

Approved

**COUNTY OF KAUAI
MINUTES
OPEN SESSION REGULAR MEETING**

Board/Commission	Kauai Police Commission	Meeting Date	May 27, 2022
Location	Moikeha Building, Meeting Room 2A/2B	Start of Meeting: 9:00 a.m.	12:56 p.m.
Present	Vice Chair Gerald Bahouth; Commissioners: Monica Belz, Andrew Bestwick 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: Chief of Police Todd Raybuck; Deputy Chief Stan Olsen; Assistant Chief Bryson Ponce;		
Excused	Commissioner Roy Morita		
Absent			



SUBJECT	DISCUSSION	ACTION
Meeting Called to Order		At 9:00 a.m. Vice Chair Bahouth called the meeting to order.
Roll Call to Ascertain Quorum	Vice Chair Bahouth called for a roll call to ascertain quorum.	A roll call ensued with Commissioner Belz, Commissioner Bestwick, Commissioner Jardin and Vice Chair Bahouth present to conduct business. It was noted that Commissioner Roy Morita was excused from attending the meeting.
Approval of Agenda	Vice Chair Bahouth called for a motion to approve the May 27, 2022, Meeting Agenda as circulated.	Commissioner Jardin moved. Commissioner Bestwick second the motion. Hearing no objections, the agenda was approved.

SUBJECT	DISCUSSION	ACTION
<p>Announcements & Acknowledgments</p>	<ul style="list-style-type: none"> • Vice Chair Bahouth acknowledged and welcomed Councilmembers Felicia Cowden and Billy Decosta and SHOPO Representative Kauai District Roy Asher to the meeting. • Vice Chair Bahouth congratulated Commissioner Leina`ala Jardin on her sweeping win at the 2022 Merrie Monarch Hula Competition in Hilo, Hawai'i. • Next Regular Monthly Meeting Friday, June 24, 2022, at 9:00 a.m. Executive Session to follow. • Communication dated April 22, 2022, from Commissioner Roy Morita to Boards and Commissions Administrator Ellen Ching resigning as Chair of the Kauai Police Commission effective immediately. 	<p>Vice Chair Bahouth called for a motion to accept Commissioner Morita's email dated April 22, 2022, from Commissioner Morita resigning the Chairmanship of the Kauai Police Commission effective immediately. Commissioner Jardin moved. Commissioner Bestwick second the motion. Hearing no objections, the motion passed.</p>
<p>Election for Chair and possibly Vice Chair for the remainder of Calendar Year 2022</p>	<p>Vice Chair Bahouth called for nominations for chair.</p> <p>Chair-elect Bahouth called for nominations for vice chair.</p>	<p>Commissioner Jardin moved to nominate and elect Vice-Chair Bahouth for Chair for the remainder of Calendar Year 2022. Commissioner Belz second the motion. Hearing no objections, the motion passed unanimously by roll call vote.</p> <p>Commissioner Belz moved to nominate and elect Commissioner Jardin for Vice Chair for the remainder of Calendar Year 2022. Commissioner Bestwick second the</p>

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		motion. Hearing no objection, the motion passed unanimously by roll call vote.
Public Testimony	There were none.	
Employee of the Month for April KPD's Records Technician Jessica Fletcher	<p>Chief Raybuck requested that the recognition for Employee of the Month for April be deferred to the Commission's next meeting in June. He stated that Ms. Fletcher was vacation and will to have her at the next Police Commission meeting to receive her certificate of outstanding service.</p> <p>Chair Bahouth acknowledged Chief Raybuck's request to defer the April Employee of Month recognition to the Commission's June meeting.</p>	
Employee of the Month for May KPD's Evidence Custodian Kristal Nebre	<p>Police Chief Todd Raybuck called on Captain/Acting Assisting Chief Mark Ozaki Administrative and Technical to read the Employee of the Month recognition recipient Ms. Krystal Nebre.</p> <p>Storing and preserving evidence is one of the most important roles of an Evidence Custodian. Custodians must also fulfill requests for evidence from other parties, including holding onto request records and logs of when someone borrowed evidence and when they returned it.</p> <p>In December 2021, Ms. Nebre took over as evidence custodian when her counterpart retired. Since then, Krystal has been the sole keeper for all pieces of evidence that comes through KPD, and often comes in to work. Because of her dedication, hard work, attention to detail and establishing great working relationships with her KPD counterparts as well as state and federal agencies that the Kauai Police Department is proud to name Kristal Nebre as its Employee of the Month for May 2022.</p>	

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	<p>Police Chief Todd Raybuck presented Ms. Nebre with a certificate of outstanding and exemplary performance and commitment to her duties. Additionally, members in the Kauai Police Department who were present at the meeting each congratulated Ms. Nebre for her hard work.</p> <p>Ms. Nebre humbly expressed her appreciation for being selected as KPD's Employee of the Month. She stated that what she does is her job but more important it's an honor for her to be able to service her department and in a community that she was born and raised in.</p> <p>Ms. Nebre received praises by the Police Commissioners for her exemplary work ethics, commitment to her duties and for going above and beyond what her duties requires.</p> <p>Chief Raybuck stated that Ms. Nebre's write-up does not fully describe the work she does, nor does it highlight her compassion and passion she has for her job. He shared that he had the opportunity to tour the evidence room with Krystal and what he saw very over whelming. Every day, officers and detectives come in to impound evidence and Krystal has the sole task of receiving, cataloging, and making sure that the evidence is in its rightful place so that a successful prosecution can happen. Some of the items that are collect belonged to a person who had died, and Krystal has to provide the items to the person's family when they come to collect it. Krystal's work ethics is a perfect example of what KPD's civilian staff does behind-the scenes.</p> <p>Councilmembers Billy Decosta and Public Safety Chair Felicia Cowden expressed their appreciation for Ms. Nebre for exemplifying the aloha spirit and for being dedicated and committed to her job, the community and to the entire police department.</p>	

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<p>Approval of the Open Session minutes of April 22, 2022, Meeting</p>	<p>Chair-elect Bahouth called for any corrections to the minutes. Seeing there were no corrections, Chair-elect Bahouth called for a motion to approve the minutes of April 22, 2022, meeting.</p>	<p>Commissioner Bestwick moved. Vice Chair-elect Jardin second the motion. Hearing no objections, the minutes were approved.</p>
<p>Public Hearing for Proposed Amendments to the Kauai County Police Commission Administrative Rules of Practice and Procedure</p>	<p>Chair-elect Bahouth called on Deputy County Attorney Chris Donahoe to address the Commission on the proposed rule amendments.</p> <p>Deputy County Attorney Donahoe stated that although the proposed amendments to the Police Commission rules is in its final stages, he would like to request for a motion to defer the public hearing to a later date so that he could have more time to review the proposed rule amendments particularly, the amendments to Rule 11 and be ready to provide the Commission with his input at either Commission’s June or July meeting for review and approval.</p> <p>In response to Commissioner Bestwick questioning, Deputy County Attorney Donahoe responded that the document that is before the Commission today was drafted in a Ramseyer format and was provided for reference only. The paragraphs that have strikethroughs are the existing rules and the proposed rule amendments are underscored and was approved by the Commission prior to him being on the Commission. As he stated earlier, he needs to revisit the rule amendments particularly Rule 11 and do a cross-reference to make sure the language is on point before the Commission takes a vote to approve the revision, and once the Commission approves, staff will schedule a public hearing for the public to comment.</p> <p>Chair-elect Bahouth pointed out that the only rule that needs to be revisited for any possible conflict is Rule 11 to which Mr. Donahoe replied yes.</p>	

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	<p>In response to Vice Chair-elect Jardin questioning, Mr. Donahoe responded that the process was very long and arduous, but he does not want over promise that he will finish his review for the June meeting and then under deliver more so because he has a weeklong hearing in June.</p> <p>Administrator Ching added that the problem is timing. She explained that a public hearing notice needs to be posted in the newspaper 45 days before the actual public hearing date and being that the Commission’s next meeting is on June 24, it would not meet the 45-day public hearing notice requirement.</p> <p>Vice Chair-elect Jardin asked Mr. Donahoe if he would be able to present his recommendations at Commission’s the July meeting to which Mr. Donahoe replied that would be his preference. With no further discussion, Chair-elect Bahouth called for a motion.</p>	<p><u>Motion</u> Vice Chair-elect Jardin moved to postpone the Public Hearing to give Deputy County Attorney Chris Donahoe time to review and revise Rule 11 and present his recommendation at the Commission’s July 22, 2022, meeting for the Commission’s consideration and approval. Commissioner Bestwick second the motion. Hearing no objections, the motion passed.</p>
<p>Chief’s Monthly Reports & Pertinent Updates/ Announcements</p>	<ul style="list-style-type: none"> • Administrative & Technical Bureau • Investigative Services Bureau • Patrol Bureau Reports • Chief’s Office <ul style="list-style-type: none"> ◆ Community Outreach ◆ Communication Support Team 	

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	<p>Chief Raybuck referred to a copy of the Administrative and Technical Bureau Report highlighting a time when overtime was KPD was in accruing a lot of overtime and was over budget. He shared that when he came to KPD, he received a memorandum from Acting Assistant Chief Paul Applegate who at the time was the head of patrol expressing concern that patrol was experiencing 250 cancelled days off a month which equates to an officer having to work a double shifts because they did not have enough manpower to staff the beats due sickness, the department's employment deficient, family matters i.e. birth of a child, and scheduled vacations. One of their primary focuses was to get police officers through the door to reduce KPD's employment deficient. With all hard work and efforts of Police Sergeant Darla Abbatiello and the recruitment team KPD was able to reduce its cumulative overtime hours from 59,403 in FY 2021 down to 36,937 in FY 2022 - a variance of 22,466 hours. KPD's budget for overtime - \$2538,207.00. Expenditures for the period of March 2022 was at \$1,507,785.21.</p> <p>To date KPD's vacancies amount to 18 sworn positions ranging from 1 assistant chief, 1 police captain, 2 police lieutenant positions, 1 detective, 5 police sergeant and 8 police officer positions. On the civilian side KPD has a total of 19 vacant positions.</p> <p>Chief Raybuck explained that they are trying to balance where the vacancies are held rather than hold the vacancies in patrol, they now want to balance the vacancies throughout the organization.</p> <p>Chief Raybuck also talked about online reporting and how it helped to reduce the number times the patrol officers must go out into the field to take a report and do follow-ups. The dedication and sacrifice in the different areas to help support patrol has gotten the Department to where it is today. Caveat is although he said earlier there were 8 vacancies the number has risen to 18. For a while the</p>	

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	<p>incoming officers really helped to offset attrition and help to make small incremental gains, unfortunately there are factors that they haven't figured out yet, and so incoming officers are not overcoming attrition.</p> <p>At this juncture, Chief Raybuck called on Captain Mark Ozaki to address Chair-elect Bahouth questions on where KPD is at in its hiring process for July.</p> <p>A&T Bureau Captain/Acting Assistant Chief Ozaki in response to Chair-elect Bahouth questioning, responded that before the pandemic the recruitment team was active but when the pandemic hit everything came to a stop. Today, the team is back doing the things they were doing prior to the pandemic like participating in all the local career fairs across the island and most recently the county sponsored career day event that was held at the Hanapepe Armory.</p> <p>Captain Ozaki stated that the Department has looked at the colleges on the neighboring islands that offer criminal justice degrees, and that members of the recruitment team would literally attend those classes. He noted that because the Kauai Community College does not offer criminal justice degrees the recruitment team will continuously be on the lookout for new recruitment opportunities.</p> <p>From the military spectrum, Captain Ozaki shared that Deputy Police Chief Stan Olsen introduced a program entitled Army P. It's a formalized program where a person can sign up to receive all sorts of information including recruitment opportunities in the private sector. Other recruitment efforts come from OIP who a great help by new job openings in KPD on social media on has been a bi-weekly basis.</p> <p>Captain Ozaki, in response to Commissioner Bestwick's questioning, responded that the Department of Human Resources would email a list of job announcements within the county and on the county's recruitment website for the public to see.</p>	

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	<p>Chief Raybuck added that KPD does not have a specific quote, unquote retention program. KPD’s hope is to focus on wellness, officers’ safety and engaging the employees with positive responses built into retention. KPD did a study on where the Department were losing employees because the assumption was that the out-of-state candidates would leave at a high rate, but the study found that the assumption was incorrect. KPD’s greatest number of departures came from people who were eligible to retire. The out-of-state candidates do end up leaving is because of the high cost of living; however, candidates both local and out-of-state do leave because they realize that the job of a police officer was not for them.</p> <p>Chief Raybuck, in response to Vice Chair-elect Jardin questioning, responded that the media ad she was referring to was paid for by SHOPO and aired when he first became Police Chief. He noted although he never got a change to see the ad, he thanked SHOPO for filming the ad and covering the cost to have it aired on the local channel 16.</p> <p>Chief Raybuck, in response to Chair-elect Bahouth questioning, responded that to his understanding KPD’s recruitment budget was \$5000. Captain Ozaki confirmed that amount. Chief Raybuck added that any amount that exceed the \$5000 budget KPD would have to seek council’s approval to move money around from other line items within KPD’s budget.</p> <p>Regarding community outreach, Chief Raybuck commended Detective Chris Nii and the investigative services bureau for conducting Kupuna Safety Briefings across the island. The responses he received from the community were great. Events planned are June 30, 2022, Cop with a Cop at Kukui Grove Shopping Center Starbucks, July 9, 2022, the Chief’s office on collaboration with public works and others will be hosting a Touch A Truck event at the Kauai Police Department Headquarters in Līhu‘e.</p>	

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	<p>Chief Raybuck called on Communications Support Team, Sergeant Troy Sakaguchi to give a background on what the CST does. Sergeant Sakaguchi began by knowledging the Commissioners. He explained that CST are voluntary police officers who besides their normal duties are assigned to conduct operational training. He stated that after the 911 attack one issue that was immediately apparent was the failure of first responder communication systems during the response. As a result, the federal government issued a mandate that first responders must be able to communicate during an emergency, now every radio that a KPD officer carry can be taken to anywhere in the country and can be used to work side-by-side any first responder in that area.</p> <p>Here on Kauai, CST was tasked by Chief Raybuck to come up with a communication plan, so CST devised a communication plan made up of two sets of teams. The first team is to establish what communication channels are going to be used, disseminate critical information between police, fire and rescue personnel, and the emergency medical service should a natural or man-made disaster occur, and the second team would prep the equipment in the designated area and get it ready to use. As a reassurance Kauai County has an island-wide emergency plan in place in case, the entire radio system shuts down.</p> <p>Commissioner Belz thanked Chief Raybuck for bringing awareness to what is happening in other parts of the country relative to his comments about the recent school shooting in Texas. She asked Chief Raybuck what his thoughts are going into the new school year. Chief Raybuck responded that has been on-going conversation between KPD and the Department of Education Kauai District Superintendent Paul Zina on how KPD can improve its response to threats made to the schools. He noted that he doesn't know what the investigation into the Uvalde school shooting turnout would be. In his experience the comment that always come up is we should have done that, but we didn't. All KPD officers have received</p>	

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	<p>active shooter training and has trained other external organizations in the county. KPD has participated with the school’s mock evacuation active school shootings because at the end of the day it’s all about collaboration.</p> <p>At 10:30 a.m. Chair elect Bahouth called for a five (5) minute recess. At 10:36 a.m. Chair elect Bahouth called the meeting back to order.</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 April 22, 2022)</u></p> <p>Administrator Ching requested a deferral. She explained that she didn’t have a chance to call the group together to meet, and that the next business item would clearly show why the group hasn’t met yet. Chair Bahouth stated that the Group was unable to meet therefore would need a motion to defer item KPC 2022-2.</p>	<p>Vice Chair-elect Jardin moved to defer item KPC 2022-2. Commissioner Belz second the motion. Hearing no objections, the motion passed.</p>
<p>KPC 2022-12</p>	<p><u>Discussion and decision-making on selecting a third commissioner to serve on the permitted interaction group along with Commissioners Gerald Bahouth and Roy Morita to come up with recommendations on the process, procedures, and tools to enhance the chief of police evaluation process resulting in a more cohesive evaluation product.</u></p> <p>Administrator Ching explained that with Commissioner Pigao’s recent resignation from the Police Commission the Commissioners needed to select a third commissioner to serve on the pig permitted interaction group or keep it as a two-member group.</p> <p>Chair elect Bahouth stated that he believes that the group would need to start from ground zero and would need to involve Human Resources to get the county’s view on evaluating a department head; is there certain guidelines the Police</p>	

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	<p>Commission should follow to make sure that the Chief’s evaluation is inclusive of everyone’s thoughts and there’s structure to the evaluation. In his opinion, three heads are better than one.</p> <p>Administrator Ching gave an explanation on the evaluation process where each comment from each individual commissioner (i.e., commissioner #1, commissioner #2 and so forth) would be inserted into the evaluation. The purpose of the permitted interaction group is to come up with recommendations on how to improve the evaluation process, so the outcome would result in a more cohesive evaluation report that is reflected of the whole body.</p> <p>Commissioner Bestwick volunteered. Chair elect Bahouth called for a motion.</p>	<p><u>Motion No. 1</u> Commissioner Belz moved to keep the permitted interaction a three-member group. Vice Chair elect Jardin second the motion. Hearing no objections. The motion carried.</p> <p><u>Motion No. 2</u> Commissioner Belz moved to select Commissioner Bestwick to be the third member of the permitted interaction group to make recommendations on the process, procedures, tools to enhance the Chief of Police evaluation process resulting in a more cohesive evaluation product. Vice Chair elect Jardin second the motion. Hearing no objections. The motion carried.</p>
<p>KPC 2021-43</p>	<p><u>Discussion and decision-making on the climate assessment that was conducted by the Kauai Police Commission on the Kauai Police Department. (Deferred on April 22, 2022)</u></p> <p>Chair-elect Bahouth called for a motion to defer item KPC 2021-43 to the Commission’s August 26, 2022, meeting.</p>	<p>Commissioner Bestwick moved. Vice Chair-elect Jardin second the motion. Hearing no objections, the motion passed.</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 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 10:55 a.m. Deputy County Attorney Chris Donahoe read the following Hawai'i Revised Statutes to take the meeting to Executive Session.
ES KPC 2022-1	<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>	
ES KPC 2022-3	<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>	
ES KPC 2022-10	New notarized complaint KPC 2022-002, filed on March 30, 2022. The complainant alleges that an officer in the Kauai Police Department covered up a hate crime. (Deferred on April 22, 2022)	
ES KPC 2021-032	<u>Complaint no. KPC 2021-013 received on November 4, 2021. The complaint alleges unethical and unprofessional behavior. (On-going)</u> <u>(a) Discussion and decision-making on the County of Kauai Department of Human Resources Investigation Report related to the above-mentioned complaint that was filed against an officer in the Kauai Police Department alleging unethical and unprofessional behavior.</u>	

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ES KPC 2022-13	<u>New notarized complaint KPC 2022-004, filed May 3, 2022, alleges that an officer in the Kauai Police Department provided special and preferential treatment to another officer who was caught attempting to conceal a firearm through a security checkpoint.</u>	
ES KPC 2022-14	<u>New notarized complaint KPC 2022-005, filed on May 3, 2022, alleges that an officer in the Kauai Police Department attempted to pass a concealed weapon through a security checkpoint.</u>	
ES KPC 2022-15	<u>New notarized complaint KPC 2022-006 filed on May 6, 2022, alleges that an officer in the Kauai Police Department continues to stalk and harass the complainant without just cause.</u>	
ES KPC 2022-16	<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 April 22, 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>	
Enter Executive Session	Chair-elect Bahouth called for a motion to move to Executive Session.	Commissioner Bestwick moved. Commissioner Belz second the motion. Hearing no objections, the motion carried. At 11:02 a.m. the Commission entered Executive Session.
Return to Open Session to ratify the actions taken in Executive Session	At 12:56 p.m. the Commission returned to Open Session. Chair-elect Bahouth called for a motion to ratify the actions taken in Executive Session.	Vice Chair Jardin moved. Commissioner Belz second the motion. Hearing no objections, the motion carried.

SUBJECT	DISCUSSION	ACTION
Adjournment	There being no further business to conduct, Chair-elect Bahouth called for a motion to adjourn the meeting.	Vice Chair-elect Jardin moved. Commissioner Belz second the motion. Hearing no objections, the motion carried. At 12:56 p.m. the meeting adjourned.

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Gerald Bahouth, Chair

- (x) Approved as circulated on July 29, 2022.
- () Approved as amended. See minutes of _____ meeting.