



COUNTY OF KAUAI

OPEN SESSION MEETING MINUTES

Board/Commission	Kauai Police Commission	Meeting Date	August 27, 2021
Location	Microsoft Teleconference Meeting	Start of Meeting: 9:00 a.m.	11:02 a.m.
Present	Chair Catherine Adams; Commissioners: Mary K. Hertog, Leina`ala Jardin and Kevin Mince. 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 Chiefs Mark Begley, Elliott Ke and Bryson Ponce; Office of Professional Standards: Lt. Christian Jenkins and Sergeant Ginny Pia; Captains: Paul Applegate and Roderick Green; Lieutenant Darren Rose; Employees of the Month: Detectives Hanson Hsu and Michael Nii Jr; KPD’s Public Information Officer Coco Zickos and Chief’s Secretary Gayle Kuboyama.		
Excused	Vice Chair Gerald Bahouth and Commissioners Roy Morita and Dean Pigao		
Absent			



SUBJECT	DISCUSSION	ACTION
Call To Order		Prior to calling the meeting to order, Chair Adams provide instructions on how members of the public could participate in the meeting. At 9:00 a.m. Chair Adams called the meeting to order.
Roll call to ascertain quorum		A roll call ensued with four (4) Commissioners present to conduct business.
Announcements	Next Regular Scheduled Monthly Meeting 9:00 a.m. Friday, September 24, 2021. Executive Session to follow.	
Public Testimony	None.	

SUBJECT	DISCUSSION	ACTION
Employees of the Month for August 2021	<p>Chief Raybuck called on Investigative Service Bureau Captain Paul Applegate to read the Commendation Report for Employees of the Month Detectives Hanson Hsu and Michael Nii Jr.</p> <p>Detectives Hsu and Nii were being recognized for taking on the responsibility and for their commitment in becoming the Kauai Police Department first accredited certified bomb technicians. This auxiliary function is in addition to their primary role as Detectives.</p> <p>To accomplished this feat they were required to complete a public safety bomb technician course at the Hazardous Device School Redstone Arsenal in Huntsville, Alabama where they underwent six (6) weeks of intense training. Through the training they acquired high level of expertise on how to render an explosive device intake and how to handle, remove and dispose of said devices.</p> <p>Having acquired those skills Kauai now has a greater public and officer safety, enhanced explosive investigations skills and quick response times in threats and emergencies. In June 2020, the Hawai'i Bomb Association made up of officers from other counties was officially accredited by the US Department of Justice Federal Bureau Investigation Hazardous Device School. Since their accreditation, Detectives Nii and Hsu have responded to one grenade and made it safe, one blasting cap and nine marine device markers known as flares found on various populated beaches around Kauai. As accredited bomb technicians they are required to maintain certification with active duty status that includes maintaining physical and operational requirements and pursue on-going training. Their dedication and hard work that Detectives Nii and Hsu have made and continue to make has made Kauai a safer place for everyone.</p>	

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	<p>Chief Raybuck thanked Captain Applegate for explaining the award. He spoke about what the Hawai'i Agency Bomb Squad is all about that several years ago, a decision was made to form a bomb squad by taking members of each of the outline county police departments as well as Honolulu to form a statewide squad. He pointed out that Detectives Nii and Hsu were the first members of the Kauai Police Department to pursue the certification and obtained the certification. He ended by congratulating and thanking Detectives Nii and Hsu for their hard work and dedication.</p> <p>Chair Adams called on Detectives Nii and Hsu to say a few words.</p> <p>Detective Hsu thanked the Department for the honor of being selected as Employees of the Month. He stated that this is just another way that they can serve the community and protect the island and everyone in the nation.</p> <p>Detective Nii began by acknowledging Chief Raybuck, the Commissioners and KPD's management. He specifically thanked his wife for her patience when he gets called out on a mission on his days and for allowing him to attend the training, noting that without her support he would not have been able to accomplish what he did. He especially recognized Special Agent Bomb Technician Dave Carol for seeing the need for the other islands to have its own bomb response capabilities. He thanked his fellow officers for their support, all the way up to the Chiefs, ISB command, swat commanders and some retirees all of who helped them to get where they are today.</p>	

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	<p>Chair Adams thanked Detectives Hsu and Nii and their families. She noted that how difficult it is for anyone to be being away for six (6) weeks doing something dangerous and that she would like to commend them for picking up the mantle to take care of the people of Kauai.</p> <p>Ms. Jardin congratulated Detectives Hsu and Nii for their accomplishments. She shared that Detective Hsu was a former employee of hers and one of her favorites. During his employment Detective Hsu exhibited a true sense of Aloha to his fellow workers and visitors, and now as a police officer and the type of work he has to do; most people would run away from a bomb and he would be the one who goes to it to protect the 'Ohana.</p> <p>Ms. Hertog stated that being a police officer is a dangerous enough, but to volunteer as bomb technicians to take care of explosive ordinances is incredible. As a former military person she is very familiar with the training and how tuff it is and she feels very good that both of them have been trained at that higher level and capacity to keep the people of Kauai safe, and for that she would to thank them both.</p> <p>Mr. Mince stated that everything that was said he wanted to say. He added that Detectives Hsu and Nii exemplify the kind of officers that are in KPD so he really appreciates them for taking the extra step to keep everyone safe.</p> <p>At the request of Chief Raybuck, Chair Adams called upon the Employees of the Month family members to say a few words.</p>	

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Approval of Minutes	July 23, 2021 Open Session Minutes. Chair Adams called for a motion to approve or amend the meeting minutes.	Ms. Jardin moved to approve the open session minutes of July 23, 2021 meeting. Ms. Hertog seconded. A roll call ensued with all four (4) Commissioners present voting in favor of the motion.
Chief Reports for July 2021	<p>a) Administrative & Technical Bureau Reports b) Investigative Bureau Reports c) Patrol Bureau Reports d) Pertinent Announcements/Updates</p> <p>Chief Raybuck introduced Deputy Chief Stan Olsen to the Commission. The Commissioners gave Deputy Chief Olsen a warm welcome and wished them the best.</p> <p>Chief Raybuck reported that KPD held a community meeting for the Kawaihau substation. A lot of people from the community attended some of which expressed their support for the project while others expressed their concerns.</p> <p>Administrative and Technical Bureau Assistant Chief Elliott Ke gave an overview of a program/partnership between the Kauai Police Department, Kauai Community College Office of Continuing Education and Training and the Council for Native Hawaiian Advancement.</p> <p>The program was developed by the Council for Native Hawaiian Advancement. It's a seven (7) week course, one day a week for three hours and is structured to provide students with information they will</p>	

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	<p>need to help them navigate through KPD’s hiring process. The first class started on August 18 and ends on September 29. To date there is a total of nineteen students – 10 in-person and 9 distance learning.</p> <p>Ms. Hertog commended the program and is interested to know what the final results are at the conclusion of the course.</p> <p>Chief Raybuck stated that he is very excited about the program because it gives KPD an opportunity to help prepare students for this type of occupation. He thanked all of the agencies for their assistance in moving the program forward which is the only one in the state.</p>	
<p>Business KPC 2021-25</p>	<p><u>Discussion and decision-making on the permitted interaction group recommendations for Revision of Rule 5 of the Kauai Police Commission Rules on Administrative Practice and Procedure.</u></p> <p>Ms. Hertog stated that at the last commission meeting, the group presented recommendations on contested case hearing and only major change had to do with having the hearing opened to the public except for dialogue between the commission and the county attorney. She noted that since she did not receive any feedback from any one of the commissioners since the last commission meeting she would like to the commission to make a decision today.</p> <p>Chair Adams called for a motion to approve and accept the group’s recommendation as presented at the last meeting.</p>	<p>Ms. Hertog moved to approve and accept the group’s recommendation that was presented at the Commission’s July meeting. Ms. Jardin seconded. A roll call vote ensued with all four (4) Commissioners present voting in favor of the motion.</p>
<p><u>KPC 2021-26</u></p>	<p><u>Presentation by the permitted interaction group on recommendation for Revision of Rule 6 of the Kauai Police Commission Rules on Administrative Practice and Procedures.</u></p>	

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	<p>Ms. Hertog presented recommendation for the revision of Rule 6 relating to the Public Information and Inspection to eliminate the suite number for the Office of Boards and Commissions in case there is another change in addresses.</p>	
<p>KPC 2021-27</p>	<p><u>Presentation by the permitted interaction group on recommendation for Rule 7 of the Kauai Police Commission Rules on Administrative Practice and Procedure.</u></p> <p>Ms. Hertog stated that there are no recommendations made for Rule 7.</p>	
<p>KPC 2021-28</p>	<p><u>Communication dated July 22, 2021 from Captain Keliua N. Company Commander of the Occupied Forces of Hawai'i Army I Corp Kauai C.A. /M.G. /J.A.G. to the Kauai Police Commission Chair Catherine Adams regarding a military notice of protected property safeguards.</u></p> <p>Chair Adams called for a motion to receive item KPC 2021-28 for the record.</p> <p>Mr. Mince asked for clarification on what the communication entails. Mr. Donahoe stated that it appears that the group is claiming occupied territory, but he would like to do more research and then report back at the next meeting.</p> <p>In response to Mr. Mince's question, Chief Raybuck stated that KPD is aware of organization and has interaction with them. In general terms, they are a native Hawaiian sovereign group that has decided to form its own military and provided themselves with ranks. KPD's interaction with the group has been cordial. They have not indicated any hostilities</p>	<p>Ms. Hertog moved to receive item KPC 2021-28 for the record. Ms. Jardin seconded. A roll call ensued with all four (4) Commissioners present voting in favor of the motion.</p>

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	towards KPD and the community nor does KPD have information that they may be a threat to the community.	
Executive Session Items	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:	At 9:38 a.m. Deputy County Attorney Chris Donahoe cited the Hawai'i Revised Statutes to take the meeting into Executive Session.
ES KPC 2021-001	<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>	
ES KPC 2021-002	<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>	
ES KPC 2021-019	<u>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 meeting, an open meeting shall be held; and to consult with its attorney on issues pertaining to the Commission's</u>	

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	<u>powers, duties, privileges, immunities, and or liabilities as they may relate to this item. (Deferred on July 23, 2021)</u>	
ES KPC 2021-021	<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.</u>	
ES KPC 2021-022	<u>New citizen complaint no. KPC 2021-007 received on July 22, 2021. The complaint alleges that an officer refused to stop a crime that occurred on Larsen’s Beach.</u>	
ES KPC 2021-023	<u>New citizen complaint no. KPC 2021-008 received on July 22, 2021. The complaint alleges that officers violated the Hawai’i turtle protection law, and then stalked the complainant who observed the violation.</u>	
ES KPC 2021-024	<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 July 23, 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>	Chair Adams called for a motion to enter into Executive Session. Ms. Hertog moved to enter into Executive Session. Mr. Mince seconded. A roll call ensued with all four (4) Commissioners present voting in favor of the motion. At 9:42 a.m. the Commissioners enter into Executive Session.
Return to Open Session to ratify the actions taken in Executive Session	At 11:00 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. Ms. Jardin seconded. A roll call ensued with all four (4) Commissioners present voting in favor of the motion.
Adjournment	Being there were no further business to conduct, Chair Adams called for a motion to adjourn the meeting.	Ms. Hertog moved to adjourn the meeting. Mr. Mince seconded. A roll call ensued with all four (4) Commissioners present voting in favor of the motion. At 11:02 a.m. the meeting was

SUBJECT	DISCUSSION	ACTION
		adjourned.

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Catherine Adams, Chair

- (x) Approved as circulated on September 24, 2021
- () Approved as amended. See minutes of _____ meeting.