



**COUNTY OF KAUAI
OPEN SESSION MEETING MINUTES**

Board/Commission	Kauai Police Commission	Meeting Date	March 11, 2022
Location	Microsoft Teams Teleconference Meeting	Start of Meeting: 9:01 a.m.	10:04 a.m.
Present	Chair Roy Morita ; Commissioners 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; Kauai Police Department: Police Chief Todd G. Raybuck; Deputy Chief Stan Olsen; Office of Professional Standards Lieutenant Christian Jenkins; Captain Mark Ozaki and Lieutenant James Miller.		
Excused	Vice Chair Dean Pigao		
Absent			

SUBJECT	DISCUSSION	ACTION
Call To Order		Chair Morita called the meeting to order at 9:01 a.m.
Roll Call to ascertain quorum	A roll call ensued with all five (5) Commissioners including staff, Chief Raybuck, Lieutenants Christian Jenkins and James Miller voicing that there were alone and able to conduct business.	
Approval of Agenda	Chair Morita called for a motion to approve the agenda as circulated.	Ms. Jardin moved. Ms. Hertog seconded. Hearing no objections. The motion carried 5:0.
Public Testimony	None.	
Approval of Meeting Minutes	<ul style="list-style-type: none"> Open Session Minutes of February 25, 2022, Meeting. Chair Morita called for a motion to approve the minutes of the Commission’s February 25, 2022, Meeting.	Ms. Hertog moved. Ms. Jardin seconded. Hearing no objections. The motion carried 5:0.

SUBJECT	DISCUSSION	ACTION
<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>Chair Morita called on Chief Raybuck to address the Commission on his Monthly Reports. Chief Raybuck asked the Commissioners if they had any questions regarding the data reflected in his Monthly Reports.</p> <p>Regarding the A&T Bureau Report particularly the report on bench warrants and legal service received and legal services served (non-warrant), Chair Morita asked of the 193 warrants received 6 (six) were recalled is there a time restriction before a warrant expires. Chief Raybuck called on Captain Mark Ozaki to address the question.</p> <p>In response to Chair Morita's question, Administrative & Technical Bureau Captain Mark Ozaki stated that there was a two (2) year timeline before a warrant expires.</p> <p>Chair Morita asked Chief Raybuck if he could provide what the acronyms eBW Traffic and eBW Criminal represent to which Captain Ozaki replied that those acronyms stand for Electronic Bench Warrants.</p> <p>In addition to his Monthly Reports, Chief Raybuck highlighted some of the great work ISB (investigative services bureau) did over the past three (3) weeks, one was the incident at PMRF (Pacific Missile Range Facility) that involved a helicopter crash where Assistant Chief Bryson Ponce and his team along with Captain Roderick Green and numerous patrol officers helped to secure the area surrounding the crash site.</p>	

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	<p>Regarding the incident involving two (2) missing persons suspected of drowning, one of which was a visitor and the other a Kilauea resident, Assistant Chief Ponce and his team along with the Department of Land and Natural Resources Enforcement, the Kauai Fire Department, Air 1 helicopter and the United States Coast Guard cutter vessel who conducted a 24-hour, around the clock search operation for three (3) full days worked tirelessly to try to locate the two individuals, unfortunately, the operations were suspended, and the two (2) individuals were not found at the time of this reporting.</p> <p>Chair Morita asked the Commissioners if they had any questions or comments regarding Chief Raybuck’s report. Ms. Jardin expressed her appreciation for everyone who assisted with those unfortunate incidents.</p> <p>Additionally, Chief Raybuck stated that as the Chair of the State of Hawai’i Law Enforcement Standards Board since 2019. The board on multiple occasions sought to obtain funding and the necessary resources from Hawai’i lawmakers to establish statewide standards for law enforcement. However, their attempts were unsuccessful this year, but that did not deter Board so, he went before the senate and house of representatives (again) to try to obtain financial support and to date those measures are continuing to move forward.</p> <p>Chief Raybuck stated that he is also the Chair of the Hawai’i Opioid Initiative (HOI) Working Group 6 on public safety which is a collaboration of public health, public safety, healthcare professionals, and community partners all working together to address the misuse/overdose of opioids and other drugs. Since 2017, the HOI working groups met on a regular basis to work on a strategic plan that would integrate substance use, prevention, and treatment within Hawai’i’s healthcare system.</p>	

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	<p>Last month, the HOI held its first meeting since in 2019, which reignited the need to address on-going problems in each community throughout the state. Last week, he (Chief Raybuck) met with the Director of HIDA and representatives from the CDC as well as drug intelligence officers to discuss ways to identify all avenues of resources to assist law enforcement across the state.</p> <p>At this point, Chief Raybuck opened the floor for questions,</p> <p>Chair Morita asked Chief Raybuck how KPD is handling catalytic converter thefts on Kauai and if the Hawai'i lawmakers are going to make it a felony. Chief Raybuck explained that KPD is aware of the problem because not only it's a statewide and it is also a nationwide problem. As far as the number of thefts that have occurred or is still occurring on island, he doesn't have the exact numbers. With no further questions, Chair Morita thanked Chief Raybuck for his reports, and then moved on to item KPC 2022-2.</p>	
<p>Business 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 2/25/2022)</u></p> <p>Chair Morita called for a motion to defer item KPC 2022-2.</p> <p>Deputy County Attorney noted that the memorandum dated March 4, 2022, under tasks showed the year as December 17, 2022, but if he is not mistaken the year show reflect 2021. Chair Morita asked staff to make the necessary correction. Ms. Omo acknowledge the Chair's request and would make the correction.</p>	<p>Ms. Hertog moved to defer. Ms. Jardin seconded. Hearing no objections. The motion carried 5:0.</p>

SUBJECT	DISCUSSION	ACTION
<p>KPC 2022-6</p>	<p><u>Discussion on the Police Department’s FY 20/21 goals and provide any comments and make recommendations on the Department’s FY 22/23 Goals for Police Chief Raybuck to consider. (Deferred on 2/25/2022)</u></p> <p>Chair Morita stated that each Commissioner should have received a copy of the Department’s FY 20/21 Goals in their meeting packets. He asked the Commissioners if they had any questions regarding those goals and if they had any recommendations to add to those goals. Hearing no response from the Commissioners, Chair Morita explained to Chief Raybuck that the Commission is going to have a discussion on whether to continue the six-month evaluation but before they can have the discussion members of the permitted inaction group (PIG) would need to meet with Human Resources and until that happens, he would like the Chief to provide updates throughout the year as to where he’s at with those goals to which Chief Raybuck replied yes, and asked the Chair if he could let him know in advance what date (s) throughout the year that he would like those updates to which Chair Morita replied absolutely.</p> <p>With no further discussion, Chair Morita called for a motion to defer item KPC 2022-6. After the motion passed, Chair Morita called on Administrator Ching to read the next business item.</p>	<p>Ms. Jardin moved. Ms. Hertog seconded. Hearing no objections. The motion carried 5:0.</p>
<p>KPC 2022-9</p>	<p><u>Discussion and decision-making on the Rule Revisions of the Kauai Police Commission Rules on Administrative Practice and Procedure reflected in the Ramseyer format copy and set the Public Hearing date on the Commission’s next meeting April 22, 2022.</u></p> <p>Chair Morita called for a motion to approve the Ramseyer copy of the Kauai Police Commission Rules on Administrative Practice and Procedure reflecting all the revisions that were approved by the Commission. After the motion passed,</p>	<p>Ms. Hertog moved. Ms. Jardin seconded. A roll call ensued with all five (5) Commissioners present voting in favor of the motion.</p>

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	<p>Ms. Omo noted for the record that the page numbers reflected in the Ramseyer copy would change once the redactions were removed.</p> <p>Chief Raybuck asked Chair Morita if he could make a comment to which Chair Morita replied yes. Chief Raybuck complimented Mercedes for the hard work she did to create a Ramseyer format that's readable and understandable.</p> <p>Chair Morita thanked Chief Raybuck for those comments, and then called for a motion to set the public hearing date for Friday, April 22, 2022, the next Police Commission meeting date. Deputy County Attorney Donahoe stated that he most likely would not be able to attend the April meeting because he needs to tend to family issues on the mainland and would be gone for two (2) weeks in April. He asked Chair Morita if he could defer the public hearing date to May so he can be present to address any questions regarding the rules.</p> <p>Chair Morita acknowledged Mr. Donahoe request, and then called for a motion to set the public hearing date for May 27, 2022.</p>	<p>Ms. Hertog moved. Ms. Jardin seconded. Hearing no objections. The motion carried 5:0.</p>
<p>KPC 2022-10</p>	<p>Update by Deputy County Attorney Chris Donahoe regarding <u>Case No. 5CC 191-00113 Darryl D. Perry versus the County of Kauai, etal.</u></p> <p>Chair Morita called on Deputy County Attorney Donahoe to address the Commission on the status of former Chief of Police Darryl Perry's lawsuit.</p> <p>Deputy County Attorney Donahoe reported that case is being handled by outside counsel. A settlement offer was sent but there was no response which leaves him to believe that the parties are still in negotiations. Regarding the trial date being set a request was made but due to covid all trials were delayed, and the soonest trial date would be no earlier than sometime in 2023.</p>	

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	<p>Chair Morita stated that being that the item was a request from Commissioner Hertog to have placed on it on the agenda if he could keep her abreast as to the status of the lawsuit to which Mr. Donahoe replied sure and stated that Commissioner Hertog could either call him or send him an email and he will keep her updated on the status of the lawsuit.</p> <p>Commissioner Hertog asked Mr. Donahoe if she should keep all documentation that she downloaded years ago, as well the hard copies to which Mr. Donahoe replied yes.</p> <p>With no further questions, Chair Morita called on Administrator Ching to read the next item.</p>	
<p>KPC 2022-11</p>	<p><u>Update by Deputy County Attorney Chris Donahoe on the lawsuit that was filed by Plaintiffs Joseph Kawailanihuihui Kaneapua; individually and on behalf of his minor Children, K.K.H.K.K. (m); K.R.K.O.O.K. (m), K. P.O.O.K. (m); and K.M.O. K.K. (f) v. County of Kauai; Derek S.K. Kawakami; Patrick Porter; Wallace G. Rezentes Jr.; Robin Serquina; Ellsworth Kaleiohi; Ray Ortiz; Kauai Police Department; Todd Raybuck; Kauai Police Commission; Mary K. Hertog and DOES 1-10, Defendants. Complaint for violation of civil rights demand for jury trial Exhibits a, b Certificate of Service Summons.</u></p> <p>Deputy County Attorney Donahoe reported that the Office of the County Attorney filed a motion to dismiss the case and the court granted their request.</p> <p>Chair Morita stated that being that the case was dismissed by the court if a motion was needed to take it off the agenda to which Ms. Omo replied that no motion was necessary because the case was dismissed, and no further updates are warranted. With no further discussion, Chair Morita moved on to the next</p>	

SUBJECT	DISCUSSION	ACTION
	item.	
KPC 2021-43	<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 2/25/2022)</u></p> <p>Administrator Ching stated that her office has been very busy with the rule amendments and have not had the time to put together the climate assessment report therefore she would be asking Chair Morita if he could defer item KPC 2021-43. Chair Morita called for a motion to defer item KPC 2021-43.</p>	<p>Ms. Hertog moved. Ms. Jardin seconded. Hearing no objections. The motion carried 5:0.</p>
Recognition for Commissioner Mary K. Hertog	<p>Being that today's meeting would be Commissioner Hertog last, Chief Raybuck asked Chair Morita if he could have an opportunity to thank Commissioner Hertog for all her contributions to which Chair Morita replied sure.</p> <p>Chief Raybuck shared that Commissioner Hertog was the first commissioner he had met and spoken to and was the chair in his first year as Chief of Police for the Kauai Police Department. To say that Commissioner Hertog is a straight shooter is understatement; one of the things that he admired was her candid feedbacks; she doesn't hold back – she tells it like it is and he appreciates and respects her for that. He also, respects her deep commitment to her work not just on the police commission but to the community particularly the veterans. She's been an incredible asset for him and is a perfect example of a leader - she didn't just find her way to become a Major General in the United States Airforce without being an exceptional leader. He looks forward to seeing her and husband Herm out in the community.</p>	

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	<p>Commissioner Hertog thanked Chief Raybuck for his words of appreciation and gratitude. She noted that she has great respect for KPD, and that it was an honor and privilege to able to serve with him and his officers. Lastly, she thanked him for serving the community with Aloha and for his leadership.</p> <p>Chair Morita thanked Chief Raybuck for taking the time to acknowledge Commission Hertog. He called on Deputy County Attorney Donahoe to read the Hawai'i Revised Statutes to take the meeting into Executive Session.</p>	
Executive Session	<p><u>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:</u></p>	<p>At 9:33 a.m. Deputy County Attorney Chris Donahoe cited the following Hawai'i Revised Statutes to take the meeting to Executive Session.</p>
ES KPC 2022-1	<p><u>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 the Kauai Police Commission and referred to the Office of the Chief for further review.</u></p>	
ES KPC 2022-3	<p><u>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.</u></p>	

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ES KPC 2022-5	<u>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 2/25/2022)</u>	
ES KPC 2021-32	<u>Complaint no. KPC 2021-013 received on November 4, 2021. The complaint alleges unethical and unprofessional behavior. (On-going)</u>	
ES KPC 2022-8	<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 February 25, 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.</u>	<i>Note- Commissioner Bahouth was not present when the motion was made to enter to Executive Session. Chair Morita called for a motion to enter Executive Session. Ms. Hertog moved. Ms. Jardin seconded. Hearing no objections. The motion carried 4:0. At 9:40 a.m. the Commissioners entered Executive Session.</i>
Return to Open Session to ratify the actions taken in Executive Session	At 9:53 a.m., the Commissioners reconvened in Open Session. Chair Morita called for a motion to ratify the actions taken in Executive Session.	Ms. Hertog moved. Ms. Jardin seconded. Hearing no objections. The motion carried 5:0.
Recognition for Commissioner Mary K. Hertog	Boards and Commissions Administrator Ellen Ching thanked Commissioner Hertog for all her contributions on the Police Commission. She noted that the rule revisions were a long and arduous process that took two(2) years to complete. Commissioner Hertog was one of the driving forces in getting the rules to where it’s at today. In addition, to revising the rules Commissioner	

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	<p>Hertog was involved with the interviewing process and the selection process in the hiring of Police Chief Todd Raybuck. Her expertise and experience helped her the new Administrator to orientate herself with the work of the police commission.</p> <p>Ms. Jardin thanked Commissioner Hertog for all her contributions and wished her all the best - she truly is one of the most beautiful, compassionate, and genuine persons she's ever met. When having to make those tough decisions Commissioner Hertog always stood-up for what she felt was the right which help to guide the Commission to do things correct and fair.</p> <p>Mr. Bestwick stated that based on all the wonderful accolades he had heard so far, he wished he had the opportunity to work with Commissioner Hertog, but being that today is her last day he wanted to wish her all the best.</p> <p>Mr. Bahouth stated that as a member of the Police Commissioner for seven or eight years, which he served a partial term looking back at all those years past he's glad to have had the opportunity to work alongside Commissioner Hertog as a chair, and she as a vice-chair and vice-a-versa. Her leadership qualities really resonated during the Darryl Perry days up to the hiring of Chief Raybuck, and her military experience in the arm forces, as a Major General speaks volumes, so he wanted to thank her for all she's done for the police commission and for the community.</p> <p>Chair Morita shared that he'll never forget the speech Commissioner Hertog gave at the FBI Conference they both attended. Everyone at the conference was so impressed with her speech, but it was her aura of leadership that resonated the most with the people who attended the conference.</p>	

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	<p>Deputy County Attorney Donahoe stated that when he was first assigned to the Police Commission Commissioner Hertog was there to help guide him along the way. When it came to the rule revisions, he may never look at colored font the same way ever again. On a more serious note, he wanted to thank Commissioner Hertog for her patience and for being available whenever he needed clarification on the rule revisions and like everyone who spoke about her leadership qualities are “bar none.”</p> <p>Commissioner Hertog thanked everyone for their support and kind words. She stated that it has been an honor and a privilege to be able to serve on the Police Commission but mostly for having the opportunity to able to work alongside with her fellow Commissioners, Boards and Commissions staff members and Deputy County Attorney Chris Donahoe. She shared that she had a connection with each one of them and she certainly hope that they will keep in touch and see each other throughout the community. She ended by saying God Bless and thanked everyone for enriching her life in so many ways.</p>	
Adjournment		<p>With no further business to conduct, Chair Morita called for a motion to adjourn the meeting. Ms. Hertog moved. Ms. Jardin seconded. Hearing no objections. The motion carried 5:0. At 10:04 a.m. the meeting adjourned.</p>

Submitted by: _____
 Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
 Roy Morita , Chair

(x) Approved as circulated on April 22, 2022
 () Approved as amended. See minutes of _____ meeting.