

Roy Morita
Chair

Members:
Gerald Bahouth
Mary K. Hertog
Leina`ala Jardin
Kevin Mince
Dean Pigao

Catherine Adams
Vice Chair

COUNTY OF KAUAI POLICE COMMISSION
TELECONFERENCE MEETING NOTICE AND AGENDA

Thursday, May 28, 2020
9:00 a.m. or shortly thereafter

Microsoft Teams Audio: +1 469-848-0234, Conference ID: 399 294 849#

This meeting will be held via Microsoft Teams conferencing only. Members of the public are invited to join this meeting by calling the number above with the conference ID information. You may testify during the video conference or submit written testimony in advance of the meeting via e-mail, fax, or mail. To avoid excessive noise/feedback, please mute your microphone except to testify.

CALL TO ORDER

ROLL CALL TO ASCERTAIN QUORUM

PUBLIC TESTIMONY

CHAIR'S COMMENTS/ANNOUNCEMENTS INCLUDING BUT NOT LIMITED TO:

Next Regular Teleconference Monthly Meeting 9:00 a.m. Thursday, June 25, 2020.
Executive Session to follow. (Subject to Change)

APPROVAL OF MINUTES

Regular Open Session Meeting Minutes of April 30, 2020

GENERAL UPDATE BY POLICE CHIEF TODD RAYBUCK ON EVENTS INVOLVING THE KAUAI POLICE DEPARTMENT AND IN ANTICIPATION OF THE BUDGETARY SHORTFALLS FOR FISCAL YEAR 2020/2021 WHAT TYPE MEASURES ARE THE DEPARTMENT TAKING TO ADDRESS THE SHORTFALLS

BUSINESS

KPC 2019-36 Discussion and decision-making on recommendations to amend the Police Commission Rules on Administrative Practice and Procedure in accordance to Hawai'i Revised Statutes Section 92-2.5 (a). (On-going)

- KPC 2020-6 Discussion and decision-making on hosting the 2021 State of Hawai‘i Police Commissioners’ Conference on Kaua‘i. Topics of discussion include but not limited to conference dates and venue. (On-going)
- KPC 2020-7 Update on proposed changes to the Kaua‘i County Charter in regard to higher education and experience requirements for the Chief of Police position.
- KPC 2020-8 Discussion on conducting a 360 performance evaluation on Police Chief, Todd G. Raybuck, Kaua‘i Police Department.
- KPC 2020-9 Response by Chief of Police Todd G. Raybuck on the results of his administrative review on the Department’s handling of an incident that occurred in November 2016, specifically addressing the facts and circumstances surrounding the initial incident, the response by the Department, submission or lack of submission to the County Prosecutor’s Office to review for criminal charges, potential relationship between KPD personnel and possible witnesses, undue influence of KPD personnel, and compliance with KPD policy and procedures.
- KPC 2020-10 Copy of a Letter of Intent under the U.S. Department of Defense Law of War Manual, 1949 Geneva Convention and Title 18 USC Section 2441 War Crimes Act from the Kingdom of the Hawaiian Islands Noa Kanealiioponoi Mau-Espirto, Kaua‘i and Ni‘ihau Governor/Hawaiian National, Kaimi C.D. Hermosura, Konohiki Chief/Hawaiian National, Charles D. Hepa, Konohiki Chief, Hawaiian National, Lance Kamuela Gomes, Konohiki Chief, Hawaiian National, Punohu Nalimu Kekaulua III, Konohiki Chief, Hawaiian National, Kapana Brown, Konohiki Chief, Hawaiian National, Antone J. Maderios, Konohiki Chief, Hawaiian National and Gilbert Madeiros, Konohiki Chief, Hawaiian National to Dr. Mark T. Esper, U.S. Department of Defense, Secretary of Defense, Michael R. Pompeo, U.S. Department of State, Secretary of State, Peter Mauer, International Committee of the Red Cross, President, Clare E. Connors, State of Hawai‘i Attorney General, Jason Redulla, State of Hawai‘i DOCARE Enforcement Chief, David Y. Ige, Governor, State of Hawai‘i, Justin Kollar, County of Kaua‘i Prosecuting Attorney, Matthew Bracken, County of Kaua‘i Attorney, Todd G. Raybuck, Police Chief, Kaua‘i Police Department, Roy Morita, Chair, Kaua‘i Police Commission and Gerald Y. Sekiya, State of Hawai‘i Commission Judicial Conduct Chair.
- KPC 2020-11 Copy of a Letter of Demand requesting compliance of legal obligations under The U.S. Department of Defense Law of War Manual, 1949 Geneva Convention Treaty and Title 18 USC Section 2441 War Crimes Act from the Kingdom of The Hawaiian Islands Noa Kanealiioponoi Mau-Espirto, Kaua‘i and Ni‘ihau Governor/Hawaiian National, Kaimi C.D. Hermosura, Konohiki Chief/Hawaiian National, Charles D. Hepa, Konohiki Chief, Hawaiian National, Lance Kamuela Gomes, Konohiki Chief, Hawaiian National, Punohu Nalimu Kekaulua III, Konohiki Chief, Hawaiian National, Kapana Brown, Konohiki Chief, Hawaiian National, Antone J. Maderios, Konohiki Chief, Hawaiian National and Gilbert

Madeiras, Konohiki Chief, Hawaiian National to Dr. Mark T. Esper, U.S. Department of Defense, Secretary of Defense, Michael R. Pompeo, U.S. Department of State, Secretary of State, Peter Mauer, International Committee of The Red Cross, President, Clare E. Connors, State of Hawai‘i Attorney General, Jason Redulla, State of Hawai‘i DOCARE Enforcement Chief, David Y. Ige, Governor, State of Hawai‘i, Justin Kollar, County of Kaua‘i Prosecuting Attorney, Matthew Bracken, County of Kaua‘i Attorney, Todd G. Raybuck, Police Chief, Kaua‘i Police Department, Roy Morita, Chair, Kaua‘i Police Commission and Gerald Y. Sekiya, State of Hawai‘i Commission Judicial Conduct Chair.

KPC 2020-12 Public announcement for notarized complaint KPC 2020-001 that was filed with the Kaua‘i Police Commission.

EXECUTIVE SESSION

Pursuant to Hawai‘i Revised Statutes §92-4, §92-5 (a) (2) and (4), the purpose of this Executive Session is for the Commission to review and discuss charges brought against an officer in the Kaua‘i Police Department, where consideration of matters affecting privacy will be involved, provided that if the individual requests an open meeting, an open meeting shall be held; and to consult with its attorney on issues pertaining to the Commission’s powers, duties, privileges, immunities, and or liabilities as they may relate to the following agenda items.

- ES KPC 2020-001 Monthly update by Scott Williamson, Lieutenant, Office of Professional Standards on the status of the Department’s disposition on formal notarized complaints that were filed with the Kaua‘i Police Department, and formal notarized complaints that were filed with the Police Commission and referred to the Office of the Chief for further review.
- ES KPC 2020-002 Monthly update by Todd G. Raybuck, Chief of Police, Kaua‘i Police Department or his designated representative on any significant adverse incidents/events involving personnel in the Kaua‘i Police Department that could potentially impact the County, the Police Commission and the Kaua‘i Police Department.
- ES KPC 2020-006 Notarized complaint KPC 2020-001 received on February 25, 2020. The complaint alleges that an officer in the Kaua‘i Police Department wrongfully cited the complainant for harassment and threaten to arrest the complainant for using their cellphone to video the person who allegedly violated the law. (*Referred to the Kaua‘i Police Department for additional information*)

ES KPC 2020-011 Notarized Complaint KPC 2020-003 received on May 5, 2020 filed against officers in the Kaua'i Police Department. The complaint alleges conduct unbecoming of three detectives and four patrol officers for showing up at the complainant's residence for a call made by a female who claimed to have seen a Caucasian female getting into the back seat of the car the complainant's family member was driving only to realize that what they thought had happen was a misunderstanding.

ES KPC 2020-012 Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (4), §92-9 (a) (1-4) and (b), the purpose of this Executive Session is for the Commission to approve or amend the Executive Session minutes of April 30, 2020 and to consult with its attorney on issues pertaining to the Commission's powers, privileges, immunities, and or liabilities as they may relate to this item.

RETURN TO OPEN SESSION

Ratify the actions taken by Police Commission in Executive Session for the following agenda items: ES KPC 2020-001, ES KPC 2020-002, ES KPC 2020-010, ES KPC 2020-011 and ES KPC 2020-012.

EXECUTIVE SESSION

Pursuant to Hawai'i Revised Statutes, ("H.R.S.") §92-7 (a), the Commission may, when deemed necessary, hold an Executive Session on any agenda item without the written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to H.R.S. §92-4 and shall be limited to those items described in H.R.S. §92-5(a). Discussions held in Executive Session are closed to the public.

ADJOURNMENT

cc: Deputy County Attorney Chris Donahoe
Chief of Police Todd G. Raybuck

WRITTEN TESTIMONY

Persons wishing to offer comments are encouraged to submit written testimony at least 24-hours prior to the meeting and must indicate:

1. Your name and if applicable, your position/title and organization you are representing
2. The agenda item that you are providing comments on; and

Send written testimony to:

Kaua'i Police Commission
C/o Office of Boards and Commissions
4444 Rice Street, Suite 150
Līhu'e, Hawai'i 96766
E-Mail: mromo@kauai.gov
Phone: (808) 241-4920

SPEAKER REGISTRATION

Prior to the Day of the Meeting: Persons wishing to testify are requested to register their name, phone number, and agenda item via email at mromo@kauai.gov or by calling 808 241-4920.

On the Day of the Meeting: Persons who have not registered to testify by the time the Commission meeting begins will be given an opportunity to speak on an item following oral testimonies of registered speakers. The length of time allocated to person(s) wishing to present verbal testimony may be limited at the discretion of the chairperson or presiding member.

SPECIAL ASSISTANCE

If you need an auxiliary aid/service or other accommodation due to a disability, or an interpreter for non-English speaking persons, contact Anela Segreti at (808) 241-4917 or asegreti@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 alternate formats such as large print, Braille, or electronic copy.