

**COUNTY OF KAUAI
OPEN SESSION MINUTES**

Board/Commission	Kauai Police Commission	Meeting Date	October 22, 2021
Location	Microsoft Teleconference Meeting	Start of Meeting: 9:05 a.m.	11:15 a.m.
Present	<p>Vice Chair Gerald Bahouth; Commissioners: Mary K. Hertog, Leina`ala Jardin, Kevin Mince and Roy Morita</p> <p>Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Ellen Ching; Office of the County Attorney: Deputy County Attorney Chris Donahoe; Kauai Police Department: Police Chief Todd Raybuck; Deputy Police Chief Stan Olsen; Assistant Chief Bryson Ponce; Captain Roderick Green; Sergeant Stacey Perriera; and other officers in the Kauai Police Department; Employees of the Month Patrol Officers Aaron Bandmann, Derrick Kelley, Tyson Relacion, Robert Kerry, Christian Kauai and Dispatchers Sarah Louxz, Kristin Minei and Christina Chong Tim; Councilmember Felicia Cowden.</p>		
Excused	Chair Catherine Adams and Commissioner Dean Pigao		
Absent			

SUBJECT	DISCUSSION	ACTION
Call To Order	Prior to calling the meeting to order, Vice Chair Bahouth announced that Chair Adams was unable to attend the meeting and run the meeting today. He also mentioned that although Commissioner Dean Pigao was unable to attend the meeting there is enough Commissioners to ascertain a quorum.	
Roll Call to Ascertain Quorum	Vice Chair Bahouth asked staff to do a roll call. A roll call ensued with Commissioners Hertog, Jardin, Mince, Morita, and Vice Chair Bahouth voicing that they were present and able to conduct business.	
Approval of Agenda	Vice Chair Bahouth called for a motion and a second to approve the meeting agenda as presented.	Mr. Morita moved. Ms. Jardin seconded. The motion carried 5:0 by voice vote.
Announcements	Next regularly scheduled teleconference meeting Friday, November 19, 2021, at 9:00 a.m. Executive Session to follow.	
Public Testimony	Vice Chair Bahouth asked Ms. Omo if there were any remote testifiers who wished to provide testimony. Ms. Omo stated that no one from the public signed up to testify remotely and she did not receive any written testimony.	

SUBJECT	DISCUSSION	ACTION
October 2021 Employees of the Month	<p>Vice Chair Bahouth called on Chief Raybuck to address the Employees of the Month.</p> <p>Chief Raybuck informed the Commissioners that Captain Roderick Green would be reading the commendations for Officers Aaron Bandmann, Derrick Kelley, Tyson Relacion, Robert Kerry and Christian Kauai, and that Sergeant Stacey Perriera would read the commendations for Dispatchers Sarah Louxz, Kristin Minei and Christina Chong Tim.</p> <p>Captain Green began by acknowledging the Commissioners. He noted that all eight (8) employees worked as a team to save the lives of those two women.</p> <p>On September 2, Dispatcher Louxz received multiple reports of two unresponsive females in the Kapa'a area. Because of Ms. Louxz's quick thinking and years of experience she was able to recognize that the females were the result of a possible drug overdose. Working as team, fire, and medical personnel along with dispatcher Christina Chong Tim and Kristen Minei immediately dispatched police to the scene.</p> <p>Acting Sergeant Aaron Bandmann, Officers Robert Kerry, Christian Kauai and Derrick Kelly responded to the scene and arrived minutes of being dispatched. They located two females lying motionless in the parking lot area. Officer Tyson who was off duty at the time assisted with one of the female victims and all four officers assessed the situation as a possible fentanyl overdose.</p>	

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	<p>Within seven (7) minutes of being dispatched, Acting Sergeant Bandmann and Officer Kerry deployed Narcan to both victims. Officer Kelley had the presence of mind to create a perimeter to prevent further exposure. As Narcan was being administered to the victims, both Officer Kerry and Officer Kelley worked together to prepare the automated external defibrillator. With the combined efforts of the dispatchers and the officers the victims were able to regain consciousness.</p> <p>Captain Green pointed out that because of the clear and concise communication of the information by the dispatchers combined with the officer's quick response and decisive actions ultimately saved the lives of the female victims and for that he would like to commend the Employees of the Month for doing such an outstanding job.</p> <p>Vice Chair Bahouth asked Chief Raybuck if he wanted to address the Employees of the Month.</p> <p>Chief Raybuck reported that prior to the start of the meeting, he had the opportunity to present each employee with a lei and certificate of exemplary service. He thanked the Commission for recognizing all the employees and pointed out that how unfortunate for the community to have to deal with fentanyl and that he was grateful for those people in the community for recognizing the need to call 911 that ultimately saved the lives of the two female victims.</p> <p>Mr. Morita thanked the employees for a job well done especially, Officer Relacion who was off duty at the time and could have driven away, but instead chose to stay to assist his fellow officers. He shared that he had an opportunity to spend time with the dispatchers and he knows first-hand</p>	

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	<p>how stressful the job of a dispatcher can be.</p> <p>Mr. Mince congratulated the entire team especially the dispatchers who a lot of times do not get the credit they deserve. Because of the dispatcher's initial response to the case and the quick actions of those officers saved the lives of the two individuals.</p> <p>Ms. Jardin stated that one of her greatest jobs she has is being a mother. She shared that this past weekend her daughter flew home from Texas for her first visit since she left for college. While at home, they both spent a lot of time talking about the incident because her daughter saw the news coverage on television, and it greatly an impact on her. She commended the employees for working as a team that ultimately saved the lives of those two female victims.</p> <p>Ms. Hertog echoed Ms. Jardin's comments because she also saw the news coverage on T.V. and recognized the officers. She agreed with Mr. Mince about the dispatchers not getting the recognition they deserve when they are the ones who set everything into motion. She stated that those eight employees gave those two young women another opportunity at life, and she hopes that the women can accept that and get the help they need long term. She noted that as Chief Raybuck said earlier this is not going to be the first time the team is going to have to handle this of type of situation but is extremely grateful that they all know how to handle the situation and for that she is very proud of them.</p>	

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	<p>Councilmember Felicia Cowden commended the Employees of the Month for a job well done. She shared that with the assistance of others she was able to get trainers to go out to the different schools to highlight the dangers of fentanyl and get Narcan kits for the officers.</p> <p>Vice Chair Bahouth stated that having the news coverage go viral will send a message throughout the state and communities on how fine of a job KPD's dispatchers and officers are doing. Their concerted effort in recognizing what was going, and then took immediate action is a testament to their training.</p> <p>Officer Bandmann thanked the Commission for acknowledging the Employees of the Month. He stated how grateful he was to work with such a fine group of men and that he was glad that everything worked out and that the public should be aware and understand that fentanyl can kill people.</p> <p>First and foremost, Officer Kerry thanked God. He expressed how proud he is to be part of an amazing group men. With all the chaos that was going on at the time, the officer's demeanor was business as usual, and they took control of the situation.</p> <p>Vice Chair Bahouth called on the 911 dispatchers.</p> <p>Dispatchers Sarah Louxz and Kristen Minei thanked the Commissioners for taking the time to acknowledge the dispatchers, and then congratulated everyone for a job well done.</p>	

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	<p>Ms. Shellie Smith (Officer Kelley’s wife) expressed her heartfelt appreciation for the Employees of the Month and said she was very proud of them. With no further comments, Vice Chair Bahouth thanked everyone, and then moved on to the next item.</p>	
<p>Approval of Open Session Minutes</p>	<p>Vice Chair Bahouth called for a motion to approve or amend the minutes of the September 24, 2021, meeting.</p> <p>Ms. Hertog requested that a correction be made on page 10 (ten) to reflect that there were six (6) Commissioners who voted in favor of the motion; not seven (7). Ms. Omo acknowledged Ms. Hertog’s request and would make the necessary correction. Hearing no further corrections, Vice Chair Bahouth called for a motion and a second to approve the minutes of September 24, 2021, meeting as amended.</p>	<p>Mr. Morita moved to approve the open session minutes of September 24, 2021, meeting as amended. Ms. Hertog seconded. The motion carried 5:0 by voice vote.</p>
<p>Chief’s Monthly Reports</p>	<ul style="list-style-type: none"> • Administrative & Technical Bureau • Investigative Services Bureau • Patrol Bureau • Pertinent announcements and updates <p>Before addressing the Monthly Reports, Chief Raybuck made some final comments on how incredibly proud and grateful he was to be able to work with such amazing men and women who are making a difference in the community every day.</p> <p>He recognized and the resiliency project and thanked the Hawai’i Opioid Initiative organization and the Malama Pono Health Services for coming out to train the officers on how to administer Narcan safely and for their generous donation of Narcan kits.</p>	

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	<p>Chief Raybuck stressed that with the surging of fentanyl it is a state-wide problem and unfortunately those recent overdoses of fentanyl will not be the last. Therefore, he urges the public to continue to educate themselves about the dangers of the drug and to continue to have conversations with their family members so that lives can be saved.</p> <p>He also acknowledged the vice unit for all their hard work to combat the fentanyl problem that has spread throughout the community. He shared that in the last 30 days, the vice unit made more than 6 arrests and have conducted multiple investigations that are still on-going, and they have seized more than 250 grams of methamphetamine to date. He stated that the vice unit is continuing their efforts to fight the war against a drug that is killing people and will hold the people responsible.</p> <p><u>Community events</u> Chief Raybuck reported that the Department along with DEA (Drug Enforcement Agency) is holding its annual Drug Take Back event this coming weekend at the Līhu'e headquarters. He encouraged the community to drop off any unused medication whether it be illicit drugs or pharmaceutical medication they will take it; no questions asked.</p> <p><u>Questions by the Commissioners</u> Mr. Morita wanted to know how the drugs are being disposed to which Chief Raybuck replied that the drugs they collect are incinerated. Mr. Morita asked if the supply of Narcan is paid for by donations from the community or by federal funding to which Chief Raybuck replied that he's not aware of the Department ever receiving federal funding for Narcan, at least, not during his tenure as Chief. However, KPD has received and is continuing to receive donations from community organizations.</p>	

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	<p>Just yesterday, the county council approved a donation of 36 units of Narcan valued at \$3600 which he believes were donated by Malama Pono Health Services. Another sizable donation of Narcan is in the process of being submitted to the county council for approval.</p> <p>Ms. Hertog wanted to know if police departments across the state carry Narcan to which Chief Raybuck replied that he does not have the information on-hand but based on a news report a Maui police officer administered Narcan to a 17-year-old who overdosed on fentanyl or was suspected of being overdosed on fentanyl.</p> <p>Ms. Hertog wanted to know the shelf life of Narcan and how often KPD have to change out the units that had expired to which Chief Raybuck apologized for not being able address her question on Narcan's shelf life, but to his knowledge the Legislature recognized that fentanyl is spreading like wildfire in the communities so they passed Act 185 to allow pharmacists to dispense Narcan to anyone who came in requesting it without needing doctor's approval. Ms. Hertog explained that she asked because fentanyl use as a long-term problem and having a line item in the budget will help the Department to obtain more Narcan for the future.</p> <p>To address, Ms. Hertog's question on shelf life for Narcan, Assistant Chief Ponce said that the shelf life for Narcan is 2 years but can be extended as much as 6 months past the expiration date. He noted that KPD is trying to get more Narcan to replace its first batch that was issued in late 2019.</p> <p>Vice Chair Bahouth how many patrol officers are already trained to administer Narcan. Chief Raybuck called on Captain Roderick Green to address the question.</p>	

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	<p>Captain Green replied that to-date the new officers have not yet been trained, but they (KPD) are in the process of getting nurses and more staff to train the new officers; percentage wise, he does have the actual numbers with him. Vice Chair Bahouth wanted to know if the patrol officers are equipped with Narcan to use at their disposal to which Captain Green replied yes and reiterated what Chief Raybuck said earlier about getting council's approval for new batch of Narcan. At any rate, all KPD officers will be trained on how to apply Narcan.</p> <p>Vice Chair Bahouth asked if KPD has an action plan to ensure training is always up-to-date and to ensure that the Department is well equipped with Narcan.</p> <p>Assistant Chief Ponce stated that KPD has an action plan where they supply each officer with two doses of Narcan, but they are finding themselves having to replenish the officers who are assigned to the high-rate districts. But with the 36 donations of Narcan being donated by the Hawai'i Health Reduction Center and an additional 60 from Malama Pono, not to mention the 200 kits of Narcan they will have an ample supply where they will be able to issue everyone plus extras to the officers who work in the high-rate districts. As for the training, KPD has set up a training cadre with Malama Pono in November which would also act as a refresher course for the officers who were trained couple of years ago.</p> <p>Vice Chair Bahouth stressed how important it is to have a long-term plan to be able to get funding from different community organizations. He asked if KPD has a long-term plan.</p>	

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	<p>Assistant Chief Ponce stated that at some point, KPD is going to have to cover the cost for Narcan and having line item in the budget is the right way to go because a unit of Narcan runs about \$125.00 for two doses. As Chief Raybuck mentioned earlier the cost for the 36 units of Narcan received by donations was \$4500.00, so having a line item in the budget will help.</p> <p>Chief Raybuck thanked Assistant Chief Ponce and Captain Green for providing good input. He stated that in less than 45 days KPD has seen a surge in apparent fentanyl overdose so immediate talks are taking place and that Assistant Chief Ponce, and his team are working on a holistic plan on responding to the crisis on a continuous basis.</p> <p>Vice Chair Bahouth asked Chief Raybuck if he could provide the Commission with the particulars of that holistic plan to ensure his officers are getting continuous training for health and well-being and to ensure KPD officers have an ample supply of Narcan on-hand so when they arrive on the scene, they have the means to deal with the situation immediately.</p> <p>With no further discussion, Vice Chair Bahouth called for a motion and a second to receive Chief Raybuck's Monthly Reports for the record.</p>	<p>Mr. Morita moved to receive Chief Raybuck's Monthly Reports. Ms. Hertog seconded. The motion carried 5:0 by voice vote.</p>
<p>Business KPC 2021-34</p>	<p><u>Discussion and decision-making on the permitted interaction group recommendations for Revision of Rule 8 and Rule 9 of the Kauai Police Commission Rules on Administrative Practice and Procedure.</u></p> <p>Ms. Hertog stated that at the last meeting, the Group presented a report that recommended, a correction be made to Rule 8 <u>Consideration of Commission</u> to reflect the correct reference as Rule 3-6 and not Rule 7-6. Regarding Rule 9, the Group did not make present any recommendations on</p>	

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	<p>amending Rule 9.</p> <p>Vice Chair Bahouth asked the Commissioners if they had any comments or concerns, they would like to make regarding the Group’s recommendation before he calls for a motion to approve the Group’s recommendation for the revision of Rule 8. Hearing none, Vice Chair Bahouth called for a motion.</p>	<p>Mr. Morita moved. Ms. Jardin seconded. A roll call vote ensued with all five (5) Commissioners present voting unanimously to approve the Group’s recommendation.</p>
<p>KPC 2021-35</p>	<p><u>Presentation on by the permitted interaction group on recommendations for Revision of Rule 10 of the Kauai Police Commission Rules on Administrative Practice and Procedure.</u></p> <p>Ms. Hertog stated that the Group’s recommendations are significant and asked the Commissioners to read through it and be prepared to discuss it at the Commission’s next meeting because there will be several decision points that the Commission would have to make. She explained that new Rule 10 is all about complaints and how people can file complaints to the Commission and the Police Department. It also talks about having the complaints be notarized or not – the pros and cons of it; does the Commission want to change the timeline on when people can file complaints; and how the Commission conduct investigations because normally the Commission does not conduct investigations it usually hires someone to do the investigation.</p> <p>Ms. Hertog encouraged the Commissioners to send their objections or questions to Boards and Commissions by November 5 so they can get to the PIG in ample time which will give the PIG time to work on the concerns before the Commission’s November 15 meeting.</p> <p>Vice Chair Bahouth opened the floor for comments.</p>	

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	<p>Mr. Morita stated that he believes the discussion is going to be heavy because a lot of the items the group did not agree on.</p> <p>Deputy County Attorney Donahoe stated that if the PIG wanted to meet to discuss the recommendations, he will make himself available.</p> <p>Mr. Morita also requested for an update on the status of the Climate Assessment. With no further discussion, Vice Chair Bahouth moved on to the next order of business.</p>	
<p>KPC 2021-36</p>	<p><u>Discussion and decision regarding a request dated October 1, 2021, from Reid Kawane, Chair Charter Review Commission to Chair Catherine Adams, inviting the Commission to present proposals on any Charter amendments they would like the Charter Review Commission to consider.</u></p> <p>Vice Chair Bahouth called upon Administrator Ellen Ching to address the Commission on the matter.</p> <p>Ms. Ching explained that the Charter Review Commission are asking all boards and commissions, committees, and departments, if they want to, to submit any proposals regarding a charter amendment. The CRC is not asking for a detailed proposal, they are asking for a very simplistic one paragraph about what the Police Commission would like to change and another paragraph on why the Commission want the change. All proposals will be reviewed by CRC for consideration. She shared that some of the other commissions have decided to defer the item to their meeting to give them time to review the charter, so if the Police Commission wants to defer the item to the next meeting or receive the item for record those are the two options. Vice Chair Bahouth called for a motion.</p>	<p>Mr. Morita moved to defer the item to the next Commission’s meeting. Ms. Jardin seconded. The motion carried 5:0 by voice vote.</p>

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	<p>After the motion was passed, Ms. Ching indicated that she would email the Charter link to each Commissioner and will highlight the relevant sections.</p>	
<p>KPC 2021-37</p>	<p><u>Discussion and possible decision-making on how to conduct a more cohesive performance evaluation.</u></p> <p>Vice Chair Bahouth expressed his concerns about the evaluation process needing work. He called on Ms. Ching to provide her input.</p> <p>Ms. Ching stated that although the Commission worked very hard to create a comprehensive evaluation tool the recent evaluation brought forth concerns about the commission needing to be able to have a more cohesive evaluation.</p> <p>The comments that were made by each individual Commissioner are valuable, but a single Commissioner’s comment does not represent the Commission. So, to be able to have a more cohesive evaluation the Commission needs to really look at the process. As a suggestion she would like the Commission to consider establishing a permitted interaction group to work on a process to produce a more cohesive performance evaluation. Some suggestions were made to do a scoring evaluation like the previous evaluation tool; the benefit to that is Staff would tally up the scores and come up with a single cumulative score. For all intent and purposes, the Commission needs have a process that will result in a more cohesive performance evaluation.</p> <p>Mr. Morita stated that he liked the idea of forming a permitted interaction group and would defer the matter to the next Commission’s meeting.</p>	

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	<p>Ms. Ching stated that the purpose of the meeting is to bring the issue forward and if the Commission is favor, depending on the discussion, staff could certainly put the item on the agenda to form a permitted interaction group and outline the scope of each task.</p> <p>Vice Chair Bahouth called for a motion.</p> <p><u>Discussion</u></p> <p>Ms. Hertog reminded the Commissioners that in a couple of months Commissioners Adams, Mince and herself will be terming out and the Commission will have new members they would have acclimate. So, before the Commission gets super involved in forming a permitted interaction group it might want to think about that, otherwise it is going to involve the same people.</p> <p>Vice Chair Bahouth thanked Ms. Hertog bringing up a good point. Ms. Ching noted that she asked those Commissioners if they could stay on the Commission until the end of March. With no further discussion, Vice Chair Bahouth called for a roll call vote.</p>	<p>Mr. Morita moved to defer the discussion to the next Commission meeting. Ms. Hertog seconded.</p> <p>A roll vote ensued with all five (5) Commissioners present voting in favor of the motion. The motion carried 5:0.</p>
<p>KPC 2021-38</p>	<p><u>Public Announcements on the Police Commission’s disposition regarding complaints KPC 2021-007 and KPC 2021-008.</u></p> <p>Staff read the following public announcements for the record.</p> <p><u>Complaint KPC 2021-007</u></p> <p>Pursuant to Kauai County Police Commission Rules on Administrative Practice and Procedure Rule 3-1 (g), the Kauai Police Commission has reviewed the above-mentioned complaint alleging that the officer refused to stop a crime that occurred. After reviewing all the information, including</p>	

SUBJECT	DISCUSSION	ACTION
	<p>footage obtained by the body worn camera, the Commission has determined to exonerate the officer from any alleged charges. This officially concluded the Commission’s review of notarized complaint KPC 2021-007.</p> <p><u>Complaint KPC 2021-008</u> Pursuant to Kauai County Police Commission Rules on Administrative Practice and Procedure Rule 3-1 (g), the Kauai Police Commission has reviewed the above-mentioned complaint alleging that two officers violated the Hawai’i turtle protection law, and then stalked the complainant because the complainant observed the violation. After reviewing all information, including footage obtained by the body worn camera, the Commission has determined to exonerate the officers from any alleged charges. This officially concluded the Commission’s review of notarized complaint KPC 2021-008.</p>	
<p>Executive Session Items</p>	<p>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:</p>	<p>Vice Chair Bahouth called on Deputy County Attorney Chris Donahoe to read the Hawai’i Revised Statutes to take the meeting into Executive Session. At 10:08 a.m. Deputy County Attorney Chris Donahoe cited the following Hawai’i Revised Statutes.</p>
<p>ES KPC 2021-001</p>	<p><u>Monthly update by Christian Jenkins, 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 with the Kauai Police Commission and referred to the Office of the Chief for further review.</u></p>	

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<p>ES KPC 2021-002</p>	<p><u>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.</u></p>	
<p>ES KPC 2021-021</p>	<p><u>New citizen complaint no. KPC 2021-006 received on July 22, 2021. The complaint alleges officers allowed estranged spouse to remove firearms registered to the complainant from their residence. (Deferred on August 24, 2021, and referred to Kauai Police Department for investigation)</u></p>	
<p>ES KPC 2021-025</p>	<p><u>Complaint KPC 2021-010 received on August 24, 2021. The complaint alleges abuse of power, harassment and illegally destroying the complainant's property. (Referred to the Kauai Police Department on September 24, 2021, for investigation)</u></p>	
<p>ES KPC 2021-028</p>	<p><u>New complaint no. KPC 2021-010 received on September 20, 2021. The complaint alleges that 911 dispatch conspired against the complainant. Peppered sprayed and was threatened by an officer. Cellblock refused to give the complainant soap for a shower and a change of clothing.</u></p>	
<p>ES KPC 2021-029</p>	<p><u>New complaint no. KPC 2021-011 received on September 23, 2021. The complainant alleges officers have been continuously stalking, targeting, and attacking the complainant's character for several years.</u></p>	
<p>ES KPC 2021-030</p>	<p><u>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 regular Executive Session minutes of September 24, 2021. Where consideration of matters affecting privacy will be involved 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.</u></p>	

SUBJECT	DISCUSSION	ACTION
	Vice Chair called for a motion to take the meeting into Executive Session.	Ms. Hertog moved. Ms. Jardin seconded. The motion carried 5:0. by voice vote. At 10:11 a.m. the Commission convened in Executive Session.
Return to Open Session/Ratify the actions taken in Executive Session	At 11:14 a.m. the Commission reconvened in Open Session. Vice Chair Bahouth called for a motion to ratify the actions taken in Executive Session.	Mr. Morita moved. Ms. Hertog seconded. The motion carried 5:0 by voice vote.
Adjournment	Being there was no further business to conduct, Vice Chair Bahouth called for a motion to adjourn the meeting.	Ms. Hertog moved. Ms. Jardin seconded. The motion carried 5:0 by voice vote. The meeting adjourned at 11:15 a.m.

Submitted by: _____
 Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
 Catherine Adams, Chair

- (x) Approved as circulated on December 17, 2021
 () Approved as amended. See minutes of _____ meeting.