



POLICE COMMISSION

LAURIE YOSHIDA, CHAIR
HOWARD LESLIE, VICE CHAIR

MONICA BELZ, MEMBER
JOHN CALMA, MEMBER
MARY K. HERTOZ, MEMBER
WALTON HONG, MEMBER
LISA KNUTSON, MEMBER

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Meetings of the Police Commission will be conducted as follows:

- Meetings will be publicly noticed under HRS Chapter 92, Hawai'i Revised Statutes (HRS).
- Minutes of meetings will be completed under HRS Chapter 92 and posted to the Police Commission's website.

THE COUNTY CLERK
COUNTY OF KAUAI

Public Comments and Testimony:

- **Written testimony will be accepted for any agenda item herein.**
 - Written testimony indicating your 1) name, and if applicable, your position/title and organization you are representing, 2) the agenda item that you are providing comment on, and 3) contact information (telephone number and email address), may be submitted to mromo@kauai.gov or mailed to the Police Commission, c/o Office of Boards and Commission, 4444 Rice Street, Suite 300, Lihue, Hawaii 96766.
 - Written testimony received by the Police Commission at least 48 hours before the meeting will be distributed and available as part of the Commission's packet and that written testimony submitted thereafter will be distributed at the meeting.
 - Any written testimony received after this time and up to the start of the meeting will be summarized by the Clerk of the Commission during the meeting and will be provided to the members and added to the record thereafter.
 - Any written testimony received during the meeting and before the decision-making on the corresponding agenda item will be distributed to the members before such decision-making.
- **Oral testimony will be accepted for any agenda item herein.**
 - It is recommended that anyone interested in providing oral testimony register at least 24 hours before the meeting by emailing mromo@kauai.gov or calling (808) 241-4920. Any request to register may include your 1) name, and if applicable, your position/title and organization you are representing, 2) the agenda item you are providing comment on, and 3) contact information (telephone number and email address).
 - Per the Police Commission's Oral Testimony Policy there is a three-minute time limit per testifier for each agenda item.
 - Individuals who have not registered to provide testimony will be allowed to speak on an agenda item following the registered speakers.

SPECIAL ASSISTANCE

If you need an auxiliary aid/service or other accommodation due to a disability, or an interpreter for non-English speaking persons, contact Anela Davis at (808) 241-4917 or adavis@kauai.gov as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

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REGULAR MONTHLY POLICE COMMISSION MEETING NOTICE AND AGENDA

Friday, May 24, 2024

9:00 a.m. or shortly thereafter

4444 Rice Street, Moikeha Conference Room 2A/2B, Lihu'e, Hawai'i 96766

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OFFICE OF THE CLERK
COUNTY OF KAUAI

CALL MEETING TO ORDER

ROLL CALL TO ASCERTAIN QUORUM

APPROVAL OF AGENDA

CHAIR'S ANNOUNCEMENTS

- The next Regular Monthly Meeting will be on Friday, June 28, 2024, at 9:00 a.m., in the Moikeha Meeting Room 2A/2B with an executive session to follow. Subject to change.

PUBLIC TESTIMONY ON ANY AGENDA ITEMS

Individuals may testify on any agenda item at this time or wait for the item to come up.

KAUAI POLICE DEPARTMENT EMPLOYEES OF THE MONTH MAY 2024

Officers Jonathan Green, Vaughn Nebre, and Sergeant Andrew Muraoka

APPROVAL OF OPEN SESSION MINUTES

April 26, 2024, Meeting.

CHIEF'S MONTHLY REPORTS FOR APRIL 2024

- ♦ **Support Services Bureau** – Updates on the budget, staffing, overtime, recruitment, registered firearms, license-to-carry permit applications, bench warrants, legal services, community engagements (school resource officers), and pieces of training.
- ♦ **Field Operations Division** – Death Reports, Assault 2nd, felony abuse, missing person, unattended death, cruelty to animals, terrorist threatening, escape/traffic collision, robbery, community activities and involvement, pieces of training, traffic grant enforcement, patrol services traffic enforcement summary, arrest summary, and calls for services and incident summary.
- ♦ **Criminal Investigation Division** - Major incidents/notable highlights, assault in the 2nd degree, other assault cases, unattended deaths, death within 24 hours, escape in the 2nd degree, missing person, robbery, runaway juvenile, sexual assault, terroristic threatening, year to date death statistics, natural deaths involving autopsy results, accidental deaths, undetermined pending toxicology results, drug overdoses, suicide, murder, projects/enforcement, special focus section- criminal property damage, UEMV,

UCPV, burglary, theft, enforcement projects, community activities involvement, vice section – seizures, asset forfeiture, notable highlights.

♦ **Chief's Office:**

- Statistics on crime and productivity based on a year-to-year comparison, 2022 vs. 2023.

BUSINESS

KPC 2024-1:

Discussion and decision-making on the Permitted Interaction Group recommendations on the proposed draft of Rule 11 of the Kauai Police Commission Rules and Administrative Practice.

EXECUTIVE SESSION CLOSED TO THE PUBLIC

Under 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 of the Commission's powers, duties, privileges, immunities, and liabilities as they may relate these items:

ES KPC 2024-1:

Regular Monthly updates by Police Chief Todd Raybuck or his designated representative Related to the Office of Professional Standards Monthly Report on the status and/or disposition of formal notarized citizen complaints that were filed with the Kauai Police Department and filed with the Kauai Police Commission and referred to the Office of the Chief for disposition and/or report back to the Police Commission.

- a) Discussion and decision-making on Formal Notarized Citizen Complaint KPC 2023-010, alleging that two Officers in the Kauai Police Department neglected their duties by ignoring a crime, not enforcing the law, and discrimination. Referred to the Office of the Chief to investigate and to report the findings to the Commission for disposition. (Deferred to the June meeting)
- c) Discussion and decision-making on Formal Notarized Citizen Complaint KPC 2024-001, filed on January 3, 2024. The complaint alleges conduct unbecoming of two on-duty officers in the Kauai Police Department for failing to serve and protect minors, attempting to coerce one of the minors, failing to follow proper protocols, and exhibiting unprofessionalism. Referred to the Office of the Chief to investigate and report the findings to the Commission for disposition.

ES KPC 2024-3:

Regular Monthly update by Police Chief Todd Raybuck 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.

ES KPC 2024-13:

Discussion and decision-making on a new formal notarized complaint received on April 22, 2024, at the Office of Boards and Commissions. The complaint alleges that Police Chief Todd Raybuck was unjust and used retaliatory practice.

ES KPC 2024-14:

Discussion and decision-making on a complaint received on April 24, 2024, at the Office of Boards and Commissions. The complaint alleges that Police Chief Todd Raybuck was unjust and used retaliatory practice.

ES KPC 2024-4:

Under Hawai'i Revised Statutes §92-4, §92-5 (a) (4), the purpose of this executive session is for the Commission to consult with its Attorney concerning the Commission's powers, duties, immunities, privileges, and liabilities as they may relate to the Kauai County Police Commission Administrative Rules of Practice and Procedure proposed draft on Rule 11.

ES KPC 2024-15:

Under 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 26, 2024 meeting. Where consideration of matters affecting privacy will be involved and to consult with its Attorney on issues of the Commission's powers, duties, privileges, immunities, and liabilities as they may relate to this item.

RETURN TO OPEN SESSION

OPEN SESSION RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION

- Executive Session Report by Deputy County Attorney Cameron Takamura under Act 19 Disclosures.

EXECUTIVE SESSION: Under Haw. Rev. Stat. ("H.R.S.") §92-7(a), the Commission may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held under H.R.S. §92-4 and shall be limited to those items described in H.R.S. §92-5(a).

ADJOURNMENT

cc: Deputy County Attorney Cameron Takamura
Chief of Police Todd G. Raybuck

DRAFT TO BE APPROVED

OPEN SESSION MEETING MINUTES

Board/Commission	Kaua'i Police Commission	Meeting Date	April 26, 2024
Location	Moikeha Building, Meeting Room 2A/2B 4444 Rice Street, Lihu'e, Hawai'i 96766	Start of Meeting:	9:01 a.m. End of Meeting: 11:20 a.m.
Present	<p>Chair Laurie Yoshida; Commissioners Monica Belz, Joh Calma, Mary K. Hertog, Walton Hong, and Lisa Knutson. Boards and Commissions Staff: Administrator Ellen Ching; Support Clerk Mercedes Omo; Deputy County Attorney Cameron Takamura.</p> <p>Also, present Assistant Police Chief Elliott "Kalani" Ke; Office of the Chief Executive Lieutenant Lance Okasaki, Office of Professional Standards and Criminal Intelligent Unit Sergeants Kevin Gras and Brad Candido; Hanalei/Kawaihau District Commander Stacy Perriera; Patrol Services Lt. Phillip K. Banquel; KPD's Public Information Officer Mystiana Victorino; Employees of the Month for March 2024 Police Officers Daniel Ball, Ian Cowden (absent) and Christian Kauli; Employees of the Month April 2024 Emergency Services Dispatchers Johnna Malama-Gomes Dumapit, Ashely Rapozo, Souci Sayegusa, Alohilani Perreira, Stephanie Neher, Kristin Minei, and Lavina Taovao. Supervisors Deborah Carvalho, Christina Ching-Tim, and Kathy Rragagola.</p>		
Excused	Vice Chair Howard Leslie		
Testifiers	Councilmember Felicia Cowden, HGEA Union Representative Chris Nii, and Mr. Bruce Hart		

SUBJECT	DISCUSSION	ACTION
Meeting Called To Order/Roll Call to ascertain quorum	At 9:00 a.m., Chair Yoshida called the April 26, 2024, Police Commission meeting to order. A quorum of five was present to conduct business.	
Approval of the Agenda	<p>Chair Yoshida noted for the record that Commissioner Belz arrived before calling for a motion to approve the agenda.</p> <p>Chair Yoshida called for a motion to approve the agenda. Deputy County Attorney Takamura pointed out that there was an error on the agenda. The date of the next monthly meeting should be May 24, 2024, and not May 26, 2024, as reflected in the agenda.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Yoshida expressed gratitude to Mr. Takamura and then proposed a motion to approve the agenda with the amendment.</p>	<p>Commissioner Hertog moved to amend the agenda. Commissioner Hong seconded the motion. Hearing no objections, the agenda was approved as amended.</p>
<p>Chair's Announcements</p>	<p>Chair Yoshida announced that the next regular monthly meeting would be on Friday, May 24, 2024, at 9:00 a.m., in the Moikeha Meeting Room 2A/2 B with an executive session to follow.</p>	
<p>Public Testimony</p>	<p>Chair Yoshida asked if anyone in the audience wanted to give testimony at that time, either by coming to the mic or waiting until the item was addressed on the agenda. No one provided any testimony during this period.</p>	
<p>Employees of the Month March 2024</p>	<p>Chair Yoshida called on Assistant Police Chief Elliott Ke to address the Employees of the Month for March 2024.</p> <p>Hanalei/Kawaihau District Commander Lieutenant Stacy Perreira read the Commendation Report for March 2024 Employees of the Month.</p> <p>Patrol Services Officers Daniel Ball, Ian Cowden, and Christian Kauai were nominated as the Kaua'i Police Department's Employees of the Month for March 2024.</p> <p>Lt. Perreira noted that since Officer Cowden was no longer with KPD and had recently accepted a position with another Police Department on the mainland, she would like to recognize him first for his service. On December 29, 2023, at approximately 1931 hours, Officer Cowden responded to a medical call of two male subjects who were passed out. Upon his arrival on the scene, he observed one of the males not breathing and was receiving CPR. The second male was located at the rear of the residence and had already been identified as having been given one dose</p>	

SUBJECT	DISCUSSION	ACTION
	<p>of Narcan and was in the middle of receiving CPR. Officer Cowden took immediate action and administered a second dose of Narcan immediately following the use of an ADB which provided critical support until additional medical help arrived. Officer Cowden's decisive actions and ability to remain calm played a major role in saving the life of the male subject from a potential overdose. In addition to the incident, Officer Cowden consistently exhibits qualities that make him an invaluable member of the team and the honor of being named the Kaua'i Police Department Employee of the Month.</p> <p>Chair Yoshida expressed the Police Commission's gratitude to Officer Cowden for heroically saving the life of the male.</p> <p>There being no further comments, Lt. Perriera continued the recognition for March 2024 employees of the month.</p> <p>On February 27, 2024, at 1430 hours, Officers Ball and Cowden responded to a residence in the Waipouli area for a distress call involving a 51-year-old female who was found unresponsive and suspected of a possible fentanyl overdose. First responders responded to a medical emergency and upon their arrival, the first responders found an acquaintance performing CPR on the woman, but efforts were proving to be unsuccessful. Officer Daniel Ball arrived first on the scene and noticed that the woman was suffering from an opioid overdose. He immediately gave the woman one dose of Naloxone however, there was little improvement to her condition. Shortly, Officer Kauai arrived at the scene and quickly administered a second dose of Naloxone to the woman. She regained consciousness and was taken to Wilcox Memorial Hospital for treatment.</p>	
	<p>After the commendation was read, each commissioner took the opportunity to</p>	

SUBJECT	DISCUSSION	ACTION
	<p>express their appreciation to all three officers for a job well done and for all of the hard work they continue to do to keep the community safe. As opioid-related overdose deaths continue to rise, changes in the role of law enforcement officers have included being trained to administer naloxone to reverse overdoses. Officers Ball, Cowden, and Kai are hailed as heroes after saving the lives of the three individuals.</p> <p>There being no further comments, Chair Yoshida called for public testimony.</p> <p>Councilmember and Public Safety Committee Chair Felicia Cowden expressed her gratitude to all three officers. She stated that it breaks her heart to hear that it is happening on Kaua'i. She also expressed deep concern about the risks and dangers the officers take and face when they encounter people who are exposed to those drugs. She shared that she keeps Narcan in her car and that Malama Pono distributes Narcan to the public. She shared a statement from her son Officer Ian Cowden he sent to her via text message. Ian joined the Kaua'i Police Department in 2021 because he wanted to make a difference in the community he was born and raised in. He went on to say that watching the news coverage all he saw was the negative perception of police officers so he told himself that if he could show just one person that police officers are there to help, then he has fulfilled his dreams. He is thankful for the Kaua'i Police Department, a force that always strives to make a positive impact on the community, and he is hopeful for the future.</p> <p>After the presentation of leis and taking pictures, Chair Yoshida invited the officers to say a few words. Officer Ball expressed gratitude to the Police Commission for taking the time to acknowledge them at the meeting and to the Kaua'i Police Department for nominating them as the employees of the month. He emphasized that the nomination was a result of collaborative efforts between the Police and Fire Departments. Additionally, he expressed his gratitude for the training and resources</p>	

SUBJECT	DISCUSSION	ACTION
	<p>provided.</p> <p>Assistant Police Chief Ke expressed his gratitude to the officers for their ongoing and future efforts. He mentioned that the training on how to administer naloxone has proved to be successful, as the results of the training are evident in the officers.</p>	
<p>Employees of the Month April 2024</p>	<p>Lieutenant Phillip Banquel reviewed the Commendation Report for the April 2024 Employees of the Month. Police Captain Darren Rose was the nominator.</p> <p>Emergency Services Dispatchers Johnna Malama-Gomes Dumapit, Ashely Rapozo, Souci Sayegusa, Alohilani Perreira, Stephanie Neher, Kristin Minei, and Lavina Taovao and Supervisors Deborah Carvalho, Christina Chong-Tim, and Kathy Ragrakola were nominated as the Kaua'i Police Department's Employees of the Month for April 2024.</p> <p>Lt. Banquel stated that the week of April 14 through April 20, 2024, was National Public Safety Telecommunicators Week, and he could not think of a better opportunity to honor and acknowledge the dedication, hard work, and commitment to excellence of KPD's 911 dispatchers and their supervisors.</p> <p>This dedicated team of dispatchers has been working tirelessly to ensure that every shift is fully staffed to guarantee that the current critical staffing level in dispatch does not impact the efficiency of the 911 emergency services.</p> <p>The dispatch team at KPD plays a critical role in the emergency response chain by being the first point of contact for individuals in distress and coordinating the dispatch of resources to handle crises promptly. Despite the unpredictable nature of emergency calls and the immense pressure of their responsibilities, the team maintains composure and efficiency to ensure that every call is handled with the utmost care and urgency.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Additionally, Lieutenant Banquel stated that the team works collaboratively with other agencies to facilitate swift and effective responses to emergencies. They go beyond their primary duties as 911 dispatchers to consistently support their colleagues and the community. Therefore, it is his honor and privilege to introduce and recognize KPD's 911 dispatchers to the Police Commission and the audience.</p> <p>Commissioner Hertog stated that it takes an incredibly special person to do the job they do because she couldn't. They are the first line of defense, passing on information that officers need to know before entering a situation. She was grateful for the dispatchers' patience, courage, and kindness, and hoped that the Department fill the vacancies to make their job easier and to help them distress.</p> <p>Commissioner Knutson agreed with Commissioner Hertog's sentiment about the challenges of the dispatchers' daily work, especially her comment about not being able to do the difficult work they do. She shared that she volunteered to work in a similar type of position and she couldn't do it.</p> <p>Commissioner Belz mentioned that she recently had an encounter with a dispatcher. She found the person on the call to be incredibly calming and expressed that dispatchers are the unsung heroes of first response. She wishes that the community could recognize the important role that telecommunicators play for the community.</p> <p>Commissioner Hong expressed that he could imagine dispatchers in a challenging position, trying to handle multiple tasks while under immense pressure. He agreed with his fellow commissioners about the difficulty of the job and expressed appreciation for their hard work. He also echoed Commissioner Hertog's wish for the vacant positions to be filled soon to alleviate some of the pressure on the team.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Calma expressed his deep appreciation for the dispatchers for their service, dedication, and commitment to the job, stating that they are underpaid and deserve better compensation.</p> <p>Chair Yoshida echoed all of the Commissioner's sentiments, stating that in the past had to call dispatch and the person on the phone had a calming voice. Public safety telecommunicators are essential to police officers because without them officers could not respond promptly to do their job.</p> <p>Assistant Chief Ke expressed his gratitude for the dispatchers and congratulated them for all of the work they do every day, like Commissioner Hertog said earlier, the dispatchers work long hours and have sacrificed their days off to the minimal staffing, and like Commissioner Hong said they have to handle multiple tasks while under immense pressure.</p> <p>Chair Yoshida expressed her appreciation for the families for all of their support.</p> <p>Councilmember Cowden expressed her gratitude on behalf of the entire council to all the dispatchers for their critical work. She acknowledged that the 911 dispatcher unit is understaffed and mentioned that the council has been in discussions with the HGEA Union representative about the need to compensate and retain the dispatchers appropriately.</p> <p>Bruce Hart stated his name for the record. As a member of the public, he has experienced a couple of 911 calls over the years, as well as numerous calls seeking information about what could have turned into a critical situation. He expressed his</p>	

SUBJECT	DISCUSSION	ACTION
	<p>gratitude to all of the dispatchers going back 10 years, stating that they were always disciplined and professional. He was surprised to learn that the dispatchers were not sworn officers because they behaved like sworn officers. He noted the dispatchers, if they desire to, should receive training to become sworn officers. He mentioned that like everyone in the room, the 911 dispatchers should receive better compensation because the job of a dispatcher involves more than clerical work.</p> <p>HGEA Kaua'i Island Union Division Chief, Chris Nii, stated his name for the record. He wanted to take the opportunity to highlight the stoicism, grace under pressure, utmost compassion, and professionalism that 911 dispatchers always show. He knows how short-staffed the 911 dispatch unit is and even suggested to his wife to become a 911 dispatcher. He thanked Assistant Chief Ke for his collaborative efforts to try to elevate and fill the vacant dispatch positions, which are at a crisis level. He thanked Councilmember Felicia Cowden for reaching out to him to come up with a resolution to make the 911 dispatch position more attractive to the public.</p> <p>Bobby Thompson, the Chairperson of SHOPO's Kaua'i Chapter, stated his name for the record. He thanked Officers Ball, Cowden, and Kai for their life-saving efforts and hard work. On behalf of the SHOPO union, he would like to express his utmost gratitude to all the dedicated dispatchers and is immensely grateful for and appreciative of their hard work and applauds them.</p> <p>Chair Yoshida mentioned that due to their schedules, she, Boards and Commissions Administrator Ellen Ching, and Support Clerk Mercedes Omo delivered orchids for each of the dispatchers, along with a box of chocolate to share.</p> <p>After the presentation of leis and picture taking, Chair Yoshida invited the</p>	

SUBJECT	DISCUSSION	ACTION
	<p>dispatchers to say a few words. A member of the dispatcher's team thanked the Police Commission and the Police Department for taking the time to recognize them. She admitted that their job is very tough, but all the appreciation shown by everyone fills their cup because sometimes people on the other side do not, and they have to uplift themselves. She stated that if they were in it for the pay, they probably wouldn't still be here, but other motivational factors keep them showing up for work each day.</p>	
Recess	<p>At 9:39 a.m., Chair Yoshida called for a 10-minute recess. At 9:49 a.m., Chair Yoshida called the meeting back to order.</p>	
Approval of Open Session Minutes March 22, 2024, Meeting	<p>Chair Yoshida called for a motion to approve or amend the meeting minutes.</p>	<p>Commissioner Hong moved to approve the minutes of the Commission's March 22, 2024, open session meeting. Commissioner Knutson seconded the motion. Hearing no objections, the minutes were approved.</p>
Chief's Monthly Reports March 2024	<ul style="list-style-type: none"> • Support Services Bureau – Budget, staffing, overtime, recruitment, registered firearms, KPAL and DARE Programs, license-to-carry permit applications, bench warrants, legal services, community engagements (school resource officers), and pieces of training. • Police Operations Bureau - General crimes, special focus, laboratory section, Vice Section, OVUII's, unattended death (s), reckless endangering, terroristic threatening 1st, robbery, community activities, pieces of training, traffic enforcement summary, arrest summary, and calls for service and incident summary. 	
	<p>Chair Yoshida called for public testimony on the Chief's Monthly Reports, but none was offered.</p>	

SUBJECT	DISCUSSION	ACTION
	<p><u>Question by the Commissioners</u> Commissioner Hertog asked if the Department's new pick-up trucks are subsidized to which AC Ke replied that the trucks are not subsidized and the officers are allowed to take the trucks home.</p> <p>Councilmember Cowden expressed her gratitude to KPD for providing more information in the report about what she considers, death by despair. She also appreciates the graphs.</p> <p>Chair Yoshida noted that the request for statistics on crime and productivity was deferred to the Commission's May meeting.</p> <ul style="list-style-type: none"> ♦ Chief's Office- <ul style="list-style-type: none"> ○ Vice Chair Howard Leslie's request for statistics on crime and productivity based on a year-to-year comparison between 2022 and 2023 was deferred at the last meeting to the Commission's May meeting. 	
<p>Business KPC 2024-1</p>	<p><u>Discussion and decision-making on the Permitted Interaction Group recommendations on Rule 11 of the Kauai Police Commission Rules and Administrative Practice. (Deferred to the Commission's May meeting)</u></p> <p>Chair Yoshida called for public testimony, but none was offered.</p>	

SUBJECT	DISCUSSION	ACTION
KPC 2024-9	<p><u>Public announcements on the Police Commission's disposition for Formal Notarized Citizen Complaints Nos. KPC 2024-002 and KPC 2024-003.</u></p> <p>Chair Yoshida called for public testimony.</p> <p>Mr. Bruce Hart introduced himself to the commissioners and stated that his testimony concerns the commission's disposition of Formal Notarized Citizen Complaint KPC 2024-002.</p> <p>Mr. Hart stated that he was not completely (inaudible). Officer Basuel's performance (in his assessment) was not as good as it could have been. The real issue of his complaint was about a breach of protocol which hasn't gone away. It involves Gina Kaulukui and what happened on November 16, 2022.</p> <p>Mr. Hart stated that Ms. Kaulukui did not do her job. She interfered in something that she had no business in, and by state law, she was not a member of the family or a household member, she is a domestic violence coordinator and had no place in his case. Her interference caused all kinds of problems for him and KPD's command. It comes down to a situation where the KPD command made a mistake. They directed her to any case that involved violence.</p> <p>Mr. Hart stated that in the state of Hawai'i, she does not have the authority to intervene in any cases except those involving domestic violence. Cases that involve family members as defined by state law are within her jurisdiction, and in his case, he isn't defined as a family member.</p> <p>Mr. Hart stated that on November 16, 2022, Ms. Kaulukui came to him in a rage because she had already determined his guilt without the presumption of innocence after coming out of the patrol services bureau. She was not doing her</p>	

SUBJECT	DISCUSSION	ACTION
	<p>job. KPD needs to address it, if there is another agency in the county, he would imagine it is the Office of the County Attorney because the situation hasn't gone away. He still has to deal with it every day when he goes home.</p> <p>Mr. Hart stated that he appreciates what the Commission has done and asks that they do as much as they can within the limits of authority the Commission has. Thank you.</p> <p>Chair Yoshida thanked Mr. Hart for this testimony. She asked if there was any in the audience who wished to give testimony, but none was offered.</p> <p>With no further testimony, Chair Yoshida read the public announcement for formal notarized citizen complaints KPC 2024-002 and KPC 2024-003, into the record.</p> <p>KPC 2024-002 On March 22, 2024, the Kauai Police Commission examined Formal Notarized Citizen Complaint 2024-002. The Commission exonerated the officer because it could not discover any proof of police misconduct after reviewing the body-worn camera footage. The Police Commission's official review of Formal Notarized Citizen Complaint KPC 2024-002 is now completed.</p> <p>KPC 2024-003 On March 22, 2024, the Kauai Police Commission examined Formal Notarized Citizen Complaint 2024-003. The Commission did not sustain the complaint because it could not discover any proof of targeting, a false allegation of not stopping at the stop sign and bullying tactics after reviewing the body-worn camera footage. The Police Commission's official review of Formal Notarized Citizen Complaint KPC 2024-003 is now completed.</p>	
<p>Executive Session (Closed to Public)</p>	<p>Under 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</p>	<p>Chair Yoshida called for public testimony regarding the items listed</p>

SUBJECT	DISCUSSION	ACTION
<p>ES KPC 2024-1</p>	<p>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 of the Commission's powers, duties, privileges, immunities, and liabilities as they may relate these items:</p> <p><u>Regular Monthly updates by Police Chief Todd Raybuck or his designated Representative related to the Office of Professional Standards Monthly Report on the status or disposition of formal notarized citizen complaints that were filed with the Kauai Police Department and filed with the Kauai Police Commission and referred to the Office of the Chief for disposition or report back to the Police Commission.</u></p> <p>a) Discussion and decision-making on Formal Notarized Citizen Complaint KPC 2023-010, alleging that two Officers in the Kauai Police Department neglected their duties by ignoring a crime, not enforcing the law, and discrimination. Referred to the Office of the Chief to investigate and to report the findings to the Police Commission for disposition. (Defer to the Commission's June meeting)</p> <p>c) Discussion and decision-making on Formal Notarized Citizen Complaint KPC 2024-001, filed on January 3, 2024. The complaint alleges conduct unbecoming of two on-duty officers in the Kauai Police Department for failing to serve and protect minors, attempting to coerce one of the minors, failing to follow proper protocols, and exhibiting unprofessionalism. Referred to the Office of the Chief for investigation and to report the findings to the Police Commission for disposition. (Deferred to the Commission's June meeting)</p>	<p>under the executive session, but none was offered. At 9:55 a.m., Deputy County Attorney Takamura began to read the Hawai'i Revised Statutes to take the meeting into executive session.</p>

Police Commission Open Session Minutes
 April 26, 2024, Meeting

SUBJECT	DISCUSSION	ACTION
<p>ES KPC 2024-3</p>	<p><u>Regular Monthly updates by Police Chief Todd Raybuck 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>	
<p>ES KPC 2024-12</p>	<p><u>Discussion and decision-making on a new formal notarized complaint that was received on March 27, 2024, at the Office of Boards and Commissions. According to the complaint, Police Chief Todd Raybuck acted inappropriately by mishandling his firearm.</u></p>	
<p>ES KPC 2024-4</p>	<p><u>Under Hawai'i Revised Statutes §92-4, §92-5 (a) (4), the purpose of this executive session is for the Commission to consult with its Attorney concerning the Commission's powers, duties, immunities, privileges, and liabilities as they may relate to the Kauai County Police Commission Administrative Rules of Practice and Procedure Rule 11. (Defer to the Commission's May meeting)</u></p>	
<p>ES KPC 2024-13</p>	<p><u>Under Hawai'i Revised Statutes §92-4, §92-5 (a) (2) (4), §92-9 (b), the purpose of this executive session is for the Commission to approve or amend the regular executive session minutes of March 22, 2024 meeting. Where consideration of matters affecting privacy will be involved and to consult with its Attorney on issues of the Commission's powers, duties, privileges, immunities, and liabilities as they may relate to this item.</u></p>	<p>Chair Yoshida called for a motion to enter the executive session. Commissioner Hertog made a motion to enter the executive session. Commissioner Belz seconded the motion. Hearing no objections, the motion carried 6:0. At 9:59 a.m., Chair Yoshida called for a five-minute recess</p>
<p>Return to Open Session/Ratify the Actions Taken In Executive Session</p>	<p>At 11:17 a.m., the Commissioners reconvened in open session. Chair Yoshida called on Deputy County Attorney Cameron Takamura to read the actions taken in the executive session under HRS 92-4 (b).</p>	

SUBJECT	DISCUSSION	ACTION
	<p>ES KPC 2024-1: The Commission received a briefing from the Office of the Professional Standards on the status of various citizen complaints. The discussion contained within is subject to non-disclosure under HRS 92-4 (b) as disclosure would defeat the purpose of the executive session according to 92-5 (a) (2). There was no discussion under 92-5 (a) (4). As to item ES KPC 2024-1 (a), there was a discussion and the Commission voted to defer the matter as the investigation is still ongoing to its June meeting. As to item ES KPC 2024-1 (b), there was discussion and the Commission voted not to sustain the complaint. Regarding item ES KPC 2024-1 (c), the Commission voted to defer the matter as the investigation is ongoing to its May meeting.</p> <p>ES KPC 2024-3: Monthly update by Police Chief Todd Rayback on any significant adverse incidents/events involving personnel in the Kaua'i Police Department. Assistant Chief Elliott "Kalani" Ke had nothing to report.</p> <p>ES KPC 2024-12: The Commission voted to partially accept the complaint specifically, the March 4, 2024 occurrence but not to accept the 1-2-year earlier occurrence. It voted to proceed through the Kaua'i Police Commission Rule 3-1 g 4's process and they have referred the investigation to a county investigator. The discussions that occurred within that item are not subject to disclosure under HRS 92 – 4d as it would defeat the purpose of the executive session which was held under HRS 92 – a 2 as it involved personnel discussions regarding charges against an employee in which matters affecting the privacy would be involved as well as to consult the Board's attorney regarding the Commission's powers, duties, and liabilities.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>ES KPC 2024-4: Under Hawai'i Revised Statutes §92-4, §92-5 (a) (4), the purpose of this executive session is for the Commission to consult with its Attorney concerning the Commission's powers, duties, immunities, privileges, and liabilities as they may relate to the Kauai County Police Commission Administrative Rules of Practice and Procedure Rule 11. The Commission had deferred the item to the May 2024 meeting.</p> <p>ES KPC 2024-13: Under Hawai'i Revised Statutes §92-4, §92-5 (a) (4), 92-9 (a) (1-4), the purpose of this executive session was for the Commission to approve or amend the regular executive session minutes of the March 22, 2024, meeting. The minutes were approved without discussion.</p>	
Adjournment	<p>Chair Yoshida called for a motion to adjourn the meeting as there was no further business.</p>	<p>Commissioner Hertog moved to adjourn the meeting. Commissioner Knutson seconded the motion. Hearing no objections, the meeting adjourned at 11:20 a.m.</p>

Submitted by: _____ Reviewed and Approved by: _____
 Mercedes Omo, Staff Support Clerk Laurie Yoshida, Chair

- () Approved as circulated on _____
- () Approved as amended. See minutes of _____ meeting.



KAUA'I POLICE DEPARTMENT

POLICE COMMISSION MONTHLY REPORT

SUPPORT SERVICES BUREAU

REPORTING PERIOD
April 2024

Budget Summary Estimate: Period of April 2024

BUREAU	BUDGET	EXPENDITURES TO DATE	ENCUMBRANCES TO DATE	BALANCE 04/30/24	75% OF BUDGET
Chief's Office	\$43,523,363.00	\$29,419,564.14	\$2,464,960.69	\$11,638,838.17	73%
Administrative & Technical Bureau	\$2,505,455.00	\$1,375,035.04	\$804,062.07	\$326,357.89	87%
Investigative Services Bureau	\$985,009.00	\$455,380.13	\$577,971.49	\$(48,342.62)	105%
Patrol Services Bureau	\$1,012,800.00	\$430,915.12	\$282,247.35	\$299,637.53	70%
Total General Fund	<u>\$48,026,627.00</u>	<u>\$31,680,894.43</u>	<u>\$4,129,241.60</u>	<u>\$12,216,490.97</u>	75%
Asset Forfeiture Funds	<u>\$100,008.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$100,008.00</u>	0%
Salary, Overtime & Fringe Benefits Breakdown Summary					
Salary & Wages	\$20,339,155.00	\$14,321,189.91		\$6,017,965.09	70%
Overtime	\$2,538,207.00	\$2,930,039.84		-\$391,832.84	115%
Fringe Benefits	<u>\$17,236,590.00</u>	<u>\$10,707,934.39</u>		<u>\$6,528,655.61</u>	62%
Total Salary, OT, Fringe	<u>\$40,113,952.00</u>	<u>\$27,959,164.14</u>		<u>\$12,154,797.86</u>	70%
Payroll % of Budget	92%	70%		30%	

Personnel Status

as of 4/30/24

PERSONNEL STATUS	AUTHORIZED	ACTUAL	VACANT
Appointed	2 1-Chief, 1-Deputy Chief	1	1 1-Deputy Chief of Police [Pos E23]
Sworn	161 2-Assistant Chief, 5-Captain, 12 Lieutenant, 37 Sergeant, 105 Officer	136	25 1-Captain [Pos 352] 4-Police Lieutenant [Pos 372, 391, 399, 402] 3-Detective [Pos. 504, 518, 579] 6-Police Sergeant [Pos 390, 409, 445, 538, 580, 1305] 11-Police Officer [Pos 407, 449, 468, 509, 516, 517, 521, 540, 587, 599, 1320]
Non-Sworn <i>*3 - Dispatchers Grant funded</i>	65 4-Accountant, 3-Administrative Assistant, 1-Contracts Specialist, 4-Criminalist, 1-Dept. Staff Ass, 1-Derelict Vehicle Coordinator, 1-DVIC, 20-Emergency Services Dispatcher, 3-Evidence Custodian, 1-Fiscal Officer, 1-Fleet Coord, 1-IT Prog. Coord, 1-Parking Enforcement Worker, 2-Police Inv. Ops, Ass, 1-Police Records Supervisor, 5-Police Records Technician, 4-Prog. Support Ass, 2-Public Information Officer, 6-Public Safety Worker, 2-Secretary, 1-Weapons Clerk	43	22 1-Criminalist I [Pos 392] 10-Emergency Services Dispatcher [Pos 311, 313, 314, 315, 473, 536, 537, T353, T565, T566] 1-Secretary [Pos 362] 2-Administrative Assistant I [Pos 341, 1314] 4-Public Safety Worker I [Pos 1307, 1310, 1315, 1947] 1-Accounting Technician [Pos 343] 1-Police Evidence Custodian I [Pos 491] 1-Parking Enforcement Worker [Pos 339] 1-Public Information Officer [Pos 90-561]
Total	228	180	48

Hourly Positions <i>*Does not factor into vacancy totals</i> <i>*Off-Duty Clerk not County funded</i>	9 2-Background Investigator, 6-Sex Assault Forensic Nurse Examiner, 1 Clerk (Off-Duty)	7	2 1-Sex Assault Forensic Nurse Examiner [Pos 9806] 1-Clerk (Off-Duty) [Pos T475] <i>*Does not factor into vacancy totals</i>
Total – Including Hourly Positions that do not factor into vacancy totals	237	187	50

Recruitment Status as of 4/30/24		Comments:
Police Services Officer (101st Recruit Classes)	11 Vacancies	Posted: December 1, 2023 – May 31, 2024 101st Recruit Class COMBINED TOTAL: Nov 1st – Current 11/28/2023 Written Exam: 5 scheduled, 4 took exam, 3 passed & referred 12/27/2023 Written Exam: 21 scheduled, 6 took exam, 4 passed & referred 1/17/2024 Written Exam: 5 scheduled, 4 took exam, 2 passed & referred 2/21/2024 Written Exam: 3 scheduled, 0 showed up 3/27/2024 Written Exam: 7 scheduled, 4 showed up, 1 DQ, 2 passed & referred 4/24/2024 Written Exam: 8 scheduled, 3 showed up, 2 passed & referred Referred – 13 Disqualified – 7 Withdrew – 1 Background Investigation – 2 Polygraph / Preemployment Psych Evals – 3 Tentative Hire Date for 101st Recruit Class: 7/1/2024
Deputy Chief of Police	1 Vacancy	No names referred at this time
Captain	1 Vacancy	Pending promotion announcement
Police Lieutenant	4 Vacancies	Pending promotion announcement
Detective / Sergeant	9 Vacancies	Pending promotion announcement
Secretary	1 Vacancy	Pending recruitment announcement
Criminalist I	1 Vacancy	No names referred at this time
Crime Scene Specialist I		No names referred at this time
Crime Scene Specialist Trainee		Posted: January 16, 2024 – February 2, 2024 Referred – 40 Disqualified – 21 Withdrew – 15 Interview Pending – 4
Emergency Services Dispatcher I	10 Vacancies	Posted: May 22, 2023 – Continuous Referred – 4 Withdrew – 3 Background Investigation – 1
Administrative Assistant	2 Vacancies	Posted: December 13, 2023 - Continuous Referred – 13 Disqualified – 4 Withdrew – 6 Pending Interview – 3
Accountant I	1 Vacancy	Posted: July 3, 2023 – Continuous No names referred at this time
Accounting Technician		Posted: Continuous No names referred at this time
Accountant Trainee		Posted: July 3, 2023 – Continuous Referred – 7 PEP/PHP phase – 7
Public Safety Worker I	4 Vacancies	Posted: July 3, 2023 – Continuous Referred – 1 Polygraph / Preemployment Psych Evals – 1
Parking Enforcement Worker	1 Vacancy	Posted: Continuous No names referred at this time
Evidence Custodian I	1 Vacancy	Posted: April 29, 2024 – May 8, 2024 No names referred at this time
Public Information Officer	1 Vacancy	Posted: April 29, 2024 – May 8, 2024 No names referred at this time

KPAL Programs: April 2024

Programs	Location	#Classes	#Participants	#Personnel
Jiu Jitsu	Hanapepe	10	36	1
Wrestling	Kapaa	10	21	1
Boxing	Hanapepe	36	79	1
Flag Football	Island Wide	Registrations Only	600	5

DARE Classes: April 2024

Location	Grade Level	# Lessons	# Classes	# Students
Chiefess Kamakahalei Middle School	7 th	1 & Graduation	7	148
Waimea Canyon Middle School	7 th	1 & Graduation	3	84
Kapaa Elementary School	5 th	7 & Graduation	6	120
Total			16	352

SPECIAL PROJECTS

Project	Date	Results
Kauai Philippine Cultural Center Beautification	4/13/2024	Collaborated with CoK Parks & Recs to clean outdoor basketball courts and install wall mats in KPAL wrestling facility
Evacuation Drill; Assist Kauai High School	4/24/2024	Facilitated the safe transport of approx. 1,100 students and 100 faculty/staff

Community Engagement: April 2024

Date:	Event Description/Location:	Hours:	Personnel Count:	Audience Count:
1 4/6, 4/7/24	The Mayor's Annual Track Meet	15	5	1,500
2 4/9/24	Fingerprint Exercises for Girls Scouts	1	1	8
3 4/11/24	Color Guard Ceremony for the FBINA at the Royal Sonesta	1	4	50
4 4/17/24	Waimea Canyon Middle School walk to school	1	2	20
5 4/17/24	Waimea High School Forensic Day	4	6	40
6 4/18/24	Kilauea Elementary School Cyber Bullying presentation	2	1	20
7 4/19/24	Participated in the Kalaheo Wellness Fair event	3	2	40
8 4/23/24	Sex Assault Awareness Pin Wheel Activity with 12-15 children	1	15	30
9 4/24/24	Kauai Job Fair, Memorial Convention Hall	4	4	100
10 4/25/24	Marriott Waiohai, bring your Keiki to work day	2	2	35
11 4/27/24	The Troy Barboza Torch Run, Special Olympics	2	15	200+
Total		36	57	2,043+

Firearms Registered: April 2024

Imported Handguns	46	Imported Rifles	94	Imported Shotguns	16	Imported Total	156	
Domestic Handguns	38	Domestic Rifles	74	Domestic Shotguns	15	Domestic Total	127	
<i>Total Handguns</i>	<i>84</i>	<i>Total Rifles</i>	<i>168</i>	<i>Total Shotguns</i>	<i>31</i>	Total Registered	283	
							Total Denials/Void	0

Licenses to Carry: April 2024							
<i>Permit to Carry Applications</i>	52	<i>Permit to Carry Applicants</i>	45	<i>Citizen Licenses Denied</i>	0	<i>Licenses to Carry Issued</i>	51

Bench Warrant Tracking: April 2024			
Warrants Received	Warrants Served	Warrants Recalled	Outstanding Warrants
138	129	73	1,854

Legal Services Received: April 2024						
Summons / Other	TRO (Family)	Protective Order (Family & Civil)	TRO (Civil)	Subpoena Civil/OPA	Month's Total Legal Service Received	Total Received in 2024
40	0	0	34	48	260	804

Training Provided by Outside Agency: On-Island						
	Order No:	Start:	End:	Training Description:	Personnel Trained:	Course Hours per Training:
1	24-24039	04/15/24	04/19/24	Command Central Community User Training	206	40
2	24-24040	04/09/24	04/10/24	Leadership Training: "Lessons Learned From The Battlefield"	43	8
3				Motorola Command Center Training	1	10
				Total	250	58

Training Provided by Outside Agency: Off-Island						
	Order No:	Start:	End:	Training Description:	Personnel Trained:	Course Hours per Training:
1	23-03112	04/22/24	04/26/24	AXON WEEK	2	40
2	24-04010	04/01/24	04/03/24	International Conference on Sexual Assault, Domestic Violence, & the Cycle of Justice	2	24
3	24-04012	04/01/24	04/05/24	2024 International Conference on Transnational Organized Crime & Terrorism (ICTOCT)	2	40
	24-04022	04/28/24	05/01/24	Motorola Solutions Summit 2024	3	40
	24-04034	04/22/24	04/26/24	Fingerprint Identification On-Site Training	1	40
	24-04036	04/07/24	04/09/24	Lifesavers Conference	2	24
	24-04045	04/22/24	04/26/24	2024 LEIU/IALEIA Annual Training	2	40
	24-03424	4/22/24	4/26/24	FBI Scientific Basis of Fingerprinting & Advanced Comparison for 10 Print	1	40
				Total	14	248

Training Provided by Kaua'i Police Department						
Order No:	Start:	End:	Training Description:	Personnel Trained:	Course Hours per Training:	
1	04/01/24	04/30/24	100 th Recruit Academy (22 days x 8 hours)	7	176	
			Juvenile Law & Procedures – SRO Unit		*8	
			Forensic Science Law Enforcement – CSLS		*32	
			Evidence packaging & submittal (Evidence Custodians)		*8	
2	23-23110	04/02/24	04/02/24	SRT Training	12	10
3	23-23111	04/01/24	04/30/24	HIBS Training	2	32
4	24-24017	04/01/24	04/02/24	NEVO Training for Patrol Trucks	6	16
5	24-24031	04/17/24	04/22/24	EVOC Training for Patrol Trucks	13	24
Total				40	258	

Biometric Identification Facial and Ten Print - Crime Scene and Laboratory Section			
Criminalist	Facial Recognition Processing	Ten print Quality Control	Ten Print Examination
1	157	1570	162

Biometric Identification Latent Prints - Crime Scene and Laboratory Section				
Criminalist	Latent Print Development (# of Items)	Latent Print Development (# of Items)	Latent Print Suitability (# Items)	Latent Print Examination
1	3	2		

Hit Information Biometric						
Date	Report#	Hit	Finger	Palm	Face	Other Data

Deoxyribonucleic Acid (DNA) Processing - Crime Scene and Laboratory Section					
Criminalist	Evidentiary Unknown	Known Samples	Non-Case Sample	Profile (meeting investigative threshold)	DNA Profile Hits
			2		

Hit Information					
Date	Report#	Hit	Hit Type	Other Data	

Call Out, Lab Request - Crime Scene and Laboratory Section						
Criminalist	Digital Exam	Chemical ID	Firearm Test	Sex Assault Kits, Results	Call out	Total New Cases
3	2	3		1	12	10

SUBMITTED BY:



MARK T. OZAKI
Assistant Chief, ATB



KAUA'I POLICE DEPARTMENT
POLICE COMMISSION MONTHLY REPORT
FIELD OPERATIONS DIVISION

REPORTING PERIOD
April 2024

MAJOR HIGHLIGHTS

Felony Family Abuse

On April 1, 2024, officers responded to Hanamaulu for a report of a male assaulting his girlfriend. The victim, 35-year-old female resident, reported to officers that her boyfriend assaulted her and attempted to strangle her. Upon officers arrival to the scene, the suspect barricaded himself in the bathroom while armed with a knife. KPD Crisis Negotiators responded to the scene and eventually got the suspect to exit the bathroom at which time he was taken into custody without incident. The suspect was transported to Wilcox Memorial Hospital for a physical and mental health evaluation. Based on the evaluation, the suspect was treated at the Mahelona Psyche Ward and later transported back to KPD custody. The suspect was held pending bail. CID was notified.

Robbery

On April 2, 2024, officers responded to an encampment located near the Lihue Water Department for a reported robbery. The victim, a 52-year-old male resident, reported to officers that he was asleep in his tent when he was assaulted by the suspect who was armed with a stick. After assaulting the victim, the suspect fled with the victim's backpack. The victim was transported by medics to Wilcox Memorial Hospital and treated for non-life-threatening injuries. The suspect was identified as a 40-year-old resident and was taken into custody without incident. Officers recovered the stolen backpack and returned it to the victim. The suspect was held pending bail. CID was notified.

Assault 1st

On April 8, 2024, officers responded to Hanamaulu for a report of a male who had been shot in the chest. The victim reported to officers that he was in an argument with a 53-year-old male resident when the individual pointed a firearm type weapon at him. The suspect used the weapon to shoot projectiles at the victim causing injuries to the victim's chest and facial area. The victim was initially treated at Wilcox Memorial Hospital but due to the severity of his injuries, he was transported to Queens Hospital on Oahu for further treatment. CID detectives responded and took over the investigation.

UCPV/Kidnapping:

On April 14, 2024, officers responded to a gas station in Kapaa of a reported male subject swinging a knife at someone. Upon officer's arrival, the investigation revealed that the parties involved were in a domestic dispute that led to the brandishing of a machete, as well as a mutual assault of two male subjects. During the altercation, one of the male subjects entered the driver's side of the other male subject's vehicle and prevented a female passenger/victim from leaving then drove off with the vehicle. CID detectives were notified and responded to the scene for continued investigation.

Misc. Pub. Hazard

On Thursday, April 18, 2024, at approximately 1843 hours, a large tree fell on Maluhia Road near the S-Turns, causing a total road closure. By 1856 hours, Maluhia Road was closed in both directions, and Public Works was notified. Prior to the arrival of Public Works personnel, a good Samaritan helped cut a small portion of the tree. This allowed a partial reopening of the northbound lane of Maluhia Road. However, due to the continuous hazardous conditions, it was decided to keep the southbound lane closed and divert motorists onto Omao Road. At approximately 2102 hours, Public Works arrived on the scene and began clearing the debris. During this process, additional equipment was required due to the possibility of another tree falling and the discovery of a mini landslide. At approximately 2225 hours, the Department of Public Works requested closure of both directions of Maluhia Road. Workers estimated that approximately two additional hours were needed to clear the debris and ensure no further tree-related hazards.

Misc. pub. hazard

On Tuesday, April 23, 2024, at approximately 1623 hours, KPD dispatch received numerous calls about a utility pole down on Hoomau Road. Upon officers' arrival, they found a utility pole had fallen, blocking the entire road at 7951 Hoomau Road. Wires were on the ground, causing a nearby utility pole to bend under the weight of the fallen pole. Hoomau Road was closed from Amakihi Road to Akialoa Road, and Akekeke Road was also closed from Elepaio Road to Iwipolena Road while KIUC personnel repaired the downed utility poles. The entire block on Hoomau Road from Akialoa Road to Amakihi Road was temporarily left without power. No injuries were reported.

Traffic collision involving injury

On April 25, 2024, officers responded to a traffic collision involving a pedestrian fronting a residence in Koloa. An adult female, aged 72, of Koloa, was walking eastbound on Wailaau Rd when she was struck by a vehicle that fled the scene. The victim was transported to Wilcox ER in critical condition. The ER doctor reported that the victim sustained a collapsed lung, brain bleed, and other non-life-threatening injuries. The Traffic Safety Section was notified and was monitoring the investigation. Checks were made in the surrounding areas for the suspect vehicle with negative results.

Unauthorized Entry into a Motorized Vehicle

On April 29, 2024, officers responded to Lihue Airport for a report of an unauthorized male who boarded a private aircraft. The reporting party informed officers that the suspect, 39-year-old male resident, forced his way through an airport door and gained access to the tarmac. After breaching the restricted area, the suspect boarded a private aircraft at which time he was confronted by the pilot. The suspect informed the pilot that he was with the CIA and was supposed to be on the plane. The suspect has a history of drug induced delusions resulting in his arrest. The suspect was taken into custody without incident and released after posting bail.

Community Activities and Involvement:

- A member of the Command Staff volunteered as a play-by-play announcer for KIF boys volleyball games at Kapaa High.
- Officers periodically visited Kauai's Middle Schools during the month to promote the "Bridge the Gap" initiative. This initiative is a pro-active approach aimed to build rapport with the students and faculty.
- Throughout the month Kawaihau patrol officers were present along the Kapaa/Wailua bike path.

Training:

Command Staff attended the FBINA Re-trainer hosted by Kauai Police Department 24 hours
Officers attended "Lessons Learned from the Battlefield" Greg Stube Leadership 4 hours
Officers, Dispatchers, Supervisors and Command Staff attended "Command Central Training" 8 hours
Officers attended SRT training. 16 hrs
Officers attended NEVO training. 8 hrs
Officers attended EVOG training. 8 hrs
Officers attended CAST training. 8 hrs
A Sergeant attended four days of HIBS training. 32 hrs
Supervisors attended: 5 Seeds of Leadership Training 8 hrs
A Lieutenant attended Motorola Summit 2024 Conference. 24 hrs

TRAFFIC GRANT ENFORCEMENT:

04/09/2024 – Seat belt, Mobile device – (17) citations issued.
04/10/2024 – Seat belt, Child restraint, Mobile device – (31) citations issued.
04/26/2024- OVUII project, which resulted in 231 vehicles passing through the checkpoint and a total of 23 citations issued.

EMPLOYEE RECOGNITION

During the week of April 14, 2024, KPD celebrated National Telecommunicators Week and recognized KPD dispatchers for the work they do.

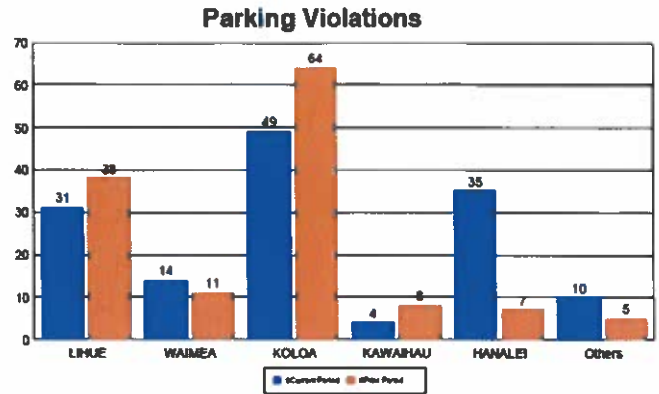
SPECIAL PROJECTS

04/13/2024 Car Seat Check at Kukui Grove

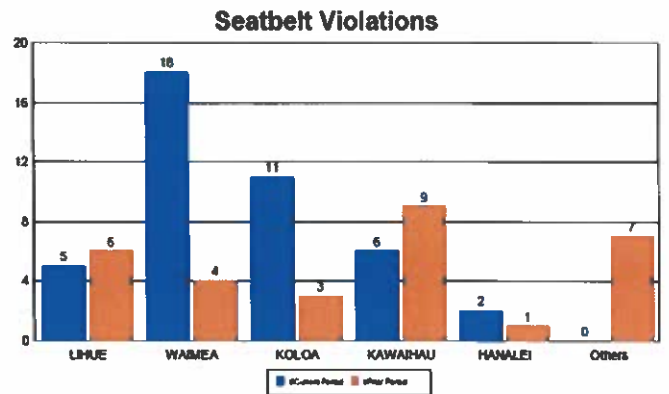


**Kauai Police Department
Police Commission Monthly Report
Patrol Services Bureau
Traffic Enforcement Summary, continued
Reporting Period April 2024**

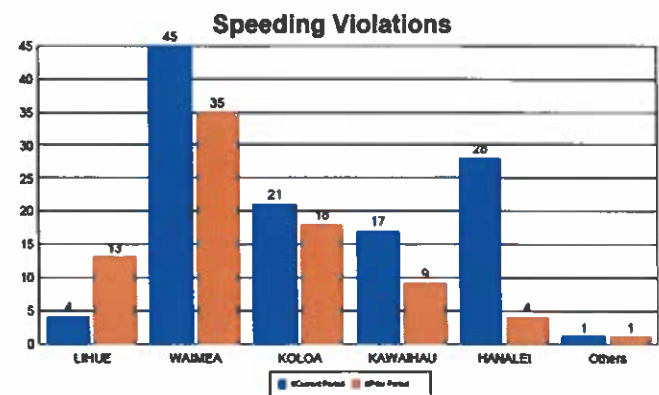
Parking			
	Current Period Apr 2024	Prior Period Mar 2024	YTD for Reporting Period 2024
LIHUE	31	38	134
WAIMEA	14	11	36
KOLOA	49	64	207
KAWAIHAU	4	8	29
HANAIEI	35	7	58
NOT ENTEF	10	5	34



Seatbelt			
	Current Period Apr 2024	Prior Period Mar 2024	YTD for Reporting Period 2024
LIHUE	5	6	17
WAIMEA	18	4	38
KOLOA	11	3	22
KAWAIHAU	6	9	31
HANAIEI	2	1	6
NOT ENTEF	0	7	17



Speeding			
	Current Period Apr 2024	Prior Period Mar 2024	YTD for Reporting Period 2024
LIHUE	4	13	57
WAIMEA	45	35	118
KOLOA	21	18	62
KAWAIHAU	17	9	80
HANAIEI	28	4	103
NOT ENTEF	1	1	4





Kauai Police Department
Police Commission Monthly Report
Patrol Services Bureau
Arrest Summary
 Reporting Period April 2024

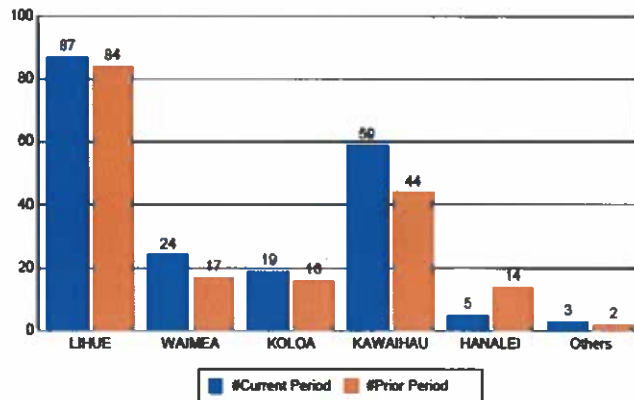
Adult Arrest Summary

	Current Period Apr 2024	Prior Period Mar 2024	YTD for Reporting Period 2024
LIHUE	87	84	292
WAIMEA	24	17	79
KOLOA	19	16	89
KAWAIIHAU	59	44	203
HANAIEI	5	14	40
Others	3	2	9

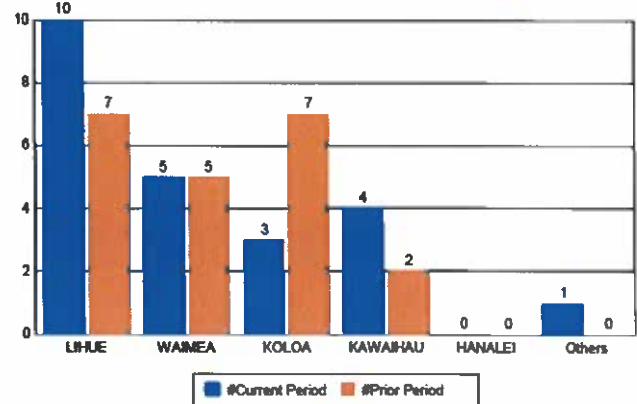
Juvenile Arrest Summary

	Current Period Apr 2024	Prior Period Mar 2024	YTD for Reporting Period 2024
LIHUE	10	7	40
WAIMEA	5	5	18
KOLOA	3	7	21
KAWAIIHAU	4	2	12
HANAIEI	0	0	2
Others	1	0	1

Current Period to Prior Period Comparison



Current Period to Prior Period Comparison



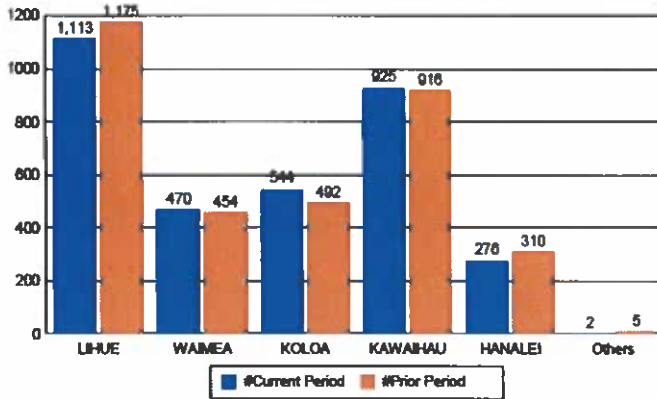


Kauai Police Department
Police Commission Monthly Report
Patrol Services Bureau
Calls for Service and Incident Summary
 Reporting Period April 2024

Calls for Service Summary

	Reporting Period Apr 2024	Prior Period Mar 2024	YTD for Reporting Period 2024
LIHUE	1,113	1,175	4,458
WAIMEA	470	454	1,754
KOLOA	544	492	2,155
KAWAIHAU	925	916	3,671
HANAIEI	276	310	1,239
Others	2	5	20

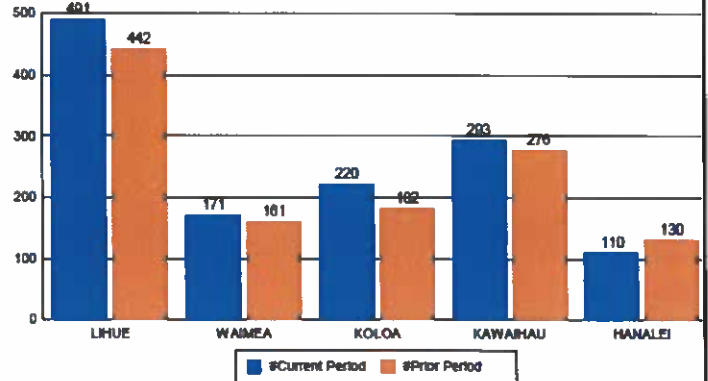
Current Period to Prior Period Comparison



Reported Incident Summary

	Reporting Period Apr 2024	Prior Period Mar 2024	YTD for Reporting Period 2024
LIHUE	491	442	1,783
WAIMEA	171	161	646
KOLOA	220	182	850
KAWAIHAU	293	276	1,180
HANAIEI	110	130	500

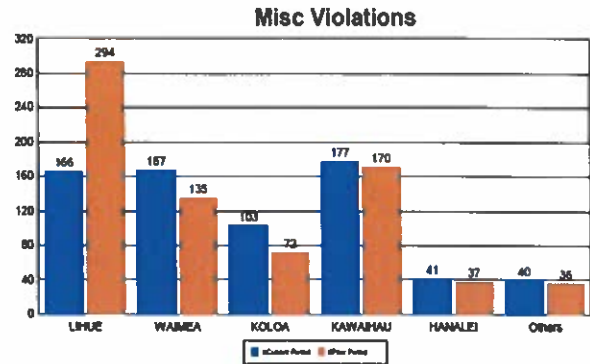
Current Period to Prior Period Comparison



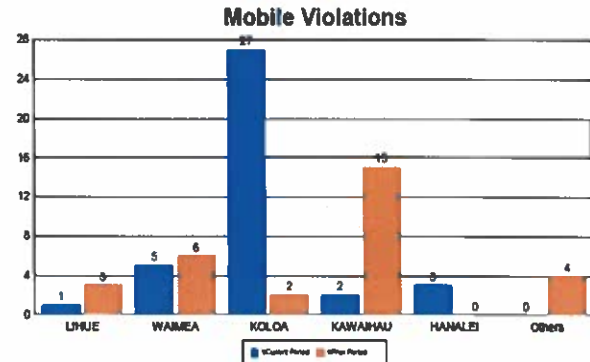


**Kauai Police Department
Police Commission Monthly Report
Patrol Services Bureau
Traffic Enforcement Summary
Reporting Period April 2024**

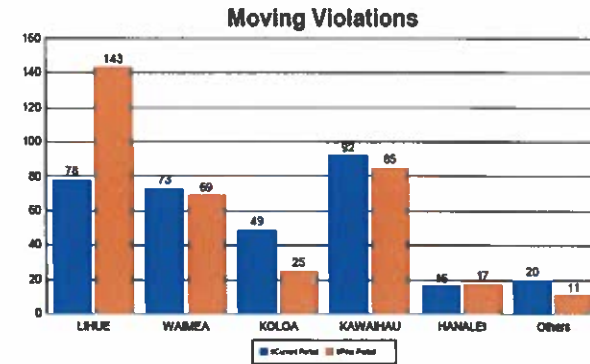
Misc			
	Reporting Period Apr 2024	Prior Period Mar 2024	YTD for Reporting Period 2024
LIHUE	166	294	899
WAIMEA	167	135	506
KOLOA	103	72	366
KAWAIHAU	177	170	736
HANAIEI	41	37	157
NOT ENTEF	40	36	168



Mobile Device			
	Current Period Apr 2024	Prior Period Mar 2024	YTD for Reporting Period 2024
LIHUE	1	3	23
WAIMEA	5	6	14
KOLOA	27	2	34
KAWAIHAU	2	15	32
HANAIEI	3	0	4
NOT ENTEF	0	4	5



Moving			
	Current Period Apr 2024	Prior Period Mar 2024	YTD for Reporting Period 2024
LIHUE	78	143	420
WAIMEA	73	69	242
KOLOA	49	25	151
KAWAIHAU	92	85	382
HANAIEI	16	17	97
NOT ENTEF	20	11	72



Submitted by:
Roderick Green
Digitally signed by Roderick Green
Date: 2024.05.17 13:07:55 -10'00'

Roderick B. Green K-23
Captain Patrol Operations Bureau



KAUA'I POLICE DEPARTMENT

REPORTING PERIOD
APRIL 2024

CRIMINAL INVESTIGATIONS DIVISION

GENERAL CRIMES SECTION

MAJOR INCIDENTS / NOTABLE HIGHLIGHTS:

ATTEMPTED MURDER:

24-04566- Attempted Murder in the 2nd Degree

SYNOPSIS: Police arrested a suspect in connection with a shooting that occurred during the early morning hours on Monday, April 8, 2024, in a Hanamaulu neighborhood. During the incident, a 28-year-old man from Līhu'e sustained a gunshot injury and was medevacked to the Queen's Medical Center on O'ahu in serious condition. He was treated and subsequently released. The suspect was arrested and is currently being held at the KCCC.

NEGLIGENT HOMICIDE:

24-04779- Negligent Homicide in the 2nd Degree

SYNOPSIS: During the nighttime hours on Thursday, April 11, 2024, a 56-year-old man was struck by a vehicle fronting his residence located off Kahuna Road in Kapahi. The victim was transported to Wilcox Medical Center, where he was later pronounced dead. A 43-year-old man from Kīlauea was arrested for Negligent Homicide in this case and is currently being held at the KCCC, with his bail currently set at \$500,000.

ABUSE OF FAMILY:

Adult female reported that she was assaulted by an adult male relative during a domestic altercation that occurred at their shared residence. The adult male was later arrested, and the case was forwarded to the Office of the Prosecuting Attorney for further action.

ASSAULT:

1. An adult female medical professional reported being assaulted by an elderly male patient at the Kapa'a medical facility. The case was forwarded to the Office of the Prosecuting Attorney for further action.
2. An adult male was arrested for assaulting an adult male victim during an incident that occurred in the Lihue area. The case was forwarded to the Office of the Prosecuting Attorney for further action.
3. An adult male was arrested for assaulting his adult male relative, during a domestic altercation that occurred at a Lihue residence. The case was forwarded to the Office of the Prosecuting Attorney for further action.
4. A Correctional Officer reported being assaulted by an adult male inmate at KCCC. No arrest was made, and the case was forwarded to the Office of the Prosecuting Attorney.
5. An adult male reported being assaulted by his adult female relative during a domestic altercation that occurred near their Kapa'a shared residence. The adult female was later arrested, and the case was forwarded to the Office of the Prosecuting Attorney for further action.
6. Adult male victim reported being assaulted by an adult male that occurred in the Kapa'a area. No arrests were made, and the investigation remains ongoing.

UNATTENDED DEATH:

1. Unattended death of a 52-year-old female subject who died in her Kekaha residence. Foul play was not suspected, and the investigation remains on-going, as an autopsy was completed, but toxicology results are pending.
2. Unattended death of a 63-year-old female subject who died in her Koloa residence. Foul play was not suspected. An autopsy was completed, and the results indicated that the manner of death was natural.
3. Unattended death of a 91-year-old male subject who died in his Lihue residence. Foul play was not suspected, and the investigation remains on-going, as an autopsy is pending. An autopsy was later completed, and the results indicated that the manner of death was natural.

MISCELLANEOUS OTHER-HUMAN REMAINS RECOVERED:

1. A 79-year-old female resident summoned police to her Lawai residence to recover a human skull that was allegedly found by her 76-year-old husband a long time ago. Foul play is not suspected and the investigation remains ongoing.

KIDNAPPING

1. An adult female with no permanent address was reported to have been kidnapped by a known adult male. The scene is located at a gas station in Kapa'a, and the kidnapping incident occurred after the adult male suspect had engaged in a physical altercation with another adult male subject known to the victim.

Before leaving the scene, the adult male suspect allegedly assaulted the female victim in the vehicle. The known adult male suspect drove the female victim away from the scene and fled the area before police arrived. The adult female victim was later located. No arrests have been made, and the investigation remains ongoing.

ROBBERY:

1. Case involving an adult male with no permanent address that was allegedly assaulted and robbed of his personal property by an adult male subject who is known to him, during an incident that occurred in the vicinity of the Old Lihue Sugar Mill. The victim sustained substantial injuries and received emergency medical care at the Wilcox Medical Center, where he was later treated and released. The adult male suspect was later arrested without incident, and currently remains in custody at KCCC.
2. Case involving two adult females with no permanent address were allegedly assaulted and robbed of their personal property by an adult male subject who was known to them. The incident occurred in the vicinity of the Lydgate Beach Park area off Nehe Rd. in Wailua. The investigation remains ongoing.

RUNAWAY JUVENILE:

1. Case involving a male juvenile who was reported as a runaway on April 12, 2024. A BOLO and press release was issued, and the male juvenile later returned home and was detained and returned to his parent without incident.
2. Case involving a male juvenile who was reported as a runaway on April 17, 2024. A BOLO and press release was issued, and the male juvenile later returned home and was detained and returned to his parent without incident.

SEXUAL ASSAULT:

1. Attempted sexual assault complaint filed by an adult female who reported that an unknown male subject attempted to sexually assault her while in the Kilauea area. The investigation remains ongoing.

UNAUTHORIZED ENTRY INTO AN AIRCRAFT/CRIMINAL PROPERTY DAMAGE:

1. Case involving a 39-year-old adult male resident, who breached and damaged a security door leading to the secured tarmac area of the Commuter Airline Terminal of the Lihue Airport, and who had forcefully boarded a private Jet.

Airport Police quickly responded to the scene and took custody of the male subject. KPD officers later arrived and took custody of the male subject, who was later booked and released after posting the required bail. The case was assigned to a Detective and the case will be forwarded to the Office of the Prosecuting Attorney.

YEAR TO DATE DEATH STATISTICS:

January 2024

Unattended Death

- 8 residents (no foul play suspected, natural death involved).
- 1 unhoused resident (no foul play suspected, cause of death resulting from combined toxic effects of fentanyl and methamphetamine).
- 2 residents (no foul play suspected, cause of death resulting from toxic effects of methamphetamine. *These cases are not related).
- 0 visitors.

Death Within 24 Hours

- 4 residents (no foul play suspected, natural death involved).
- 0 unhoused residents.
- 1 visitor (fell from height while hiking and ended up unresponsive in the Hanakapi'ai stream. No foul play suspected, and case ruled as an accidental death).
- 1 visitor (no foul play suspected, natural death involved).

Homicide/Vehicle Arson

- 1 resident (foul play involved, investigation remains ongoing).

February 2024

Unattended Death

- 1 resident (no foul play suspected, natural death involved).
- 1 resident (no foul play suspected, accidental death due to homemade explosives).
- 4 residents (no foul play suspected, natural death involved).
- 1 unhoused resident (no foul play suspected, cause of death resulting from toxic effects of methamphetamine).
- 1 unhoused resident (no foul play suspected, natural death involved).
- 1 visitor (no foul play suspected, natural death involved.)

Death Within 24 Hours

- 1 resident (no foul play suspected, natural death involved).
- 0 unhoused residents.
- 1 visitor (no foul play suspected, accidental death resulting from a drowning at the Lumahai beach).

Suicide

- 3 residents (no foul play suspected).

March 2024

Unattended Death

- 1 resident (no foul play suspected, cause of death resulting from combined toxic effects of fentanyl and methamphetamine).
- 3 residents (no foul play suspected, natural death involved).
- 1 visitor (no foul play suspected, accidental ocean related death)
- 1 visitor (no foul play suspected, natural death involved)
- 1 resident (no foul play suspected, accidental boating related death)

Death Within 24 Hours

- 1 visitor (no foul play suspected, accidental death resulting from a drowning after a body boarding incident that occurred at the Allerton's beach in Poipu).
- 0 residents.
- 0 unhoused residents.

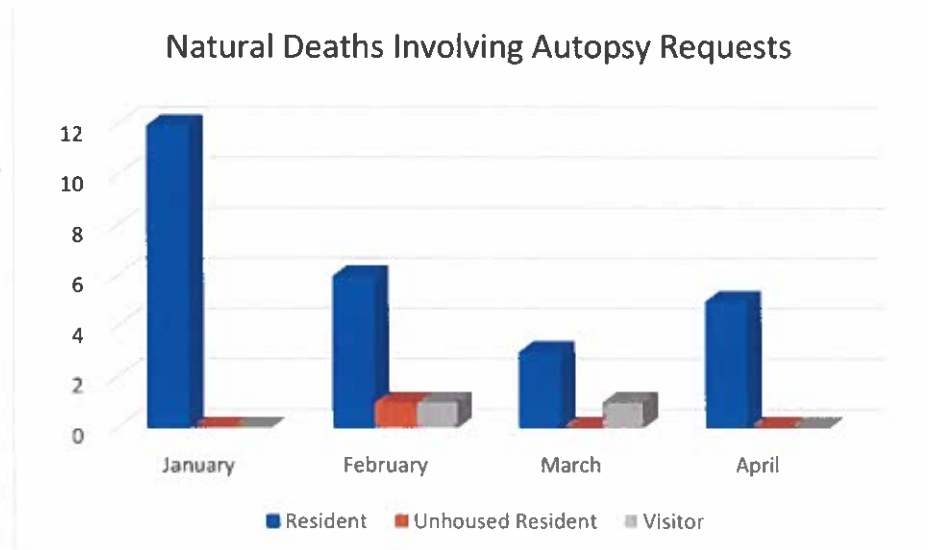
April 2024

Unattended Death

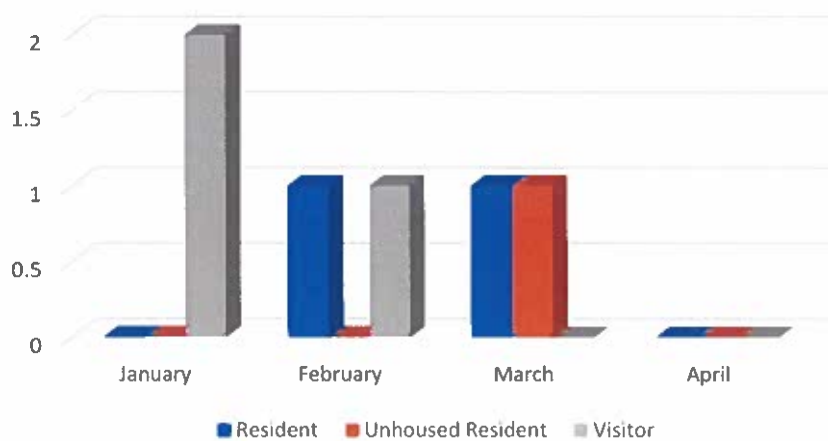
- 6 residents (no foul play suspected, natural death involved).

Negligent Homicide

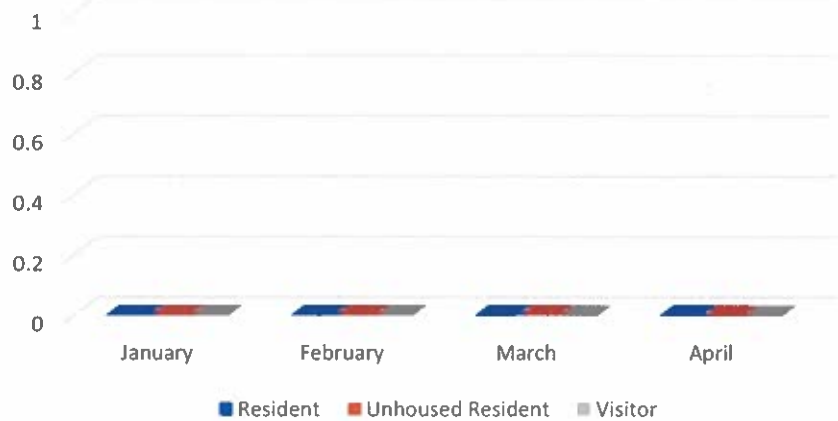
- 1 resident (foul play involved, suspect arrested, and the investigation remains ongoing).



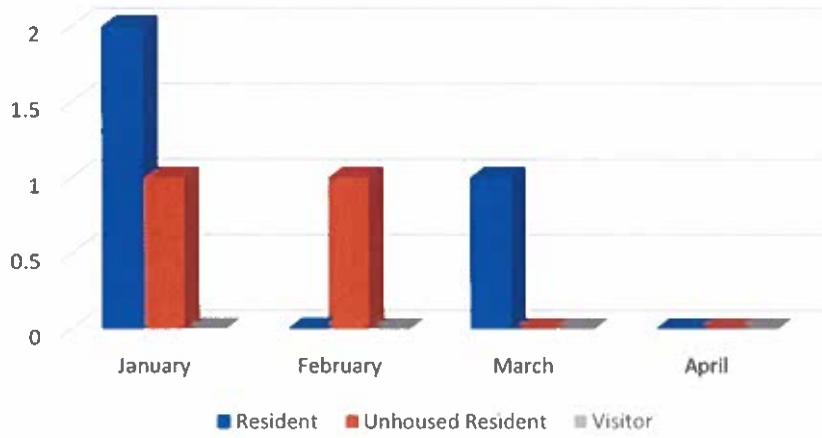
Accidental Deaths



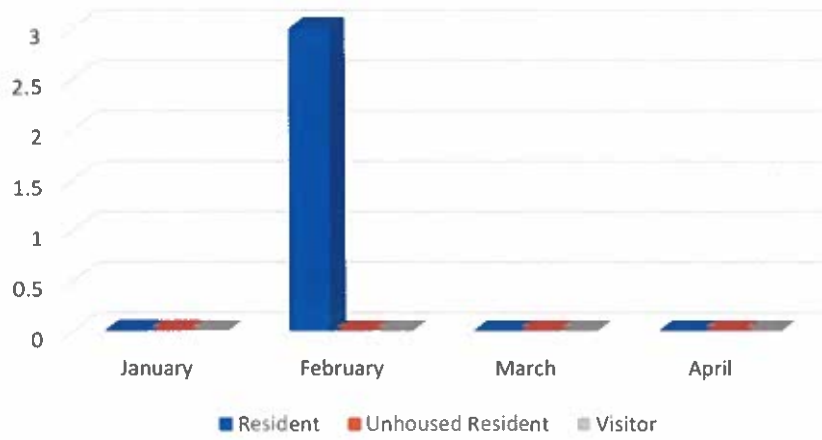
Undetermined- Pending Toxicology Results



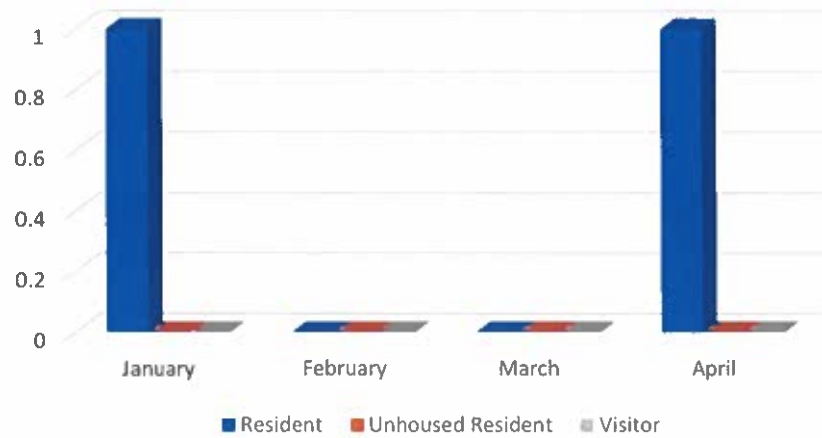
Drug Overdoses



Suicide



Murder/ Homicide



SPECIAL FOCUS SECTION

MAJOR INCIDENTS / NOTABLE HIGHLIGHTS (SPECIAL FOCUS DETECTIVES):

CRIMINAL PROPERTY DAMAGE:

- 2 – Felony CPDs reported
- 2 – Pending Further Developments
- 0 – Cleared by arrest (Adult)
- 0 - Closed

UEMV:

- 15 – Unauthorized Entry into Motor Vehicles reported
- 12 – Pending Further Developments
- 3 – Cleared by arrests (Adult)
- 3 – Closed

UCPV:

- 15 – Unauthorized Control of a Propelled Vehicle reported
- 6 – Pending Further Developments
- 4 – Referred to Prosecutors Office
- 3 – Closed Unfounded
- 1 – Closed Civil Matter
- 1 – Cleared by arrests (Adult)
- 5 – Closed

BURGLARY:

- 11 - Burglaries reported
- 9 – Pending Further Developments
- 1 – Closed Unfounded
- 1 – Cleared by arrests (Adult)
- 2 – Closed

THEFT:

- 18 – Felony Thefts reported
- 17 – Pending Further Developments
- 1 – Refer to Prosecutors Office
- 0 – Cleared by arrest (Adult)
- 0 - Closed

VICE SECTION

I. REPORTS/INVESTIGATIONS

SEIZURES:

Cocaine/Crack: 35.4

Fentanyl: 0
Fentanyl Pills: 0
Meth: 49.8 grams
Heroin: 0 grams
Marijuana: 14.7 grams
Cash/Currency: 0
Vehicle: 1
Firearms: 1
Cell Phones: 0
Parcel: 3
Search Warrants:3

ASSET FORFEITURE: Continuing process on items already in evidence. Vice Sgt is working with the AG's Office on the boat forfeiture. AG's office is still believed to be working on their internet site to auction the boat. Slow process on the AG's side. The mechanic is scheduled to inspect the boat in May.

II. **NOTABLE HIGHLIGHTS:**

- Conducted numerous days of surveillance for a joint KPD/CID operation.
- Conducted surveillance on numerous suspected drug trafficking areas on Kauai. Gathering narcotics intelligence.
- Assisted KPD CID with a manhunt for an attempted murder suspect. Suspect located. A K9 sniff was conducted on the suspect's vehicle and the K9 alerted the odor of narcotics. 57.2 grams of methamphetamine seized by Vice.
- Assisted the FBI with the surveillance and arrest of three narcotics distributors. Suspects transferred to federal detention on Oahu.
- Vice Unit assisted Patrol Officers with numerous search warrants.

III. **COMMUNITY ACTIVITIES AND INVOLVEMENT:**

- 1x Lieutenant is the Kapaa High School Boys Varsity volleyball broadcaster.

Submitted by:

Paul Applegate

Paul N. Applegate

Captain

05-14-24

K-22

CID

1400 hours

KAUA'I POLICE COMMISSION

Draft language for future adoption of Rule 11
Kaua'i County Police Commission Rules on Administrative Practice and
Procedure

April XX, 2024

1. Draft language for Rule 11, Kaua'i County Police Commission Rules on Administrative Practice and Procedure, is proposed for future adoption to be read as follows:

RULE 11 COMPLAINTS AND CHARGES AGAINST THE CHIEF OF POLICE

Historical note: This rule is based substantially upon Rule 3-1(g)(6) – (7). [Eff. 2/12/18; R.]

Rule 11-1 General Information.

- a. Defined. As used in this rule “complaints against the chief of police” refers to complaints filed by a member of the police department or a member of the public against the chief of police for alleged inappropriate behavior or violation of police department or county policy.
- b. Initial investigation process. All complaints against the chief of police regardless of how they are received are initially subject to the procedures contained in the County of Kaua'i policy regarding the Discipline of Department Heads Subject to Removal by Boards and Commissions.

Rule 11-2

Complaints Filed Against the Chief of Police.

a. Written complaints against the chief of police filed with the mayor.

1. This policy provides direction to the mayor and the police commission on the procedures to be followed when a complaint is filed against the chief of police.
2. Written complaints against the chief of police shall be investigated pursuant to the procedures set forth in the County of Kaua'i policy regarding the Discipline of Department Heads Subject to Removal by Boards and Commissions.
3. Rule 10 shall not apply to written complaints against the chief of police filed with the mayor.
4. Rule 5 hearings shall not apply to complaints filed against the chief of police pursuant to this rule.
5. All complaints against the chief of police shall be in writing and filed with the mayor no later than one hundred eighty days from which the complainant becomes aware of the matter which gives rise to the complaint.
6. Upon receipt of the written complaint, the mayor shall transmit the complaint to the chairperson.
7. Upon receipt of the transmitted complaint, the chairperson shall schedule an executive session on the matter in compliance with state and county law.
8. The police commission shall meet in executive session to review the complaint. The seriousness of the allegations shall be considered as to whether a special executive session is required or if the complaint can be discussed at the next regularly scheduled commission meeting.
9. If, after review, the police commission determines further factual information is required for a decision on the matter, the mayor shall be advised that an investigation shall be conducted.

b. Investigation procedures for written complaints against the chief of police.

1. The investigation may be conducted by county personnel or by an independent contractor.
2. All investigations regarding written complaints against the chief of police shall comply with applicable laws regarding personnel complaints to similarly situated appointed positions.

3. Upon completion of the investigation, the mayor may make a recommendation to the police commission, which may include but is not limited to, discipline, suspension, or no action.
4. After review of the investigation report, the police commission may request further investigation of the matter if the investigation is incomplete or if the police commission has any further questions regarding the subject matter of the investigation.
5. The police commission shall render its decision after duly and appropriately considering all information.
6. In rendering its decision, the police commission may discipline* or remove the chief of police. Pursuant to the Charter of the County of Kaua'i, article XI, section 11.04, "the chief of police may be removed by the police commission only after being given a written statement of the charges against the chief and a hearing before the commission."

*In Kaua'i Police Commission ex rel. Iona v. Carvalho, 138 Hawai'i 287 (App. 2016), the Hawai'i Intermediate Court of Appeals held that the police commission's power to appoint and remove the chief of police includes the power to discipline.

- c. Written complaints against the chief of police filed with the police commission.
 1. Rule 10 shall not apply to written complaints against the chief of police filed with the police commission.
 2. Rule 5 hearings shall not apply to complaints filed against the chief of police pursuant to this rule.
 3. When the police commission directly receives a written complaint against the chief of police, the chairperson will advise the mayor.
 4. After review by the mayor and the chairperson, a determination shall be made as to whether the complaint warrants an investigation.
 5. If a determination is made by the mayor and chairperson that an investigation is warranted, the procedures in Rule 11-2(a) and (b) shall be followed.
- d. Non-written complaints against the chief of police.
 1. If the allegations of misconduct against the chief of police come to the attention of the police commission through

other than the filing of a written complaint, the chairperson shall advise the mayor.

2. The mayor shall provide direction on whether the allegations are of sufficient seriousness to warrant an investigation.
3. If the mayor determines that no investigation is to be conducted, the chairperson shall request a written statement from the mayor to that effect.
4. If the mayor determines that no investigation is to be conducted based on a non-written complaint against the chief of police that was brought to the mayor's attention by the police commission, the matter shall be placed on the executive session agenda at the next police commission meeting to document the police commission's actions.
5. If a determination is made by the mayor that an investigation is warranted, the procedures set forth in Rule 11-2(a) and (b) shall be followed.

Rule 11-3 Charges against the chief of police.

a. Discipline or removal of the chief of police.

1. The police commission may discipline* or remove the chief of police pursuant to the Charter of the County of Kaua'i, article XI, section 11.04, which states that the chief of police "the chief of police may be removed by the police commission only after being given a written statement of the charges against the chief and a hearing before the commission."

*In Kaua'i Police Commission ex rel. Iona v. Carvalho, 138 Hawai'i 287 (App. 2016), the Hawai'i Intermediate Court of Appeals held that the police commission's power to appoint and remove the chief of police includes the power to discipline.

2. The police commission shall investigate complaints against the chief of police pursuant to the procedures set forth in the County of Kaua'i policy regarding the Discipline of Department Heads Subject to Removal by Boards and Commissions.

- b. Grounds for discipline or removal. Grounds for discipline or removal of the chief shall include but is not limited to the following:
 - 1. Malfeasance – wrongful act by a public official;
 - 2. Misfeasance – wrongful exercise of law authority;
 - 3. Nonfeasance – omission of an act that ought to have been performed;
 - 4. Falsification of candidate’s application; and
 - 5. Conviction of any misdemeanor or felony.
- c. Disciplinary procedures. The police commission may institute disciplinary procedures against the chief of police upon motion of any member of the commission and a majority vote in favor thereof.
- d. Disciplinary actions. The police commission may sustain the allegations of any charge against the chief of police by a majority vote and may take any of the following actions:
 - 1. Reprimand the chief of police (written or verbal);
 - 2. Suspend the chief of police for a period of time to be determined by the police commission; or
 - 3. Remove the chief of police pursuant to the Charter of the County of Kaua‘i, art. XI, section 11.04, after the chief of police is given a written statement of the charges against him/her and a hearing before the police commission.

This document is intended to be viewed in reference with the draft language for Rule 11, Kaua'i County Police Commission Rules on Administrative Practice and Procedure, which is being proposed for future adoption, as the draft language for the proposed Rule 11 is substantially based upon Rule 3-1(g)(6) – (7). The following was approved for future adoption by the police commission at its May 26, 2023:

RULE 3 CONTROL, MANAGEMENT AND DIRECTION OF THE DEPARTMENT

Rule 3-1 Specific Powers, Duties and Responsibilities of the Police Commission.

* * *

[~~g. Public Charges Against the Conduct of the Department or Any of its Members.~~

* * *

~~6. Complaints Filed Against the Chief of Police.~~

~~a. Written Complaints against the Chief of Police Filed with the Mayor.~~

~~i. County of Kaua'i Policy regarding the Discipline of Department Heads Subject to Removal by Boards and Commissions states that complaints against Department Heads who are appointed by a Board or Commissions shall be filed with the Mayor.~~

~~ii. This policy provides direction to the Mayor, and the Police Commission, on the procedures to be followed when a complaint is filed against the Chief of Police.~~

~~iii. All such complaints filed with the Mayor shall be in writing.~~

~~iv. Upon receipt of a written complaint the Mayor shall transmit said complaint to the Chairperson of the Kaua'i Police Commission.~~

~~1. The Police Commission shall meet in Executive Session to review the complaint. The seriousness of the allegations shall be considered as to whether a special Executive Session is required, or if the complaint can be discussed at the next regularly scheduled Commission meeting.~~

~~v. If, after review, the Commission determines further information is required, the Mayor shall be advised that an investigation is warranted.~~

~~vi. The Mayor and the Chairperson, shall determine if the complaint warrants an investigation utilizing the~~

process described in the County Policy Regarding Discipline of Department Heads Subject to Removal by Boards and Commissions or through the process contained in the Police Commission Rules, Section 3-1(g), Investigation of Citizens Complaints.

1. ~~Regardless of which investigation route is followed, upon completion of the investigation the Mayor may make a recommendation to the Commission on appropriate discipline, if warranted. The Commission will consider, but shall not be bound by the Mayor's recommendation.~~
- vii. ~~The Commission shall also review the investigation, and after duly considering all factual information, and the Mayor's recommendation, render a decision.~~
- b. Written Complaints Against the Chief of Police filed with the Police Commission:
 - i. ~~Police Commission Rules, Section 3-1(g), describes the procedures for the filing of **Public Charges against the Conduct of the Department or any of its Members** through the Citizens Complaint process.~~
 - ii. ~~When the Police Commission receives a complaint against the Chief of Police in this manner the Chairperson shall advise the Mayor.~~
 - iii. ~~After review by the Mayor and the Chairperson, a determination shall be made if the complaint warrants an investigation utilizing the process described in the County Policy or through the process contained in Police Commission Rules for the investigation of Citizens Complaints.~~
- e. Non-Written Complaints against the Chief of Police:
 - i. ~~If the allegations of misconduct by the Chief of Police come to the attention of the Police Commission through other than the filing of a written complaint, the Chairperson shall advise the Mayor.~~
 - ii. ~~The Mayor shall provide direction on whether the allegations are of sufficient seriousness to warrant an investigation.~~
 - iii. ~~If the Mayor determines that no investigation is to be conducted the Chairperson shall request a written statement from the Mayor to that effect.~~
 - iv. ~~The fact that a non-written complaint against the Chief of Police was brought to the Mayor's attention by the Police Commission, and the Mayor declined to investigate, shall be placed on the Executive Session~~

Agenda at the next Commission meeting to document the Commission's actions.

~~7. Charges against the Chief of Police~~

- ~~a. It is the intent of this rule that the Chief of Police be disciplined Or dismissed only for cause and not arbitrary or capriciously. Grounds for discipline or dismissal of the Chief shall include but not limited to the following:
 - ~~1. Malfeasance (Wrongful act by public official).~~
 - ~~Misfeasance (Wrongful exercise of law authority).~~
 - ~~Nonfeasance (Omission of an act that ought to have been performed).~~
 - ~~2. Falsification of candidate's application.~~
 - ~~3. Conviction of any misdemeanor or felony.~~~~
- ~~b. The Commission may institute disciplinary procedures against the Chief upon motion of any member of this Commission and a majority vote if favor thereof. Any proceedings pertaining to charges brought against the Chief shall be considered a contested case and be conducted in accordance with Chapter 5, except that all such proceedings shall be closed to the public unless otherwise requested by the Chief.~~
- ~~e. The Commission may sustain the allegations of any charge against the Chief by a majority vote and may take any of the following actions:
 - ~~1. Reprimand the Chief (written or verbal).~~
 - ~~2. Suspend the Chief for a period of time determined by the Commission.~~
 - ~~3. Dismiss the Chief.]~~~~

* * *

1. Material proposed to be repealed in the future is bracketed and stricken.