about excellence.



US Engagement Is Declining While Law Enforcement Database Is Growing

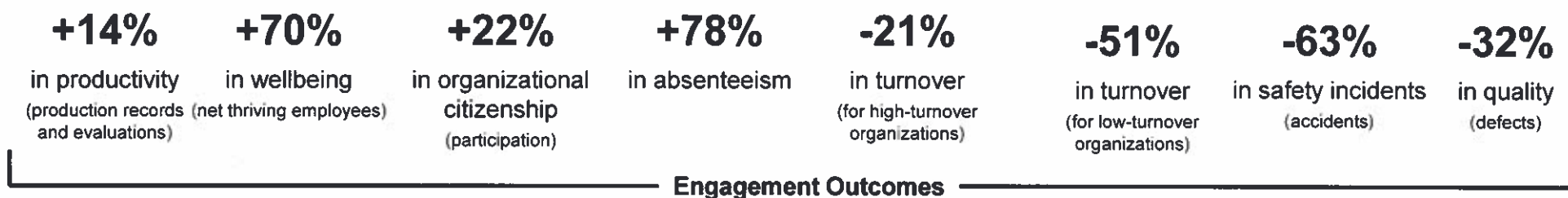


Police Departments With Higher Employee Engagement Perform Better On Key Outcomes



Gallup's research of more than 180,000 teams — over 3.3 million employees — revealed that teams in the top quartile of employee engagement achieved higher performance on positive outcomes and realized fewer negative outcomes than bottom-quartile teams.

Percent Differences in Outcomes Between Top-Quartile and Bottom-Quartile Teams



Source: *The Relationship Between Engagement at Work and Organizational Outcomes: Q12® Meta-Analysis, 11th Edition*

Note: The above figures are median percent differences across companies in Gallup's database. High-turnover organizations are those with more than 40% annualized turnover. Low-turnover organizations are those with 40% or lower annualized turnover.



Overall Results

EXECUTIVE SUMMARY

A Story of Commitment and Progress

Engagement improved meaningfully over the past year, but roughly a third of the department remains not engaged or actively disengaged.



ENGAGEMENT MEAN

3.37

+0.33 up from 3.04 in 2025

Meaningful gain; 25th percentile vs. Law Enforcement

% ENGAGED

24%

+19 pts up from 5% in 2024

Nearly 5x growth in fully engaged employees

% ACTIVELY DISENGAGED

30%

-19 pts down from 49% in 2024

Largest YOY improvement in lowering disengagement

+0.42

Average improvement across survey items from 2025 to 2026

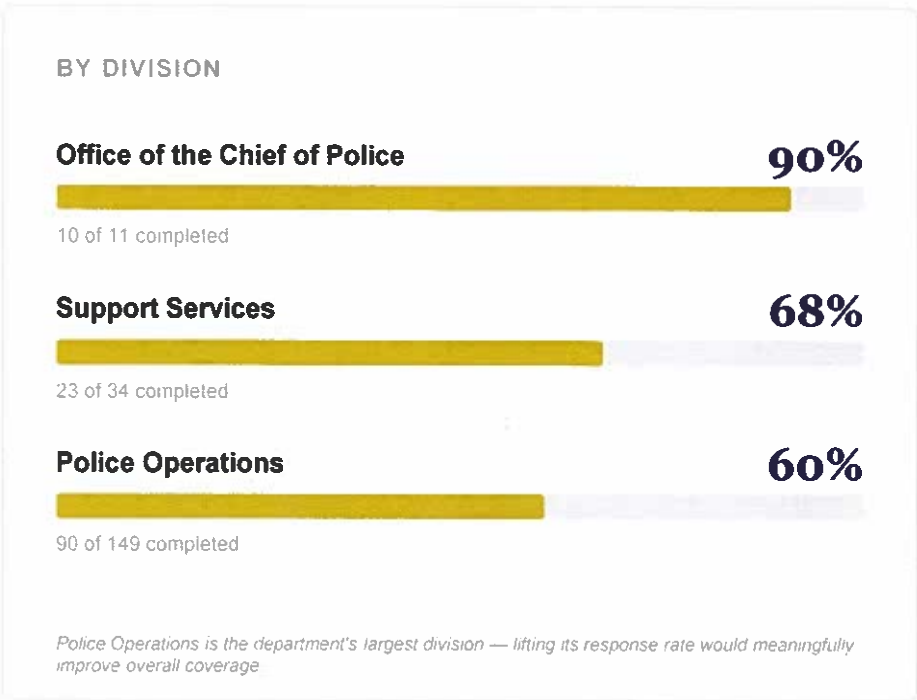
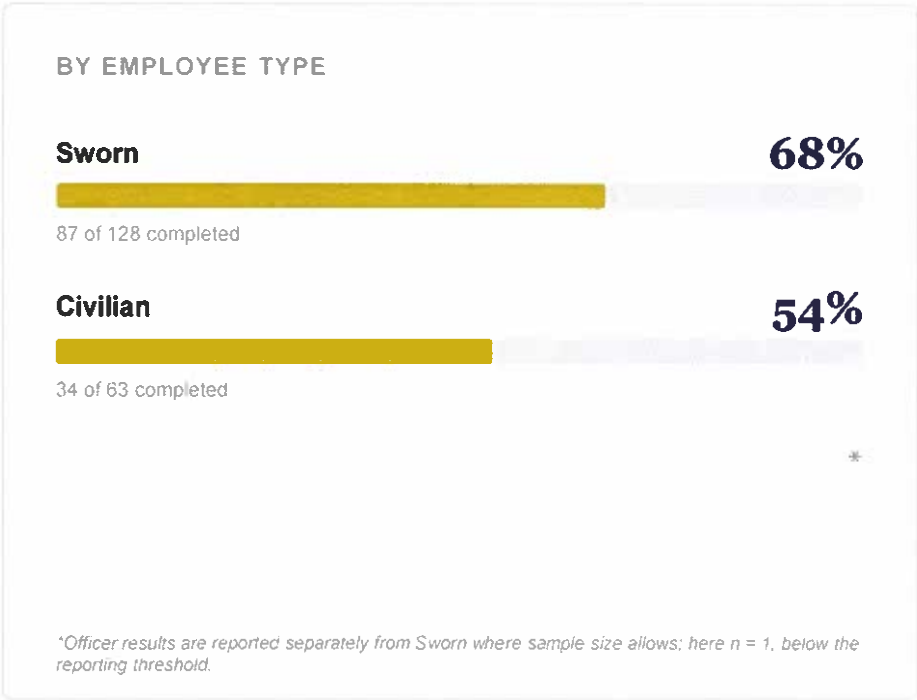
Gains were broad-based across leadership, culture, and Q12® engagement items — 12 of 13 core items moved meaningfully, and only “best friend at work” held flat.

Note. Percentages reflect Q12® engagement classification (Engaged / Not Engaged / Actively Disengaged), n = 123. Mean based on a 5-point scale.

PARTICIPATION

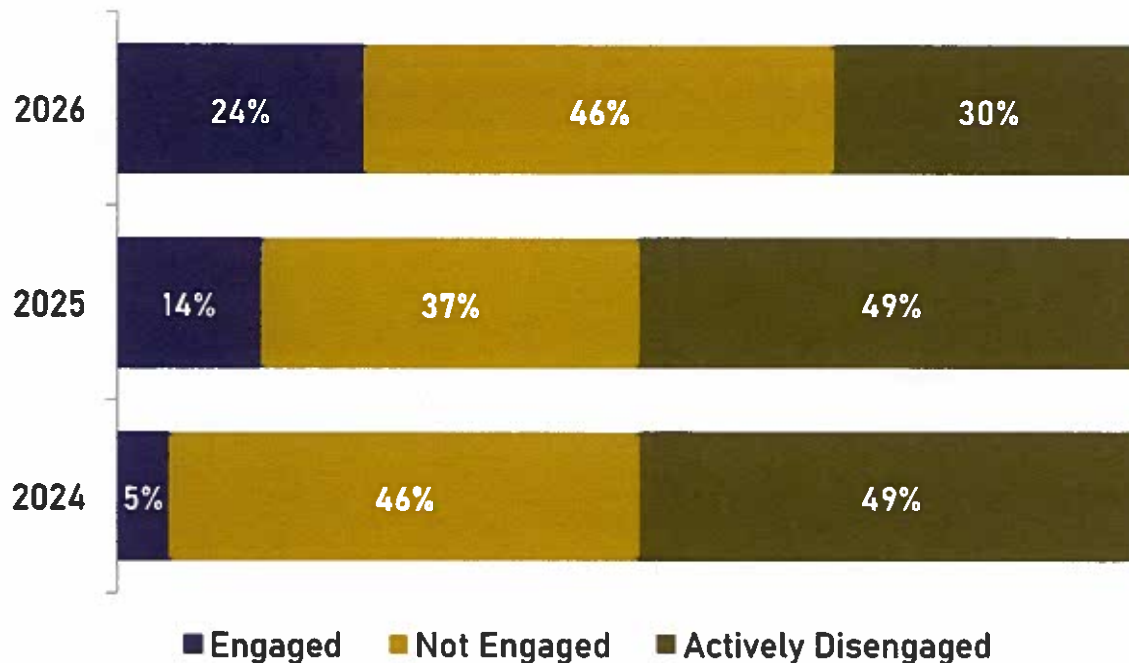
Strong Response Rates, With Room to Grow in Police Operations

123 of 194 eligible employees completed the survey — a 63% overall response rate.





Engagement Has Meaningfully Improved +0.33 In 3 Years



49% → 30%

Reduction in Active Disengagement From '24 to '26

3.04 → 3.37

Engagement mean, meaningful gain from '25 to '26, 25th percentile compared to other Law Enforcement groups

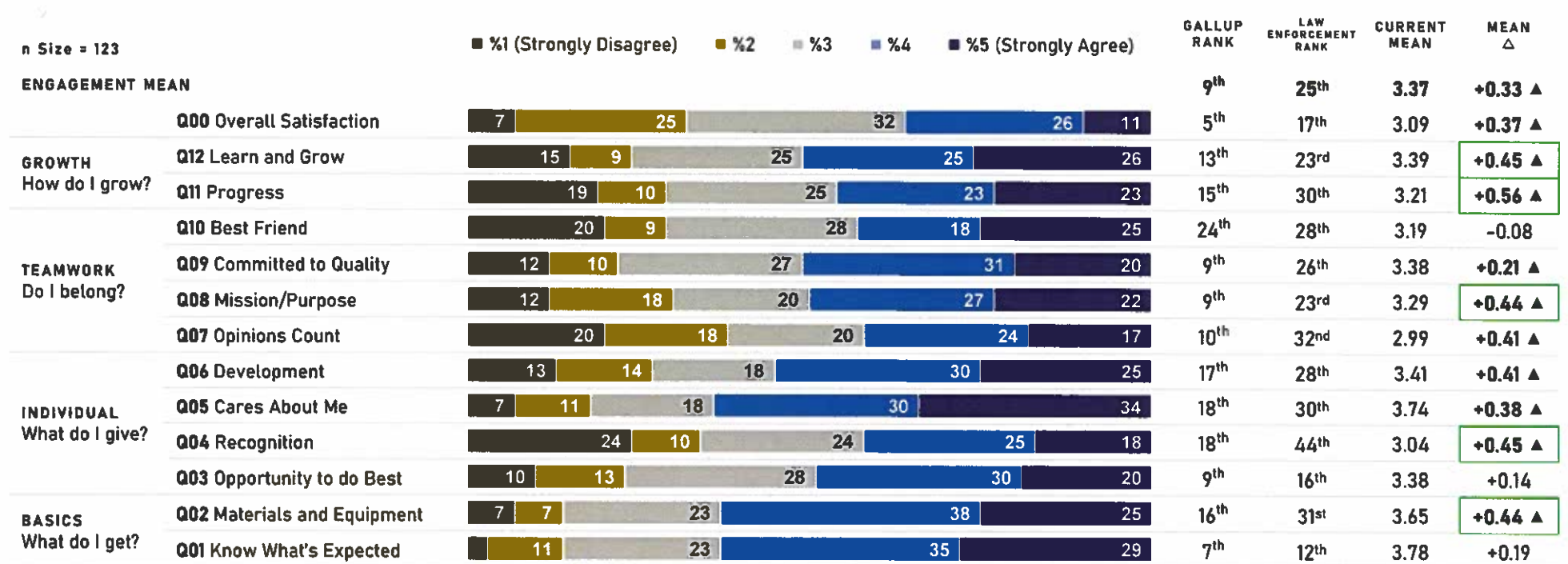
+0.42

Average improvement across survey items was meaningful from '25 to '26

Percent engaged, not engaged, and actively disengaged by survey year.

Engagement Elements Saw Meaningful Improvement At An Average of +0.34/Item

Basic Needs Remain an Opportunity



Note: Percentiles based on Workgroup Level_Overall_Overall Q¹² Database (2021-2025); Due to rounding, percentages may sum to 100% ±1; Numerical values shown when 5% or higher; ▲/▼ indicates meaningful change bolded and defined as ±0.10 or greater for n size ≥1,000 and ±0.20 or greater for n size <1,000.



Leadership Actions Drove Meaningful Change Across Culture Focus Areas

Particularly Leadership Trust, Vision, Connection To Culture and Community Promises

n Size = 123

■ %1 (Strongly Disagree) ■ %2 ■ %3 ■ %4 ■ %5 (Strongly Agree)

GALLUP
RANK

CURRENT
MEAN

MEAN
Δ

I trust the leadership of my organization.	24	18	25	21	13	9 th	2.80	+0.54 ▲
My organization cares about my overall wellbeing.	22	19	26	20	12	6 th	2.81	+0.42 ▲
Our leadership supports a well-articulated vision that promotes high standards for police work.	19	25	22	25	9	N/A	2.80	+0.51 ▲
At work, people are held accountable for their actions.	29	20	22	21	8	4 th	2.58	+0.36 ▲
I feel connected to my organization's culture.	21	17	29	24	9	3 rd	2.84	+0.56 ▲
At work, I am treated with respect.	7	11	32	27	23	6 th	3.48	+0.30 ▲
If I raised a concern about ethics and integrity, I am confident my employer would do what is right.	28	16	21	20	15	2 nd	2.79	+0.23 ▲
I am well informed about what is going on at my organization.	25	19	22	27	7	7 th	2.72	+0.43 ▲
My organization always delivers on the promises we make to the community.	13	20	36	22	9	4 th	2.95	+0.51 ▲
I have received meaningful feedback in the last week.	22	20	23	20	15	10 th	2.86	+0.39 ▲
The performance appraisal process at my organization is able to distinguish between good performers and poor performers.	39	19	23	10	8	5 th	2.29	+0.42 ▲

Note: Percentiles based on Workgroup Level_Gallup Overall; Due to rounding, percentages may sum to 100% ±1; Numerical values shown when 5% or higher; ▲/▼ indicates meaningful change bolded and defined as ±0.10 or greater for n size ≥1,000 and ±0.20 or greater for n size <1,000.



OPEN-ENDED RESPONSES, CODED BY QUESTION

Officers Cite Feeling Optimistic About New Leadership

Continued Focus on Communication & Accountability

QUESTION 1 • 75 RESPONSES

CULTURE IMPROVEMENTS:

- 29% • No Change Yet
- 23% • Optimism About New Leadership
- 23% • Better Communication and Listening

"It appears that the current administration is making more of an attempt to listen to the rank and file."

QUESTION 2 • 86 RESPONSES

WHERE TO FOCUS NEXT:

- 23% • Communication and transparency
- 20% • Fairness, consistency, and accountability
- 13% • Retention alongside recruitment

"Improve communications, employee development, and create a positive environment where employees feel valued."

QUESTION 3 • 65 RESPONSES

HOW TO IMPROVE PERFORMANCE APPRAISALS:

- 37% • Points and citations measure activity, not quality police work
- 18% • Supervisors need training and accountability to rate honestly
- 6% • Would keep the current process as is

"Get rid of the quotas and actually evaluate officers based on their strengths."

Themes hand-coded from written responses. Comments can touch multiple themes, so percentages within a question can sum past 100. Percentages are the share of respondents to that question.



Leadership

Strides Shown For Police Ops and Support Services



Percentile range in Gallup database:

1st–24th

25th–49th

50th–74th

75th–89th

≥90th

		OVERALL		POLICE OPERATIONS		SUPPORT SERVICES		OFFICE OF THE CHIEF OF POLICE	
n Size		123		90		23		10	
ENGAGEMENT MEAN		3.37	+0.33 ▲	3.27	+0.44 ▲	3.64	+0.27 ▲	3.69	-0.61 ▼
GROWTH How do I grow?	Q00 Overall Satisfaction	3.09	+0.37 ▲	3.04	+0.58 ▲	3.22	+0.04	3.33	-0.56 ▼
	Q12 Learn and Grow	3.39	+0.45 ▲	3.27	+0.62 ▲	3.70	+0.20 ▲	3.89	-0.33 ▼
	Q11 Progress	3.21	+0.56 ▲	3.10	+0.63 ▲	3.57	+0.71 ▲	3.40	-1.10 ▼
TEAMWORK Do I belong?	Q10 Best Friend	3.19	-0.08	3.26	+0.02	3.05	-0.10	2.89	-1.00 ▼
	Q09 Committed to Quality	3.38	+0.21 ▲	3.32	+0.28 ▲	3.48	+0.27 ▲	3.70	-0.63 ▼
	Q08 Mission/Purpose	3.29	+0.44 ▲	3.17	+0.71 ▲	3.52	-0.17	3.80	-0.76 ▼
	Q07 Opinions Count	2.99	+0.41 ▲	2.78	+0.49 ▲	3.39	+0.35 ▲	4.00	-0.11
INDIVIDUAL What do I give?	Q06 Development	3.41	+0.41 ▲	3.26	+0.49 ▲	3.81	+0.40 ▲	3.80	-0.45 ▼
	Q05 Cares About Me	3.74	+0.38 ▲	3.63	+0.50 ▲	4.04	+0.22 ▲	4.00	-0.33 ▼
	Q04 Recognition	3.04	+0.45 ▲	2.81	+0.46 ▲	3.67	+0.75 ▲	3.70	-0.41 ▼
	Q03 Opportunity to do Best	3.38	+0.14	3.28	+0.24 ▲	3.61	+0.13	3.70	-0.97 ▼
BASICS What do I get?	Q02 Materials and Equipment	3.65	+0.44 ▲	3.55	+0.54 ▲	3.91	+0.41 ▲	3.90	-0.54 ▼
	Q01 Know What's Expected	3.78	+0.19	3.77	+0.32 ▲	3.91	+0.05	3.50	-0.72 ▼

Note: Percentiles based on Workgroup Level_Overall_Overall Q12 Database (2021-2025); Change is from last survey; ▲/▼ indicates meaningful change bolded and defined as ±0.10 or greater for n size ≥1,000 and ±0.20 or greater for n size <1,000.



All Levels Saw Gains, With Strides For The Civilian Population

More Participation Needed From Leaders To Report Detail

Percentile range in Gallup database:

1st–24th

25th–49th

50th–74th

75th–89th

≥90th

				n Size	MEAN	MEAN Δ	Gallup Overall Database	Law Enforcement Database	
Lieutenant				9	3.56	+0.15	16 th	36 th	
	Sergeant				20	3.54	+0.21 ▲	15 th	35 th
	Officer				52	3.09	+0.29 ▲	4 th	13 th
	+0.31 ↳	Civilian		33	3.40	+0.39 ▲	10 th	27 th	

Note: Peer Percentiles based on Workgroup Level_Overall_Overall Q¹² Database (2021-2025) and Workgroup Level Function – Law Enforcement Database (2021-2025). Down arrows indicate the cascade from one level to another. ▲/▼ indicates meaningful change bolded and defined as ±0.10 or greater for n size ≥1,000 and ±0.20 or greater for n size <1,000.



Local Experiences



Meaningful Gains Shown For Lihue and Waimea Locations

Percentile range in Gallup database:

1st–24th

25th–49th

50th–74th

75th–89th

≥90th

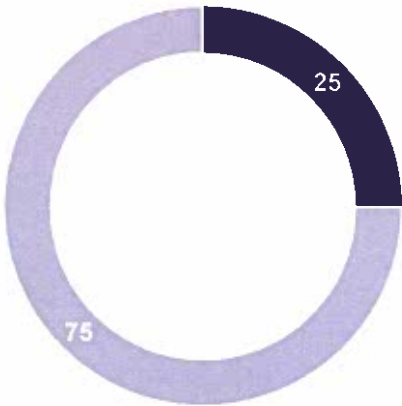
		OVERALL		LIHUE		KAWAIHAU		WAIMEA	
n Size		123		90		19		13	
ENGAGEMENT MEAN		3.37	+0.33 ▲	3.46	+0.36 ▲	2.89	±0.00	3.35	+0.47 ▲
GROWTH How do I grow?	Q00 Overall Satisfaction	3.09	+0.37 ▲	3.21	+0.44 ▲	2.33	-0.22 ▼	3.25	+0.62 ▲
	Q12 Learn and Grow	3.39	+0.45 ▲	3.59	+0.56 ▲	2.68	-0.13	3.08	+0.45 ▲
	Q11 Progress	3.21	+0.56 ▲	3.22	+0.58 ▲	2.95	+0.33 ▲	3.38	+0.64 ▲
TEAMWORK Do I belong?	Q10 Best Friend	3.19	-0.08	3.18	-0.04	3.11	-0.24 ▼	3.23	-0.14
	Q09 Committed to Quality	3.38	+0.21 ▲	3.52	+0.25 ▲	2.50	-0.60 ▼	3.54	+0.80 ▲
	Q08 Mission/Purpose	3.29	+0.44 ▲	3.45	+0.43 ▲	2.53	-0.07	3.15	+0.87 ▲
INDIVIDUAL What do I give?	Q07 Opinions Count	2.99	+0.41 ▲	3.10	+0.47 ▲	2.53	+0.01	2.77	+0.35 ▲
	Q06 Development	3.41	+0.41 ▲	3.52	+0.44 ▲	3.05	+0.19	3.08	+0.29 ▲
	Q05 Cares About Me	3.74	+0.38 ▲	3.77	+0.40 ▲	3.44	+0.15	3.85	+0.48 ▲
BASICS What do I get?	Q04 Recognition	3.04	+0.45 ▲	3.11	+0.50 ▲	2.72	+0.27 ▲	3.00	+0.37 ▲
	Q03 Opportunity to do Best	3.38	+0.14	3.51	+0.15	2.74	-0.12	3.38	+0.27 ▲
	Q02 Materials and Equipment	3.65	+0.44 ▲	3.76	+0.48 ▲	3.11	+0.11	3.62	+0.51 ▲
		3.78	+0.19	3.80	+0.08	3.37	+0.13	4.17	+0.80 ▲

Note: Percentiles based on Workgroup Level_Overall_Overall Q12 Database (2021-2025); Change is from last survey; ▲/▼ indicates meaningful change bolded and defined as ±0.10 or greater for n size ≥1,000 and ±0.20 or greater for n size <1,000.

Engagement Team Distribution Across Percentile Ranges

Movement of Teams Based on Change in Mean Score

- % Meaningful Improvement (n Size=1)
- % Not a Meaningful Change (n Size=0)
- % Meaningful Decrease (n Size=3)

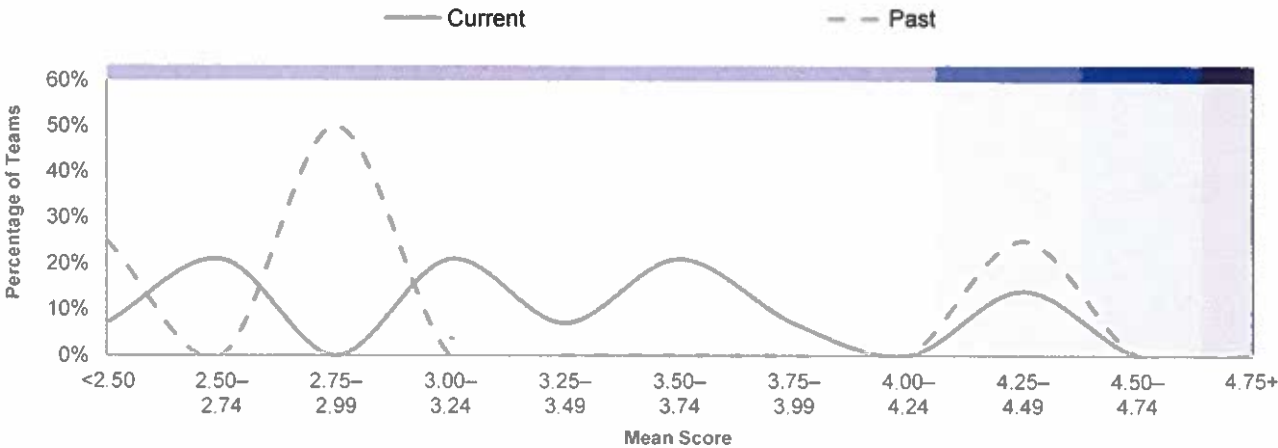


Meaningful improvement and decrease represent a change of ± 0.20 .

Distribution of teams is based on every reportable team. Therefore, suppression rules of n size < 4 apply.

Past data n sizes and percentages are based on teams that have data in both survey years.

Distribution Curve



YEAR OF MEASUREMENT	1 st –24 th	25 th –49 th	50 th –74 th	75 th –89 th	$\geq 90^{\text{th}}$	TOTAL TEAMS
CURRENT	79% - 11 Teams	7% - 1 Teams	14% - 2 Teams	0% - 0 Teams	0% - 0 Teams	14

Percentile ranges are based on mean scores and ranked independently against the Workgroup Level_Overall_Overall Q¹² Database (2021-2025).



Tenure

Meaningful Gains Show For Longer Tenured Department Members

Set The Foundation of Engagement From Year 1

Percentile range in Gallup database:

1st–24th

25th–49th

50th–74th

75th–89th

≥90th

		OVERALL		< 1 YEAR		1 YEAR < 3 YEARS		3 YEARS < 5 YEARS		5 YEARS < 10 YEARS		10+ YEARS	
n Size		123		16		18		11		19		58	
ENGAGEMENT MEAN		3.37	+0.33 ▲	3.28	-0.11	3.68	+0.23 ▲	2.78	+0.35 ▲	3.50	+0.20 ▲	3.36	+0.43 ▲
GROWTH How do I grow?	Q00 Overall Satisfaction	3.09	+0.37 ▲	2.77	-0.12	3.47	+0.28 ▲	2.64	+0.50 ▲	2.89	-0.11	3.18	+0.57 ▲
	Q12 Learn and Grow	3.39	+0.45 ▲	3.27	+0.16	3.57	+0.32 ▲	2.55	+0.19	3.67	+0.27 ▲	3.43	+0.60 ▲
	Q11 Progress	3.21	+0.56 ▲	3.40	+0.40 ▲	3.12	+0.52 ▲	2.73	+0.66 ▲	3.72	+0.77 ▲	3.11	+0.48 ▲
TEAMWORK Do I belong?	Q10 Best Friend	3.19	-0.08	3.07	-0.81 ▼	3.24	-0.61 ▼	3.18	-0.61 ▼	3.17	-0.03	3.20	+0.21 ▲
	Q09 Committed to Quality	3.38	+0.21 ▲	3.67	+0.45 ▲	3.59	-0.10	3.18	+0.32 ▲	3.32	+0.02	3.29	+0.22 ▲
	Q08 Mission/Purpose	3.29	+0.44 ▲	2.94	-0.31 ▼	4.00	+0.31 ▲	2.64	+0.71 ▲	2.95	-0.40 ▼	3.38	+0.74 ▲
INDIVIDUAL What do I give?	Q07 Opinions Count	2.99	+0.41 ▲	2.88	+0.21 ▲	3.53	+0.60 ▲	2.00	+0.69 ▲	3.00	+0.15	3.03	+0.41 ▲
	Q06 Development	3.41	+0.41 ▲	3.53	-0.25 ▼	3.63	+0.19	2.90	+0.61 ▲	3.67	+0.30 ▲	3.29	+0.48 ▲
	Q05 Cares About Me	3.74	+0.38 ▲	3.56	-0.77 ▼	4.06	+0.43 ▲	3.30	+0.73 ▲	4.11	+0.56 ▲	3.63	+0.39 ▲
	Q04 Recognition	3.04	+0.45 ▲	3.27	+0.39 ▲	3.33	+0.60 ▲	2.45	+0.81 ▲	3.65	+0.75 ▲	2.82	+0.23 ▲
BASICS What do I get?	Q03 Opportunity to do Best	3.38	+0.14	3.27	-0.17	3.82	-0.18	2.45	+0.09	3.28	-0.17	3.45	+0.28 ▲
	Q02 Materials and Equipment	3.65	+0.44 ▲	3.19	-0.25 ▼	4.12	+0.62 ▲	2.64	-0.15	3.85	+0.29 ▲	3.74	+0.64 ▲
	Q01 Know What's Expected	3.78	+0.19	3.31	-0.36 ▼	4.12	-0.01	3.36	+0.15	3.68	-0.02	3.89	+0.40 ▲

Note: Percentiles based on Workgroup Level_Overall_Overall Q12 Database (2021-2025); Change is from last survey; ▲/▼ indicates meaningful change bolded and defined as ±0.10 or greater for n size ≥1,000 and ±0.20 or greater for n size <1,000.



Next Steps

Recommendations



Reinforce Engagement Success

- Engaged Officers **increased from 5% to 24% Engaged**
- **Recognize meaningful progress**, while making it clear the work is not finished.
- Communicate and celebrate your successes: **"You said, we did"**

Don't Treat KPD as One Culture

- Department wide averages can mask substantial differences.
- **Follow the data:** lower scoring groups should participate in listening sessions and create specific action plans for their location.
- Department Leadership should participate in some of the conversations, not to explain decisions, but **primarily to listen.**

3-5 Year Tenure Retention Strategy

- Officers with **3-5 year tenure** are a potentially vulnerable group with a 2.78 engagement mean.
- Conduct **structured stay conversations** with this tenure band asking these 3 questions:
 1. *What Keeps you here?*
 2. *What makes you consider leaving?*
 3. *What is one thing we could realistically change?*

Supervisor-Led Engagement Strategy

- The next engagement jump needs to happen inside **individual teams.**
- Rather than creating a broad moral initiative, equip every Sergeant with a simple operating rhythm:
 - **Weekly:** Recognize one person for a specific contribution.
 - **Monthly:** Brief the team on whats happening and ask for input on one real operational issue.
 - **Quarterly:** Have a progress and development check-in with each officer.



Appendix

APPENDIX

What the survey asked

THE Q¹² ELEMENTS

- Q01 I know what is expected of me at work.
- Q02 I have the materials and equipment I need to do my work right.
- Q03 At work, I have the opportunity to do what I do best every day.
- Q04 In the last seven days, I have received recognition or praise for doing good work.
- Q05 My supervisor, or someone at work, seems to care about me as a person.
- Q06 There is someone at work who encourages my development.
- Q07 At work, my opinions seem to count.
- Q08 The mission or purpose of my organization makes me feel my job is important.
- Q09 My colleagues are committed to doing quality work.
- Q10 I have a best friend at work.
- Q11 In the last six months, someone at work has talked to me about my progress.
- Q12 This last year, I have had opportunities at work to learn and grow.

ITEMS SELECTED FOR KPD

- I trust the leadership of my organization.
- My organization cares about my overall wellbeing.
- Our leadership supports a well-articulated vision that promotes high standards for police work.
- At work, people are held accountable for their actions.
- I feel connected to my organization's culture.
- At work, I am treated with respect.
- If I raised a concern about ethics and integrity, I am confident my employer would do what is right.
- I am well informed about what is going on at my organization.
- My organization always delivers on the promises we make to the community.
- I have received meaningful feedback in the last week.
- The performance appraisal process at my organization is able to distinguish between good performers and poor performers.
- What should leadership focus on next to continue to improve the culture of KPD?
- What improvements have you experienced within the culture of KPD?
- What would you suggest to improve the performance appraisal process in order to distinguish between good and poor performers?





There Are 12 Elements That Measure Engagement and Maximize Performance



GROWTH

- Q12. This last year, I have had opportunities at work to learn and grow.
Q11. In the last six months, someone at work has talked to me about my progress.
-



TEAMWORK

- Q10. I have a best friend at work.
Q09. My associates or fellow employees are committed to doing quality work.
Q08. The mission or purpose of my company makes me feel my job is important.
Q07. At work, my opinions seem to count.
-



INDIVIDUAL

- Q06. There is someone at work who encourages my development.
Q05. My supervisor, or someone at work, seems to care about me as a person.
Q04. In the last seven days, I have received recognition or praise for doing good work.
Q03. At work, I have the opportunity to do what I do best every day.
-



BASIC NEEDS

- Q02. I have the materials and equipment I need to do my work right.
Q01. I know what is expected of me at work.



KAUA'I POLICE DEPARTMENT

POLICE COMMISSION MONTHLY REPORT

OFFICE OF THE CHIEF OF POLICE

REPORTING
PERIOD
July 2026

Notable Highlights

	DATE	EVENT DESCRIPTION/LOCATION	BUREAU
1	07/02/26	Responded to the Līhu'e Refuse Station for suspected theft and trespassing; suspect vehicle crashed into a patrol vehicle while fleeing, and an arrest warrant was later issued.	POB
2	07/03/26	Responded to a fire near Hanamā'ulu Beach; Kāpule Bridge was temporarily closed while KFD extinguished the fire.	POB
3	07/03/26	Investigating the death of a young child who was reportedly injured by an animal. No signs of foul play were identified; the investigation remains ongoing.	POB
4	07/06/26	Investigating the death of an adult male who fell from a rooftop. No signs of foul play were identified. An independent workplace safety investigation is also being conducted.	POB
5	07/07/26	Assisted with a K9 sniff of a bag, resulting in the recovery of a controlled substance.	POB
6	07/08/26	Investigating a fraud case involving a victim who provided a substantial amount of money as part of a fraudulent scheme.	POB
7	07/15/26	Investigated an overdue visiting hiker reported missing in a remote trail area. A drone located a possible hiker, and an officer escorted the individual out of the area.	POB
8	07/17/26- 07/18/26	Investigated two Terroristic Threat cases involving a suspect who threatened victims with a firearm; suspect was arrested, vehicle seized and searched, and additional charges filed.	POB
9	07/18/26	Responded to a dog attack near Old Mill Bridge that caused substantial bodily injury to a woman; the attacking dog was taken by the Kaua'i Humane Society, while a second dog charged an officer and was tased before fleeing.	POB
10	07/18/26	Last KPAL Flag Football Game of the season.	SSB
11	07/24/26	Investigating the theft of multiple vehicles from an auction lot.	POB
12	07/27/26	Responded to a major traffic collision on Kaumuali'i Highway near mile marker 18; one vehicle crossed the center line and struck another, causing both vehicles to lose control, with both drivers sustaining minor injuries.	POB
13	07/30/26	Responded to a major traffic collision on Kaumuali'i Highway near mile marker 11 after a commercial vehicle struck a guardrail; no injuries were reported, and the driver was cited for DWOL for operating without the proper commercial license.	POB
14	07/31/26	Completed KPD Forensic Summer Internship	ALL

Special Projects

	DATE	EVENT DESCRIPTION/LOCATION	HOURS	PERSONNEL	BUREAU
1	07/20/26-07/23/26	Sex Offender Compliance Operation	32	6	POB
2	07/25/26	Kōloa Plantation Day Parade	4	5	POB
3	07/30/26	OVUI Roadblock – Kapa’a	2	9	POB

Significant Meetings

	DATE	EVENT DESCRIPTION/LOCATION	BUREAU	ATTENDEES
1	07/07/26	Meeting w/ Kīlauea Community at the Kīlauea Neighborhood Center	POB	40+
2	07/15/26	State AG / ICAC Technology Meeting	ALL	9
3	07/24/26	Police Commission Meeting		20+
4	07/30/26	Meeting w/ Hanalei-Hā’ena Community Association	ALL	10

Community Engagement

	DATE	EVENT DESCRIPTION/LOCATION	HOURS	PERSONNEL COUNT	BUREAU	AUDIENCE COUNT
1	July	Coaching High School Softball & Baseball	52	1	POB	60
2	07/06/26	County Summer Intern Luncheon	2	2	SSB	100+
3	07/07/26	Kīlauea Community Meeting	2		ALL	30
4	07/07/26	Holouma Community Affordability Survey	1	1		
5	07/08/26	HNN Interview w/ Chief Tai	1		CO	4
6	07/08/26	Coffee w/ a Cop – Kind Koffee	6		ALL	40
7	07/09/26	Career Day – Hanalei Enrichment Program	1	2	SSB	30
8	07/11/26	K-PAL Flag Football Games & Skills Challenge	6			800+
9	07/11/26	Back to School Bash at Kukui Grove	3	4	SSB/POB	100+
10	07/14/26	Car Seat Check – Wilcox Hospital				
11	07/15/26	Kapa’a Bike Path – Recruitment	2	3	SSB	20+
12	07/17/26	Career Day – Preschool Hāloalaunuiākea Puna (‘Ele’ele)	1	4	SSB	35
13	07/18/26	Last KPAL Flag Football Game of the Season	6			800+
14	07/18/26	Keiki Bike and Skateboard Safety Day – Wilcox	3	4	SSB/POB	300+
15	07/21/26	Līhu’e Neighborhood Center Summer Fun Visit	1.5	3	SSB	50+
16	07/25/26	Car Seat Check – Target	4	5	SSB/POB	14
17	07/28/26	Bike Safety Day – Wilcox Hospital	1			100
18	07/29/26	County Council Certificate Presentation	1		CO	20
		Total	93.5	29		2,503+

Public Information

MEDIA INQUIRIES

	DATE	PRIMARY MEDIA ACTIVITY	# OF INQUIRIES
1	07/01/26-07/08/26	Gun violence data request, Kawailehua housing follow-up, infant death inquiry, Crime Stoppers article information, Waimea River image requests, and 103 rd Recruit Class graduation photos	4
2	07/17/26-07/30/26	Hanamā'ulu brush fire, Kawailehua housing follow-up, and Traffic Services Section public relations questions	6
Total			10

PRESS RELEASES & SOCIAL MEDIA POSTS

	DATE	PRIMARY COMMUNICATIONS ACTIVITY	# OF COMMS
1	July	Recruitment content and current job postings	Continuous
2	07/01/26-07/11/26	Records and Firearms service hours, Cadet Program promotion, retirement recognition, Lunch with a Cop recap, Traffic Tip Tuesday posts, and July Car Seat Check events	7
3	07/14/26-07/23/26	103 rd Recruit Class graduation, Cadet Program launch, PRST video, Kōloa Plantation Days traffic advisories, Employee Council event, bicycle safety, and scam prevention messaging	8
4	07/24/26-07/31/26	Employee of the Month, Everbridge launch, sex offender compliance checks, Wailua road closure alert, County Council recognition, major traffic collision update, summer internship, and MADD award recognition	10
Total			25

CRIME STOPPERS

	DATE	CRIME STOPPERS TIP	BUREAU	OUTCOME
1	07/06/26	Illegal drug tip reported and follow-up	N/A	N/A
Total Crime Stoppers Tips Received				17
Tips Resulting in Arrests				0



KAUA'I POLICE DEPARTMENT

POLICE COMMISSION MONTHLY REPORT

SUPPORT SERVICES BUREAU · CRIMINAL INVESTIGATIONS DIVISION · FIELD OPERATIONS DIVISION

REPORTING
PERIOD
July 2026

Budget Summary Estimate: Period of July 2026

BUREAU/DIVISION	BUDGET	EXPENDITURES TO DATE	ENCUMBRANCES TO DATE	BALANCE 7/31/26	% OF BUDGET
Chief's Office	\$49,077,887.00	702.34	4,320,867.91	\$44,756,316.75	9%
Support Services Bureau	\$3,840,518.00	104,345.78	840,522.49	\$2,895,649.73	25%
Criminal Investigations Division	\$813,624.00	246.35	173,809.32	\$639,568.33	21%
Police Operations Bureau	\$571,174.00	(1,743.46)	221,584.76	\$351,332.70	38%
Total General Fund	<u>\$54,303,203.00</u>	<u>103,551.01</u>	<u>5,556,784.48</u>	<u>\$48,642,867.51</u>	10%
Asset Forfeiture Funds	<u>\$100,008.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$100,008.00</u>	0%
Salary, Overtime & Fringe Benefits Breakdown Summary					
Salary & Wages	\$24,089,628.00	\$0.00		\$24,089,628.00	0%
Overtime	\$2,629,731.00	\$0.00		\$2,629,731.00	0%
Fringe Benefits	<u>\$18,433,472.00</u>	<u>\$0.00</u>		<u>\$18,433,472.00</u>	0%
Total Salary, OT, Fringe	<u>\$45,152,831.00</u>	<u>\$0.00</u>		<u>\$45,152,831.00</u>	0%
Payroll % of Budget	92%	0%		100%	

Personnel Status as of July 31, 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 <i>*3 - Dispatchers Grant funded</i>	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 <i>*Does not factor into vacancy totals</i> <i>*Special-Duty Clerk not County funded</i>	9 2-Background Investigator 6-Sex Assault Forensic Nurse Examiner 1-Clerk (Special-Duty)	7 1303-(Scott) 1309-(Dean)	2 <i>*Does not factor into vacancy totals</i> 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 July 31, 2026

POSITION	VACANCIES	COMMENTS
Police Services Officer (104 th Recruit Classes)	20	<u>Posted: December 1, 2025 – December 31, 2026</u> 7/22/2026 Written Exam: 12 scheduled, 8 took exam, 4 passed & referred 7/24/2026 Written Exam: 1 scheduled, 1 took exam, 1 passed & referred <u>Hired 104th Recruit Class 07/01/2026 – 8</u>
Captain	2	Pending Promotional Announcement relevant to staffing
Police Lieutenant	3	Pending Promotional Announcement relevant to staffing
Detective/Sergeant	3	Pending Promotional Announcement relevant to staffing
Emergency Services Dispatcher I	7	<u>Posted: July 14, 2025 – Continuous</u> Referred – 34 Disqualified – 19 Withdrew – 6 Background Investigation Phase – 8 Hired – 1
Public Safety Worker I	7	<u>Posted: July 3, 2023 – Continuous</u> Referred – 24 Disqualified – 13 Withdrew – 8 Background Investigation Phase – 3
Parking Enforcement Worker	2	<u>Posted: July 14, 2025 – Continuous</u> Referred – 2 Disqualified – 2
Fiscal Officer II	1	<u>Posted: July 29, 2026 – Continuous</u> Referred – 1 Disqualified – 1
Police Investigation Operations Assistant	1	<u>Pending Recruitment Announcement</u> Pending Interview
Police Records Technician	2	<u>Posted: March 16, 2026 – Continuous</u>
Senior Police Records Clerk		<u>Posted: July 20, 2026 – Continuous</u>
Crime Scene Specialist	1	<u>Posted: March 16, 2026 – March 25, 2026</u> Referred – 17 Disqualified – 12 Withdrew – 3 Interview Phase – 2
Accountant I / Technician / Trainee	2	Referred – 5 Disqualified – 5
Evidence Custodian	1	<u>Pending Recruitment Announcement</u>

Training Provided by Outside Agency: On-Island

	ORDER NO:	START:	END:	TRAINING DESCRIPTION:	PERSONNEL TRAINED:	COURSE HOURS PER TRAINING:
1	26-25230	07/22/26	07/22/26	Medical Evaluations of Physical Abuse of Children	13	
2	26-25224	06/29/26	07/26/26	APCO Public Safety Telecommunicator 1 Certification	1	
3	26-25232	07/22/26	07/22/26	CPJAD's Virtual Grant Administration Training – Modular Series	4	1
4	26-25245	07/30/26	07/30/26	Callyo Admin Training	3	2
5	26-25233	07/09/26	07/09/26	Monthly Canine Training	2	8
6	26-25222	07/20/26	07/23/26	Basic Child Forensic Interview Training	4	
7	26-25231	07/27/26	07/30/26	2026 Kauai County Joint Training & Exercise	20	Various
Total					47	11+

Training Provided by Kaua'i Police Department

	ORDER NO:	START:	END:	TRAINING DESCRIPTION:	PERSONNEL TRAINED:	COURSE HOURS PER TRAINING:
1	26-25139	07/01/26	07/31/26	SRT Training	15	16
2	26-25143	07/01/26	07/31/26	HIBS Training	2	32
3	26-25142	07/01/26	07/31/26	CAST Training	13	8
4	26-25149	07/01/26	07/31/26	CNT Training	5	8
5	26-25238	07/23/26	07/26/26	NEVO for Chevy Tahoe PPV	65	3
6	N/A	07/01/26	07/31/26	104 th Recruit Academy	8	176
7	N/A	07/01/26	07/31/26	CSLS New Hire Training Program – Phase 4	1	120+
8	N/A	07/23/26	07/23/26	KPD Forensic Interview Mock Training	1	2
Total					110	365+

Training Provided by Outside Agency: Off-Island

	ORDER NO:	START:	END:	TRAINING DESCRIPTION:	PERSONNEL TRAINED:	COURSE HOURS PER TRAINING:
1	26-25208	07/06/26	07/08/26	Digital Data & Cellular Record Analysis with Nighthawk	3	16
2	26-25209	07/09/26	07/10/26	Advanced Cell Phone & Connected Vehicle Mapping with Nighthawk	3	16
3	26-25170	07/20/26	07/23/26	Force Science Certification Course	2	36
4	26-25227	07/22/26	07/24/26	Academy of Forensic Nursing 2026 Conference	2	24
5	26-25178	07/27/26	07/31/26	Narcotics Unit Supervisor Course	1	40
Total					11	132

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	98	980	36

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
0	15	2	3	2	4	4	2

YTD Death Statistics

DEATH TYPES	RESIDENT	UNHOUSED RESIDENT	VISITOR
Natural Death Involving Autopsy	29	4	7
Accidental Deaths	6	0	6
Drug Overdoses	8	1	0
Suicide	6	2	0
Homicide	1	0	0

Person Crimes Section Statistics

(5) DETECTIVES	ASSIGNMENT				CASE DISPOSITION							
	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	68	27	101	95	0	5	14	9	0	32.63%	13	54

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
0	0	0	0	5	1	0	0	1	35	0

Property Crimes Section Statistics

(6) DETECTIVES	ASSIGNMENT				CASE DISPOSITION							
	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	64	65	163	129	4	19	5	0	0	25.58%	30	94

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
0	0	0	0	4	0	0	0	0	0	0

Property Crimes Section Types

	CASES	ADULT ARREST	JUVENILE ARREST	REFER TO PROSECUTORS	PENDING FURTHER DEVELOPMENTS	UNFOUNDED
Criminal Property Damage (CPD)	42	5	0	4	29	4
Unauthorized Entry into a Motor Vehicle (UEMV)	19	1	0	0	17	1
Unauthorized Control of a Propelled Vehicle (UCPV)	8	1	0	0	7	0
Burglary	15	1	0	3	11	0
Theft	75	5	2	11	54	3

Vice Section Statistics

	COCAINE	FENTANYL	METH	HEROIN	MARIJUANA	VEHICLES	CURRENCY	FIREARMS	SEARCH WARRANT	ARREST
JULY	0	0	544.1g	0	5364.2g	1	0	0	10	1
YTD	1396g	175.2g	3783.5g	0	7980.6g	14	\$18,786.00	2	46	18

**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: 07/01/2026 and 07/31/2026

For Districts: ALL

Print Date: 08/05/2026 04:00

	YTD 2026	YTD 2025	Percent Change	07/01/2026 TO 07/31/2026	06/01/2026 TO 06/30/2026	07/01/2025 TO 07/31/2025
Total Firearms Registered:	1,794	1,813	-1.0%	205	311	208
Handguns:	859	645	33.2%	85	186	61
Rifles:	786	990	-20.6%	103	107	132
Shotguns:	149	178	-16.3%	17	18	15
Total Firearms Imported:	929	949	-2.1%	102	190	90
Handguns:	493	345	42.9%	45	131	28
Rifles:	363	506	-28.3%	50	49	58
Shotguns:	73	98	-25.5%	7	10	4
Handgun Applications:	461	322	43.2%	79	56	53
Handgun Permits To Aquire Issued:	421	287	46.7%	45	67	43
Handgun Permits To Aquire Rejected:	7	1	600.0%	0	1	0
Handgun Permits To Aquire Voided:	83	5	1,560.0%	13	22	0
Longgun Applications:	342	337	1.5%	33	38	30
Longgun Permits To Aquire Issued:	361	323	11.8%	30	42	36
Longgun Permits To Aquire Rejected:	4	0	400.0%	0	1	0
Longgun Permits To Aquire Voided:	130	4	3,150.0%	32	22	1
Permit to Carry Applications:	57	95	-40.0%	8	5	12
Permit to Carry Applicants:	41	76	-46.1%	6	5	10
Security Licenses Issued:	2	5	-60.0%	0	1	0
Security Licenses Denied:	1	0	100.0%	0	1	0
Citizen Licenses Issued:	54	83	-34.9%	8	14	2
Citizen Licenses Denied:	0	0	0.0%	0	0	0
Total Licenses to Carry Issued:	56	88	-36.4%	8	15	2
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:	727	782	-7.0%	85	106	65



Kauai Police Department
Crime Summary - Preliminary Point & Time Data
for dates between 07/01/2026 & 07/31/2026

Crimes

Crime Category Count	YTD 2026	YTD 2025	Percent Change	07/01/2026 TO 07/31/2026	06/01/2026 TO 06/30/2026	Percent Change
Violent Crimes						
Murder	---	---	---	---	---	---
Completed	2	0	200.0%	0	2	-200.0%
Murder Total	2	0	200.0%	0	2	-200.0%
Rape	---	---	---	---	---	---
Family	16	12	33.3%	0	6	-600.0%
Known to Victim	17	14	21.4%	4	3	33.3%
Stranger	1	0	100.0%	0	1	-100.0%
Undetermined	5	10	-50.0%	3	0	300.0%
Rape Total	39	35	11.4%	7	10	-30.0%
	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	7	7	0.0%	3	1	200.0%
04C - Other Dangerous We.	10	9	11.1%	1	3	-66.7%
04D - Hands, Fist, Feet, Etc	30	32	-6.3%	9	4	125.0%
Other - Unknown	27	20	35.0%	8	5	60.0%
Aggravated Assault Total	63	63	0.0%	14	12	16.7%
Total Violent Crimes	108	103	4.9%	21	24	-12.5%
Property Crimes						
	0	0	0.0%	0	0	0.0%
Burglary Total	111	115	-3.5%	16	5	220.0%
	0	0	0.0%	0	0	0.0%
Larceny Theft Total	615	666	-7.7%	102	84	21.4%
	0	0	0.0%	0	0	0.0%
Motor Vehicle Theft Total	77	75	2.7%	7	10	-30.0%
Total Property Crimes	803	856	-6.2%	125	99	26.3%
Total Crime	911	959	-5.0%	146	123	18.7%

Arrests

Violent Crimes

Murder Total	3	1	200.0%	0	3	-300.0%
Rape Total	3	9	-66.7%	0	0	0.0%
Robbery Total	6	2	200.0%	0	1	-100.0%
Aggravated Assault Total	45	35	28.6%	9	9	0.0%
Total Violent Crimes	57	47	21.3%	9	13	-30.8%

Property Crimes

Burglary Total	32	30	6.7%	2	2	0.0%
Larceny Theft Total	113	153	-26.1%	16	15	6.7%
Motor Vehicle Theft Total	23	28	-17.9%	2	4	-50.0%
Total Property Crimes	168	211	-20.4%	20	21	-4.8%
Total Arrests	225	258	-12.8%	29	34	-14.7%



Kauai Police Department
Activity Summary - Preliminary Point & Time Data
for dates between 07/01/2026 & 07/31/2026

Call Statistics

	YTD 2026	YTD 2025	Percent Change	07/01/2026 TO 07/31/2026	06/01/2026 TO 06/30/2026	Percent Change
Calls for Service						
Law Total	28,804	27,662	4.1%	4,787	4,116	16.3%
Fire Total	4,838	4,831	0.1%	712	694	2.6%
EMS Total	4,336	4,342	-0.1%	604	601	0.5%
Total Calls for Service	37,978	36,835	3.1%	6,103	5,411	12.8%

Officer Initiated

Total Traffic Stops	3,273	3,756	-12.9%	701	459	52.7%
Total Citations	7,062	8,819	-19.9%	1,230	874	40.7%
Total Warnings	1,452	1,598	-9.1%	213	167	27.5%
Total FI's	866	306	183.0%	185	83	122.9%

Incidents by District

Lihue	3,395	3,518	-3.5%	526	442	19.0%
Waimea	1,212	1,298	-6.6%	150	171	-12.3%
Koloa	1,193	1,281	-6.9%	151	153	-1.3%
Kawaihau	2,086	2,586	-19.3%	297	283	4.9%
Hanalei	1,217	1,173	3.8%	231	204	13.2%
Not Specified	3	3	0.0%	0	0	0.0%
WALK	2	6	-66.7%	0	1	-100.0%
Total Incidents	9,108	9,865	-7.7%	1,355	1,254	8.1%

Crash Statistics

Tc Major	248	292	-15.1%	36	32	12.5%
Tc Minor	255	320	-20.3%	26	36	-27.8%
Total Fatalities	4.00	5.00	-20.0%	0.00	0.00	0.0%
Total Crashes	503	612	-17.8%	62	68	-8.8%



Kauai Police Department Agency Statistics For dates between 07/01/26 00:00 & 07/31/26 23:59

CALLS FOR SERVICE / INCIDENT SUMMARY

Total Calls for Service: 5,421

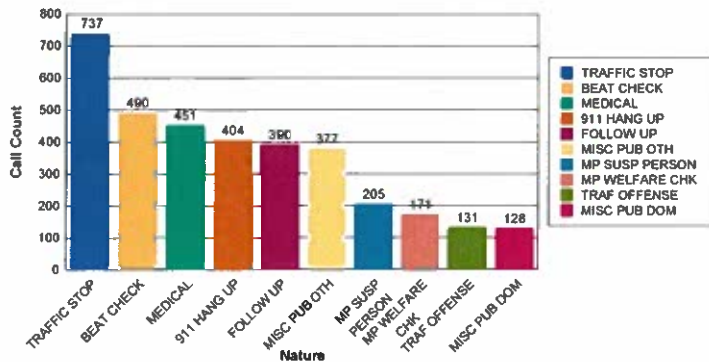
Total Law Calls for Service: 4,787

Total Incidents: 1,355

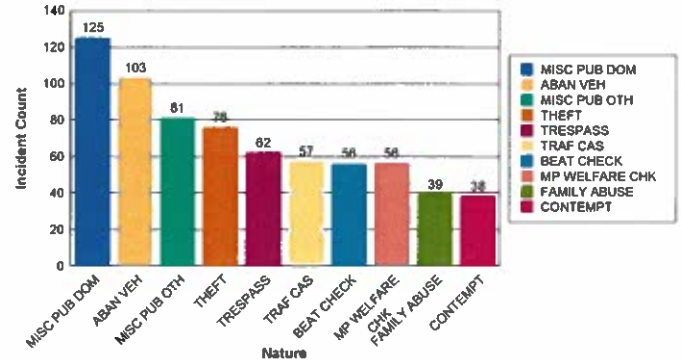
All Units: 6,396

Primary on Incidents: 1,355 Charges Initiated: 1,413

Top 10 Calls for Service



Top 10 Incident Natures



CITATION SUMMARY

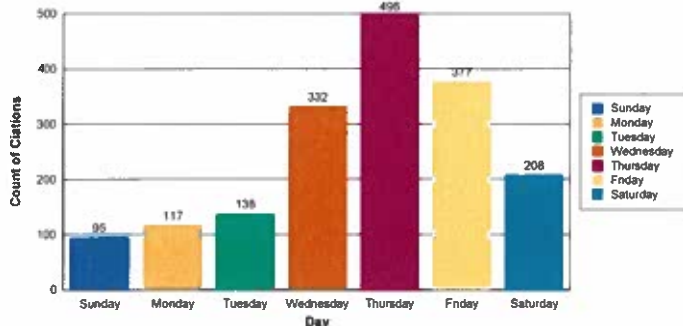
Total Traffic Stops: 701

Total Traffic Warning Issued: 207

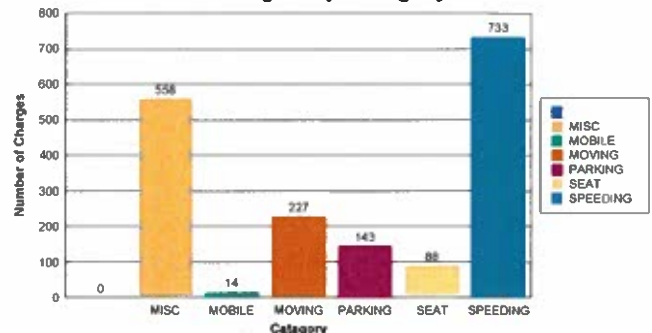
Total FI's: 184

Misc	Mobile	Moving	Parking	Seat	Speed	Covid	Totals	Viol	Non
520	11	212	143	63	279	0	1,228	570	181

Citations by Day of the Week



Charges By Category





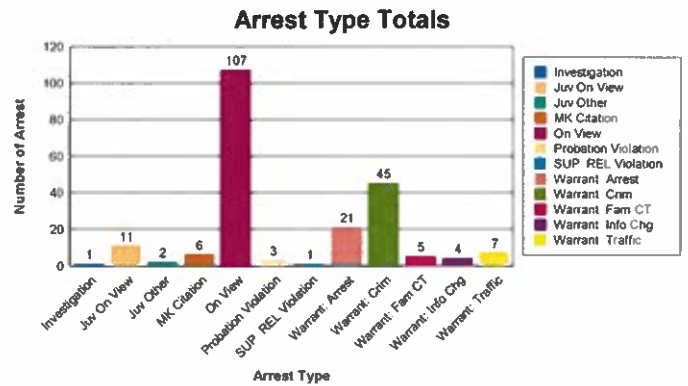
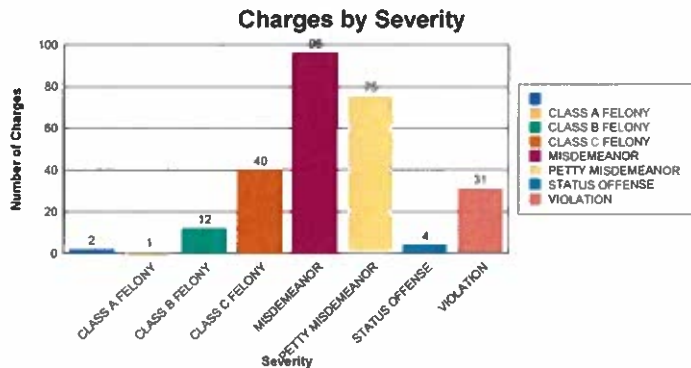
Kauai Police Department Agency Statistics For dates between 07/01/26 00:00 & 07/31/26 23:59

ARREST SUMMARY

Total Arrests: 213 - Juvenile: 13 - Adult: 199

Total Charges: 259 - Felonies: 53 - Total Misdemeanors: 96 - Total Petty Misdemeanors: 75 - Total Others: 35

Total OVUII Arrest Charges: 17



LEGAL SERVICES

Summons / Other	TRO Family Civil		Protective Orders Family Civil		Subpoena	Total
27	0	22	0	4	24	77

WARRANT TYPE All Divisions

Arrest Warrants	Bench Warrants	eBW Traffic	eBW Criminal	Juvenile Warrants
18	0	62	61	0

WARRANT TRACKING All Divisions

Warrant Intake	Served	Recalled	Outstanding
19	122	80	1,696

**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**

TABLE OF CONTENTS

	Page
Table of Contents	1
Forward Authority and Mission Statement	2
Rule 1. Definitions	3
Rule 2. General Powers and Organization of the Police Commission	3-6
Rule 3. Control, Management, and Direction of the Department	6-9
Rule 4. Selection and Evaluation Processes for the Chief of Police	9-14
Rule 5. Contested Case Hearing	14-17
Rule 6. Public Information and Inspection	17-18
Rule 7. Adoption, Amendment, or Repeal of Rules	18-19
Rule 8. Declaratory Ruling by the Commission	19-20
Rule 9. Cost of Rules	20-21
Rule 10. Public Charges Against the Conduct of the Department or any of its Members, Except the Chief of Police	21-24
Rule 11. Public Charges, Discipline, and Removal of the Chief of Police	25-26
*Certificate of Acknowledgement	27

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. "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 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 postponement 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 Commission enters 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 serious or life-threatening injuries or hospitalization of any Department employee 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 be 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

RAMSEYER

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

TABLE OF CONTENTS

	Page
<u>Table of Contents</u>	<u>1</u>
Forward Authority and Mission Statement	<u>2</u>
Rule 1. [Relating definition of terms used in these rules and regulations] <u>Definitions</u>	[1] <u>3</u>
Rule 2. General Powers and Organization of the Police Commission	[1-2] <u>3-6</u>
Rule 3. Control, Management, and Direction of the Department	[4-12] <u>6-17</u>
Rule 4. Selection and Evaluation <u>Processes</u> [Process] for the Chief of Police	[13-22] <u>17-30</u>
Rule 5. [Relating to Rules of Practice and Hearings] <u>Contested Case Hearing</u> [Hearings of the Commission]	[22-25] <u>30-36</u>
Rule 6. [Relating to] Public Information and Inspection	[25-26] <u>36</u>
Rule 7. [Relating to Methods of Adopting, Amending, or Repealing] Adoption, Amendment or Repeal of Rules [and Regulations]	[26-28] <u>37-38</u>
Rule 8. [Relating to Methods the Public May Use to Petition the Commission for a] Declaratory [Order as the Applicability of any Statutory Provision or of any Rule or Order of] <u>Ruling by</u> the Commission	[28-29] <u>38-39</u>
Rule 9. [Relating to the] Cost of Rules	[29] <u>39-40</u>
<u>Rule 10.</u> <u>Public Charges Against the Conduct of the Department or any of its Members, Except the Chief of Police</u>	<u>40-43</u>
<u>Rule 11.</u> <u>Public Charges, Discipline, and Removal of the Chief of Police</u>	<u>44-45</u>
*Certificate of Acknowledgement	[30] <u>46</u>

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 [e]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 [e]Chief of [p]Police within ninety (90) days.
- d. Refer all matters relating to the administration of the [d]Department to the [e]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 ~~[e]~~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 postponement 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-ø]~~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 ~~[øf]~~ the items to be considered at the forthcoming meeting, ~~[and]~~as well as the date, time, and place ~~[øf 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 ~~[øf 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-[40]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 Complaints.~~

~~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 or 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, 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 enters 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 or life-threatening injuries or hospitalization of any Department employee 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.

Selection Process.

- a. Hiring of a Consultant. The Commission may choose to hire a consultant to assist ~~[it]~~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 waive 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. ~~[§]~~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.

~~[e. 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 KAUAI POLICE COMMISSION CHIEF OF POLICE ON GOING REVIEW

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

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

ANNEX 4 C Chief of Police Annual Evaluation

COUNTY OF KAUAI POLICE COMMISSION
CHIEF of POLICE ANNUAL PERFORMANCE EVALUATION

<u>Name:</u>	<u>Appointment Date:</u>
<u>Reason for Report:</u> Annual (Improvement Required)	<u>Period of Report:</u> _____ 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.

<u>Discussion:</u> (Provide specific examples of performance. Absent examples mark <u>Unable to Rate</u> below) • _____ • _____		
<u>Meets Expectations</u>	<u>Does NOT Meet Expectations</u>	<u>Unable to Rate</u>

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.

<u>Discussion:</u> (Provide specific examples of performance. Absent examples mark <u>Unable to Rate</u> below) • _____ • _____		
<u>Meets Expectations</u>	<u>Does NOT Meet Expectations</u>	<u>Unable to Rate</u>

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.

<u>Discussion:</u> (Provide specific examples of performance. Absent examples mark <u>Unable to Rate</u> below) • _____ • _____		
<u>Meets Expectations</u>	<u>Does NOT Meet Expectations</u>	<u>Unable to Rate</u>

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.~~

<u>Discussion:</u> (Provide specific examples of performance. Absent examples mark <u>Unable to Rate</u> 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.~~

<u>Discussion:</u> (Provide specific examples of performance. Absent examples mark <u>Unable to Rate</u> below) • _____ • _____		
Meets Expectations	Does NOT Meet Expectations	Unable to Rate

<u>Achievement of Goals:</u> (Provide explanation for goals Not Achieved)		
<u>Summary of Performance:</u>		
<u>Employee Signature:</u>		
I acknowledge receipt of this Performance Evaluation _____		Date: _____
<u>Rater Certification:</u>		
_____		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 party 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 or 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 findings 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 ~~[of]~~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 ~~[se]~~ 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 be 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 COMMISSION
CHIEF OF POLICE
PERFORMANCE EVALUATION PROCESS

OS KPC 2026-8

The evaluation process of the Chief of Police will entail three documents:

1. The *Chief of Police Self-Evaluation Form*
2. The *Police Commissioners' Performance Evaluation Outline*
3. The *Chief of Police Performance Evaluation Form*

The documents will be utilized in the following ways:

The *Chief of Police Self-Evaluation Form* will be completed by the Chief of Police. The completed Self-Evaluation Form will be distributed to the Commissioners.

The Commissioners will use the completed Self-Evaluation Form as well as any materials presented at the monthly Police Commission meetings to formulate their comments for the evaluation of the Chief of Police.

The Commissioners may also reference the *Police Commissioners Evaluation Outline* in their preparations.

At a Police Commission meeting, the Commissioners will provide their input on the performance of the Chief of Police.

The collective input of the Commissioners will be the basis for a draft consolidated Performance Evaluation.

At a following meeting, the draft consolidated Performance Evaluation will be discussed and adopted. When the Performance Evaluation is adopted and approved the Chair, and/or the Vice Chair, will meet with the Chief of Police and discuss the Evaluation.

KAUAI POLICE COMMISSION

**CHIEF OF POLICE
SELF – EVALUATION**

Evaluation Period: From _____ to _____

Date Submitted: _____

CRITICAL PERFORMANCE FACTORS from CHIEF of POLICE PERFORMANCE EVALUATION

Questions 1-6 align directly with Critical Factors 1-6 of Performance Evaluation. Refer to Performance Evaluation for sub-categories in each task.

1. Leadership Skills and Professional Qualities

Comments: _____

2. Policies, Procedures, Rules and Regulations

Comments: _____

3. Planning, Organizing, and Setting Priorities

Comments: _____

4. Personnel and Resource Management

Comments: _____

5. Communications

Comments: _____

6. Goals

List all goals for this evaluation period and status toward achievement of those goals.

Goal #1: _____

Status: ☐ Achieved ☐ In-Progress ☐ Not Achieved

Comments: _____

Goal #2: _____

Status: ☐ Achieved ☐ In-Progress ☐ Not Achieved

Comments:

Goal #3: _____

Status: ☐ Achieved ☐ In-Progress ☐ Not Achieved

Comments:

Goal #4: _____

Status: ☐ Achieved ☐ In-Progress ☐ Not Achieved

Comments:

DEPARTMENTAL OPERATIONS

7. Community Trust

Describe your personal efforts, and those of the Department to foster community engagement and trust, especially with underrepresented communities.

Comments: _____

8. Challenges and Responses

What significant challenges did you or the department face this year? How did you address these challenges, and what lessons were learned?

Comments: _____

9. Other Significant Accomplishments.

Describe any other significant accomplishments by you as Chief, your management team, non-sworn employees, dispatch operations, and District Operations.

Comments: _____

10. Commission Support

What specific support do you need from the Police Commission to help you achieve your goals or to enhance departmental operations and performance?

Comments: _____

11. Summarize Your Performance During this Evaluation Period and Provide an Overall Assessment of the Kauai Police Department.

Comments: _____

KAUAI POLICE COMMISSION

EVALUATION OUTLINE

You may use this outline to prepare for the Commission meeting. The use of this outline is not mandatory. The outline is to assist in your preparations to discuss the Chief's performance at the next Commission meeting in the following areas and whether expectations were met, not met, or you were not able to determine.

CRITICAL PERFORMANCE FACTORS

(Factors 1-6 align with items 1-6 on the Chief of Police's Self-Evaluation Form and the Chief of Police Performance Evaluation Form)

1. **Leadership Skills and Professional Qualities**
2. **Policies, Procedures, Rules and Regulations**
3. **Planning, Organizing, and Setting Priorities**
4. **Personnel and Resource Management**
5. **Communications**
6. **Goals** (Whether each goal was achieved, in progress, or not achieved.)

DEPARTMENTAL OPERATIONS

The Chief's performance in the following areas and whether expectations were met, not met, or unable to determine.

7. **COMMUNITY TRUST**
8. **CHALLENGES and RESPONSES**
9. **OTHER SIGNIFICANT ACCOMPLISHMENTS**
10. **COMMISSION SUPPORT**
11. **SUMMARIZE THE CHIEF'S PERFORMANCE DURING THIS REPORTING PERIOD AND PROVIDE AN OVERALL ASSESSMENT OF THE KAUAI POLICE DEPARTMENT.**

COMMISSIONER'S OVERALL RATING

OVERALL EVALUATION of CHIEF'S PERFORMANCE and whether expectations were met, not met, or unable to determine.

KAUA'I POLICE COMMISSION

**CHIEF OF POLICE
PERFORMANCE EVALUATION**

Name:	Appointment Date:
Reason for Report: ☐ First Year ☐ Annual ☐ Other: _____	Evaluation Period of Report:

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 progress.
- 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

- Develops training programs; analyzes training needs within the department; establishes organizational and personnel development programs to ensure competency and knowledge of best practices in law enforcement.
- Recognizes and addresses personnel problems at the earliest stages.
- Prepares the budget in accordance with department and county policies. Exercises fiscal control, with emphasis on controlling overtime.
- Pursues external funding sources and uses other resources outside the department to enhance KPD capabilities.

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

6. Goals

- Provides quarterly reports on the status and progress of all goals and objectives.
- Anticipates obstacles and/or delays and incorporates a plan to mitigate these factors.
- Keeps the Commission informed on incidents that could affect the implementation of the goals and objectives.

Discussion: (Provide specific examples of performance. Absent examples mark Unable to Rate below)

Goal #1

Meets Expectations

Does NOT Meet Expectations

Unable to Rate

Discussion: (Provide specific examples of performance. Absent examples mark Unable to Rate below)

Goal #2

Meets Expectations

Does NOT Meet Expectations

Unable to Rate

Discussion: (Provide specific examples of performance. Absent examples mark Unable to Rate below)

Goal #3

Meets Expectations

Does NOT Meet Expectations

Unable to Rate

Notable Accomplishments and Recognition Achieved This Reporting Period:

Areas Needing Improvements:

Overall Performance:

Meets Expectations

Does NOT Meet Expectations

Unable to Rate

<u>Employee Signature:</u>	
I received a copy of this Performance Evaluation:	
_____	_____
Chief of Police	Date
<u>Rater Certification:</u>	
_____	_____
Police Commission Chair	Date
_____	_____
Police Commission Vice Chair	Date

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KAUA'I COUNTY POLICE COMMISSION

***Guidelines for Filing Charges**

OS KPC 2026-9

1. "Charges" shall mean "A written complaint submitted by the public to the Kaua'i Police Commission against the conduct of the Department or any of its members, including the Chief of Police."
2. All charges against the conduct of the Kauai Police Department or a member of the Kauai Police Department, including the Chief of Police, shall be in writing and on a form prescribed by the Police Commission.
3. Generally, only the person who was personally and directly affected by the actions of the Kaua'i Police Department or one of its members may file a charge. However, someone else may file a charge on that person's behalf in the following situations:
 - a. A parent or legal guardian may file for a child who is under 18 years old.
 - b. The personal representative of a deceased person's estate may file on behalf of the deceased person.
 - c. A legal guardian, conservator, or someone acting under a valid power of attorney may file for a person who is physically or mentally unable to file a charge for themselves.
 - d. Any other person who is authorized by law or a court order to act on behalf of the affected person may file a charge.
4. If you are filing a charge for someone else, you must submit documents showing that you have the legal authority to act on that person's behalf when you submit the Kaua'i Police Commission Formal Charge(s) form.
5. All charges must be notarized.
6. All charges must be filed within thirty (30) calendar days from occurrence. Charges filed thirty (30) calendar days after occurrence will not be investigated unless the Police Commission finds good cause for an extension of time. In any event, the Police Commission CANNOT consider any charges filed more than 180 calendar days from the occurrence.
7. If the charges are not in the proper form or if the charging party fails to have the charges notarized, such charges shall be considered incomplete and will be returned to the charging party. It is the responsibility of the charging party to file a complete charge in a timely manner. The Commission will not consider incomplete charges.

8. The charge shall be considered filed when personally delivered or mailed to:

Commission Clerk
County of Kaua'i
Police Commission
4444 Rice Street, Piikoi Building, Suite 300
Līhu'e, Hawai'i 96766

The Commission's clerk shall note the date the charge is received by the Office of Boards and Commissions on the first page of the charge. In cases where the charge is delivered by mail, the postmark on the envelope shall be used as the receipt date of the charge.

9. All charges are considered CONFIDENTIAL and will be discussed at the next available regular Police Commission meeting in executive session. The clerk of the Commission will provide the charging party with the case number assigned to the charge.
10. The Commission will consider all properly filed and notarized charges. However, not all charges received by the Commission are investigated. Refer to the chart below for examples of common types of charges that are and are not received by the Commission.

EXAMPLES OF CHARGES COMMONLY RECEIVED INCLUDE, BUT ARE NOT LIMITED TO:	EXAMPLES OF CHARGES COMMONLY NOT RECEIVED BY THE POLICE COMMISSION INCLUDE, BUT ARE NOT LIMITED TO:
<u>Misconduct:</u> A charge that alleges an element of misconduct, wrongful act, wrongful exercise of authority, omission of act that ought to have been performed.	<u>No Jurisdiction:</u> A charge outside the Police Commission's authority to investigate.
<u>Policy / Procedure:</u> Any charge regarding a policy or procedure of the Kaua'i Police Department.	<u>Anonymous:</u> A charge where the identity of the Charging Party is unknown.
<u>Off-Duty Conduct:</u> A charge alleging off-duty conduct that is illegal or has a clear connection to the Kaua'i Police Department member's employment, appointment, assignment, contractual relationship, or other official affiliation with the Kaua'i Police Department.	<u>Off-Duty Conduct:</u> A charge where there is no connection between the Kaua'i Police Department member's off-duty conduct and their employment, appointment, assignment, contractual relationship, or other official affiliation with the Kaua'i Police Department.

11. The Chair of the Kaua'i Police Commission shall provide written acknowledgment and status of the charge to the charging party once the Commission has taken

action on the charge. A case number will be provided for the charging party. Charging party should direct all written communication to the Commission's clerk or direct any oral discussion about the case to the Commission at a regularly scheduled Kauai Police Commission meeting. The charging party should not contact individual commissioners outside of the official Commission meeting.

12. FOR FURTHER DETAILS, THE CHARGING PARTY SHOULD CONSULT THE COMPLETE POLICE COMMISSION RULES. THESE GUIDELINES ARE TO BE USED ONLY AS A GUIDELINE FOR THE CHARGING PARTY.

*Approved by the Commission on 4/23/03.XXXX

Print Legibly

KAUA'I POLICE COMMISSION

Formal Charge(s)

CONFIDENTIAL

Charge Number: _____

Rec'd. by the

Office of Boards &

Commissions: _____

Date: _____

Time: _____

I. _____

Whose residence address is

_____ and whose mailing address

is _____ and whose telephone number

is _____, do hereby affirm that the information given by me is true and

correct to the best of my knowledge and belief.

The above-named charging party makes the following charge(s) against: (Mark One)

☐ The Kaua'i Police Department

☐ The Following Kaua'i Police Department Members

Employee Name

Badge No.

Employee Name

Badge No.

Employee Name

Badge No.

The charge is based on the following factual information or observations:

Charge:

Date of Occurrence: _____ Time of Occurrence: _____

Place of Occurrence: _____

Employee was: ☐ On-Duty ☐ In-Uniform ☐ Off-Duty

List any Kauai Police Department Employees Present:

Witnesses: Please list the names and information for any witnesses and attach their statement.

_____ Witness Name	_____ Address	_____ Telephone
_____ Witness Name	_____ Address	_____ Telephone
_____ Witness Name	_____ Address	_____ Telephone

SYNOPSIS

PRINT LEGIBLY

WITNESS STATEMENT

[illegible]

Signature

Date _____

NOTARY CERTIFICATION

Doc. Date: _____

Pages: _____

Notary Name: _____

_____ Circuit

Doc. Description: _____

Notary Signature

Date

My Commission Expires: _____