

Approved

OPEN SESSION MEETING MINUTES

Board/Commission	Kauai Police Commission	Meeting Date	July 23, 2021
Location	Microsoft Teleconference Teams Meeting	Start of Meeting: 9:00 a.m.	12:01 p.m.
Present	Chair Catherine Adams; Vice Chair Gerald Bahouth; Commissioners: Mary K. Hertog, Leina`ala Jardin, Kevin Mince, Roy Morita and Dean Pigao. 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: Chief of Police Todd G. Raybuck; Chief's Secretary Gayle Kuboyama; Assistants Chief Mark Begley, Bryson Ponce and Elliott Ke; Captains Paul Applegate and Mark Ozaki; Lieutenant Darren Rose; Office of Professional Standards: Lieutenant Christian Jenkins and Sergeant Ginny Pia; and Lieutenant Darren Rose. KPD's Public Information Officer Coco Zickos; and Councilmember/Public Safety Committee Chair Felicia Cowden.		
Excused			
Absent			



SUBJECT	DISCUSSION	ACTION
Call To Order		
Roll Call to ascertain quorum	A roll call ensued to confirm that all seven (7) commissioners were present and able to conduct business. Also, present Boards and Commissions Administrator Ellen Ching, Deputy County Attorney Chris Donahoe and Kauai Police Department, Chief of Police Todd G. Raybuck.	
Announcements	Next Regularly Scheduled Teleconference Teams Meeting 9:00 a.m. Friday, August 27, 2021. Executive Session to follow.	
Public Testimony	Chair Adams asked if there was anyone from the public who wished to speak on items listed on the agenda, hearing none, she called on Chief Raybuck to address the Employees of the Month for July 2020.	
Employees of the Month for July	Chief Raybuck introduced Lieutenant Christian Jenkins from KPD's records section who read the Commendation for the Employees of the Month Michele Albarado and Jessica Fletcher.	

SUBJECT	DISCUSSION	ACTION
	<p>In May 2020, Ms. Albrarado and Ms. Fletcher was transferred to the records section when two positions became available. One of their duties was to validate data and code police reports for the Uniform Crime Reporting (UCR) Program. The program generates reliable statistics for use in law enforcement. It also provides information for students of criminal justice, researchers, the media, and the public. The UCR Program compiles official data on crime in the United States, published by the by the Federal Investigation Bureau (FBI). It is a nationwide, cooperative statistical effort of nearly 18,000 city, university and college, county, state, tribal, and federal law enforcement agencies voluntarily reporting data on crimes brought to their attention.</p> <p>Ms. Albrarado and Ms. Fletcher Jessica took on a monumental task that has been back logged for several years due to retirement, extended sick leave as well as other issues. In addition, the UCR system they inherited was in the mist of transitioning to the National Incident Based Reporting System (NIBR) and both Jessica and Michele had to learn quickly how to use and adapt to the new system and at same time they had to make sure that the backlog of information was correct and validated and ready for submittal by January 31, 2021. To accomplish the task, both Michele and Jessica worked tirelessly after hours, on weekends and holidays and through their hard work was able to complete the UCR Report in December 2020.</p> <p>Lt. Jenkins congratulated Records Technicians Jessica Fletcher and Michele Albrarado for an outstanding job in completing such a daunting task. Their dedication and commitment to their job earned them to be selected as the recipients of the Kauai Police Department Employees of the Month for July 2020.</p> <p>Chair Adams stated that in normal circumstances, the family of the employee (s) of the month would attend a commission meeting to see they loved ones being honored for their hard work, but because of the Covid pandemic those interactions had to be postponed. She asked Jessica and Michele if they would convey her message to their</p>	

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	<p>families that it is through their support that they were able to work on the weekends and holidays and she would like to thank them for that, but most importantly she wanted to congratulate them for a job well done.</p> <p>Ms. Hertog congratulated Michele and Jessica for a job well done. She shared with everyone that in for former life she spent many years with the NIBR system and the UCR system and knows exactly what it takes to have to input all of the vital information into the system and making sure that the information is correct.</p> <p>Mr. Pigao stated that people often forget the people behind the scenes who are instrumental in getting the work done so, he would like to take the opportunity to personally thank and congratulate Jessica and Michele for a job well done.</p> <p>Vice Chair Bahouth stated that what happens behind the scene is vital to what gets accomplished throughout the day and in this case, what Jessica and Michele was able to accomplish played a major role in how KPD operates as a police department. As Commissioner Pigao said people behind the scenes do not always get recognized so, he is glad to see that KPD is taking the time to recognize all of the hard work, both Jessica and Michele has done to get KPD to be in compliance with the FBI.</p> <p>Mr. Morita congratulated Jessica and Michele for a job well done and wanted to let them know first-hand that the Police Commission appreciates all of their hard work and dedication for coming in on the weekends and holidays.</p> <p>Councilmember Felicia Cowden thanked Michele and Jessica for a job well done; what they were able to accomplish not only helps the officers to do their job, it also helps the Council as policymakers to be able to have reliable information to make good policy decisions. She pointed out that KPD has been doing a great job to secure monetary grants which lessens the burden on the taxpayers and enables the</p>	

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	<p>community to have an effective police force, one that the county can afford.</p> <p>Administrative and Technical Bureau Captain Mark Ozaki thanked Michele and Jessica for completing a task that is far reaching than what the Commendation Report states. The work they were able to accomplish kept the Department from being sanctioned by the FBI. He pointed out that Jessica and Michele completed a task that has been a challenge for KPD for a decade, so for them to come in and complete such a daunting task in a matter of months there are no words to adequately express the Department's gratitude and appreciation for them.</p> <p>Ms. Ching informed the commissioners that due to technical difficulties with his computer Chief Raybuck had to leave the meeting, but once the issue is resolved, he will be back on Teams. Chair Adams thanked Ms. Ching for letting her know.</p> <p>At this juncture, Chair Adams was informed by staff that a member of the public wished to testify, but first she would need to ask the person to identify himself and verify which item (s) he would be testifying on.</p> <p><u>Public testimony</u> Mr. Wenjiu (Jerry) Liu, testified that he is a Professor from California, and his contact number is area code (605) 319-5680.</p> <p>Chair Adams asked Mr. Liu to verify which item (s) he would be testifying on.</p> <p>Mr. Liu explained that he has been on Kauai for nine (9) months and is pretty neutral to the objectivity of the Kauai Police Department. However, as a professor his encounters with the Kauai Police Department have been very bad to the point where he had to file two (2) official complaints against police officers. He believes that the main issue has to do with the training of the officers which is very bad. He also feels</p>	

SUBJECT	DISCUSSION	ACTION
	<p>that KPD is covering up their lower officer's bad behavior.</p> <p>Before he could go any further, Chair Adams stopped Mr. Liu to explain to him that because the commission does not have his complaints on the agenda he would need to stop giving testimony. She further explained that because it did not come in time frame to have it posted on the agenda the commissioners do not have the information available to them.</p> <p>She then informed Mr. Liu that the next commission meeting is scheduled for August 27, 2021 at which time his complaints would be on placed the agenda and the commissioners will have the information available to them. She asked him to hold off from speaking until the August 27, 2021 meeting.</p> <p>Mr. Liu continued testifying. Chair Adams (once again) stopped Mr. Liu and informed him that the commission is in the middle of acknowledging the Kauai Police Department Employees of the Month and per the Sunshine Law now would not be appropriate time for him to provide testimony on the actions of police officers.</p> <p>At this point, Mr. Liu ended his call and left the meeting.</p> <p>At this juncture, Chair Raybuck rejoined the meeting. He congratulated Michele and Jessica for a job well done and stated that their ability to learn and adapt to a new system quickly as they did is commendable. He agreed with Vice Chair Bahouth and Commissioner Pigao's comments about employees who work behind the scenes not getting the recognition in the public's eye for the work that they do. He voiced his appreciation for Jessica and Michele for accomplishing a monumental task that was essential to KPD because it kept the Department from being sanctioned by the FBI for not being in compliance.</p>	

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	<p>Ms. Jardin commended Michele and Jessica. She stated that in the world of hula how they look at this and what they have accomplished is a high part of the foundation and agrees with the other commissioners that the work they do behind the scene does not get the recognition it deserves, but she wanted to let them know that she appreciates all of their hard work.</p> <p>Chair Adams called on Jessica and Michele to say a few words.</p> <p>Ms. Albrarado thanked Lt. Jenkins and the Department for giving them the opportunity to help out.</p> <p>Ms. Fletcher stated that she has been with KPD for eighteen (18) years and this is the first time she has worked with the UCR Program and in spite of the amount of work they had to do she loves her job and loves coming to work every day. It was not a hard task to bring them up to speed and they appreciate being recognized.</p>	
<p>Approval of Meeting Minutes</p>	<p><u>June 25, 2021 Regular Open Session Meeting Minutes</u></p>	<p>Chair Adams called for a motion to approve or amend the minutes of June 25, 2021 meeting. Mr. Morita moved to approve. Ms. Jardin seconded. A roll call ensued with all seven (7) commissioners present voting unanimously in favor of the motion.</p>
<p>Chief's Monthly Reports</p>	<ul style="list-style-type: none"> a) Administrative & Technical Bureau b) Investigative Bureau c) Patrol Bureau d) Pertinent Announcements and or Updates 	

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	<p>Chief Raybuck asked the commissioners if they had any questions on the data reflected in his Monthly Reports. Hearing none. He proceeded with providing the following highlights:</p> <ul style="list-style-type: none"> • KPD's enforcement efforts have increased due to the influx of visitors arriving on island. • Commended the patrol police officers for all of their hard work responding to calls across the island and conducting traffic enforcement on the roadways. • Ask for the community's for help to continue to look for opportunities to drive safety with Aloha and be patient on the roadways. • June 2021 the patrol officers initiated an OVUII Drunk Driving Event across the island to try to detect drunk drivers which resulted in one DUI arrest and seventeen (17) traffic citations and fifteen (15) warnings for minor traffic violations. • On June 23, 2021 the 93rd Field Class completed their field training • On June 27 the 94th Recruit Class began its field training and four (4) days later the 95th Recruit Class began their training. • Commended KPD's recruitment staff for all of their hard work and commitment to keep people out on the streets and overcoming attrition. Because of their hard work the Department has eight (8) vacancies which is the first in history the Department has seen single digits. • KPD promoted three (3) new lieutenants and five (5) sergeants all promotees' are undergoing bars and strips training to give them an initial boost of information they will need in their new positions. • Thanked Chair Adams, Vice Chair Bahouth and Commissioners Hertog and Mince for their guidance and support and the knowledge they have shared with the new recruits. 	

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	<p><u>Questions from the Commissioners:</u></p> <p>Mr. Morita asked with the new recruits field training onboard does the Department have enough FTO's (Field Training Officers) to help with the training to which Chief Raybuck replied yes, and explained that more FTO's are being trained to help relieve the current FTO's who have been going non-stop. To accomplish that they looked into best practices for field trainings across the country. Over a year ago, they planned on bringing in a private company to train the FTO's, but unfortunately on three occasions they had to the training due to Covid. Fortunately, under the direction and guidance of Assistant Chief Mark Begley and Captain Rod Green best practices were looked from other agencies that had field training programs to identify a training KPD could implement to complement the trainings that are already in place and to implement other best practices other agencies are doing. With the new training curriculum being created the new FTO's would receive the training once the Department is able to confirm the new steps the current FTO's along with the new FTO's would receive the same training so that everyone is on the same page.</p> <p>Vice Chair Bahouth congratulated Chief Raybuck and his recruitment team for the number police officer vacancies the Department now has. He asked Chief Raybuck if he could highlight the things he did to get the Department from where it was prior (when he first took over) to where it is at today; what he noticed when he first came to KPD; what prompted him to make those changes that are now in place where people want to become a cop. He noted that through his leadership the Department has accomplished something that no other chief has done prior.</p> <p>Chief Raybuck stated that although he appreciates Vice Chair Bahouth's word of confidence it was his recruitment team who was responsible for getting the Department to where it is at today. When he first came into KPD one of the first things they looked at was attrition and as everyone may or may not know getting the Department to full staff is a continuous cycle of recruitment, training and replacement, which can take anywhere from 15 to 17 months to complete.</p>	

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	<p>He stated that Lt. Kenneth Cummings was instrumental in streamlining the recruitment process by working with the background team and others to look deep into the process to see if things could be streamlined and not reduced any qualifications or take shortcuts. What they found was redundancies where a document would be prepared by one person, reviewed by another person and essentially be rewritten in their own words. This was a continuous process. The secondly, the team also looked at KPD's training cadre whereas what took 15 to 17 months to complete would take another 6 months in the process to fill a vacancy. But because of the recruitment team and their hard work and dedication to fill the vacancies they kept the recruits going through the pipeline and kept feeding it like a well-oiled machine.</p> <p>With no further questions, Chair Adams moved on to item KPC 2021-22.</p>	
<p>Business KPC 2021- 22</p>	<p><u>Discussion and decision-making on the Permitted Interaction Group recommendations for Revision of Rule 4 of the Kauai Police Commission Rules on Administrative Practice and Procedure.</u></p> <p>Ms. Hertog stated that at the last commission meeting, the permitted interaction group presented its recommendations and ask for input today for discussion. She reminded the commission that proposed rules were approved by the Commissioners and by Deputy County Attorney Donahoe before.</p> <p>She pointed out that the Group made a minor change since the last meeting to section 3 (b) (ii) which she highlighted in red. She stated that a suggestion was made to make it option instead of making it mandatory to ask the mayor and managing director for input on the chief's evaluation the commission would have the option to do so or not. Having the option would take the politics out of the evaluation process in the event the mayor and the police chief did not have a good relationship with one other. She noted that she ran it pass Deputy County Donahoe and he had no</p>	

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	<p>objections, but it is up for discussion.</p> <p>Chair Adams called for a discussion.</p> <p>Chair Adams stated that she likes the option of having flexibility. She asked the commissioners if they had any comments to make or suggestions. Hearing none, she called for a motion to approve and accept the Group's recommendations for Revision of Rule 4.</p> <p>Ms. Hertog stated that before a motion and a second is made she would like to point out a minor change. She explained that originally, the chief's performance evaluation was done on an annual bases, but to make it aligned with the county's process, the Group felt it would be appropriate to change the chief's annual period evaluation to fiscal year evaluation period. Mr. Donahoe added that Ms. Hertog informed him of the change and he had no objections to it.</p> <p>Ms. Hertog called on Chief Raybuck to address the commission on concerns he had regarding the proposed language for the Acting Chief Defined.</p> <p>Chief Raybuck pointed out that Rule 4-7 (a) <u>Acting Chief Defined</u> states that an acting chief meets the minimum county requirements for chief of police, then further down in Rule 4 it talks about a bachelor's degree. He pointed out that some members of his executive staff currently do not have a bachelor's degree. In looking into the future in terms of future police chiefs and staff many are looking at advancing their education, but in reality, some people may not, and so, he would like to ask the Police Commission to entertain (maybe) making that a recommendation versus a requirement. Because it's an acting chief and the individual may only be operating as an acting chief short term absence like seven (7) days. He would not want to limit the best candidate for the job short term as acting chief for not meeting the bachelor</p>	

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	<p>degree requirement or one of the other requirement for that matter.</p> <p>Chair Adams called on Mr. Donahoe to provide feedback on Chief Raybuck’s proposed recommendation. Mr. Donahoe replied that the decision is really at the discretion of the commission to decide besides given the potential limitations on not meeting the county charter requirements it could put the incumbent chief in tuff spot to appoint an acting chief. Therefore, he doesn’t have any objections to Chief Raybuck’s recommendation.</p> <p>Vice Chair Bahouth stated that in his view, he sees it as an operational function, so whether it is written in the rules or not, it’s still up to the incumbent chief to select whoever he or she wants because it’s operational. Mr. Donahoe replied yes and besides Rule 4-7 (b) clearly states that the Police Commission is not involved in the process.</p> <p>Chair Adams asked Chief Raybuck if he is willing to live with the verbiage knowing that the Police Commission would not be involved in the selecting an acting chief. Chief Raybuck stated that he would ask that the language be refined and suggested that the person meet the requirements given the fact that the chief doesn’t necessarily have to follow the rule because it’s operational. He would not want to put another chief in a position where he or she have to make decisions that do not comply with the rules that the commission had adopted.</p> <p>Boards and Commissions Administrator Ching suggested a quick fix to accommodate Chief Raybuck’s input is to amend Rule 4-7 (a) to reflect that “an acting chief is an active member of the Kauai Police Department who is appointed by the incumbent chief” which would delete the phrase “meet the charter requirement of the chief of police” and give the incumbent chief full discretion to appoint an acting chief which legally gives the chief the right to do so anyway because it’s an operational decision.</p>	

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	<p>Chair Adams called for a motion to that effect.</p> <p>Ms. Hertog stated that she would like to discuss the Chief's suggestion a little bit more because she doesn't know if she agrees with it. She stated that if you want to soften the language she wouldn't take the language out because an acting chief should meet the county charter minimum requirement close as possible. If it's talking about one individual in the chain of command that's one thing but if the commission is talking about more than one individual on the chain of command not having the qualifications, then the commission has a problem. She would soften the language to say – <i>the acting chief is an acting member of the police department who ideally should meet...</i>" which would give the chief flexibility instead of removing the entire language.</p> <p>Additionally, Ms. Hertog pointed out that the commission established the minimum requirements in the charter for a reason. Because the commission did not have any minimum requirements before and although she does trust Chief Raybuck you never know who will follow Chief Raybuck.</p> <p>Chief Raybuck pointed out that under the county charter there are no minimum requirements listed for the deputy chief position, in fact, the position is not even listed in the charter nor is it defined by Human Resources. Technically, the deputy chief under the current minimum qualifications while not prudent except in certain circumstances does not have to be a commissioned member of law enforcement. It can be anyone who fits the role to support the chief as necessary. In the future, it could potentially prevent a sitting deputy chief from serving in an acting and or interim position because it is not a required minimum qualification for the deputy chief position under the charter.</p>	

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	<p>Ms. Hertog stated that the discussion is on the acting chief position. She noted that if Chief Raybuck did not hire a deputy chief he would still have to appoint an acting chief versus a deputy chief. Which is kind of parsing the definitions. She assumes that if the chief had to go somewhere the new deputy chief would automatically assume the acting chief position. Chief Raybuck replied that although he agrees with her the deputy does not need to meet the same requirements as the county charter because there is no definition of minimum qualifications for a deputy chief. In that scenario, a deputy chief who did not meet the qualifications for chief of police; although there is no define definition for the deputy – he would be able to be the deputy chief or interim chief under this guideline and that is something he just learned recently.</p> <p>Administrator Ching stated that because the rules are important to the commission and the Department, if the commission wants to defer making a decision and give the PIG more time to work with Chief Raybuck on the specific language and bring that language back to the commission that is also an option.</p> <p>Ms. Hertog stated that she would like to hear feedback from the other commissioners before the commission decides what it wants to do.</p> <p>Chief Raybuck stated that the language could be simple as “it is recommended (or something to that effect) that the acting chief meet the minimum qualifications of the county charter of the police chief.” That way it would resolve any potential conflict where the individual that may become the acting chief meet the full requirements under the charter for the police chief.</p> <p>Chair Adams asked Ms. Hertog if she is okay with the Chief’s language to which Ms. Hertog stated that she’s okay with it, but she would like to hear from Mr. Pigao and Mr. Morita and the other members of the commission if they had any other</p>	

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	<p>objections.</p> <p>Mr. Morita stated that if the commission chooses to use the word recommended ten years from now, somebody could challenge that in terms of what does the term recommended means since its operational and the commission cannot get involved anyway.</p> <p>Ms. Pigao stated that he agrees with Mr. Morita that the chief has the authority to make the decision because it's operational so rather than prolong the issue he would like to move things along and not wait another month to make a decision.</p> <p>With that being said, Chair Adams called for a motion.</p> <p>Administrator Ching asked the Chair to have someone restate the exact language to be included in the rules so there is no confusion. Ms. Hertog stated that she will restate the motion.</p> <p>Mr. Mince stated that the way the motion is worded; if the charter and the current rules say they meet the minimum county charter requirements – the minimum charter requirements require the acting chief who is appointed by the incumbent chief has to be a police officer. Taking that out and leaving the wording in that says <i>active member of KPD</i>, than technically, a person who is not a peace officer could become the acting chief. The commission needs to address that part as well.</p> <p>Ms. Hertog suggested that the language reads as follows: “an acting chief is a sworn police officer of the Kauai Police Department” which takes out any dispatcher from being appointed as the acting chief of police.</p>	<p><u>Suggested Motion</u> Ms. Hertog moved that the language reads as “it is recommended that the acting chief meet the minimum requirements of the charter”. Vice Chair Bahouth seconded.</p> <p><u>Motion</u> Ms. Hertog moved the amended definition read as follows: <i>“An acting chief is an active member of the Kauai Police Department who is appointed by the incumbent chief to assume the duties of the Department Head during his or her absence. It is recommended that the acting chief meet the minimum the minimum county charter requirements for chief of police.”</i></p> <p><u>Motion</u> Ms. Hertog moved to amend her original motion to define that <i>“An acting chief is a sworn police officer of the Kauai Police Department who is appointed by the incumbent chief to assume the duties of the</i></p>

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	<p>Chair Adams asked Ms. Hertog if she could repeat her motion for clarification as noted by Mr. Mince to which Ms. Hertog replied sure. After the motion was made, Chair Adams called for a second. Hearing no further discussion, a roll ensued.</p> <p>Ms. Hertog asked if the commission needs to vote to approve the amended language for Rule 4-7 (a) to which Mr. Donahoe replied yes.</p> <p>Ms. Ching asked if the commission was voting on Rule 4 with the amendments that were proposed by the PIG and highlighted in red and the amendments in Rule 4-7 (a). Ms. Hertog stated that to address Ms. Ching’s question she would withdraw her motion and make a new clarifying motion.</p>	<p><i>Department Head during his or her absence. It is recommended that the acting chief meet the minimum county charter requirements for chief of police.”</i> Mr. Morita seconded. A roll call ensued with all seven (7) Commissioners voting unanimously in favor of the motion.</p> <p><u>Motion</u> Ms. Hertog moved to approve Rule 4 with the amended Rule 4-7 (a). Mr. Pigao seconded. Ms. Hertog withdrew her motion which was followed by Mr. Pigao’s withdrawal of his second.</p> <p><u>Final Motion</u> Ms. Hertog moved to approve Rule 4 with the amendments to paragraph 4-7 changed to annex 4 Charlie roman numeral II and the change made to Rule 4-3 (b) highlighted in red. Mr. Pigao seconded. A roll call ensued with all seven (7) Commissioners voting unanimously in favor of the motion.</p>

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<p>KPC 2021-23</p>	<p><u>Presentation by the Permitted Interaction Group on recommendations for Revision of Rule 5 of the Kauai Police Commission Rules on Administrative Practice and Procedure.</u></p> <p>Ms. Hertog stated that Rule 5 was presented to the commissioners in their meeting packets and the proposed changes were highlighted in blue. The PIG added two (2) new paragraphs 5-9 and 5-10 which reflect the original changes that Mr. Donahoe had recommended in Rule 3 concerning legal representation but felt it would be more appropriate to put it in Rule 5. The other change was a restatement of a paragraph in Rule 3 reiterating that contested case will be in open session not in executive session which is highlighted in Rule 5-6 paragraph L. Ms. Hertog stated that any comments to the proposed amendments will be addressed at the commission’s meeting on August 27, 2021, and if there no comments the commission can vote on the proposed rule amendments as presented by the Group.</p> <p>Chair Adams thanked Ms. Hertog and Mr. Donahoe for their time effort and hard work preparing the rules for the commissioners to consider.</p>	
<p>KPC 2021-24</p>	<p><u>Public announcement on the disposition of notarized complaint KPC 2021-005 filed with the Kauai Police Commission.</u></p> <p>Staff read public announcement for notarized complaint KPC 2021-005 into the record as follows: The complaint alleges excessive harassment and demoralizing comments by two officers in the Kauai Police Department. After due consideration of the case, the Commission made a decision to forward the case to the Office of Professional Standard for further review, investigation and disposition. This officially concluded the Commission’s review of notarized complaint KPC 2021-005.</p>	

SUBJECT	DISCUSSION	ACTION
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 relate to the following two items:	At 10:02 a.m. Mr. Donahoe cited the following Hawai'i Revised Statutes to take the meeting into executive session.
ES KPC 2021-001	Monthly update by Sergeant Ginny Pia, 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.	
ES KPC 2021-002	Monthly update by Chief of Police Todd G. Raybuck, 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 2021-018	Pursuant to Hawai'i Revised Statutes §92-5 (a) (2) and (4), the purpose of this Executive Session is for discussion and decision-making on rescinding the motion that was previously made at the Commission's June 25, 2021 meeting to accept the results of the Chief's evaluation. 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 this item.	
ES KPC 2019-019	Pursuant to Hawai'i Revised Statutes §92-5 (a) (2) and (4), the purpose of this Executive Session is for discussion and decision-making on amending and accepting the results of Chief Raybuck's fiscal year evaluation. Where consideration of matters affecting privacy will be involved, provided that if the individual requests an open	

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	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 this item.	
ES KPC 2021-020	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 June 25, 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.	Chair Adams called for a motion to enter into executive session. Ms. Hertog moved to enter into executive session. Mr. Pigao seconded. A roll call ensued with all seven (7) commissioners present voting unanimously in favor of the motion. At 10:55 a.m. the commissioners entered into executive session.
Return to Open Session	At 11:59 a.m. the commissioners return to open session. Chair Adams called for a motion to ratify the actions taken in executive session.	Ms. Hertog moved to ratify the actions taken in executive session. Mr. Pigao seconded. A roll call ensued with all seven (7) commissioners present voting unanimously in favor of the motion
Adjournment	With no further business to conduct, Chair Adams called for a motion to adjourn the meeting.	Vice Chair Bahouth moved to adjourn the meeting. Mr. Pigao seconded. A roll call ensued with all seven (7) commissioners present voting unanimously in favor of the motion. At 12:01 p.m. the meeting adjourned.

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Catherine Adams, Chair

Approved as circulated on August 27, 2021

Approved as amended. See minutes of _____ meeting.