

**Approved**

**COUNTY OF KAUAI  
MINUTES  
OPEN SESSION MEETING**

Board/Commission	<b>Kauai Police Commission</b>	Meeting Date	<b>April 22, 2022</b>
Location	Moikeha Building, Meeting room 2A/2B	Start of Meeting: 9:00 a.m.	10:46 a.m.
Present	Chair Roy Morita; Vice Chair- elect Gerald Bahouth; Commissioners: Monica Belz and Andrew Bestwick. Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Ellen Ching; Office of the County Attorney: Deputy County Attorney Charles Foster; Kauai Police Department: Chief of Police Todd Raybuck; Deputy Chief of Police Stan Olsen; Assistant Chief Bryson Ponce; Captains Roderick Green and Mark Ozaki; Acting Captain/Lieutenant James Miller and Lieutenant Christian Jenkins, Office of Professional Conduct, and other members in the Kauai Police Department.		
Excused	Commissioner Leina`ala Jardin		
Absent			

SUBJECT	DISCUSSION	ACTION
<b>Call To Order</b>		At 9:00 a.m. Chair Morita called the Kauai Police Commission April 22, 2022, Open Session Meeting to order.
<b>Roll Call to Ascertain Quorum</b>	A quorum was ascertained with Commissioners Morita, Bahouth, Belz and Bestwick present.	
<b>Approval of Agenda</b>	Chair Morita called for a motion to approve the agenda.	Vice Chair Bahouth moved. Commissioner Bestwick seconded. Hearing no objections, the motion passed.
<b>Announcements</b>	<ul style="list-style-type: none"><li>• Next Regular Month Meeting 9:00 a.m. Friday, May 27, 2022. Executive Session to follow.</li><li>• Email dated April 6, 2022, from Commissioner Dean Pigao to Boards and Commissions Administrator Ellen Ching regarding his resignation as a member of the Police Commission effective immediately. Chair Morita explained that without going into specifics, Commissioner Pigao resigned</li></ul>	

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	<p>from the Police Commission because of his new job and that his work schedule would not allow him to attend the Commission meetings and was forced to resign.</p> <ul style="list-style-type: none"> <li>• Chair Morita welcomed Commissioner Monica Belz to the Police Commission. Commissioner Belz shared that she is the CEO for the Kauai Federal Credit Union and has as an educational background in business and community development. Studied in a few countries in global MBA and has a bachelor’s degree in communications and she grew up in the pacific northwest, has lived in Hawai’i where her grandparent is from and Tonga. She has three children and raising them here on Kauai for decade.</li> <li>• Commissioner Bestwick has been on Kauai for eight (8) years, does fundraising for Wilcox Hospital. He is originally from Las Vegas, Nevada and is the founder of Spirit of Can. Clothing to defeat “can’t.”</li> </ul>	
<b>Election of Vice Chair</b>	Chair Morita opened the floor for nominations. Commissioner Bahouth said that he was volunteered. Chair Morita asked for a roll call vote.	A roll call vote ensued with all four (4) Commissioners present voting to select Commissioner Gerald Bahouth as Vice Chair for the remaining 2022 calendar year.
<b>Public Testimony</b>	Chair Morita asked for testifiers. There was none.	
<b>Employee of the Month for April</b>	<ul style="list-style-type: none"> <li>• Jessica Fletcher, Police Records Technician</li> </ul>	Being that Ms. Fletcher was unable to attend the meeting due to work obligations, Chair Morita called for a motion to defer the April Employee of the Month recognition to the Commission’s May meeting. Vice Chair-elect Bahouth moved. Commissioner Bestwick seconded. Hearing no objections, the motion passed.

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<p><b>Approval of Minutes of March 11, 2022, Meeting</b></p>		<p>Chair Morita called for a motion to approve the minutes as circulated. Commissioner Belz moved. Vice Chair Bahouth seconded. Hearing no objections, the motion passed.</p>
<p><b>Chief's Monthly Reports &amp; Pertinent Updates and Announcements</b></p>	<ul style="list-style-type: none"> <li>• Administrative &amp; Technical Bureau</li> <li>• Budget Presentation</li> <li>• Investigative Services Bureau</li> <li>• Patrol Bureau Reports</li> <li>• Kauai Police Department will be hosting a forensic science summer camp for incoming juniors to outgoing seniors in June. Participants will have an opportunity to learn the ins and out of being a detective and a forensic scientist and the participants will acquire several skills throughout the four days that includes interview and interrogation techniques, crime scene processing and photography, report writing and the different types of police investigations, evidence collection just to name a few. The camp starts from 8 a.m. to 5 p.m., on June 21 to 23, and from 8 a.m. to 12 noon, on June 24 at the Līhu'e Headquarters, 3990 Ka`ana Street. The camp is free and a limited number of participants who will be selected based on application criteria. To obtain a copy of the application or for more information, email Acting Captain James Miller at <a href="mailto:jmiller@kauai.gov">jmiller@kauai.gov</a>.</li> </ul> <p>Chief Raybuck expressed how happy he was to be able to meet in-person again. He took the opportunity to welcome Commissioners Belz and Bestwick to the Police Commission and thanked them for their willingness to serve on the Police Commission. He then introduced members of his executive team begin with Deputy Chief Stan Olsen, ISB Commander, Assistant Chief Bryson Ponce, ATB Acting Assistant Chief Captain Mark Ozaki, PSB Captain Rod Green, ISB Lt./Acting Captain James Miller covering for Captain Paul Applegate, OPS Lieutenant Christian Jenkins and lastly, Public Information Officer Specialist/Crime Stoppers Program Marco Valera.</p>	

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	<p>Chief Raybuck gave the Commission a rundown of the individual monthly bureau reports highlighting all activities that occurred within the month.</p> <p><u>Questions by the Commissioners</u></p> <p>Vice Chair-elect Bahouth wanted to know Chief Raybuck’s thoughts on the KPD’s hiring status and if the Department was facing the same difficulties as the private sector is in terms of finding people. Chief Raybuck stated that in the past three (3) years he was more optimistic of his hiring team abilities but he’s less optimistic today then he was this time last year. He explained that for the new Commissioners, three (3) years ago, KPD had a total of 25 vacancies but to the incredible efforts of the recruitment team (ATB, Patrol and ISB) they have been non-stop conducting back-to-back training and as a result hired eighty (80) people over the last three (3) years. He noted that the vacancies in the report does not reflect the actual number of sworn vacancies because people come, and people leave. Today, KPD is having difficulties trying to hire people and would need at least six (6) to eight (8) people in each recruit class to be able to take two (2) steps forward.</p> <p>Vice Chair-elect Bahouth wanted to know if the county council had ever entertain doing a compensation survey review comparatively as to what the rest of the job markets are paying to help KPD be on par with the salaries. Chief Raybuck replied that all employee’s salaries are negotiated through their individual unions.</p> <p>Chair Morita wanted to know if KPD is still getting positive results since it changed over to the new testing application. Chief Raybuck called on Captain Mark Ozaki to address the question. ATB Captain/Acting Assisting Chief Ozaki informed the Commissioners that KPD has seen an uptick in the amount of people passing their written exam and they have also seen an uptick in applicants than the previous years reported, so much so that they renewed their contract with the vendor. He further explained that the new written exam has what they call a vial data element that enables KPD to conduct a pre-psychological testing to help an applicant move forward in the hiring process cutting down on the time to do a background check.</p>	

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	<p>Being there were no more questions, Chief Raybuck referred to a copy of KPD’s presentation on KPD’s FY 2023 budget that he presented to the county council reflecting plethora of budget related information and an artist rendition of the proposed Kawaihau police substation which has been in the works since 2014.</p> <p><u>Questions by the Commissioners</u></p> <p>Commissioner Bestwick wanted to know if there was a plan is in place to augment or provide additional space for current staff or would it be a component of recruitment or will vacancies be filled with space the Department does not have currently. Chief Raybuck replied yes and stated that the current eastside police substation all the assigned to the Kawaihau district are having to work in a (basically) very small room, prior to that the officers were working out of a room in the old Kapa‘a Armory, but they had to relocate because of asbestos issues and to date they are still working on addressing that issue. Having a central substation in built the Kawaihau district will give officers a permanent substation where they can serve the public in an area that is highly populated is a big plus not to mentioned that a portion of the substation would also be utilized as a potential space for community events.</p> <p>Vice Chair Bahouth wanted to know if the officers who lived on the east could report to work at the Kawaihau substation rather than drive to Līhu‘e to report to work to which Chief Raybuck replied yes and noted that the new substation would have accommodations where an officer could get ready to work from there.</p> <p>Vice Chair Bahouth wanted to know if the benefits reflected in his presentation to the county council was related to SHOPO’s contract agreement. Chief Raybuck replied that to his knowledge there was no change to increase the benefits and apologized for not having the information on hand as to why there was an increase in benefits. Vice Chair Bahouth asked because a new contract needs to be renegotiated would the benefits reflected in the current contract take it all the up to 2023 to which Chief Raybuck replied no and explained that everything in the contract gets frozen because the contract had expired and to his knowledge the new negotiations will be held next</p>	

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	<p>month. Potentially if the award is to increase the salaries and benefits of the officers then it would show an increase in their budget. Vice Chair Bahouth asked because of the lack of staff in 2022 would the budget come under 2022 – with all the shortage he questions how the Department is going cover its expenditures based on what the forecast is going to be. Chief Raybuck agreed and noted that majority of the vacancies are fully funded and unused as it has been the case for several years. The end of year shows the Department having a very lean operating budget that covers majority of what is necessary versus what is needed; what council has graciously allowed KPD to do is use some of those unexpended salaries to purchase much needed equipment KPD could not put in their budget such as ERS payments for employees who retire as one example.</p> <p>Chair Morita asked if the \$400,000 used to purchase the rapid DNA equipment if the Department could go to council to ask for a reimbursement to which Chief Raybuck replied no, because the money was already in their budget via unexpended salaries all they needed to do was ask council for approval to use some of the funds from the unexpended salaries to purchase the equipment.</p> <p>Chair Morita asked if majority of the vacancies had to be dollar funded to which Chief Raybuck replied that some of the vacancies going into the new fiscal were dollar funded and some were short funded for nine (9) months in anticipation that KPD will fill those vacancies.</p> <p>Vice Chair Bahouth asked what the baseline salary was for a police officer to which Assistant Chief Ponce replied \$65,000 and some change. Vice Chair Bahouth wanted to know what the overall benefit package hourly rate was to which A/C Ponce replied that it came out to about \$30.00 an hour. Vice Chair Bahouth stated that based on his calculations it would amount to \$1.10 million for ten (10) police officer vacancies to which A/C Ponce replied yes.</p>	

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	<p>Commissioner Bestwick wanted to know (not to negate the hard he (Chief Raybuck) has done to reduce overtime) if he considered using the unexpended salaries to cover overtime to which Chief Raybuck replied that short answer would be that he's unsure if KPD would be fortunate enough to have a surplus to cover overtime next year.</p> <p>With no further questions, Chief Raybuck called on A/C Ponce of the Investigative Bureau to give a brief overview the community engagement the bureau would be doing.</p> <p>A/C Ponce reported that KPD will be hosting a forensic science summer camp for incoming juniors to outgoing seniors in June. The camp would give the students an opportunity to see the type of work the police department is doing. In a span of four-days students will acquire skills such as how to conduct interviews, interrogation techniques, crime scene processing, photography, fingerprinting, report writing and learn about the different types of police investigations and how to collect evidence. Both parents and their children across the island have already expressed interest in participating in the camp so KPD is looking forward to meeting and working with the students. The program starts at 8 a.m. to 5 p.m., on June 21 to 23, and from 8 a.m. to 12 noon, on June 24 at the Līhu'e Headquarters, 3990 Ka`ana Street. Other community events ISB is doing is meeting with Kupunas at the various senior centers to educate them on the types of techniques scam artists use, know what the red flags are and should they suspect something is afoot to call KPD immediately to report it. Kupunas who cannot drive or do not have transportation readily available ISB will be doing a public service announcement on scam prevention in May.</p> <p>Chair Morita asked in addition to going out to the various senior centers if ISB has plans on visiting other locations across the island to which A/C Ponce replied yes. Vice Chair Bahouth asked if the county could provide transportation for the Kupunas who cannot drive or have no other means of transportation to which A/C Ponce replied that he hasn't across that bridge yet, but that is something he would investigate. So that the Commission is aware ISB has been making house calls where</p>	

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	<p>they would do their presentation at the person’s home.</p> <p>Captain Roderick Green reported that the patrol services bureau held 59 community events in the month of March ranging from assisting with the high schools’ fire drills, walk to school programs, and just recently held a “Coffee with a Cop” event in Kapa’a. Coffee with a Cop is a nation-wide informal gathering where police officers get to interact with the community. The next Coffee with a Cop event is set for May 3, 2022, from 9:00 to 10:30 a.m. at the Kauai Coffee in Kalāheo. In addition to Coffee with a Cop – the patrol officers help coach community basketball, patrol officers in the Kawaihau district keeps a constant presence at the Kapa’a bike path to deter any illegal activities. It is the hope of KPD that interacting with the community especially the youth would pique an interest in wanting to become a police officer and serve the community.</p> <p>Commissioner Bestwick wanted to know if community engagement is the Department’s way of trying to build trust or trying to accomplish something good. Captain Roderick stated that as an officer from California, he can honestly say that KPD has a good repour with the community. He thanked Chief Raybuck for being upfront about community engagement – it all starts from the top and having a community-based philosophy police department head all the positivity will trickle down. To Commissioner Bestwick’s question about what KPD is hoping to accomplish, Captain Green stated that KPD wants to address any concerns the community has and most importantly show the community the humane side of the department.</p>	
<p><b>KPC 2022-2</b></p>	<p><u>Presentation by the permitted interaction group on recommendations regarding the process, procedures, and tools to enhance the chief of police evaluation process resulting in a more cohesive evaluation product. (Deferred on 3/11/2022)</u></p>	



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	<p>Ms. Ching stated that HR has been very much involve trying to get the county’s digital payroll system up and running and she would request that the Chair defer the item.</p> <p>Chair Morita asked staff to place the item on the next agenda for discussion and decision-making on selecting another to serve in the PIG being that Commissioner Pigao is no longer a member of the Police Commission. Ms. Omo acknowledged the Chair’s request.</p>	<p>Chair Morita called for a deferral. Vice Chair-elect Bahouth moved. Commissioner Bestwick seconded the motion, hearing no objections, the motion passed.</p>
<p><b>KPC 2021-43</b></p>	<p><u>Discussion and possible decision-making on the climate assessment that was conducted by the Kauai Police Commission on the Kauai Police Department. (Deferred on 3/11/2022)</u></p>	<p>Chair Morita called for a motion to defer item KPC 2021-43. Vice Chair-elect Bahouth moved. Commissioner Belz seconded. Hearing no objections, the motion passed.</p>
<p><b>Executive Session</b></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>At 10:01 a.m., Chair Morita called on Deputy County Attorney Charles Foster to cite the following Hawai‘i Statutes to take the meeting to Executive Session.</p>
<p><b>ES KPC 2022-1</b></p>	<p>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 with the Kauai Police Commission and referred to the Office of the Chief for further review.</p>	
<p><b>ES KPC 2022-3</b></p>	<p>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.</p>	

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<b>ES KPC 2022-10</b>	New notarized complaint KPC 2022-002, filed on March 30, 2022. The complaint alleges that an officer in the Kauai Police Department covered up a hate crime.	
<b>ES KPC 2022-11</b>	Pursuant to §92-5 (a) (4) the purpose of this Executive Session is for discussion and decision-making on clarification of a comment made and approval of revisions made regarding Chief Raybuck’s collated 6-month performance evaluation where consideration of matters affecting privacy will be involved and to consult with its attorney on questions and issues pertaining to the Commission’s powers, duties, privileges, immunities, and liabilities as it may relate to this item.	
<b>ES KPC 2021-032</b>	Complaint no. KPC 2021-013 received on November 4, 2021. The complaint alleges unethical and unprofessional behavior. (On-going)	
<b>ES KPC 2022-12</b>	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 March 11, 2022, 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 Morita called for a motion to take the meeting into Executive Session. Vice Chair Bahouth moved. Commissioner Belz seconded. With no objections, the motion passed. At 10:04 a.m. the Commissioners entered Executive Session.
<b>Return to Open Session to ratify the actions taken in Executive Session.</b>	At 10:46 a.m. the Commissioners returned from Executive Session.	Chair Morita called for a motion to ratify the actions taken in Executive Session. Commissioner Bestwick moved. Commissioner Belz seconded. With no objections, the motion passed.
<b>Adjournment</b>	With no further business to conduct, Chair Morita called for a motion to adjourn the meeting.	Commissioner Belz moved. Commissioner Belz seconded. With no objections, the motion passed. At 10:46 a.m. the meeting adjourned.

Submitted by: \_\_\_\_\_  
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: \_\_\_\_\_  
Gerald "Chip" Bahouth, Chair

- Approved as circulated on May 27, 2022
- Approved as amended. See minutes of \_\_\_\_\_ meeting.