

**COUNTY OF KAUAI
OPEN SESSION MEETING MINUTES**

Board/Commission	Kauai Police Commission	Meeting Date	February 25, 2022
Location	Microsoft Teams Teleconference Meeting	Start of Meeting: 9:03 a.m.	11:06 a.m.
Present	Chair Roy Morita ; Vice Chair Dean Pigao; Commissioners: Catherine Adams, Gerald Bahouth, Andrew Bestwick, Mary K. Hertog and Leina`ala Jardin. Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Ellen Ching; Office of the County Attorney: Deputy County Attorney Chris Donahoe; Police Department: Chief of Police Todd G. Raybuck, Deputy Chief of Police Stan Olsen, Assistant Chief Bryson Ponce; Captain Roderick Green; Office of Professional Standards, Lieutenant Christopher Jenkins, and staff in the Kauai Police Department.		
Excused			
Absent			



SUBJECT	DISCUSSION	ACTION
Call To Order	Prior to calling the meeting to order, Chair Morita recognized and welcomed new Commissioner Andrew Bestwick to the Kauai Police Commission.	Chair Morita called the meeting to order at 9:03 a.m.
Roll Call to Ascertain Quorum	A roll call ensued with all seven (7) Commissioner’s present including the necessary staff voicing that they were present and alone to conduct business.	
Approval of Agenda	Chair Morita stated that he was informed by staff at the last meeting the motion to accept items Group’s recommendations passed therefore no further action is necessary for items KPC 2021-41 and KPC 2022-1. He thanked Ms. Hertog for bringing the matter to staff’s attention, and then called for a motion to remove items KPC 2021-40 and KPC 2022-1 from the agenda.	Ms. Adams moved to remove items KPC 2021-40 and KPC 2022-1 from the agenda. Mr. Bahouth seconded. A voice vote ensued with all seven (7) Commissioners present voting in favor of the motion. Ms. Adams moved to approve the agenda as amended. Ms. Jardin seconded. A voice vote ensued with all seven (7) Commissioners present voting in favor of the motion.

SUBJECT	DISCUSSION	ACTION
<p>Announcements</p>	<p>Chair Morita announced the next regular teleconference meeting is Friday, March 11, 2022, at 9:00 a.m., Executive Session to follow.</p> <p>Ms. Ching explained to the Commissioners that the reason the Commission’s March meeting, which was originally scheduled for March 24,2022, had to be rescheduled to March 11, 2022, because March 24 fell on Prince Kūhiō Holiday.</p>	
<p>Acknowledgments for Commissioner Catherine Adams</p>	<p>Ms. Ching announced that today was Ms. Adams last meeting and that she wanted to thank her for all her contributions during the hiring process to find a new Police Chief, and for her great leadership qualities.</p> <p>Ms. Adams thanked Ms. Ching for her words of appreciation. She noted that Mr. Bestwick will be a great Commissioner and will make great contributions to the Police Commission as well.</p> <p>Chair Morita stated that he had the pleasure and the honor of working alongside Ms. Adams for the past ten (10) years and that he will miss her.</p> <p>Chief Raybuck thanked Ms. Adams for everything. He stated that until recently with the addition of Mr. Bestwick, Ms. Adams was the only Commissioner he has gotten to know during his tenure as Chief of Police for the Kauai Police Department. He shared that from the very beginning and throughout the entire time one of the greatest things that he will always be appreciative of is her everlasting and engaging smile, her exuberant expression of happiness, and her kind heart especially during the difficult times and throughout what the Police Department experienced over the last three (3) three years. He pointed out that Ms. Adams commitment to the Commission never once wavered and as the Chair she was always there to help answer any questions and provide him with the support he needed, and for that he will always be grateful.</p>	

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	<p>Vice Chair Pigao stated that although his time with Ms. Adams was short, he wanted to thank her for her wisdom and everything she has done for the Commission.</p> <p>Ms. Jardin thanked Ms. Adams for being inspirational and that she shares Chief Raybuck’s sentiments that not only does she have a heart of Aloha she exemplifies what Aloha truly means. She shared that she has learned a lot from watching and observing how she makes the hard decisions, so its honor for her to be able to call Ms. Adams her friend.</p> <p>Ms. Hertog thanked Ms. Adams for serving with her on the Police Commission for the last six (6) years and for her leadership and for her calming influence she had with Mr. Mince and herself whenever they talked about things off the ceiling. She ended by saying that she will miss Ms. Adams and wished her all the best.</p> <p>Mr. Bahouth thanked Ms. Adams for her rock-solid leadership when faced with difficult situations over the years. He pointed out that her wisdom and insight helped the Commission make the right decisions.</p> <p>Ms. Adams thanked everyone for their words of appreciation.</p> <p>Chair Morita stated that before he continuous on to business part of the agenda, he wanted to thank Chief Raybuck for allowing the orientation for the three (3) new commissioners to take place. He stated that he met with Captain Mark Ozaki, Lieutenant Kenneth Cummings and Boards and Commissions Administrator Ellen Ching to discuss whether the orientation would entail one commissioner at a time as opposed to all three (3) commissioners.</p>	

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	<p>Ms. Ching asked Chair Morita if he could hold off from discussing the particulars of orientation because she had a new commissioner who had just recently was interviewed by council. She then asked Chair Morita to turn his attention to Councilmember Felicia Cowden who had been waiting patiently to address Ms. Adams.</p> <p>Chair Morita apologized, and then called on Councilmember Cowden to address Ms. Adams.</p> <p>On behalf of the County Council, Councilmember Cowden acknowledged Ms. Adams for all hard work she has done on the Police Commission noting the importance of the job each commissioner does. Ms. Adams thanked Ms. Cowden for words of appreciation. Hearing no further comments, Chair Morita moved on to the approval of the meeting minutes.</p>	
<p>Approval of Minutes</p>	<ul style="list-style-type: none"> • Open Session January 28, Meeting 	<p>Chair Morita called for a motion to approve or amended the minutes of January 28, 2022, Meeting. Ms. Adams moved to approve the meeting minutes of January 28, 2022, as circulated. Mr. Bahouth seconded. The motion carried unanimously.</p>
<p>Chief's Monthly Reports</p>	<ul style="list-style-type: none"> • Administrative & Technical Bureau • Investigative Services Bureau • Patrol Bureau Reports • Pertinent announcements/updates <p>Chief Raybuck asked the Commissioners if they had any questions regarding the data reflected in his Monthly Reports. Hearing none, Chief Raybuck stated that since he had no nominations for employee of the month, he wanted to take the opportunity to recognize all of KPD employees; sworn and unsworn for providing</p>	

SUBJECT	DISCUSSION	ACTION
	<p>the highest level of service to the community. He shared that over the last month the Department experience the loss of Lieutenant David Banquel which was completely unexpected and within 30 days of Lt. Banquel's passing, the Department experienced another heart wrenching loss of Lieutenant Danny Oliveira. He shared with the Commission that he witnessed his employees going through the pain of losing their fellow brothers and that he also knows that the community is feeling the same pain because he received many letters and emails from members of the public wanting to acknowledge all the hard work David and Danny did for the community. He shared that the candlelight service that was recently held and was well attended and would like to express his gratitude for Kumu Hula Jardin for her beautiful performance in honor of Dave and Danny. He recognized KPD's Chaplains Steve Franks and Jade Waialaale-Battad and the many others including the men and women of KPD for their role in helping to move the Police Department forward.</p> <p>Chair Morita asked Chief Raybuck to contact the Commission if they need help in anyway.</p> <p>Ms. Jardin shared that at the candlelight vigil she felt a sense of bonding was taking place and that both Dave and Danny were looking down from heaven and smiling with pride to see their fellow brothers and sisters pulling together. She also took the opportunity to acknowledge the officers who had to conduct the investigation, noting how hard it must have been for them to have to investigate one of their own.</p> <p>Vice Chair Pigao shared that he also attended the candlelight vigil, and like Ms. Jardin, he could also feel the love and bonding between everyone as he made his way through the crowd. He stated that both Chair Morita and him went out to PMRF to provide grief counseling. He asked Chief Raybuck if KPD has the</p>	

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	<p>resources to help the employees who are grieving. Chief Raybuck stated that KPD has a Peer Support Program that Captain Mark Ozaki heads. In addition, KPD's Chaplains are available to all employees for spiritual support.</p> <p>Ms. Hertog thanked Chief Raybuck for his leadership. She stated that as a Chief, Deputy Chief and Assistant Chief; anybody can lead when everything is going well, but real leaders emerge when faced with difficult situations especially when having deal with unfortunate deaths within the organization - they all stepped up to the plate and for that she is very thankful.</p> <p>With no further comments, Chair Morita called on Ms. Ching to read the business items. Mr. Donahoe asked Chair Morita before Ms. Ching reads the first business item if he could comment on the data reflected in the Chief's Monthly Reports particular vice section report to which Chair Morita replied sure.</p> <p>Mr. Donahoe pointed out that the number of seizures yielded in the month January alone resulted in the confiscation of 43.3 grams of fentanyl. In his perspective (correct him if he's wrong) 2 milligrams of fentanyl is considered a lethal dose but 43.3. grams of fentanyl could have potentially killed 21,659 people on the island. So, he really appreciates Chief Raybuck and the vice officers for all the work they have done in keeping the community safe.</p> <p>Chief Raybuck thanked Mr. Donahoe for highlighting the significant work the vice officers have done and for pointing out the significant impact those 43.3 grams fentanyl would have done if it got out to the community.</p>	

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<p>Business KPC 2021-40</p>	<p><u>Discussion and decision-making on the permitted interaction group recommendations for Revision of Rule 10 of the Kauai Police Commission Rules on Administrative Practice and Procedure. (Deferred on 1/28/2022)</u></p>	<p>No discussion. Item removed from the agenda.</p>
<p>KPC 2022-1</p>	<p><u>Discussion and decision-making on the permitted interaction group recommendations for Revision of Rule 11 of the Kauai Police Commission Rules on Administrative Practice and Procedure. (Deferred on 1/28/2022)</u></p>	<p>No discussion. Item removed from the agenda.</p>
<p>KPC 2022-2</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 1/28/2022)</u></p> <p>Ms. Ching reported that the Group has not been able to meet, so she would ask Chair Morita if he could call for a motion to defer the item.</p> <p>Chair Morita replied yes, noting that one of the Group’s tasks is to address HR’s concerns about clarity. He stated that although HR is in the process of revamping the entire county’s HR payroll system it is still going to take a couple of months to complete. Ms. Ching added that HR’s priority is to convert all the county’s timesheets digitally which one of the reasons HR is not available as they normally are.</p>	<p>Vice Chair Pigao moved to defer item KPC 2022-2. Ms. Jardin seconded. A voice vote ensued, and the motion carried unanimously.</p>
<p>KPC 2022-4</p>	<p><u>Discussion and decision-making on the permitted interaction group on recommendation for Revision of Rule 4 (4-5) of the Kauai Police Commission Rules on Administrative Practice and Procedure regarding the police chief’s evaluation.</u></p>	

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	<p>Chair Morita called for a motion to defer item KPC 2022-4.</p> <p>Ms. Hertog asked Chair Morita before he calls for a motion if she could take the time to address the item to which Chair Morita replied yes.</p> <p>Ms. Hertog stated that relative to Ms. Ching’s comments about HR having to do a large project she would like to ask the Commission to consider the Group’s recommendations on the Revision for Rule 4 (4-5), to finalize the rules and when HR completes their project, the Commission (if needed) could revisit the recommendations. She pointed out that at the last meeting there was discussion on doing away with evaluating the chief twice a year and instead have feedback every six (6) months.</p> <p>Chair Morita asked Ms. Hertog if she was ready to make a motion based on that. Ms. Hertog stated that she would like to discuss changing the chief’s evaluation from a semi-annual performance to a semi-annual feedback review because it would give the Commissioners a chance to provide feedback to the chief in between the annual evaluation review.</p> <p>Chair Morita called for a motion and a second to start the discussion.</p> <p><u>Discussion</u> Ms. Adams stated that she recalled at the last meeting the Commission concluded (it’s in the minutes) that what Ms. Hertog is saying today is what the Commission agreed to do, so why does the Commission have to vote on a motion that had already passed.</p> <p>Ms. Hertog noted that the changes that were made were very simple.</p>	<p><u>Motion No. 1</u> Ms. Hertog moved to discuss item KPC 2022-4. Vice Chair Pigao seconded.</p>

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	<p>Ms. Ching stated that at the Commission’s last meeting there was a lot of discussion on Rule 4 and since then Ms. Hertog has gone back to make those changes which before you today and being that Ms. Hertog will be terming out in March the Commission may want to adopt the changes based on the discussion last month. Regarding the chief’s evaluation process, it’s much more global in terms of best practices from HR’s perspective. Given what HR is dealing with right now, the Commission may want to consider approving the rules and at some point, the PIG could coordinate a meeting with HR and if there are any recommendations from that meeting the PIG would bring back those recommendations to the Commission for consideration. Therefore, she would like to recommend that the Commission adopt the changes to Rule 4 (4-5), as presented by Ms. Hertog.</p> <p>Hearing no objections, Chair Morita called for a withdrawal of the first motion.</p> <p>With no further discussion, Chair Morita moved on to item KPC 2022-5.</p>	<p>Ms. Hertog withdrew her motion to discuss item KPC 2022-4. Vice Chair Pigao withdrew his second.</p> <p><u>Motion No. 2</u> Ms. Hertog moved to approve Rule 4 (4-5) which changes the chief’s semi-annual performance evaluation form to a semi-annual feedback form. Vice Chair Pigao seconded. Chair Morita called for a roll call vote. Hearing no objections. The motion carried</p>

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<p>KPC 2022-5</p>	<p><u>Discussion and decision-making on the permitted interaction group recommendation for Revision of Rule 2 (2-10) of the Kauai Commission Rules on Administrative Practice and Procedure which gives clarity regarding time limits for public from interested, but such time limit shall not include pertinent response by the speaker to questions posed by the members of the Commission.</u></p> <p>Ms. Ching stated that the purpose of having the item on the agenda so was she could provide the Commission with information regarding oral testimony. She explained that time limits for members of the public who wanted to testify on a particular item or items on the agenda shall not include pertinent response by the speaker to questions posed by members of the Commission. As such, she asked Ms. Hertog if she could include language in Rule 2 to address the time limits for oral testimony which is before the Commission today.</p> <p>Mr. Donahoe asked Chair Morita if he could provide some insight to help to clarify the motion to which Chair Morita replied sure.</p> <p>Mr. Donahoe</p>	
<p>KPC 2022-6</p>	<p><u>Presentation by Chief Todd Raybuck on his goals and objectives for the period of July 1, 2022, through June 30, 2023.</u></p> <p>Chief Raybuck reported that the current three (3) goals that was established in 2019 are overarching goals remained in place last year and will remain in place in the current year. He explained that the purpose of having those goals remain in place was to provide a framework into which content standards can be developed in specific areas and organized within the Department.</p>	

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	<p>As Chief for the Kauai Police Department, relative to Goal 1, looking at back on what he asked his assistant chiefs to do ties back to Commissioner Pigao's comment about continuing to identify ways to expand resources to support KPD's employees mental and physical wellness.</p> <p>He pointed out that their priority is to refocus on the reorganization plan that he discussed with the Commission back in 2019. The reorganization plan would look at the three (3) bureaus and make determinations on what if any modifications should be made. The work on the reorganization plan is continuing and is moving forward but was paused due to the Department response to the covid pandemic.</p> <p>Goal #2 <u>Enhance Organizational Efficiency.</u> The 4/10 Patrol Schedule continues to be priority. In the next 12 months KPD will be focusing on reorganizing the patrol bureau to provide a better span of control and hopefully implement a 4/10 work schedule, and by having the necessary resources, the Department will be able to do that.</p> <p>Goal#3 <u>Increase Community Engagement</u> was delayed due to the covid pandemic, and it will be difficult for KPD to start to work on this goal for a variety of reasons, one of which is manpower limitations due to promotion of people who were responsible to work on the goal. However, plans to rebuild the KPAL Program and expand KPD's community engagement will be a priority for KPD.</p> <p>Chair Morita asked the Commissioners if they had any questions for Chief Raybuck. Hearing none, he asked Chief Raybuck if he could submit his goals in writing so the Commission could discuss it at its next meeting and to see if there are any additions to the goals.</p>	

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	<p>Ms. Omo noted that she would email a copy of KPD’s FY 20/21 Goals to the Commissioners.</p> <p>Ms. Jardin commented that having a discussion on the Department’s goals is good idea because it will give the new members an opportunity to review the goals and ask any questions.</p> <p>With no further discussion, Chair Morita called for a motion to defer item KPC 2022-6 to the next Commission meeting.</p> <p>Chief Raybuck stated that for him to get a better understanding and for the purposes of clarification, the purpose of the agenda item was for the Commission to review the Department’s FY 20/21 and to provide any feedback the Commission would like the Department to consider for its FY 2022/2023 goals to which Chair Morita replied yes.</p>	<p>Ms. Adams moved to defer item KPC 2022-6 to the Commission’s next meeting. Ms. Jardin seconded. A voice vote ensued with all seven(7) Commissioners present voting in favor of the motion carried 7:0.</p>
<p>KPC 2022-7</p>	<p><u>Public announcements on the Police Commission’s disposition on the following notarized citizens’ complaints: KPC 2021-014 and KPC 2022-001.</u></p> <p><u>Disposition for Notarized Complaint KPC 2021-014:</u> After full review, the Police Commission has determined there was insufficient evidence to substantiate the allegations that an officer in the Police Department covered up a hate crime and illegally adopted a medical related policy. This officially concluded the Commission’s review of notarized complaint KPC 2021-014.</p> <p><u>Disposition for Notarized Complaint KPC 2022-001:</u> After due consideration of the case, the Commission deemed the complaint ineligible because it was filed by a third-party as such, the Commission voted not to accept the complaint. This officially concluded the Commission’s review of</p>	

SUBJECT	DISCUSSION	ACTION
	notarized complaint KPC 2022-001.	
KPC 2021-43	<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 1/28/2022)</u>	Chair Morita called for a motion to defer item KPC 2021-43. Ms. Hertog moved. Ms. Adams seconded. A voice vote ensued with all seven (7) Commissioners present voting in favor of the motion.
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 Kauai 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 10:01 a.m. Mr. Donahoe cited the following Hawai'i Revised Statutes to take the meeting into Executive Session.
ES KPC 2022-1	Monthly update by Lt. Christian Jenkins, Office of Professional Standards, or his designated representative on the status of the Department's disposition on formal notarized complaints that were filed with the Kauai Police Department and with the Kauai Police Commission and referred to the Office of the Chief for further review.	
ES KPC 2022-3	Monthly update by Chief of Police Todd G. Raybuck, Kauai Police Department, or his designated representative on any significant adverse incidents/events involving personnel in the Kauai Police Department that could potentially impact the County, the Police Commission, and the Kauai Police Department.	

SUBJECT	DISCUSSION	ACTION
ES KPC 2022-5	Pursuant to §92-5 (a) (4) the purpose of this Executive Session for the Commission to consult with its attorney where consideration of matters affecting privacy will be involved and to consult on questions and issues pertaining to the Commission’s powers, duties, privileges, immunities, and liabilities as it relates to Chief Raybuck’s collated 6-month performance evaluation. (Deferred on 1/28/2022)	
ES KPC 2021-032	Complaint no. KPC 2021-013 received on November 4, 2021. The complaint alleges unethical and unprofessional behavior. (On-going)	
ES KPC 2022-6	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 January 28, 2022, meeting. 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 Morita called for a motion to enter Executive Session. At 10:03 a.m. Ms. Adams moved to enter to Executive Session. Vice Chair Pigao seconded. The motion carried 7:0 by voice vote.
Return from Executive Session to ratify the actions taken in Executive Session	At 11:05 a.m. the Commission returned to Open Session. Due to work obligations, Ms. Adams asked to leave the meeting and would not be present for the ratification. Chair Morita acknowledge Ms. Adams request. With six (6) Commissioners present to conduct business, Chair Morita called for a motion to ratify the actions taken in Executive Session.	Ms. Jardin moved to ratify the actions taken in Executive Session. Ms. Hertog seconded. The motion carried 6:0 by voice vote.
Adjournment	With no further business to conduct, Chair Morita called for a motion to adjourn the meeting.	Ms. Hertog moved to adjourn the meeting. Ms. Jardin seconded. The motion carried 6:0 by voice vote. At 11:06 a.m. the meeting adjourned.

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Roy Morita , Chair

- (x) Approved as circulated on March 11, 2022
() Approved as amended. See minutes of _____ meeting.