



## POLICE COMMISSION

Laurie Yoshida, Chair  
Howard Leslie, Vice Chair

Monica Belz, Member  
John Calma, Member  
Mary K. Hertog, Member  
Walton Hong, Member  
Lisa Knutson, Member

### 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.

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OFFICE OF  
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](mailto: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](mailto: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](mailto: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.

**REGULAR MONTHLY POLICE COMMISSION MEETING NOTICE AND AGENDA**

Friday, March 22, 2024

9:00 a.m. or shortly thereafter

4444 Rice Street, Moikeha Conference Room 2A/2B

Līhu'e, Hawai'i 96766

RECEIVED  
24 MAR 14 A7 52

**MEETING CALLED TO ORDER**

**ROLL CALL TO ASCERTAIN QUORUM**

CLERK OF  
THE COUNTY CLERK  
COURT OF KAUAI

**APPROVAL OF AGENDA**

**CHAIR'S ANNOUNCEMENTS**

- Next Regular Monthly Meeting 9:00 a.m. Friday, April 26, 2024  
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**

- Police Officers Daniel Ball, Ian Cowden, and Christian Kauai

**APPROVAL OF OPEN SESSION MINUTES**

February 23, 2024, Meeting.

**CHIEF'S MONTHLY REPORTS FOR FEBRUARY 2024**

- ♦ Administrative & Technical 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.
- ♦ Investigative Services Bureau - General Crimes Section, Special Focus Section, Crime Scene and Laboratory Section, and Vice Section
- ♦ Patrol Bureau Reports on OVUII, unattended death (s), reckless endangering, terroristic threatening 1<sup>st</sup>, robbery, community activities, pieces of training, traffic enforcement summary, arrest summary, and calls for service and incident summary
- ♦ Chief's Office:
  - Statistics on crime and productivity based on a year-to-year comparison, 2022 vs. 2023 as requested by Vice Chair Howard Leslie. (Defer to May meeting)

## **COMMUNICATION**

Copy of a communication dated February 25, 2024, from Mr. Ed Edwards to the Office of the Mayor, Police Chief, and the Kauai Police Commission regarding a recommendation that police officers in the State of Hawai'i pay tribute and honor the four police officers who lost their lives in the line of duty on September 9, 1924, in a labor-related tragedy in Hanapēpē, Kauai.

## **BUSINESS**

### **KPC 2024-1:**

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 April 26, 2024, meeting)

### **KPC 2024-6:**

Public announcement on the Police Commission's disposition for Formal Notarized Citizen Complaint No. KPC 2023-011.

### **KPC 2024-7:**

A request to Chair Laurie Yoshida and Members of the Police Commission from Police Chief Todd Raybuck that legal representation be provided to him by the County of Kaua'i relating to Civil No. 1:23-CV-00276-DKW-KJM, a First Amended Complaint filed by Noa Kaneali'i lo Pono I Kelii Ua Mau in the United States Court for the District of Hawai'i.

### **KPC 2024-8:**

A request to Chair Laurie Yoshida and Members of the Police Commission from Police Officer Hiro Shimada that legal representation be provided to him by the County of Kaua'i relating to Civil No. 1:23-CV-00276-DKW-KJM, a First Amended Complaint filed by Noa Kaneali'i lo Pono I Kelii Ua Mau in the United States Court for the District of Hawai'i.

## **EXECUTIVE SESSION CLOSED TO 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 February 23, 2024)
  
- c) Discussion and decision-making on new 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. (Deferred February 23, 2024)

**ES KPC 2024-8:**

On March 7, 2024, the Office of Boards and Commissions received a New Formal Notarized Citizen Complaint KPC 2024-002. According to the complaint, a Kauai Police Department officer was impolite, careless, and provided incorrect and false information.

**ES KPC 2024-9:**

On March 13, 2024, the Office of Boards and Commissions received a New Formal Notarized Citizen Complaint KPC 2024-003. According to the complaint, a Kauai Police Department officer targeted, made false allegations, and used bullying tactics.

**ES KPC 2024-10:**

Under Hawai'i Revised Statutes §92-4, §92-5 (a) (1), (2), (4), and (5), the purpose of this Executive Session for the Commission to consult with its attorney relating to a request from Police Chief Todd Raybuck and Officer Hiro Shimada that legal representation be provided to them by the County of Kaua'i relating to Civil No. 1:23-CV-00276-DKW-KJM, a First Amended Complaint filed by Noa Kaneali'i lo Pono I Kelii Ua Mau in the United States Court for the District of Hawai'i. This briefing and consultation involves consideration of powers, duties, privileges, immunities, and/or liabilities of the Police Commission as they may relate to this agenda item.

**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 2024-11:**

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 February 23, 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.

**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. (Deferred to the Commission's April 26, 2024, meeting)

**RETURN TO OPEN SESSION**

**OPEN SESSION RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION**

- Executive Session Report by Deputy County Attorney Chris Donahoe 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 Chris Donahoe  
Chief of Police Todd G. Raybuck

**OPEN SESSION MEETING MINUTES**

<b>Board/Commission</b>	<b>Kauai Police Commission Meeting</b>		<b>Meeting Date</b>	<b>February 23, 2024</b>
<b>Location</b>	Moikeha Building Meeting Room 2A/2B 4444 Rice Street, Līhu‘e, Kauai, Hawai‘i 96766		Start of Meeting: 9:00 a.m.	End of Meeting: 11:42 a.m.
<b>Present</b>	Vice Chair Howard Leslie; Commissioners: Monica Belz, John Calma, and Mary K. Hertog. Also, present Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Ellen Ching; Office of the County Attorney: Deputy County Attorney Cameron Takamura. Kauai Police Department: Police Chief Todd Raybuck, Assistant Police Chief Mark Ozaki, Office of Professional Standards Sergeants Brad Candido and Kevin Gras, and other ranking officers in the Kauai Police Department. Employee of the Month February 2024 IT Project Coordinator Ms. Jolene Silva.			
<b>Excused</b>	Chair Laurie Yoshida and Commissioners Walton Hong and Lisa Knutson			
<b>Testifiers</b>				

<b>SUBJECT</b>	<b>DISCUSSION</b>	<b>ACTION</b>
<b>Meeting Called To Order/ Roll Call To Ascertain Quorum</b>	Vice Chair Leslie called the meeting to order at 9:00 a.m., and a roll call to ascertain a quorum ensued with four (4) Commissioners present to conduct business.	
<b>Approval of the Agenda</b>	<p>Deputy County Attorney Takamura stated that as to item KPC 2024-1, and item ES KPC 2024-1 neither himself nor Human Resources Director Annette Anderson will be present at the March meeting, so he would request that Vice Chair Leslie cancel those agenda items and address it at the Commission’s April meeting.</p> <p>Vice Chair Leslie mentioned that he would not be attending the Commission’s meeting in April, and then called to motion to approve the agenda canceled items KPC 2024-1 and ES KPC 2024-4.</p>	<p>There was a motion made by Commissioner Hertog to approve the agenda as amended. Commissioner Belz seconded the motion. Hearing no objections, the motion carried 4:0.</p>

SUBJECT	DISCUSSION	ACTION
<p><b>Chair's Announcements</b></p> <p><b>Public Testimony On Any Agenda Items</b></p>	<p>The next Regular Monthly Meeting will be at 9:00 a.m., Friday, March 22, 2024, in Meeting Room 2A/2B. Executive Session to follow. Subject to change.</p> <p>Vice Chair Leslie asked if there was public testimony on any agenda item at this time or would like to wait for the agenda item to come up.</p> <p><u>Testimony</u></p> <p>Public Safety Committee Chair/ Councilmember Felicia Cowden called to attention the Investigative Bureau Report. There seems to be less and less relevant information regarding unattended deaths. There were 19 death-related reports in January 2024 but the ISB Report did not provide specific information except for two of the deaths one of which involved a visitor who died after falling from the Hanakapiai Falls Trail and the other was an unattended death involved a vehicle engulfed in fire at the Anahola Beach Park that looked like it was a murder.</p> <p>She stated that she has been requesting detailed information on death-related cases to be included in the ISB Monthly Report for well over a year, particularly the deaths that she believes to be suicides, drug-related, and deaths of despair where people were discovered in a decomposed state. She stated that need to count the things that matter because the number of deaths is increasing.</p> <p>She questioned the percentage of death rates for individuals, assuming that the trend will continue. In 2022 the [percentage of deaths increased by 22%, and in 2023 it increased by 19.5% in the first quarter of 2023. There were 115 more deaths in 2022 than there were on average in the ten (10) years previous.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>She expressed concerns about the economic pressures and the multiple suicides that occurred in a short period, particularly among younger people. She believes that it is critical to monitor neighborhood developments and wants to be able to see the data in the ISB Monthly Reports.</p> <p>Ms. Cowden mentioned that she repeatedly made requests for more specific information in her other meetings and now she wanted to make her request known publicly. She knows no reason why the information cannot be provided because it is an important indicator.</p> <p>Vice Chair Leslie agreed that the increase in deaths is very troubling. For clarity, he asked Ms. Cowden exactly what type of information she would like to see in the ISB Monthly Report.</p> <p>Ms. Cowden replied that she would like to see an accumulation of suicides, more details on the causes of death, if the body was found in a decomposition state, and where the deaths occurred. She stated that the Kauai community is in crisis as well as the rest of the country, and as the Public Safety Committee Chair, her kuleana is focused on Kauai.</p> <p>Commissioner Hertog pointed out that the information in the ISB Monthly Report has always been a month behind, which could mean that the Police Department might still be investigating those deaths.</p> <p>Ms. Cowden commented that because the fatality rate on Kauai is rising, it should be monitored, furthermore, the ISB Monthly Report does not include any information on autopsy results and the outcome of an investigation.</p>	



SUBJECT	DISCUSSION	ACTION
	<p>Chief Raybuck stated that the Kauai Police Department is tasked by state law that the Chief of Police is the corner for the county, as such, the delegation of duties for the corner's investigations are delegated to the Investigative Services Bureau. The detectives respond to all deaths that occur in the county regardless of the type of death and location. Unfortunately, a large majority of the deaths are unattended and of natural causes and are not suspicious. KPD's role is to determine whether foul play had occurred and if necessary, order an autopsy.</p> <p>He explained that autopsies are ordered when a doctor refuses to sign off the death certificate. The most common example is when a person is admitted to the hospital and they die within 24 hours of arrival. In those cases, KPD is required to do a corner investigation. Another example is when a person dies of natural causes, which can be either a resident or a visitor.</p> <p>There are also situations where a person knows that their time on earth is limited and they want to take one last trip with their family and then they die while on Kauai. In those cases, KPD is required to order an autopsy because no physician on Kauai can sign off on the death certificate.</p> <p>Chief Raybuck stated that he would take Councilmember Cowden's request into account and review what ISB has previously done.</p> <p>As far as requesting the results of an autopsy because it is a public record anyone can petition the Department of Health on the cause of death. He is unsure whether or not it is KPD's kuleana to release the information on the cause of death. Again, they will work on the ISB Report to see if they can make the data in the ISB Report more specific.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair Leslie relative to Councilmember Cowden's comments about the 19 death-related cases that were investigated by ISB and the 11 autopsies that were performed putting a little more detail in the ISB Report shouldn't be a problem.</p> <p>Chief Raybuck pointed out that when it comes to putting details in the ISB Report on death-related cases there are circumstances that warrant it to be included in the report particularly, the investigation of an unidentified person who was found in a vehicle that was engulfed in fire at the Anahola Beach Park.</p> <p>Vice Chair Leslie stated that he appreciates Chief Raybuck bringing up some very good points but having a little more detail in the ISB Report would help to calm the community.</p> <p>Chief Raybuck stated that as far as he's concerned it is not an issue but it will take a little more time.</p> <p>Councilmember Cowden mentioned that she gets calls from people about people who were found decomposed as well as calls about fentanyl deaths typically from houseless people many of whom she has known when they were housed. All people should matter so she would like to be able to provide them with specific information because a lot of them believe that the person was murdered.</p> <p>Chief Raybuck responded that for any death that is identified as a crime, the information would be shared. Unfortunately, because of the coconut wireless and conspiracy theories, it has extended beyond the realm of reality. KPD often deals with friends or family who refuse to accept the proof that a suicide has taken place.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>In his law enforcement experience, he has worked on numerous suicide cases where a family member would find a loved one who took their own life and, despite the evidence being clear, they would refuse to accept that their loved one's passing was a result of a suicide. Because he is not a psychologist, he cannot say whether or not it's a coping mechanism.</p> <p>Councilmember Cowden noted that Suicide Prevention is provided with the statistics and she has not and like to thank him (Chief Raybuck) for his willingness to provide her with the numbers.</p> <p>There being no further testimony or comments, Vice Chair Leslie moved on to the Employee of the Month.</p>	
<p><b>Kauai Police Department Employee Of the Month Recognition</b></p>	<p>Reading the Employee of the Month Commendation Report for Employee of the Month for February was Administrative Technical Bureau Assistant Police Chief Mark Ozaki.</p> <p>Jolene Silva was nominated as the Kauai Police Department Employee of the Month. Ms. Silva is KPD's Information Technology Project Coordinator. Her outstanding technical expertise and organizational skills enable her to manage a wide range of computer hardware, software, and related equipment to keep the Police Department operating.</p> <p>On top of that, Ms. Silva also responds to a good number of the organization's requests for technical support. She has a great sense of humor and brings a lot of excitement and aloha to the Department. She's widely known for bringing an array of delectable foods to the Department's many events, and she livens up the office with her smile and by providing her colleagues with snacks.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>In February 2024, the Police Department was given fifty MDTs (mobile data terminals). Ms. Silva spent numerous days and hours configuring each of the 50 MDTs, which amounts to half a day's labor for one MDT. In less than a month, she completed 35 MDTs and without skipping a beat, tended to her other duties and responsibilities. Ms. Silva is a vital member of the Kauai Police Department's 'Ohana and exemplifies the core values of integrity and excellence.</p> <p>After AC Ozaki completed reading Ms. Silva's Commendation Report, Vice Chair Leslie presented her with a lei, and then each Commissioner took turns to congratulate her on a job well done. Additionally, Chief Raybuck expressed his appreciation for Ms. Silva and then presented her with a certificate of outstanding and exemplary service.</p> <p><u>Testimony</u> On behalf of the county council, Ms. Cowden expressed her appreciation for Ms. Silva's outstanding work ethic and for her role in helping to build the Kauai Police Department into an efficient organization.</p>	
<p><b>Approval of Minutes</b></p>	<p>Being there was no public testimony, Vice Chair Leslie called for a motion to amend or approve the January 26, 2024, Open Session meeting minutes. Being there were no amendments to the minutes, he called for a motion to approve the minutes as circulated.</p>	<p><b>There was a motion by Commissioner Hertog to approve the Open Session minutes of the January 26, 2024, meeting as circulated. Commission Calma seconded the motion. Hearing no objections, the minutes were approved.</b></p>
<p><b>Chief's Monthly Reports</b></p>	<ul style="list-style-type: none"> <li>♦ Administrative &amp; Technical 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 training.</li> </ul>	

SUBJECT	DISCUSSION	ACTION
	<ul style="list-style-type: none"> <li>♦ Investigative Services Bureau - General Crimes Section, Special Focus Section, Crime Scene and Laboratory Section, and Vice Section.</li> <li>♦ Patrol Bureau Reports on OVUII, unattended death (s), reckless endangering, terroristic threatening 1<sup>st</sup>, robbery, community activities, training, traffic enforcement summary, arrest summary, and calls for service and incident summary.</li> </ul> <p>Chief Raybuck opened the floor for the Commissioners to ask questions on any of the data reflected in the Chief's Monthly Reports.</p> <p><u>Questions from the Commissioners</u>          Commissioner Hertog asked if the robbery training was for financial institution employees and if it's a requirement for all financial institution employees to have the training.</p> <p>Investigative Services Bureau Acting Assistant Chief/Police Captain Paul Applegate replied that the training was in response to a request from a credit union in Lihu'e to train their employees on techniques to handle security situations in the event of a robbery. In response to her question on whether it is a requirement, AAC Applegate replied that he does not know.</p> <p>Vice Chair Leslie commended AAC Paul Applegate, Captain Rod Green, and Lt. Anthony Morita for positively engaging with the community.</p> <p>Vice Chair Leslie asked Chief Raybuck about his plans to fill the deputy chief position and the promotions.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chief Raybuck replied that he would refer his questions to Deputy County Attorney Cameron Takamura to see if it was appropriate for him to respond since the matter was not on the agenda.</p> <p>Vice Chair Leslie confirmed that the deputy chief vacant position is reflected in the Administrative and Technical Bureau Monthly Report.</p> <p>Deputy County Attorney Takamura stated that confirmed that both questions are allowable.</p> <p>Chief Raybuck reported that they are continuing to recruit people to fill all sworn and non-sworn vacancies.</p> <p>In response to his inquiry about promotions, Chief Raybuck reported that The Department is working with the Department of Human Resources to revise the Department's promotion policy to address reoccurring questions that seem to come up after each promotion. The revised policy will reflect the scoring criteria and what each category people would be graded on. The policy was presented to the union for review under Article 1 and Article 14 of SHOPO's bargaining unit contract which requires the Department to provide any policy changes to the union. A meeting and consultation with SHOPO Business Agent Roy Asher is scheduled for Tuesday of next week.</p> <p>Chief Raybuck stated that the written product for the promotional process for sergeant and lieutenant positions has been completed for several months now, and they are just waiting for the final posting of the promotion policy.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair Leslie voiced his concern about the 10 dispatcher vacancies, and then asked how many dispatchers KPD currently has working. Chief Raybuck replied that currently, 9 dispatchers are working.</p> <p>Vice Chair Leslie asked what plan KPD has in place to fill the 10 dispatcher vacancies.</p> <p>Chief Raybuck stated that Assistant Chief Kalani Ke, Dave Carmichael, and Assistant Chief Mark Ozaki have kept the conversation at the forefront including other issues KPD is dealing with. He reminded the Commission that police departments and public safety organizations across the country are faced with the same issues, particularly in dispatch.</p> <p>Vice Chair Leslie asked about a proposed bill by Congress to have first responders in a category of their own. Chief Raybuck explained that the bill is to recognize dispatchers as first responders but is unclear on what the implications are other than giving dispatchers the due recognition they deserve.</p> <p>At this point, Chief Raybuck called on AC Ke to address the 10 dispatcher vacancies, and what the Department is doing to alleviate the 9 dispatcher's workload.</p> <p>Assistant Chief Ke reported that because KPD is short on dispatchers those 9 dispatchers are working longer hours and on days when they should be off. He explained that to ensure coverage for incoming police, radio, and non-emergency calls they have to have three dispatchers at all times answering the calls and addressing the calls, promptly.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>For shifts that are not covered due to the vacancies, their dispatchers have to come in four hours early or four hours late, which essentially means they are working 12-hour work shifts. Fortunately, the former dispatchers who left the position to work in another area of the Police Department or another county department have offered to pick up the shifts that are left open.</p> <p>To help address the problem further, they are looking for people in the Department who are not trained but are interested in filling the dispatcher vacancies in addition to their normal work duties, KPD of course will provide them with the appropriate training.</p> <p>AC Ke stated that the Police Department has been having ongoing conversations with the HGEA union on the lack of emergency dispatchers for quite some time. Last July, KPD worked with HR and HGEA was able to provide their dispatchers with a retention bonus.</p> <p>Unfortunately, because dispatchers' job classification is considered a clerk, they are severely underpaid. To change the job classification, the 911 SAVES Act was reintroduced to reclassify 911 dispatchers as first responders. The bill would give dispatchers legal protections and provide grant and funding opportunities. But as Chief Raybuck stated earlier he also doesn't know what the implications are.</p> <p>To his understanding, the state E-911 Board is working on reclassifying 911 dispatchers as well. In addition, the Department is looking at moving 911 dispatchers to another bargaining unit to hopefully reclassify the position and increase benefits. He stated that in the last few years, the bill has been reintroduced multiple times to the legislature but for each legislative session the bill died. But that will not deter KPD from continuing to push reclassification forward.</p>	



SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Hertog asked if they were successful in getting retention bonuses for the dispatchers. AC Ke replied that yes.</p> <p>Commissioner Hertog asked if conversations with the other police departments and public safety organizations and best practices are ongoing. AC Ke replied yes.</p> <p>Commissioner Hertog asked if Kauai County could do the reclassification without having to wait for the state. AC Ke replied no because it's a state issue it would take a state-wide effort to make the changes.</p> <p>Vice Chair Leslie asked if it was possible to convert some of the vacant dispatcher positions into part-time positions and then hire private-sector dispatchers to fill the part-time positions. AC Ke replied that the conversations were already in the works to see if it was allowable by law.</p> <p>Commissioner Belz asked how many hours of training are needed before a person can become a dispatcher.</p> <p>AC Ke replied that approximately 2 months of classroom training and a month and a half of training in the dispatch center. As for the minimum requirements, there are many requirements but just off the top of his head, a person will need to have a high school diploma, 2 years of clerical experience, and some college experience to name a few.</p> <p>Commissioner Belz asked if KPD could change the requirements. AC Ke replied that the requirements are in line with the state's classification.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Calma asked what the SR rating is for a dispatcher position. AC Ke replied that it's an SR 16 rating.</p> <p>Going back to Commissioner Belz's question on dispatcher requirements, AC Ke stated that the requirements needed are a combination of education and experience substantively equivalent to graduating from high school, 2 years of clerical experience which involve providing information, answering questions/inquiries, and or explaining policies, rules, and regulations in person or by telephone. Qualifying clerical experience – work experience which involves a variety of clerical tasks demonstrates knowledge of office practices and procedures, and the ability to carry out procedures in clerical work system and operate various kinds of office equipment. Substitutions are allowed.</p> <p>Commissioner Calma asked how the county's SR rating compares to the private sector dispatchers' pay. AC Ke replied that the county's SR pay rate is slightly lower than the private sector.</p> <p>Vice Chair Leslie thanked AC Ke for his responses and stated that his main concern is taking officers from the field, so he hopes the Department's recruitment efforts will reap some benefits.</p> <p>Vice Chair Leslie asked at the last meeting the Commission discussed the crime statistics and that Chief Raybuck was going to put something together, he asked Chief if he was prepared to address the matter. Chief Raybuck stated that the Final Report will be completed in March so the earliest will be in April.</p> <p>Vice Chair Leslie stated that he would be attending the Commission's April meeting but he'll get a copy of the Report. He noted that he is concerned about not knowing if a crime has increased or not, the violent crimes, and because he</p>	

SUBJECT	DISCUSSION	ACTION
	<p>doesn't have a historical perspective, he wouldn't know what is normal or not normal.</p> <p>Commissioner Hertog recommended that the item be placed on the Commission's May meeting agenda with the Chair's permission. She asked if the vacant abandoned vehicle coordinator was filled. AC Mark Ozaki replied yes, the person started on February 1, 2024.</p> <p>Vice Chair Leslie called for public testimony, but none was offered.</p>	
<p><b>Communication</b></p>	<p>Communication dated January 19, 2024, from Maui Police Commission Chair <u>Frank R. De Rego Jr. to Chair Mary K. Hertog informing the Kauai Police Commission that due to ongoing recovery efforts, the Maui Police Commission decided not to host the 2024 State of Hawai'i Police Commissioners' Conference on Maui.</u></p> <p>Vice Chair Leslie called for a motion to receive the communication for the record.</p> <p>Vice Chair Leslie called for public testimony, but none was offered.</p>	<p><b>There was a motion by Commissioner Hertog to receive the communication dated January 19, 2024, for the record. Commission Belz seconded the motion. Hearing no objections, the motion carried 4:0.</b></p>
<p><b>Open Session items</b> <b>KPC 2024-1</b></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.</u></p>	<p>This item was canceled.</p>
<p><b>KPC 2024-3</b></p>	<p><u>Update on the Gallup Survey.</u></p> <p>Vice Chair Leslie reported that the Gallup Project is moving forward. AC Mark Ozaki has joined the team and is a huge benefit to the team. Some of the team members that were chosen are from the Police Department and were approved by the Commission. All interviews have started and will be done by the end of February. The next step is to interview 6 individuals who will make up the Focus Group and they will help to formulate the questions in the survey in April. The</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Gallup Survey will start in May and conclude in May and the results will be available later in May or early June. Gallup will be presenting the results and workshops on the results.</p> <p>Commissioner Hertog stated that depending on how the Focus Group interviews go, the timeline could move up.</p>	
<p><b>KPC 2024-5</b></p>	<p>Vice Chair Leslie called for public testimony, but none was offered.</p> <p><u>Discussion on the Kauai Police Department on officers providing off-duty services.</u></p> <p>AC Ke explained the Kauai Police Department Special Duty Employment is any specialized work that is an extension of police services performed for compensation by an officer for a vendor other than the Kauai Police Department accepting outside employment. Employment may include but is not limited to providing security and maintaining order at various events and businesses, traffic control, and escorts.</p> <p>Vendors are defined as a person, firm, business, agency, or corporation (other than the Kauai Police Department) that desires special duty officers. The Patrol Services Bureau oversees the program.</p> <p>According to AC Ke, a KPD employee was designated as the program's liaison until recently. The employee's job was to supervise the contract process from the vendor to the county government, the chain of command, and back to the vendor for employment. Officers who satisfy the qualifying standards may be assigned to special duties and, in certain cases, may also be required to undergo specialized training. Every special duty assignment is reviewed to ensure parity among the staff members. Usually, two policemen would be</p>	

SUBJECT	DISCUSSION	ACTION
	<p>assigned, depending on the nature of the assignment. A supervisor will be triggered when four police officers are assigned.</p> <p>According to AC Ke, the KPD conducted research in 2022 with help from the Office of the County Attorney, and the findings showed that the legislation enabling police officers in Hawaii to carry out special duty duties dates back to the Kingdom of Hawai'i in the 1880s. Since then, changes have been made, except for the wording, which stays the same and permits the chief law enforcement officer of a given area to approve special duty employment inside that jurisdiction. Territory v. Willis is a case that is on file. These days, those specialized tasks cover a wider range of circumstances and occasions.</p> <p>The procedure has undergone numerous changes over time. To supervise off-duty work, KPD has an hourly part-time position, but because it doesn't offer benefits and requires fewer than 19 hours of labor per week, it has been unfilled for many years. Consequently, to oversee the program, a portion of KPD's workforce must take on more work. KPD has begun to hand over program management to a private company, at no expense to KPD, for the previous three months. The program is based on KPD policies, and the vendor's rules apply in the same way. Any company interested in hiring police officers for special duty duties can visit the KPD website and submit an application, which will be sent straight to the company for processing. Some of the special duties include traffic control, sporting events, police escort, security at construction job sites, community parades, concerts, marathons, and community gatherings.</p> <p>In 2022, the Department had a total of 500 special duty work requests, the majority of which were for traffic control and police escort. In 2023, there were 312 requests.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Belz asked what traffic control duty entails. AC Ke replied that it entails directing and facilitating traffic flow for state road work on the state highways. If officers are not available, the state will hire a private contractor. The Annual Kauai Marathon is the biggest event because it takes 15-20 officers to staff the event.</p> <p>Commissioner Hertog stated that at the meeting, Councilmember Cowden expressed concerns about public perception that police officers who may be on duty are providing security for private property owners on county time. As a suggestion, perhaps the Department's new PIO could put out an educational piece to educate the public about the policy that officers who are hired to work special duty for a private vendor are paid by the vendor and who are not working on county time.</p> <p>AC Ke stated that her point was well taken. He noted that KPD is like a subcontractor. In the past, the vendor would normally pay the officers directly but with the new special duty management service in place, the payments from the vendor would go directly to the special duty management service for distribution, and all payments and oversight will be tracked.</p> <p>Chief Raybuck clarified that the duties of those officers who are paid whether it's by the county or the vendor are only for police services. KPD does not enforce any private parties' policies and does not do anything that would fall out of the purview of the Kauai Police Department.</p> <p>Vice-Chair Leslie made it clear that the procedure is exclusive to uniform detail. AC Ke attested to it. Vice Chair Leslie questioned if non-uniform police officers can work special detail when off duty. AC Ke responded no. Vice Chair Leslie stated that there are certain people on the Northshore hiring police officers in</p>	

SUBJECT	DISCUSSION	ACTION
	<p>an off-duty capacity, non-uniform to work security. AC Ke replied that he was not aware of it.</p> <p>Vice Chair Leslie asked what type of situation they will not allow police officers to work at an event like a club. Chief Raybuck stated that there are rare examples they would not provide police services but the reality is because KPD is providing services for one entity, they are obliged to perform those services for any entity, otherwise it could be considered discrimination or other legal issues. Predominantly, as long as it meets all of the county requirements KPD will provide the service. The vendor is responsible for liability insurance and they need to provide it for processing.</p> <p>Vice Chair Leslie asked if KPD would allow uniform officers to check IDs at a club to which Chief Raybuck replied no.</p> <p>At this point, Vice Chair Leslie called for a five-minute recess.</p> <p>Vice Chair Leslie called the meeting back to order.</p> <p>AC Ke stated that the policy states that officers engaged in special duty employment shall be subject to departmental rules and regulations to the same extent as on-duty officers. Officers working special duty shall limit their duties to investigating and enforcing criminal laws and or traffic laws and to ensuring public safety as necessary during the assignment. Officers will not enforce policies or practices of private companies or vendors that fall outside of the scope of duties and obligations of law enforcement.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair Leslie asked about the process of using a private vendor, where in the process does a supervisor from the department approve or deny a permit. AC Ke replied that all requests would be vetted by himself and the patrol chain of command.</p> <p>Vice Chair Leslie commented that because the public has such a negative perception of this type of work, perhaps, the Department could conduct a public hall meeting on certain parts of the island.</p> <p>Vice Chair Leslie called for public testimony.</p> <p>Councilmember Cowden testified that she appreciated the agenda item and appreciated the Kauai Police Department for all of the good work that they do. It is important for the community to feel that they are supported by the Police Department. The question she would like to be looked at is whether officers are separately given 1099's for working special duty or if it included in the officer's regular paycheck. Chief Raybuck replied that yes, the officers are given 1099's, that is the process for all four counties.</p> <p>Referring to the budget report, 76% of the budget was used and 48% of the regular staffing budget was used. Because the sworn officers have to work overtime and being 20 officers short it is important to place those officers in patrol. Her concern is developers versus community members when there is a civil conflict underway, particularly for high-end development on cultural land. People's perception is it is going to fall in benefit of the developer and the damages that are allowed to continue to occur under the protection of police before a decision is made. This makes people very angry.</p>	



SUBJECT	DISCUSSION	ACTION
	<p>At this point, Deputy County Attorney Takamura interjected due to the 3-minute time limit. Vice Chair Leslie gave her an additional 3 minutes to continue her testimony.</p> <p>Councilmember Cowden stated that in places that are in high conflict i.e. Blue Knight security guards should be on site instead of the Police Department because there wouldn't be any misconception that the law is on the side of the developers. She doesn't want the people negatively to be projected at the Police Department because it is not right.</p> <p>Vice Chair Leslie thanked Councilmember Cowden for bringing up valid concerns. He stated that communication is the key so some type of outreach from the Police Department to the community would help.</p> <p>Chief Raybuck also thanked Councilmember Cowden for bringing up valid concerns. He stated that the reality of policing is that most of the contacts the police have are with parties who appreciate their presence as well as those who are not appreciative of their presence. To address, her comment about damages being allowed to occur under the protection of police – before developers engage in activities on their property (which they have the lawful right to do) they have to obtain the proper permitting requirements, and licenses at the appropriate levels. The Police Department is not responsible for ensuring that things get done. He is familiar with the incident Councilmember Cowden referred to that the developer had all of the legal approvals to do the work that was being done. Unfortunately, the developer was experiencing vandalism, and trespassing by individuals who were protesting the development and who were harassing and causing conflict and fear in the people who were doing the work. KPD will not allow damages to occur - their role is to keep the peace and enforce criminal law. It is unfortunate for the</p>	

SUBJECT	DISCUSSION	ACTION
	<p>people who are aggrieved by the development but the alternative is if the county isn't paying for those services, the developer is. He stated that if he needs to address those issues it will create a big impact on his ability to respond to emergencies as well as other issues. He is only aware of a handful of complaints that were brought to his attention by Councilmember Cowden. Dave Carmichael has spent the last week and a half speaking to multiple individuals to explain to them what the role of those police officers is.</p> <p>Councilmember Cowden stated that she appreciated that the developer had all of his permits in order but grading and blasting does not define micro-blasting. There were other elements as well. There is accuracy on both sides and when thinking about the shortage of police officers she would rather see the police officers working regular shifts.</p> <p>Vice Chair Leslie thanked Councilmember Cowden for voicing her concerns. There being no further testimony, Vice Chair Leslie moved to item KPC 2024-4.</p>	
<p><b>KPC 2024-4</b></p>	<p><u>A representative from the Department of Human Resources to address the job descriptions for the chief of police and deputy chief of police.</u></p> <p>Human Resource Manager III, Janine Rapozo, explained that a police chief position is defined in the charter, qualifications, and how a chief can be terminated which is for cause. A deputy chief's position is not in the charter, it is an exempt position that the chief of police can appoint at will and serve at the pleasure of the police chief.</p> <p>Vice Chair Lelsie asked can the police chief hire a deputy chief temporarily and then ask him or her to leave when he or she finds someone suitable. Ms. Rapozo replied yes.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chief Raybuck stated that a director secretary in KPD is also at-will not just the deputy chief position. There being no testimony, Vice Chair Leslie called on Deputy County Attorney Takamura to read the Hawai'i Revised Statutes to take the meeting to Executive Session.</p>	
<p><b>EXECUTIVE SESSION (CLOSED TO PUBLIC)</b></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 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 to the following agenda items:                      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 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 report back to the Police Commission.</p>	<p><b>At 10:32 a.m., Deputy County Attorney Cameron Takamura read the following Hawai'i Revised Statutes to take the meeting into Executive Session.</b></p>
<p>ES KPC 2024-1</p>	<p>a) <u>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. The complaint was referred to the Office of the Chief to investigate and to report the findings to the Commission for disposition.</u></p> <p>b) <u>Discussion and decision-making on Formal Notarized Citizen Complaint KPC 2023-011, alleging police misconduct by two officers in the Kauai Police Department for failing to take proper care to perform their duties, were rude, hostile, overbearing, and were discourteous at times by the tone of their voice. The complaint was referred to the Office of</u></p>	<p>Public Testimony was offered on the Executive Session items. But none was offered.</p>

SUBJECT	DISCUSSION	ACTION
	<p><u>the Chief to investigate and report the findings to the Commission for disposition.</u></p> <p>c) <u>Discussion and decision-making on new 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. The complaint was referred to the Office of the Chief to investigate and report the findings to the Commission for disposition.</u></p>	
ES KPC 2024-6	<p><u>Discussion and decision-making on communication regarding Notarized Citizen Complaint No. KPC 2023-008.</u></p>	
ES KPC 2024-3	<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>	
ES KPC 2024-4	<p><u>Under Hawaii's 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.</u></p>	
ES KPC 2024-7	<p><u>Under Hawaii's Revised Statutes §92-4 §92-5 (a) (4), §92-9 (a) (1-4), and (b), the purpose of this executive session is for the Commission to approve or amend the regular executive session minutes of January 26, 2024 meeting. Where consideration of matters affecting privacy will be involved and to consult with</u></p>	<p><b>There was a motion by Commissioner Hertog to enter the Executive Session. The motion was seconded by Commissioner Belz.</b></p>

SUBJECT	DISCUSSION	ACTION
	<p><u>its Attorney on issues of the Commission's powers, duties, privileges, immunities, and liabilities as they may relate to this item.</u></p>	<p><b>Hearing no objections, at 10:36 a.m., the Commissioners entered the Executive Session.</b></p>
<p><b>Return to Open Session to ratify the actions taken in the Executive Session</b></p>	<p>At 11:41 a.m., the Commissioners reconvened the Open Session meeting. Deputy County Attorney Takamura was called upon by Vice Chair Leslie to read the actions taken during the Executive Session, as per Act 19 Disclosures.</p> <p>Deputy County Attorney Takamura read that the purpose of the Executive Session was 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:</p> <p><b>ES KPC 2024-1:</b> The Commission was briefed by 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. As to item ES KPC 2024-1 (b), there was discussion and the Commission voted not to sustain the complaint. As to item ES KPC 2024-1 (c), the Commission voted to defer the matter as the investigation is still ongoing.</p> <p><b>ES KPC 2024-6:</b> Notarized complaint KPC 2023-008, The discussion contained within is subject to non-disclosure under HRS 92-4 as it would intend to defeat</p>	

SUBJECT	DISCUSSION	ACTION
	<p>the purpose of the executive session according to 92-5 (a) (2) and (a) (4). The Commission voted unanimously to send an apology letter to the complainant.</p> <p><b>ES KPC 2024-3:</b> Monthly update by Police Chief Todd Raybuck on any significant adverse incidents/events involving personnel in the Kauai Police Department. The discussion contained within is subject to non disclosure under HRS 92-4 as it would intend to defeat the purpose of the executive session according to 92-5 (a) (2).</p> <p><b>ES KPC 2024-4:</b> 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 1.1. The Commission voted in an open session to amend the agenda canceling the item.</p> <p><b>ES KPC 2024-7:</b> 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 January 26, meeting. The minutes were approved without discussion.</p> <p>After completion of reading the actions, Vice Chair Leslie called for a motion to ratify them.</p>	<p><b>There was a motion by Commissioner Hertog to ratify the actions taken in the Executive Session. Commissioner Belz seconded the motion. Hearing no objections, the motion carried 4:0.</b></p>
<p><b>Adjournment</b></p>	<p>At 11:45 a.m., Commissioner John Calma left the meeting. Without a quorum, Vice Chair Leslie declared the meeting adjourned.</p>	

KPC Open Session Minutes  
Of February 23, 2024, Meeting

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

Reviewed and Approved by: \_\_\_\_\_  
Howard Leslie, Vice-Chair

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



**KAUA'I POLICE DEPARTMENT**  
**POLICE COMMISSION MONTHLY REPORT**  
**ADMINISTRATIVE AND TECHNICAL BUREAU**

REPORTING PERIOD  
**February 2024**

**Budget Summary Estimate: Period of February 2024**

BUREAU	BUDGET	EXPENDITURES TO DATE	ENCUMBRANCES TO DATE	BALANCE 2/29/24	54% OF BUDGET
Chief's Office	\$43,523,363.00	\$19,728,819.29	\$3,185,649.95	\$20,608,893.76	53%
Administrative & Technical Bureau	\$2,505,455.00	\$983,325.00	\$792,190.23	\$729,939.77	71%
Investigative Services Bureau	\$985,009.00	\$290,841.22	\$230,365.73	\$463,802.05	53%
Patrol Services Bureau	\$1,012,800.00	\$282,930.76	\$290,921.33	\$438,947.91	57%
Total General Fund	<u>\$48,026,627.00</u>	<u>\$21,285,916.27</u>	<u>\$4,499,127.24</u>	<u>\$22,241,583.49</u>	54%
Asset Forfeiture Funds	<u>\$100,008.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$100,008.00</u>	0%
<b>Salary, Overtime &amp; Fringe Benefits Breakdown Summary</b>					
Salary & Wages	\$20,339,155.00	\$9,786,307.08		\$10,552,847.92	48%
Overtime	\$2,538,207.00	\$1,923,874.96		\$614,332.04	76%
Fringe Benefits	<u>\$17,236,590.00</u>	<u>\$7,353,782.56</u>		<u>\$9,882,807.44</u>	43%
Total Salary, OT, Fringe	<u>\$40,113,952.00</u>	<u>\$19,063,964.60</u>		<u>\$21,049,987.40</u>	48%
Payroll % of Budget	92%	48%		52%	

Personnel Status <small>as of 2/29/24</small>	AUTHORIZED	ACTUAL	VACANT
<b>Appointed</b>	<b>2</b>	<b>1</b>	<b>1</b>
<b>Sworn</b>	<b>161</b>	<b>141</b>	<b>20</b> 1-Deputy Chief of Police [Pos E23] 1-Assistant Chief [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] 6-Police Officer [Pos 407, 509, 516, 517, 540, 1320]
<b>Non-Sworn</b> <i>*Off-Duty Clerk not County funded, 3 Dispatchers Grant funded</i>	<b>74</b>	<b>56</b>	<b>18</b> 1-Criminalist I [Pos 392] 10-Emergency Services Dispatcher [Pos 311, 313, 314, 315, 473, 536, 537, T353, T565, T566] 2-Administrative Support Assistant [Pos 341, 1314] 1-Accounting Technician [Pos 343] 3-Public Safety Worker I [Pos 1307, 1310, 1315] 1-Parking Enforcement Worker [Pos 339]
<b>Total</b>	<b>237</b>	<b>198</b>	<b>39</b>
<b>Hourly Positions</b> <i>*Does not factor into vacancy totals</i>	<b>9</b>	<b>7</b>	<b>2</b> 1-Sex Assault Forensic Nurse Examiner [Pos 9806] 1-Clerk (Off-Duty) [Pos T475] <i>*Does not factor into vacancy totals</i>
<b>Total - Including Hourly Positions that do not factor into vacancy totals</b>	<b>246</b>	<b>205</b>	<b>41</b>



<b>Recruitment Status</b> as of 2/29/24		<b>Comments:</b>
<b>Police Services Officer (101<sup>st</sup> Recruit Classes)</b>	6 Vacancies	<b>Posted: December 1, 2023 – May 31, 2024</b> <b>101<sup>st</sup> Recruit Class COMBINED TOTAL: Nov 1st – Current</b> 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  Referred – 9 Disqualified – 4 Withdrew – 1 Background Investigation – 2 Polygraph / Preemployment Psych Evals – 2  <b>Tentative Hire Date for 101<sup>st</sup> Recruit Class: 7/1/2024</b>
<b>Deputy Chief of Police</b>	1 Vacancy	No names referred at this time
<b>Assistant Chief</b>	1 Vacancy	No names referred at this time
<b>Police Lieutenant</b>	4 Vacancies	Pending promotion announcement
<b>Detective / Sergeant</b>	9 Vacancies	Pending promotion announcement
<b>Secretary</b>	1 Vacancy	Pending recruitment announcement
<b>Criminalist I</b>	1 Vacancy	<b>Posted: January 16, 2024 – February 27, 2024</b> Referred – 7 Disqualified – 1 Withdrew – 3 PEP/PHP phase – 3
<b>Crime Scene Specialist I</b>		<b>Posted: January 16, 2024 – February 27, 2024</b> Referred – 3 Withdrew – 1 PEP/PHP phase – 2
<b>Crime Scene Specialist Trainee</b>		<b>Posted: January 16, 2024—February 2, 2024</b> Referred – 40 PEP/PHP phase – 40
<b>Emergency Services Dispatcher I</b>	10 Vacancies	<b>Posted: May 22, 2023 – Continuous</b> Referred – 4 Withdrew – 3 Pending Interview – 1
<b>Administrative Assistant</b>	2 Vacancies	<b>Posted: December 13, 2023 - Continuous</b> Referred – 13 Disqualified – 4 Withdrew – 4 Pending Interview – 5 (March 12, 2024)
<b>Accountant I</b>	1 Vacancy	<b>Posted: July 3, 2023 – Continuous</b> Referred – 5 Withdrew – 3 Disqualified – 1 Interview scheduled – 1 (March 19, 2024)
<b>Accounting Technician</b>		<b>Posted: February 20, 2023 – February 29, 2024</b> No names referred at this time
<b>Public Safety Worker I</b>	3 Vacancies	<b>Posted: July 3, 2023 – Continuous</b> Referred – 1 Background phase - 1
<b>Parking Enforcement Worker</b>	1 Vacancy	<b>Posted: February 12, 2024—Closed February 21, 2024</b> Referred—4 Withdrew—1 PEP/PHP phase--3

### KPAL Programs 2024

Programs	Location	#Classes	#Participants	#Personnel
Boxing	Kapaa	16	36	1
Wrestling	Kapaa	2	23	1
Boxing	Hanapepe	36	79	1

### DARE Classes: February 2024

Location	Grade Level	# Lessons	# Classes	# Students
King Kaumuali'i Elementary School	5 <sup>th</sup>	2	10	100
Kapa'a Middle School	7 <sup>th</sup>	5	5	100
Chiefess Kamakahelei Middle School	7 <sup>th</sup>	2 - 9	7	148
Waimea Canyon Middle School	7 <sup>th</sup>	5	3	84
Kapaa Elementary School	5 <sup>th</sup>	3	15	150
<b>Total</b>			<b>40</b>	<b>582</b>

### SPECIAL PROJECTS

Project	Date	Results
Youth Deterrent Grant (P24010)	02/23/24	No violations observed and no citations issues

### Community Engagement (School Resource Officer Section)

Date:	Event Description/Location:	Hours:	Personnel Count:	Audience Count:
1 2/9/24	Kalaheo Career Day Event	1	2	44
2 2/9/24	Kauai High School Talent Show Assembly	1	1	1,008
3 2/9&10/24	Waimea High School Health Fair	12	3	100
4 2/17/24	Herbie Gives All Position Youth Football Camp	12	5	1,000
5 2/21/24	Waimea Canyon Middle School walk to School Event	1	2	20
6 2/24/24	Waimea Town Celebration, County of Kauai Recruitment Career Booth	9	3	200+
<b>Total</b>			<b>16</b>	<b>2,372+</b>

### Firearms Registered: February 2024

Imported Handguns	333	Imported Rifles	41	Imported Shotguns	5	Imported Total	379
Domestic Handguns	6	Domestic Rifles	45	Domestic Shotguns	6	Domestic Total	57
<i>Total Handguns</i>	<i>339</i>	<i>Total Rifles</i>	<i>86</i>	<i>Total Shotguns</i>	<i>11</i>	<b>Total Registered</b>	<b>436</b>
						Total Denials/Void	0

### Licenses to Carry: February 2024

<i>Permit to Carry Applications</i>	<i>0</i>	<i>Permit to Carry Applicants</i>	<i>0</i>	<i>Citizen Licenses Denied</i>	<i>0</i>	<b>Licenses to Carry Issued</b>	<b>0</b>
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### Bench Warrant Tracking: February 2024

Warrants Received	Warrants Served	Warrants Recalled	Outstanding Warrants
169	118	19	1,776

### Legal Services Received: February 2024

Summons / Other	TRO (Family)	Protective Order (Family & Civil)	TRO (Civil)	Subpoena Civil/OPA	Month's Total Legal Service Received	Total Received in 2024
44	0	2	12	42	269	335

### Training Provided by Outside Agency: On-Island

	Order No:	Start:	End:	Training Description:	Personnel Trained:	Course Hours per Training:
1	24-24007	02/27/24	02/27/24	Clan Lab Re-Cert Training	10	8
2	24-24011	02/05/24	02/08/24	Advanced Digital Forensics Analysis	1	32
3	24-24013	02/22/24	02/22/24	NCJTC National Criminal Justice Training Center, Protecting Children in a Digital Age	1	8
4	24-24018	02/20/24	02/22/24	Intermediate Cyber Investigations: Geolocation Data Analysis	1	24
<b>Total</b>					<b>13</b>	<b>72</b>

### Training Provided by Outside Agency: Off-Island

	Order No:	Start:	End:	Training Description:	Personnel Trained:	Course Hours per Training:
1	23-23118	02/06/24	02/09/24	Practical Mobile Surveillance For VICE, Narcotics, Intelligence & TFU	2	32
2	24-24001	02/05/24	02/09/24	Basic Narcotics Investigation Course	3	40
3	24-24014	02/26/24	03/15/24	IPTM Traffic Crash Recon I & II Training	1	120
<b>Total</b>					<b>6</b>	<b>192</b>

### Training Provided by Kaua'i Police Department

	Order No:	Start:	End:	Training Description:	Personnel Trained:	Course Hours per Training:
1		2/1/24	2/29/24	100 <sup>th</sup> Recruit Academy (20 days x 8 hours)	7	160
2	23-23110	02/15/24	02/15/24	SRT Training	8	10
3	23-23111	01/01/24	01/31/24	HIBS Training	2	32
4	24-24008	02/11/24	02/23/24	Firearms Re-Cert Training	68	80
5	24-24016	02/26/24	02/28/24	NEVO Training For Chevy PPV Trucks	22	24
6	24-24017	02/29/24	02/29/24	EVOC Training For Chevy PPV Trucks	10	8
<b>Total</b>					<b>117</b>	<b>314</b>

SUBMITTED BY:



MARK T. OZAKI  
Assistant Chief, ATB



**KAUAI POLICE DEPARTMENT**  
**INVESTIGATIVE SERVICES BUREAU**

**REPORTING PERIOD**  
**FEBRUARY 2024**

**GENERAL CRIMES SECTION**

**MAJOR INCIDENTS / NOTABLE HIGHLIGHTS:**

**ASSAULT:**

**24-01568- Assault in the 2<sup>nd</sup> Degree**

SYNOPSIS: On February 2, 2024, Detectives investigated a case at the Ho'ike Kauai Community Television parking lot, where a 59-year-old Lihue man was assaulted by a 33-year-old male with a pocket knife during a physical altercation. The victim sustained multiple lacerations to his leg from the assault, he was treated for non-life-threatening injuries and later released from the hospital. The suspect was arrested for Assault 2<sup>nd</sup> degree and held on bail.

**24-02606- Assault in the 1<sup>st</sup> Degree**

SYNOPSIS: On February 28, 2024, Detectives investigated a case in the Hanapepe Town area where a 47-year-old male was shot with a high-powered air gun by a 35-year-old male connected to a domestic altercation. The victim was admitted to the Wilcox Hospital for treatment. The suspect was located, arrested, and released pending investigation.

**Other Assault Cases Reported:**

1. Adult female subject arrested for felony assault, with the case referred to the Office of the Prosecuting Attorney for further review. The incident occurred in the Eleele area.
2. Adult male subject arrested for felonious abuse of family, with the case referred to the Office of the Prosecuting Attorney for further review. The incident occurred in the Poipu area.
3. An adult male subject was arrested for felony assault on a police officer and terroristic threatening, stemming from the male subject's arrest related to a violation of a protection order investigation. The case was referred to the Office of the Prosecuting Attorney for further review. The incident occurred in the Kekaha area.
4. Adult male victim injured by male juveniles and an adult male subject who is not known to him. The incident occurred at the Kukui Grove Shopping Center, and the suspects were identified. The case was referred to the Office of the Prosecuting Attorney for further review and felony information charging consideration.
5. Adult male victim injured by an adult male subject known to him. The incident occurred in the Kapa'a area. The investigation remains ongoing.
6. Adult male victim injured by an adult male subject known to him. The incident occurred in the Wailua area. The investigation remains ongoing.
7. Adult male victim possibly injured during an assault. The victim could not provide any details regarding the incident. The incident occurred in the Waipouli to Wailua area. The investigation remains ongoing.
8. Adult male victim injured by an adult male subject that is not known to him. The incident occurred at a business located in Lihue. The incident remains ongoing.

## **UNATTENDED DEATH:**

1. Unattended death of a 63-year-old male subject with no permanent address who was living in his vehicle parked in a business district located off Rice St. in Lihue. Foul play was not suspected, and the investigation remains ongoing.
2. Unattended death of a 56-year-old male subject who died in his Kilauea residence. Foul play was not suspected, and the investigation remains ongoing.
3. Unattended death of a 75-year-old male subject who died in his Lihue residence. Foul play was not suspected, and the investigation remains ongoing.
4. Unattended death of a 58-year-old male visitor from Kansas who died in his Princeville Condominium. Foul play was not suspected, and the investigation remains ongoing. Life's Bridges provided grief counseling support to the decedent's next of kin.
5. Unattended death of a 77-year-old male subject who died in his Puhi residence. Foul play was not suspected, and the investigation was later closed, as the decedent's primary care physician agreed to sign the death certificate.
6. Unattended death of a 67-year-old male subject with no permanent address who died fronting a business establishment in Kilauea. Foul play was not suspected, and the investigation remains on-going.
7. Unattended death of a 71-year-old female subject who died in her Waimea residence. Foul play was not suspected, and the investigation remains ongoing.
8. Unattended death of a 67-year-old male subject who died in his Kapa'a residence. Foul play was not suspected, and the investigation was later closed, as the decedent's primary care physician agreed to sign the death certificate.

## **24-02098 Unattended Death**

SYNOPSIS: On February 12, 2024, Detectives investigated a case where a 37-year-old male resident of Kilauea was found deceased at his residence with extensive injuries consistent with an explosive event. There was evidence observed at the scene that may have been considered volatile and dangerous. The KPD Bomb Squad, assisted by FBI Bomb technicians, cleared the victim's residence and disposed of the remaining hazards without incident. The investigation and subsequent autopsy concluded that foul play was not a factor in the victim's death.

## **DEATH WITHIN 24-HOURS**

1. Death of a 58-year-old male subject who suffered a medical episode while waiting for his relative who was visiting a business establishment in Lihue. Foul play was not suspected, and the investigation remains ongoing.

## **WATER RELATED DEATH**

1. Death of a 20-year-old female visitor from Idaho who was reportedly swept out into the open ocean fronting the Lumahai Beach in Wainiha, during windy/rough ocean conditions. Foul play was not suspected, and an autopsy request was submitted. Life's Bridges provided grief counseling support to the decedent's next of kin. The investigation remains ongoing.

## **SUICIDE:**

1. Death of a 24-year-old female subject who fatally injured herself via hanging which occurred in her Lihue residence. The female subject did not die immediately and had received advanced medical treatment at the Wilcox Medical Center before her passing. Foul play was not suspected, and the investigation remains ongoing.

2. Death of a 78-year-old male subject who fatally injured himself via firearm which occurred in his Kapa'a residence. Foul play was not suspected, and the investigation remains ongoing.
3. Death of a 52-year-old female subject who fatally injured herself via hanging which occurred in her Kapa'a residence. Foul play was not suspected, and the investigation remains ongoing.

#### **MISSING PERSON:**

1. Case involving a 61-year-old female, who was reported missing from her Kalaheo residence. The case was later unfounded, as the female was later located without incident.
2. Case involving a 41-year-old male, who was reported missing by his out-of-state relative. The investigation remains ongoing.

#### **RUNAWAY JUVENILE:**

1. Case involving a male juvenile, who was later located and returned to his parent without incident.

#### **SEXUAL ASSAULT:**

- Sexual assault complaint filed by an adult female who reported being sexually assaulted by a person known to her. The incident occurred on a cruise ship traveling from Kona, Big Island to Kaua'i. Since the alleged incident occurred off the Kona coast, the case was later forwarded to the Hawai'i Police Department for further investigation.
- Sexual assault complaint filed by an adult female who reported being sexually assaulted by a person known to her. The investigation remains ongoing.
- Sexual assault complaint initially filed by a parent who suspected that his juvenile daughter may have been sexually assaulted by a known relative, who was visiting the island. This investigation remains ongoing.
- Sexual assault complaint filed by a parent who suspected that her juvenile daughter may have been sexually assaulted by a known relative. The investigation remains ongoing.
- Sexual assault complaint filed by a parent who suspected that his juvenile daughter was sexually assaulted by an adult male acquaintance. The investigation remains ongoing.
- Sexual assault complaint filed by a parent who suspected that his juvenile daughters were sexually assaulted by an adult male acquaintance. The investigation remains ongoing.

#### **TERRORISTIC THREATENING:**

1. Case involving two adult male siblings, with one allegedly threatening the other with a weapon. The investigation remains ongoing.

#### **MEETINGS:**

- February 6, 2024     LT. Morita attended a meeting with the new YWCA Director of Crisis Services.
- February 8, 2024     LT. Morita attended a monthly Sexual Assault Forensic Nurse Examiner (SAFE) meeting.
- February 13, 2024    LT. Morita attended a monthly virtual Multi-Disciplinary Team meeting.
- February 14, 2024    LT. Morita attended a monthly Chief's Brief meeting.

- February 23, 2024 LT. Morita attended a monthly Kaua'i Police Commission meeting.
- LT. Morita attended a virtual meeting with a Criminal Justice Planning Specialist from the Department of the Attorney General/CPJAD, to discuss about the current Violence Against Women Act formula grant and requested project modifications.
- February 26, 2024 LT. Morita attended an after action briefing regarding the Kilauea unattended death case involving homemade explosives.
- February 27, 2024 LT. Morita attended a virtual Case Tracking/Case Review meeting with the Multi-Disciplinary Team including representatives from the Children's Justice Center of Kaua'i.
- February 6, 2024 LT. Morita attended an orientation meeting with the YWCA Director of Crisis Services and her new team of YWCA Victim Advocates.

### **TRAININGS / PRESENTATIONS / PUBLIC SPEAKING / OTHERS:**

- February 7, 2024 Det. Irimata attended an Advanced Digital Forensic Analysis training.
- February 15, 2024 Det. Irimata attended an SRT training.

### **PROJECTS/ ENFORCEMENT:**

None to report.

### **COMMUNITY ACTIVITIES AND INVOLVEMENT:**

None to report.

## **SPECIAL FOCUS SECTION**

### **MAJOR INCIDENTS / NOTABLE HIGHLIGHTS:**

#### **CRIMINAL PROPERTY DAMAGE:**

- 7 – Felony CPDs reported
- 2 - Cleared by arrest (Adult)
- 2 – Closed total

#### **UEMV:**

- 18 – Unauthorized Entry into Motor Vehicles reported
- 2 – Cleared by arrests (Adult)
- 0 – Closed “Unfounded”
- 2 – Closed total

#### **UCPV:**

- 9 – Unauthorized Control of a Propelled Vehicle reported
- 2 – Cleared by arrests (Adult)

- 1– Closed “Unfounded”
- 3 – Closed total

**BURGLARY:**

- 18 - Burglaries reported
- 3 – Cleared by arrests (Adult)
- 0 – Closed “Unfounded”
- 3 – Closed total

**THEFT:**

- 22 – Felony Thefts reported
- 2 – Cleared by arrest (Adult)
- 0 – Closed “Unfounded”
- 2 – Closed total

**ARSON:**

- 0 - Reported

**ROBBERY:**

- 0 – Robbery reported
- 0 – Closed by arrest (Adult)
- 0 – Closed total

**OTHER:**

All Special Focus Detectives participated in the ongoing murder investigation.

**MEETINGS:**

None to report.

**TRAININGS / PRESENTATIONS / PUBLIC SPEAKING / OTHERS:**

February 7, 2024, Detective Hsu – Monthly Bomb Training.

February 12, 2024, Detectives Hsu – Monthly Bomb Training.

February 20-23, 2024 Detective THOMPSON and SILVA attended SHOPO Caucus in Kona.

**PROJECTS / ENFORCEMENT:**

None to report.

**COMMUNITY ACTIVITIES AND INVOLVEMENT:**

Special Focus conducted a Police Day at Ae Kamali'i Preschool led by Detective CASPILLO. SRT, Bomb Squad, SRO'S, and Detectives participated in meeting the students and having them get familiarized with our equipment and various duties of our profession.



# **CRIME SCENE AND LABORATORY SECTION**

## **MAJOR INCIDENTS / NOTABLE HIGHLIGHTS**

CSLS new hire training continues  
Criminalist (2) Anahola Arson/Murder Multiple warrants  
Criminalist (1) Kilauea – Explosive Unattended  
Criminalist (2) Multiple Vehicle Warrants in various cases  
Criminalist (2) Multiple Autopsy Documentation and evidence collection

## **TRAININGS ATTENDED**

Criminalist (1) – NEVO Training

## **TRAININGS INSTRUCTED:**

Criminalist (1) 2/02/2024 Trainee Benitez Callout - Assault: Shadow/observation only: scene processing Evidence collection, photos, biological collection swabs.

Criminalist (1) 2/20/2024 Trainee Benitez Callout – Autopsy, first autopsy shadow/observe documenting autopsy using photographs.

Criminalist (1) 2/21-22/2024 Trainee Benitez Callout - Suicide, gunshot shadow only: scene process evidence collection and photos.

Criminalist (1) 2/23/2024 Trainee Benitez Callout - Suicide, Kapaa 2/23/2024 Shadow only: scene documentation photography

Criminalist (1) 2/26/2024 Trainee Benitez Callout – Autopsy, Shadow Only: photos

Criminalist (1) 2/26/2024 Trainee Benitez Callout - Autopsy, Shadow photographs and Evidence collection

Criminalist (1) 2/29/2024 Trainee Benitez Spillman entry – Case work entering Evidence into Spillman

## **MEETINGS**

Criminalist (1) Thermo fisher scientific RAPID DNA

Criminalist (1) Dr. Aerial Gruenthal-Rankin Forensic Anthropologist casework

Criminalist (1) CoK Purchasing re: digital contracts

Criminalist (3) CSLS Monthly Unit Meetings

## **COMMUNITY ENGAGEMENT EFFORTS:**

None

## **RECRUITMENT AND RETENTION EFFORTS:**

None

## **SUMMARY:**

For February 2024, CSLS responded to fifteen callouts and assisted in twelve forensic outsourcing as technical leads. CSLS new hire training continued where the trainee was able to shadow several cases such as assault, autopsy, burglary, vehicle warrants, and unattended death. The CSLS continues to assist with the ongoing investigation of the two murder cases, which involves numerous callouts, site visits, warrant assists, and lab analyses. Additionally, CSLS has started preparations for KPD recruit class 100, this weeklong forensic training is scheduled for the first week of April.

## **VICE SECTION**

### **I. REPORTS/INVESTIGATIONS**

#### **SEIZURES:**

Cocaine/Crack: 15.8 Grams

Fentanyl: 0

Fentanyl Pills: 0

Meth: 1400.7 Grams

Heroin: 0

Marijuana: 57.7 Grams

Cash/Currency: \$6074

Vehicle: 1

Firearms: 1

Cell Phones: 3

Parcel: 1

**ASSET FORFEITURE:** Continuing process on items already in evidence. Sgt. Pia 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.

### **II. NOTABLE HIGHLIGHTS:**

- Conducted a controlled buy operation resulting in the seizure of cocaine/crack and narcotics intelligence.
- Conducted a controlled parcel delivery resulting in the seizure of methamphetamine, one vehicle, and the arrest of one male. Several search warrants are associated with this case.
- Assisted/Guided PSB with the execution of two search warrants resulting in the seizure of methamphetamine, marijuana, a loaded firearm, and cash.
- Search Warrant executed on a vehicle and search warrants executed on multiple cell phones.
- Canine Officers conducted parcel interdiction at a postal location.
- Conducted surveillance on numerous suspected drug trafficking areas on Kauai.
- Assisted ISB Detectives with a residential search warrant.

### **III. MEETINGS/TRAININGS:**

- 1x Officer, SRT Training, 8 hours.
- 2x Canine Officers completed 26 hours of quarterly training with assigned canines.
- Vice Unit attended monthly ISB staff meeting(s).

- 1x Sergeant, 3x officers attended Clan Lab Recert training, 8 hours.
- 1x Officer attended monthly CST training, 8 hours.
- 1x Officers attended Mobile surveillance training in California, 40 hours.
- 3x Officers attended Basic Narcotics course in California, 40 hours.
- 3x Officers attended Interview and Interrogation training on Oahu Jan 29-Feb 1, 40 hours.

**IV. COMMUNITY ACTIVITIES AND INVOLVEMENT:**

- 1x Lieutenant is the Kapaa High School Girls and Boys Varsity basketball broadcaster.

Submitted by:

*Kennison L. Nagahisa*

Kennison L. Nagahisa  
Acting Captain  
03-12-24

K-107  
ISB  
1645 hours



**KAUA'I POLICE DEPARTMENT**  
**POLICE COMMISSION MONTHLY REPORT**  
**PATROL SERVICES BUREAU**

REPORTING PERIOD  
February 2024

**MAJOR HIGHLIGHTS**

**Assault in the 2<sup>nd</sup> degree**

On February 2, 2024, officers responded to a report of 59-year-old male resident being stabbed while at a commercial property located in Lihue. The investigation revealed that the victim confronted a 33-year-old houseless male after observing him urinating in the parking lot. During the verbal confrontation the suspect brandished a knife at which time the victim attempted to kick the knife out of the suspect's hand. The suspect responded by stabbing the victim twice in the leg. The victim was transported to Wilcox Memorial Hospital and treated for non-life threatening injuries. The suspect was arrested for Assault in the 2<sup>nd</sup> degree. ISB Detectives responded and assumed the investigation.

**Unattended Death:**

On February 4, 2024, officers responded to a residence in Kilauea for a report of an unresponsive male subject. Upon officer's arrival, EMS personnel were already on scene and discovered the male subject deceased. A visual inspection of the male subject revealed no signs of foul play. ISB detectives were notified and responded to the scene for continued investigation.

**Traffic Accident / OVUII**

On February 5, 2024, officers responded to a three-vehicle traffic collision on Kaumualii Hwy near the Kauai Humane Society. The investigation revealed that a Nissan multi-purpose vehicle was traveling eastbound when it crossed the center line and hit the fender of a Toyota multi-purpose vehicle, causing the Toyota to spin out of control and hit the dirt embankment. The Nissan then collided head-on with a Toyota PKUP. The roadway was closed for approximately 90 minutes and all three vehicles required to be towed away. All the occupants of the involved vehicles were treated for non-life-threatening injuries. On OVUII investigation was conducted which resulted in the arrest of the operator of the Nissan, a 51-year-old female resident.

**Arson 1st**

On February 6, 2024 officers responded to a reported structure fire on Wyllie Road. KFD personnel arrived on scene and were able to get the fire under control. At the time of the investigation, KFD did not have a cause of the fire or value of the structure. ISB detectives were notified and responded to the scene for continued investigation. There are no known suspects currently.

## **STOLEN FIREARM**

On February 6th, 2024, officers responded to a residence where a 41-year-old male reported his registered Glock 23 .40 caliber firearm missing. He had intended to sell it to a 40-year-old male but didn't complete the sale. The firearm was stored in his carport and went missing the next day. Surveillance cameras were inactive, and there are no suspects. The case has been referred to ISB for investigation.

## **Major Traffic Collision**

On February 14, 2024, officers responded to a two car Traffic Collision on Kuhio Highway in the vicinity of Mile Marker 11. One of the vehicles involved caught on fire. At approximately 2239 hours, Kuhio Highway was temporarily closed while KFD personnel extinguished the fire and cleared the roadway of debris. The operator of one of the vehicles was transported to Mahelona Emergency Room for non-life-threatening injuries. At approximately 2309 hours the highway reopened.

## **Major Traffic Collision**

On February 21, 2024, officers responded to a single car Traffic Collision on Kuhio Highway just north of Hanalei Plantation Road. The vehicle was traveling northbound when the operator lost consciousness and crossed the centerline striking the embankment on the southbound lane blocking traffic across both lanes. At approximately 1339 hours the roadway was closed. The operator of the vehicle was transported to Wilcox Hospital for non-life-threatening injuries. Due to the age of the victim, the Traffic Safety Section were notified. At approximately 1436 hours the Highway was reopened.

## **SHOOTING (AIR GUN 50 CAL)**

On Saturday, February 24, 2024, at approximately 0847 hours, officers were dispatched to the intersection of Puolo Rd and Kaumualii Hwy in Hanapepe for a reported road rage incident and hearing a gunshot. A 35-year-old male of Koloa reported shooting someone and would be waiting at the Hanapepe Hawaiian cemetery to meet with officers. An additional call was made to Police Dispatch reporting a 47-year-old male of Hanapepe was at Akea Rd in Hanapepe with a gunshot wound. Initial investigation revealed that the two individuals got into an argument, during which one started hitting the other's vehicle with a baton. The individual then exited the vehicle and shot the other once in the abdomen area with a 50-caliber air pistol. The injured individual was transported to Wilcox Hospital Emergency Room via ambulance and underwent surgery. Detectives were informed of the incident. The shooter was arrested for assault in the first degree and transported to the detention facility where detectives took over the investigation.

## **Arson 1st**

On February 25, 2024, officers responded to an arson in Port Allen. Upon arrival, officers observed a multi-story condominium building under construction fully engulfed in flames. KFD fire inspectors were also on scene. The cause of the fire is currently unknown. Estimated damages are approximately twenty million dollars.

## **OVUII**

On February 27, 2024, officers responded to a Traffic Collision on Kawaihau Road. The investigation revealed that a single truck drove over the guard rail and was trapped in a fixed position upright on the hillside fronting Kawaihau Sports Villas. The operator of the vehicle was detained and arrested for OVUII. Between 2313 hours and 2355 hours, a section of Kawaihau Road was shutdown to safely remove the vehicle. During this time, traffic was diverted onto Haauala Road and Mailihuna Road.

**Land Rescue:**

On February 28, 2024, KPD officers, KFD and AMR were dispatched to Kee Beach for a hiker who fell off the Kalalau Trail. KFD and Rescue Teams responded to the scene and hiked in to assist the fallen hikers. According to the wife of the fallen hiker, they were hiking along Kalalau Trail when her husband slipped and fell approximately 200 feet. Her son tried to assist by hiking down the trail and got trapped. A retired firefighter who was hiking along the trail also hiked down to assist both male subjects. Due to treacherous weather conditions, substantial time passed before all three hikers could be successfully airlifted to safety and treatment. Upon successful recovery, both parties were transported to Wilcox Emergency for non-life-threatening injuries.

**Ocean Rescue:**

On February 28, 2024, KPD officers along with KFD and AMR personnel were dispatched to a report of a 20-year-old female who went missing in waters off of Lumahai Beach. According to the caller, they were both swimming and got pulled out to sea. The caller tried to rescue his girlfriend but was unsuccessful. He made it to shore to call 911 and lost sight of his girlfriend. Ocean rescue arrived on scene and located the female who was brought to shore. Resuscitation efforts were met with negative results. ISB personnel were notified and responded to the scene for continued investigation.

**Community Activities and Involvement**

A member of the Command Staff volunteered as a play-by-play announcer for KIF boys basketball games at Kapaa High.

Throughout the month Kawaihau patrol officers were present along the Kapaa/Wailua bike path.

**Training**

Officer M. Kaluahine attended SRT monthly training.

Lt. Lester, Sgt. Ramos, Officer D. Phillips attended SUAS monthly training.

Sgt. Macy Telles, Sergeant Guirao, Officers I. Yum and C. Tamagawa attended CST monthly training.

Sergeant Nii attended four days of HIBS training.

Sgt. Macy Telles and Sgt. Colin Nesbitt attended Clan-Lab Re-Certification.

PSB officers from each district attended Annual Firearms Re-Qualifications.

Officers Nero, Ogihara, Kaui, Soliman, Miyashiro, Takemoto, Silva attended NEVO training.

Officers Ball, Bandmann, Brown, Cayabyab, Kelley, Nance, Nero, Scalzo, Silva, and Takemoto attended EVOG training for Chevrolet Silverado PPV Trucks

Lt Banquel, Lt. Lester and Sgt. Muraoka attended 5 Seeds of Leadership Training

**TRAFFIC GRANT ENFORCEMENT:**

Speeding project conducted on February 21, 2024. (10) citations issued.

Distracted driving project conducted on February 23, 2024.(4) citations issued.

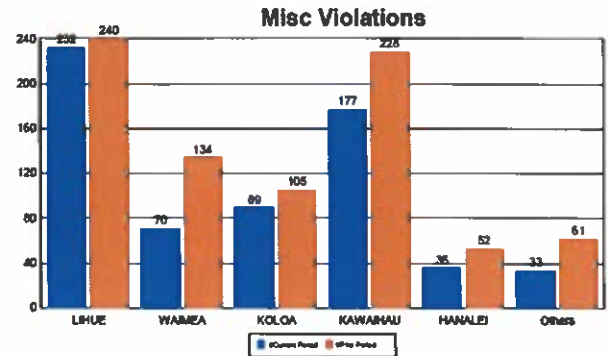
Distracted driving project conducted on February 27, 2024.(9) citations issued.

Seatbelt enforcement project conducted on February 23, 2024 (21) citations issued.

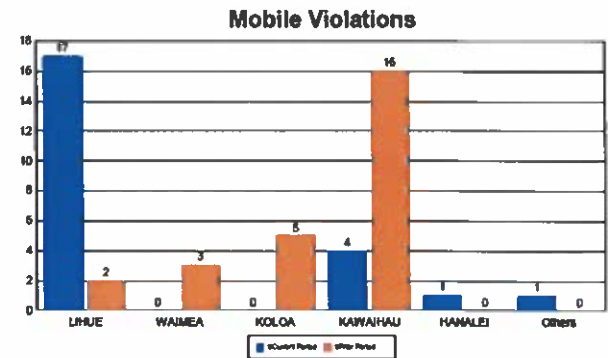


**Kauai Police Department  
Police Commission Monthly Report  
Patrol Services Bureau  
Traffic Enforcement Summary  
Reporting Period February 2024**

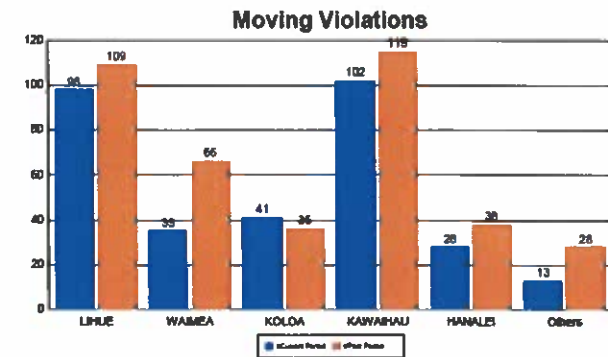
Misc			
	Reporting Period Feb 2024	Prior Period Jan 2024	YTD for Reporting Period 2024
LIHUE	232	240	472
WAIMEA	70	134	204
KOLOA	89	105	194
KAWAIHAU	177	228	405
HANAIEI	35	52	87
NOT ENTEF	33	61	94



Mobile Device			
	Current Period Feb 2024	Prior Period Jan 2024	YTD for Reporting Period 2024
LIHUE	17	2	19
WAIMEA	0	3	3
KOLOA	0	5	5
KAWAIHAU	4	16	20
HANAIEI	1	0	1
NOT ENTEF	1	0	1



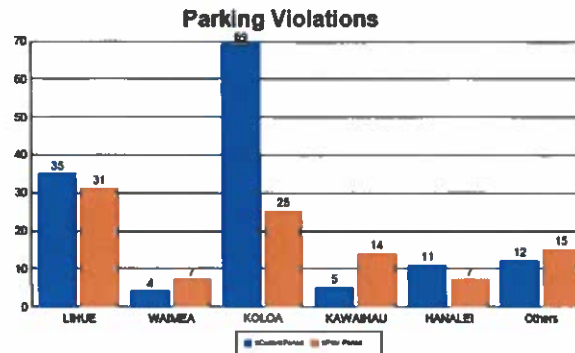
Moving			
	Current Period Feb 2024	Prior Period Jan 2024	YTD for Reporting Period 2024
LIHUE	98	109	207
WAIMEA	35	66	101
KOLOA	41	36	77
KAWAIHAU	102	115	217
HANAIEI	28	38	66
NOT ENTEF	13	28	41



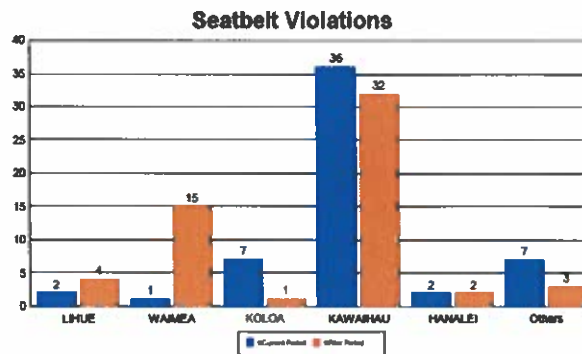


**Kauai Police Department  
Police Commission Monthly Report  
Patrol Services Bureau  
Traffic Enforcement Summary, continued  
Reporting Period February 2024**

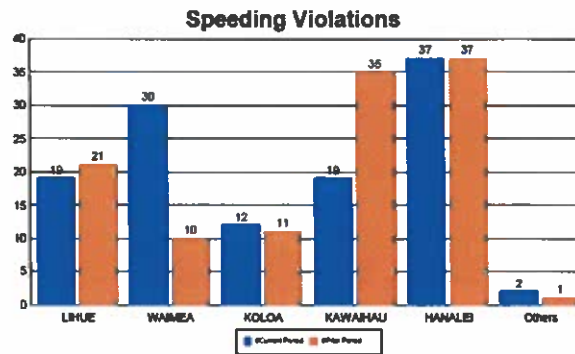
Parking			
	Current Period Feb 2024	Prior Period Jan 2024	YTD for Reporting Period 2024
LIHUE	35	31	66
WAIMEA	4	7	11
KOLOA	69	25	94
KAWAIHAU	5	14	19
HANAIEI	11	7	18
NOT ENTEF	12	15	27



Seatbelt			
	Current Period Feb 2024	Prior Period Jan 2024	YTD for Reporting Period 2024
LIHUE	2	4	6
WAIMEA	1	15	16
KOLOA	7	1	8
KAWAIHAU	36	32	68
HANAIEI	2	2	4
NOT ENTEF	7	3	10



Speeding			
	Current Period Feb 2024	Prior Period Jan 2024	YTD for Reporting Period 2024
LIHUE	19	21	40
WAIMEA	30	10	40
KOLOA	12	11	23
KAWAIHAU	19	35	54
HANAIEI	37	37	74
NOT ENTEF	2	1	3



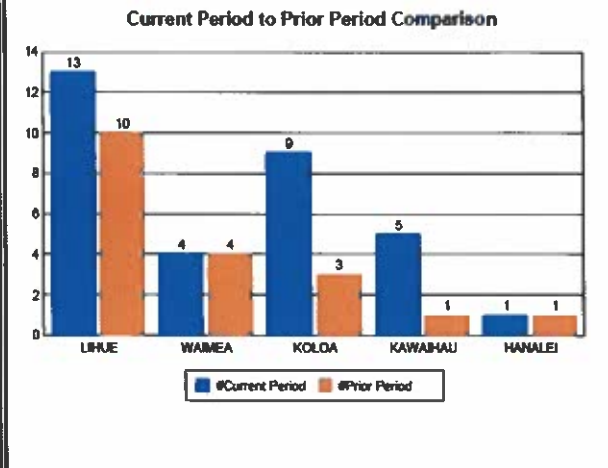
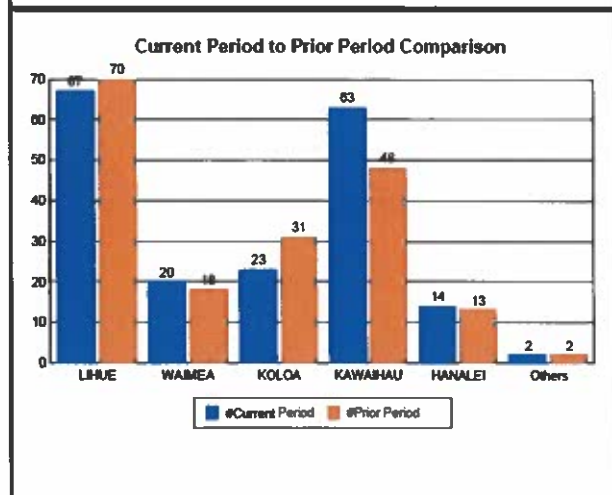




**Kauai Police Department  
Police Commission Monthly Report  
Patrol Services Bureau  
Arrest Summary  
Reporting Period February 2024**

<b>Adult Arrest Summary</b>			
	<b>Current Period Feb 2024</b>	<b>Prior Period Jan 2024</b>	<b>YTD for Reporting Period 2024</b>
LIHUE	67	70	137
WAIMEA	20	18	38
KOLOA	23	31	54
KAWAIHAU	63	48	111
HANAIEI	14	13	27
Others	2	2	4

<b>Juvenile Arrest Summary</b>			
	<b>Current Period Feb 2024</b>	<b>Prior Period Jan 2024</b>	<b>YTD for Reporting Period 2024</b>
LIHUE	13	10	23
WAIMEA	4	4	8
KOLOA	9	3	12
KAWAIHAU	5	1	6
HANAIEI	1	1	2



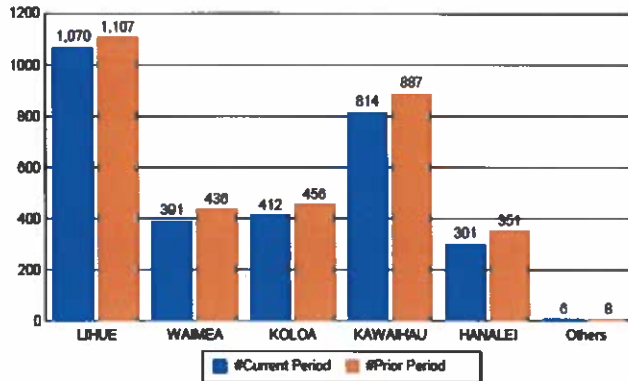


**Kauai Police Department  
Police Commission Monthly Report  
Patrol Services Bureau  
Calls for Service and Incident Summary  
Reporting Period February 2024**

**Calls for Service Summary**

	Reporting Period Feb 2024	Prior Period Jan 2024	YTD for Reporting Period 2024
LIHUE	1,070	1,107	2,177
WAIMEA	391	436	827
KOLOA	412	456	868
KAWAIHAU	814	887	1,701
HANAIEI	301	351	652
Others	6	8	14

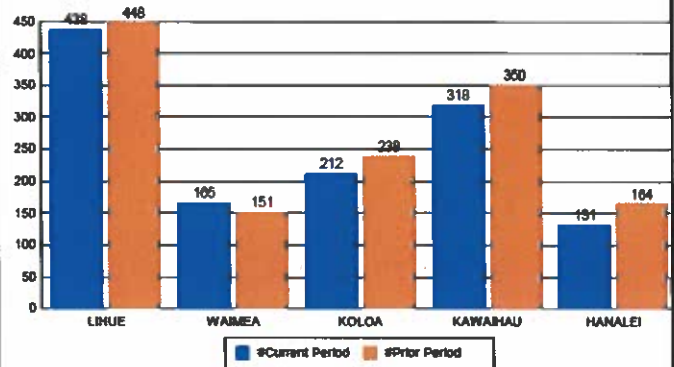
**Current Period to Prior Period Comparison**



**Reported Incident Summary**

	Reporting Period Feb 2024	Prior Period Jan 2024	YTD for Reporting Period 2024
LIHUE	438	448	886
WAIMEA	165	151	316
KOLOA	212	238	450
KAWAIHAU	318	350	668
HANAIEI	131	164	295

**Current Period to Prior Period Comparison**



Submitted by:

**Roderick Green**

Digitally signed by Roderick Green  
Date: 2024.03.16 11:23:46 -10'00'

Roderick B. Green  
Captain

K-23  
Patrol Services Bureau

RECEIVED

FEB 29 2024

BOARDS & COMMISSIONS

February 25, 2024

Copies sent separately to:

Office of the Mayor of Kauai County

4444 Rice Street

Lihue, HI 96766

---

Police Chief, County of Kauai

3990 Kaana Street, Suite #200

Lihue, HI 96766

---

Police Commission, County of Kauai

4444 Rice Street, suite 300

Lihue, HI 96766

---

To all respectfully.

September 9 of this year is a special day in Kauai history being one hundred years since the infamous September 9, 1924 labor-related tragedy at Hanapepe, Kauai where twenty people died during a riot between police and striking union sugar workers (i.e. 16 strikers and 4 policemen).

To this day, there has never been a more violent labor related event in Hawaiian history. In contrast, it is

probably the most scantily covered subject, also, in the territory's and state's school system as well as in the general media. Fortunately, in recent years there has been a revival of interest and coverage of the event. The Filipino community has conducted an investigation which I took part in as a resource, and there has been a spin-off investigation, I understand more recently using the Hanapepe Public Library as a working center. I say this because what I am about to suggest might seem trivial based on the glaring lack of public and police awareness concerning the salient nature of the 1924 Tragedy at the time.

Bottom line: There has never been a traditional Police Department recognition for the four fallen policemen who gave the ultimate sacrifice. There were a few short biographies of each in the Garden Island newspaper with an especially glowing article on one of the four policemen, Moke Kua, but the traditional response normally given by their brotherhood, current policemen, has never occurred.

And so, I recommend it as a wonderful action by the policemen of the state realizing that it would be difficult to do so genuinely due to the time element involved (i.e.

100 years) and the general lack of information which abounds about the tragedy.

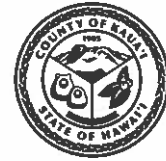
From a higher level of thinking, though, it would probably be a good idea to not ignore negative history, and the surviving families of at least two of the four policemen (i.e. Moke Kua and Kipe Naumu) would appreciate, I'm certain, seeing their ancestors recognized and appreciated for their sacrifice. With more research, there may be found descendants of the other two slain policemen (i.e. George Aboo Dung and Kalua Aiai) as well.

Note: Although, the public has little knowledge of the event, there is an ever-growing number of people that have researched this sad event recently and can be called upon to provide details. Along with this proliferation of knowledge, of course, comes bias (i.e, "Who are the bad guys, and who are the good guys"). The temptation to use these labels should be avoided with focus on the traditional recognition of sacrifice performed by four honorable policemen by their modern-day brothers.

Author: Ed Edwards

(808) 337-1267

e-mail: [makuleed@gmail.com](mailto:makuleed@gmail.com)

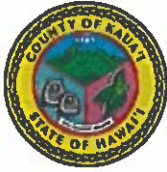


## KPC 2024-6

### PUBLIC ANNOUNCEMENT ON THE POLICE COMMISSION DISPOSITION FOR FORMAL NOTARIZED CITIZEN COMPLAINT KPC 2023-011

On February 23, 2024, the Kauai Police Commission examined Formal Notarized Citizen Complaint 2023-011. The Commission did not sustain the complaint because it was unable to discover any proof of police misconduct, negligence (failure to take proper care) failure to perform their reasonable duty, rudeness, discourteous, overbearing, and hostile behavior by the Officers named in the complaint after reviewing the body-worn camera footage.

The Police Commission's official review of Formal Notarized Citizen Complaint KPC 2023-011 is now complete.



# POLICE DEPARTMENT COUNTY OF KAUAI



DEREK S.K. KAWAKAMI, MAYOR  
REIKO MATSUYAMA, MANAGING DIRECTOR

TODD G. RAYBUCK, CHIEF OF POLICE

March 5, 2024

**RECEIVED**

**MAR 13 2024**

**BOARDS & COMMISSIONS**

Chair Laurie Yoshida  
and Commission Members  
Kauai Police Commission  
c/o Office of Boards & Commissions  
4444 Rice Street, Ste. 300  
Lihue, HI 96766

Subject: Request for Legal Representation Pursuant to HRS §52D-9 Determination of Scope of Duty

Dear Chair Yoshida and Commission Members:

On January 26, 2024, I was informed of being named as a defendant in a lawsuit, Civil No. 1:23-CV-00276-DKW-KJM, that was filed by Noa Kanealii Io Pono I Kelii Ua Mau in the United States Court for the District of Hawaii asserting a First Amended Complaint.

As such, and pursuant to Hawaii Revised Statute §52D-9 Determination of Scope of Duty, I am requesting legal counsel by the Kauai County Attorney's Office in both my individual and professional capacity.

Attached please find documents related to this request.

Sincerely,

  
TODD G. RAYBUCK  
Chief of Police

TGR/gk

Enclosure



FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII  
11 Oct. 2023 2:14 PM Is  
Lucy H. Carrillo, Clerk of Court

Noa Kanealii Io Pono I Kelii Ua Mau  
Aliomanu, Koolau  
Mokupuni Kauai  
Ko Hawaii Pae Aina. H. I.

CC: DKW/KJM/FILER (by email)

CIVIL NO. 1:23-CV-00276-DKW-KJM

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

Noa Kanealii Io Pono I Kelii Ua Mau, an Kanaka-Maoli, Ko Hawaii Pae Aina

*Plaintiff,*

vs.

KALALEA TRUST, Carl Langschmidt; KALALEA PLANTATION LLC,  
Benjamin F. Garfinkle; MOLOAA FARMS LLC, Jeffrey Linder; STATE OF  
HAWAII, Gov. Josh Green, Attorney General, Anne E. Lopez, Secretary of State,  
Sylvia Luke; Mark Recktenwald, Tyler C. Saito; Michael Soong, Hiro Shimada,  
Todd G. Raybuck and Mathew Bracken; US FEDERAL GOVERNMENT; US  
CONGRESS, Kevin McCarthy, Charles E. Shumer; US PRESIDENT, Joseph  
Robinette Biden Jr.; US DEPARTMENT OF JUSTICE, Attorney General, Merrick  
Garland, US DEPARTMENT OF STATE, Secretary of State: Antony Blinken; US  
FEDERAL BUREAU OF INVESTIGATION, Director, Christopher A. Wray,  
Special Agent, Robert M. King; UNITED STATES OF AMERICA; KO HAWAII  
PAE AINA, Prime Minister, Keliuhuluhulu: Alfred Spinney; Attorney General,  
Thomas Anthony and Deputy Foreign Minister, Hawe Keliikoa, Et Alii.

*Defendants,*

NOTE VERBALE  
CONTINUING NOTICE OF GENOCIDE  
PLAINTIFF'S FIRST AMENDED COMPLAINT  
CERTIFICATE OF SERVICE



NOTE VERBALE  
CONCERNING THE EXPROPRIATION OF PRIVATE KULEANA  
PROPERTIES DURING THE CONTINUING CAMPAIGN AND CRIME OF  
GENOCIDE OF THE KANAKA MAOLI OF THE KO HAWAII PAE AINA

.....  
*"Generally speaking, **genocide** does not necessarily mean destruction of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves."*

*"The objectives of such a plan would be the disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups. **Genocide** is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity but as members of a national group."*

*(Rafael Lemkin, Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposal for Redress, Washington: Carnegie for Endowment for World Peace);*

***Genocide** has two phases: one, destruction of the national pattern of the oppressed group; the other, the imposition of the national pattern of the oppressor. This imposition, in turn, may be made upon the oppressed population, which is allowed to remain, or upon the territory alone, after removal of the population and the colonization by the oppressor's own nationals.*

*By **genocide** we mean the destruction of and the annihilation and extermination of the individuals belonging to an ethnic and or national group.*

*Here the **genocide** is aimed at the persecuted and oppressed people, kanaka-maoli, kanaka-hawaii of the Ko Hawaii Pae Aina, national group known as "Hawaiian".*

*The crime and campaign of this **genocide** for the expropriation, pillaging and plundering of the private (kuleana) properties (rights) belonging to the people kanaka-maoli, kanaka-hawaii of the Ko Hawaii Pae Aina is continuing.*

*I, Noa Kanealii Io Pono I Kelii Ua Mau, an kanaka-maoli of the Ko Hawaii Pae Aina, a member of this persecuted and oppressed national group Hawaiian for the continuing crime and campaign of genocide carried-out by the Defendants.*

## **PLAINTIFFS FIRST AMENDED COMPLAINT**

### **I. INTRODUCTION**

I am the Plaintiff, Noa Kanealii Io Pono I Kelii Ua Mau. I am Kanaka-Maoli an (“Noa”) Hawaiian, subject of the Hawaiian King. I am alien to the United States of America, I am not an American. Upon receiving additional info and names of the people with direct and proximate cause of my injuries and harm, I humbly file my First Amended Complaint reserving all of my rights to join and supplement any necessary entities or people into this matter as the unknown names become known.

### **II. JURISDICTION AND VENUE**

1. This Court has subject matter jurisdiction over this action pursuant to 28 USC. § 1331, as this case involves a federal question arising under the Constitution United States of America, Art. VI, Paragraph 2, 1849-1850 Hawaiian Treaty with the United States of America; US Code Title 28 Section 1350, and Section 1091 Chapter 50(a), the Proxmire Act, the UN Convention on the Prevention and Punishment of the Crime of Genocide, and the UN Convention on the Law of the Sea.
2. Venue is also proper in this district pursuant to 28 USC. § 1391(b)(2) as the Defendants, are entities and people subject to the jurisdiction while within the district of the court within the physical maritime and territorial boundaries of the Hawaiian Islands which Aupuni o Ko Hawaii Pae Aina operates.

### III. PARTIES

1. Me and my family live upon our family private kuleana property at Aliomanu, Moku Koolau, Mokupuni Kauai, whose conduct at all relevant times is and are wholly within the physical maritime and jurisdictional territorial boundaries of the Hawaiian Islands (translated) Ko Hawaii Pae Aina.
2. Defendant, THE KALALEA TRUST REVOCABLE LIVING TRUST is to the best of my belief and knowledge an entity “TKT” organized with and by the Defendant STATE OF HAWAII, an corporation, “SOH” a construct created by Defendant US CONGRESS “US CON” and for the Defendant US FEDERAL GOVERNMENT “US GOV” whose last known address is wholly within the Ko Hawaii Pae Aina at: 4470 Wailapa Road, Kilauea, Island of Kauai, Hawaiian Islands, and whose actions and conduct at all relevant times is and are wholly within the physical maritime and jurisdictional territorial boundaries of the Ko Hawaii Pae Aina (translation) Hawaiian Islands.
3. Defendant, Carl Langschmidt is to the best of my belief and knowledge an illegal immigrant foreign national a Canadian citizen, liable and responsible for his own actions and the conduct of TKT at all relevant times is and are wholly within the physical maritime and territorial boundaries of the Hawaiian Islands and whose last known address is within the Ko Hawaii Pae Aina at: 4470 Wailapa Road, Kilauea, Mokupuni Kauai, Ko Hawaii Pae Aina. H. I.

4. Defendant, Christine Cherith Langschmidt is to the best of my belief and knowledge an illegal immigrant foreign national a Canadian citizen, liable and responsible for her actions and the conduct of TKT at all relevant times is and are wholly within the physical maritime and territorial boundaries of the Ko Hawaii Pae Aina and whose last known address is within the Hawaiian Islands at: 4470 Wailapa Road, Kilauea, Mokupuni Kauai, Ko Hawaii Pae Aina. H. I.
5. Defendant, KALALEA PLANTATION LLC is to the best of my belief and knowledge an entity “KPL” organized with and by the Defendant STATE OF HAWAII, an corporation, “SOH” a construct created by the Defendant US CONGRESS “US CON” for the Defendant US FEDERAL GOVERNMENT “US GOV” whose last known address is wholly within the USA at: 6623 LAS VEGAS BLVD. SOUTH SUITE 340, LAS VEGAS, Nevada 89119, and whose actions and conduct at all relevant times is and are wholly within the physical maritime and jurisdictional territorial boundaries of the Hawaiian Islands.
6. Defendant, Benjamin F. Garfinkle is to the best of my belief and knowledge an illegal immigrant foreign national, an US citizen, liable and responsible for his actions and the conduct of TKT at all relevant times is and are wholly within the physical maritime and territorial boundaries of the Hawaiian Islands and whose last known address is within the Ko Hawaii Pae Aina at: 64-991 Mamalahoa Highway, Kamuela, Mokupuni Hawaii, Ko Hawaii Pae Aina. H. I.

7. Defendant, STATE OF HAWAII is “SOH” a corporation, an construct created by Defendant US CON for the Defendant US GOV, whose coordinated actions at all relevant times is wholly within the physical maritime and jurisdictional territorial boundaries of the Ko Hawaii Pae Aina and whose last known address is within the Hawaiian Islands at: 235 South Beretania St., Honolulu, Mokupuni Oahu, Ko Hawaii Pae Aina. H. I.
8. Defendants, Josh Greene, is to the best of my belief and knowledge an illegal immigrant foreign national a US citizen, liable and responsible for his actions and the conduct of SOH at all relevant times is and are wholly within the physical maritime and jurisdictional territorial boundaries of the Ko Hawaii Pae Aina and whose last known address is within the Hawaiian Islands at: 235 South Beretania St., Honolulu, Mokupuni Oahu, Ko Hawaii Pae Aina. H. I.
9. Defendant, Annie E. Lopez, is to the best of my belief and knowledge an illegal immigrant foreign national an US citizen liable and responsible for his actions and the conduct of SOH at all relevant times is and are wholly within the physical maritime and territorial boundaries of the Hawaiian Islands whose last known address is within the Ko Hawaii Pae Aina at: 425 Queen Street, Honolulu, Mokupuni Oahu, Ko Hawaii Pae Aina. H. I.
10. Defendant, Sylvia Luke, is to the best of my belief and knowledge an illegal immigrant foreign national and a US citizen liable and responsible for her

actions and the conduct of SOH at all relevant times is and are wholly within the physical maritime and territorial boundaries of the Hawaiian Islands whose last known address is within the Ko Hawaii Pae Aina at: 415 South Beretania Street Ste 5, Honolulu, Mokupuni Oahu, Ko Hawaii Pae Aina. H. I.

11. Defendant, Mark Recktenwald, is to the best of my belief and knowledge an illegal immigrant foreign national an US citizen liable and responsible for his actions and the conduct of SOH at all relevant times is and are wholly within the physical maritime and territorial boundaries of the Hawaiian Islands whose last known address is within the Ko Hawaii Pae Aina at: 426 Queen Street, Honolulu, Mokupuni Oahu, Ko Hawaii Pae Aina. H. I.

12. Defendant, Tyler C. Saito, is to the best of my belief and knowledge an illegal immigrant foreign national a US citizen liable and responsible for his actions and the conduct of SOH at all relevant times is and are wholly within the physical maritime and territorial boundaries of the Hawaiian Islands whose last known address is within the Ko Hawaii Pae Aina at: 4353 Waialo Rd, Eleele, Mokupuni Kauai, Ko Hawaii Pae Aina. H. I.

13. Defendant, Michael Soong, is to the best of my belief and knowledge an illegal immigrant foreign national a US citizen liable and responsible for his actions and the conduct of SOH at all relevant times is and are wholly within the physical maritime and territorial boundaries of the Hawaiian Islands whose last

known address is within the Ko Hawaii Pae Aina at: 4442 Hardy St Ste 201, Lihue Mokupuni Kauai, Ko Hawaii Pae Aina. H. I.

14. Defendant, Hiro Shimada, is to the best of my belief and knowledge an illegal immigrant foreign national and a US citizen liable and responsible for his actions and the conduct of SOH at all relevant times is and are wholly within the physical maritime and territorial boundaries of the Hawaiian Islands whose last known address is within the Ko Hawaii Pae Aina at: 3990 Kaana St Ste 200, Lihue Mokupuni Kauai, Ko Hawaii Pae Aina. H. I.
15. Defendant, Todd G. Raybuck is to the best of my belief and knowledge an illegal immigrant foreign national an US citizen liable and responsible for his actions and the conduct of SOH at all relevant times is and are wholly within the physical maritime and territorial boundaries of the Hawaiian Islands whose last known address is within the Ko Hawaii Pae Aina at: 3990 Kaana St Ste 200, Lihue Mokupuni Kauai, Ko Hawaii Pae Aina. H. I.
16. Defendant, Mathew Bracken, is to the best of my belief and knowledge an illegal immigrant foreign national an US citizen liable and responsible for his actions and the conduct of SOH at all relevant times is and are wholly within the physical maritime and territorial boundaries of the Hawaiian Islands whose last known address is within the Ko Hawaii Pae Aina at: 4444 Rice Street Ste 220, Lihue Mokupuni Kauai, Ko Hawaii Pae Aina. H. I.

17. Defendant, US FEDERAL GOVERNMENT “US GOV” is to the best of my belief and knowledge a foreign corporation created outside of the Hawaiian Islands, within a 10 square mile radius known as District of Columbia, Washington and whose address is at: 1600 Pennsylvania Avenue NW, Washington DC 20500 whose actions and conduct at all relevant times is and are wholly within the physical maritime and jurisdictional territorial boundaries of the Ko Hawaii Pae Aina.

18. Defendant, UNITED STATES OF AMERICA is (“USA”) to the best of my belief and knowledge, a foreign Nation created outside of the Hawaiian Islands, whose address is at: 1600 Pennsylvania Avenue NW, Washington DC 20500 and is historically known by “The unanimous Declaration of the thirteen united States of America” of July 4, 1776 as a Republic government created by the states, for the states, by the people, for the people, and on the date of September 9, 1776, the Continental Congress formally declaring the name of the new Nation to be the United States of America. Today the lower 48 States, State of Alaska and the Defendant STATE OF HAWAII all make up the States of the Union of the United States of America. I reserve my rights to join any necessary State of the Union into this matter for actions and conduct at all relevant times is and are wholly within the Ko Hawaii Pae Aina.



19. Defendant, US PRESIDENT Joseph Robinette Biden Jr. is (“JRB”) to the best of my belief and knowledge, a US citizen elected as the Chief in Command for Defendant US GOV whose duty is to the Executive office, representing the Defendant USA and whose address is at: 1600 Pennsylvania Avenue NW, Washington DC 20500 whose actions and conduct at all relevant times is and are wholly within the physical maritime and jurisdictional territorial boundaries of the Ko Hawaii Pae Aina.

20. Defendant, US DEPARTMENT OF STATE Antony J. Blinken, Secretary of State is (“SOS”) to the best of my belief and knowledge a US citizen, appointed by Defendant JRB for Defendant US GOV whose duty to the Executive office representing the Defendant UNITED STATES OF AMERICA, whose address is at: 2201 C Street, NW, Washington DC District of Columbia 20522-0099 and whose actions and conduct at all relevant times is and are wholly within the Ko Hawaii Pae Aina (translated) Hawaiian Islands.

21. Defendant, US DEPARTMENT OF JUSTICE, “USDJ” Attorney General, Merrick Garland is “MG” to the best of my belief and knowledge a US citizen who is appointed by Defendant JRB whose duty to the Executive office representing the Defendant USA, and whose address is at: 950 Pennsylvania Avenue, NW, Washington DC, 20530, and whose actions and conduct at all

relevant times is and are wholly within the physical maritime jurisdictional territorial boundaries of the Ko Hawaii Pae Aina (translated) Hawaiian Islands.

22. Defendant, FEDER BUREAU OF INVESTIGATION, (“FBI”) Director, Christopher A. Wray is (“CAW”) to the best of my belief and knowledge a US citizen appointed by Defendant JRB for Defendant US GOV whose duty to the Executive office representing the Defendant USA, whose address is at: 935 Pennsylvania Avenue, NW, Washington DC, 20530, and whose actions and conduct at all relevant times is and are wholly within the physical maritime jurisdictional territorial boundaries of Ko Hawaii Pae Aina.

23. Defendant, Special Agent, Robert M. King is (“KING”) to the best of my belief and knowledge a US citizen employed by Defendant FBI for the Defendant US GOV whose duty to the Executive office represents the Defendant USA, whose address is at: 935 Pennsylvania Avenue, NW, Washington DC, 20530, and whose [in]actions and conduct at all relevant times is and are wholly within the physical maritime and jurisdictional territorial boundaries of the Ko Hawaii Pae Aina (translated) Hawaiian Islands.

24. Defendant, AUPUNI O KO HAWAII PAE AINA, is, known by the published facts and recorded history, a Christian Constitutional Monachal government for the people, chiefs and kingdom of the Hawaiian Islands. Formally known by the publications of the 1839 Ka Palapala Hemolele by the American Bible Society.

Ka Palapala Hemolele, first translation of the Hebrew Bible i.e. The Holy Bible, into the oleo (ancient Hawaiian tongue) ihi ihi. Establishing then, what is to this day, the essential foundation of all the laws for the government, people, chiefs and kingdom of the Hawaiian Islands. With a physical maritime, a geographical jurisdictional territorial boundary (lands and sea), a natural free-born people, a Christian government “Govt” and kingdom of the Hawaiian Islands, declared and published by following: 1839 Declaration of Rights of Both the People and Chiefs of the Hawaiian Islands; 1840 Constitution of the Hawaiian Islands; the 1841, 1842 Translation of Laws of the Hawaiian Islands; the Christian claims over the Hawaiian (Archipelago) Islands by the 1843 Treaty’s between France, England and Great Britian and the King of the Hawaiian Islands. The Statute Laws of His Majesty Kamehameha III King of the Hawaiian Islands 1845 and 1846 Vol I and 1847 Vol II.; 1848 Book of Division known as “Mahele Book”, 1849-1850 Treaty between USA and the King of the Hawaiian Islands, 1850 Kuleana Act, 1851 Laws, 1852 Constitution, 1859 Civil Code of the Hawaiian Islands and the governance of the Executive, Legislative and Judiciary branches of Aupuni o Ko Hawaii Pae Aina (translated) Govt of the Hawaiian Islands.

25. Defendant, Keliuhuluhulu: Alfred Spinney, an kanaka-maoli “KS” and living upon the aina of Palapala Sila Nui 2791, situate at the ahupuaa o Kahuku, Moku Kau, Mokupuni Hawaii. KS is the Kuhina Nui (Prime Minister) and the Kuhina

Kalaiaina (Minister of Interior) for Defendant AUPUNI O KO HAWAII PAE AINA. Kuhina Nui KS owes a duty under the laws of the Hawaiian Islands to protect the private kuleana property and rights belonging to me and my family situated wholly within the Ko Hawaii Pae Aina from the named Defendants.

26. Defendant, Thomas Anthony, an kanaka-Hawaii “TA” and is living upon the ahupuaa of Olaa, Moku Puna, Mokupuni Hawaii. TA is the Kuhina Loio (Attorney General) for the Defendant AUPUNI O KO HAWAII PAE AINA and owes a duty under the laws of the Hawaiian Islands to protect the private kuleana property and rights belonging to me and my family situated wholly within the Ko Hawaii Pae Aina from the named Defendants.

27. Defendants, Hawe Keliikoa an kanaka-maoli “HK” is living upon the ahupuaa Panaewa, Moku Hilo, Mokupuni Hawaii. HK is Kuhina Hope o ko na Aina E (Minister of Foreign Affairs) for the Defendant AUPUNI O KO HAWAII PAE AINA owes a duty under the laws of the Hawaiian Islands to protect the private kuleana property and rights belonging to me and my family situated wholly within the Ko Hawaii Pae Aina from the named Defendants.

#### IV. FACTUAL ALLEGATIONS

28. I am the Plaintiff, Noa Kanealii Io Pono I Kelii Ua Mau. On the 25<sup>th</sup> day of August while I am upon my families private kuleana properties at Aliomanu, Koolau, Mokupuni Kauai, attending to my kuleana lands, I am approached by a

man, Defendant Hiro Shimada with a deadly weapon (gun) I'm threatened with violence, unlawfully detained and forcefully removed from my private kuleana property. I am told if I return Defendant Hiro Shimada and others just like him will carry-out their threat of violence under a systemic command responsibility of Defendant Todd G. Raybuck, as a part of a continuing coordinated plan of different actions of the named Defendants Carl Langschmidt, Christine Cherith Langschmidt, Benjiman F. Garfinkle, Jeffrey Linder, Josh Green, Anne E. Lopez, Sylvia Luke, Mark Recktenwald, Tyler C. Saito, Michael Soong, Hiro Shimada, Mathew Bracken, Kevin McCarthy, Charles E. Shumer, Joseph Robinette Biden Jr., Merrick Garland, Antony Blinken, Christopher A. Wray and Robert M. King (collectively "Genocidaires") are hired, employed or contracted by Defendants TKT, KP, US GOV, USA, US CON, FBI, SOS, USDJ and SOH to aid, abet and complicit in carrying-out the expropriation of private kuleana properties, during the continuing crime and campaign of Genocide aimed at the destruction of the essential foundations of life belonging to us, kanaka-maoli, kanaka-Hawaii people, for belonging to the ethnic national group "Hawaiian". Me and my family is at all relevant times in our conduct while domiciling within the physical maritime and jurisdictional territorial boundaries of the Hawaiian Islands, living in obedience of God peacefully.

29. The Genocidaires for the “named Defendants” TKT, KP, SOH, US GOV, US CON, FBI, SOS, US DJ and USA have for many many years tortiously and unlawfully expropriated the private kuleana properties belonging to me and my family situate within the Ko Hawaii Pae Aina. This ongoing expropriation is the likes of under color of law, color of office and color of authority, the continuing crime and campaign of genocide aimed at me, my family and all the people and chiefs living within the Ko Hawaii Pae Aina is a heinous evil against us.
30. The Genocidaires and named Defendants' actions violates US Code 28 Section 1350, which provides protect of alien individuals just like me and my ohana from the tortuous unlawful removal and deprivation of our property, rights, Christian liberty and freedoms, the continuing Notice of the continuing crime and campaign of genocide under the Proxmire Act, US Code 28 Section 1091 Chapter 50(a), and the UN Convention on the Prevention and Punishment of the Crime of Genocide, and the UN Convention on the Law of the Sea, including breaches of the 1849-1850 Hawaiian Treaty with the United States of America.
31. The Genocidaires and the named Defendants is committing and continuing to carry-out tortious acts and an unlawful removing of me and my family from our inheritance and homelands, the private kuleana properties and depriving us of our rights while upon our kuleana situate within the Ko Hawaii Pae Aina. This deprivation and forceful removal from our land for the expropriation of private

kuleana property belong to me and my family, is part of the continuing crime and campaign of the genocide targeting me, my family and all kanaka-Maoli, kanaka-Hawaii and haole people living within the Ko Hawaii Pae Aina just like me and my ohana.

32. The Genocidaires and named Defendants' actions violates the US Code 28 Section 1350, US Code 28 Section 1091 Chapter 50(a), the Proxmire Act, the UN Convention on the Prevention and Punishment for the Crime of Genocide, and the UN Convention on the Law of the Sea and breaches the 1849-1850 Hawaiian Treaty with the United States of America.

33. Defendants Kuhina Nui Keliuhuluhulu: Alfred Spinney, Attorney General, Thomas Anthony and Deputy Foreign Minister Hawe Keliikoa are government officials for AUPUNI O KO HAWAII PAE AINA and are obligate and owe a duty under the laws of the Hawaiian Islands to Protect me and my family from the Genocidaires and the named Defendants, pursuant to the following: 1839 Declaration of Rights of both the People and Chiefs of the Hawaiian Islands, declared by Kamehameha III His Majesty the King of the Hawaiian Islands, 1840 and 1852 Constitution of the Hawaiian Islands, Statute Laws of His Majesty Kamehameha III King of the Hawaiian Islands 1845 and 1846 Vol I and 1847 Vol II, 1848 Mahele Book, 1849-1850 Kuleana Act passed by the Legislative Houses of Representatives and Nobles and the 1859 Civil Code of

the Hawaiian Islands and under all the Hawaiian judicial precedence protecting me and my from the Genocidaires and named Defendants criminal and civil injuries aimed at me and my family. Since at least the filing of this Notice and complaint none have come to the aid of the trespass and expropriation of our private kuleana lands and property rights during the continuing crimes and campaign of genocide directed against kanaka-maoli of the ko Hawaii pae aina just like me and my family.

V. CLAIMS FOR RELIEF

Count I: Tortious Expropriation and Unlawful Removal

1. The Genocidaires and named Defendants' tortious actions and expropriation of private kuleana properties carried-out against me and my family by unlawfully removing us from our lands within the Ko Hawaii Pae Aina, encompassing the physical maritime and jurisdictional territorial boundaries of the Hawaiian Islands during the continuing crime and campaign of genocide constitutes a tort and deprivation in violation of our rights under US Code 28 Section 1350, US Code 28 Section 1091 Chapter 50(a), the Proxmire Act, violations of the UN Convention on the Prevention and Punishment for the Crime of Genocide, and the UN Convention on the Law of the Sea and in direct breach of the 1849-1850 Hawaiian Treaty with the United States of America,.



2. The Plaintiff seeks compensatory damages for the expropriation of his private kuleana property, including but not limited to the fair market value of the unlawfully seized lands, loss of the use, emotional distress, and any other damages suffered as a result of the Defendants' direct, proximate continuing and tortious actions.
3. The Plaintiff also seeks injunctive relief, requiring the Defendants to immediately cease all further coordinated plans of different actions for the expropriations and removal activities targeting kanaka-maoli, me and my family within the Ko Hawaii Pae Aina and to restore my possession and ownership of my private kuleana property rights over the Genocidaires and named Defendants unlawful expropriation of kuleana lands belonging to me.
4. The Plaintiff further requests the Court to impose punitive damages on the Genocidaires and named Defendants for their willful and malicious conduct in carrying out a campaign of genocide against Me, my family and all the kanaka-maoli kanaka-Hawaii and haole people living within the Ko Hawaii Pae Aina just like us.

#### VI. PRAYER FOR RELIEF

- a. The Plaintiff respectfully requests that this Honorable Court:
- b. Declares the Defendants' Tyler C. Saito, Michael Soong and Governor Josh Greene of State of Hawaii's actions to be in violation of US Code 28 Section

1350, USC 28 Section 1091 Chapter 50(a), the Proxmire Act, the UN Convention on the Prevention and Punishment for the Crime of Genocide, the UN Convention on the Law of the Sea, and the 1849-1850 Hawaiian Treaty with the United States of America.

- c. Declares the Defendants' Kuhina Nui: Keliuhuluhulu: Alfred Spinney Attorney General: Thomas Anthony and Deputy Foreign Minister: Hawe Keliikoa's actions to be in violation of 1839 Declaration of Rights by Kauikeaouli Kamehameha III His Majesty the King of the Hawaiian Islands, 1840 and 1852 Constitution, Book I of the 1845 and 1846 and Book II of the 1847 Statute Laws of His Majesty Kamehameha III King of the Hawaiian Islands, 1848 Mahele, 1850 Kuleana Act passed by the Legislative Houses of Representatives and Nobles and the 1859 Civil Code of the Hawaiian Islands.
- d. Orders the Defendants to immediately cease all further campaigns of genocide and expropriation and removal activities targeting Noa, his ohana and all kanaka-maoli, kanaka-Hawaii and haole people living within the Ko Hawaii Pae Aina.
- e. Requires the Defendants to restore Noa's possession and ownership rights over the unlawfully expropriated lands and to compensate him for the damages incurred, including fair market value, loss of use, emotional distress, and punitive damages.

f. Awards the Plaintiff his reasonable attorney's fees, costs, and expenses incurred in pursuing this action.

g. Grants any further relief as the Court deems just and proper.

**VII. JURY DEMAND**

The Plaintiff further demands a trial by jury for all issues triable by jury.

**VERIFICATION NOTICE OF COMPLAINT**

The undersigned Noa Kanealii Io Pono I Kelii Ua Mau declares under penalty of perjury that I am the plaintiff in the above action, that I have read the above complaint and that the information contained therein is true and correct.

s/ Noa Kanealii Io Pono I Kelii Ua Mau

**CERTIFICATE OF SERVICE**

I, the Plaintiff Noa hereby certify that I will give a true and correct filed copy of my Plaintiffs First Amended Complaint to the US Marshals to serve upon all the named Defendants.

s/ Noa Kanealii Io Pono I Kelii Ua Mau

Dated: October 11, 2023

Respectfully submitted,

s/ Noa Kanealii Io Pono I Kelii Ua Mau

March 12, 2024

**RECEIVED**

To: Laurie Yoshida, Chair, Kauai Police Commission  
and Commission Members

**MAR 13 2024**

From: Hiro Shimada, Officer  
Kauai Police Department

**BOARDS & COMMISSIONS**

Subject: Request for Legal Representation Pursuant to HRS §52D-9 Determination of Scope of Duty

On January 26, 2024, I was informed of being named as a defendant in a lawsuit, Civil No. 1:23-CV-00276-DKW-KJM, that was filed by Noa Kanealii Io Pono I Kelii Ua Mau in the United States Court for the District of Hawaii asserting a First Amended Complaint.

As such, and pursuant to Hawaii Revised Statute §52D-9 Determination of Scope of Duty, I am requesting legal counsel by the Kauai County Attorney's Office in both my individual and professional capacity.

Attached please find documents related to this request.

Should you have any questions, I can be contacted at (808) 241-1706 or by email to [hshimada@kauai.gov](mailto:hshimada@kauai.gov).

## NOTICE TO PARTIES

### REGARDING SERVICE PURSUANT TO RULE 4 OF THE FEDERAL RULES OF CIVIL PROCEDURE

#### WAIVER OF SERVICE OF SUMMONS

Rule 4(d) provides that a plaintiff may request that a defendant waive personal service of the complaint and summons, as required by Fed. R. Civ. P. 4(e)(2), by notifying the defendant that an action has been commenced and requesting that the defendant waive *personal* service of the summons and accept service of the complaint by mail.

To request such a waiver, a plaintiff may send a notice of the commencement of an action, titled "Notice of a Lawsuit and Request to Waive Service of a Summons" (AO398 form), a "Waiver of the Service of Summons" (AO399 form), and a copy of the endorsed complaint to the defendant by first class or certified mail. The plaintiff must also provide a prepaid means for the defendant to return the waiver form.

#### EFFECT OF WAIVER OF SERVICE OF SUMMONS

When the defendant timely signs the waiver of service of summons and it is filed with the court, the action proceeds as if service of the summons and complaint had been personally made, rather than by mail. By agreeing to waive service of the summons, the defendant is allowed **sixty [60] days** to file an answer to the complaint, as calculated from the date the notice and request for waiver of service was sent, rather than the twenty [20] days allowed after personal service is effected. *See* Fed. R. Civ. P. 4(d)(3) and Rule 12(a)(1)(B). **The defendant does not waive any objection to venue or jurisdiction of the court over the person by agreeing to waive service of the summons.**

If a waiver is not timely returned, or a defendant refuses to waive service, plaintiff is required to serve the summons and complaint as specified in Fed. R. Civ. P. 4(c) and 4(e). A defendant who fails to waive service of summons after a proper request has been made will be assessed the costs incurred to effect personal service on that defendant. *See* Fed. R. Civ. P. 4(d)(2).

Copies of the "Notice of a Lawsuit and Request to Waive Service of a Summons" (AO398), and the "Waiver of the Service of Summons" (AO399), are available from the Clerk of the United States District Court for the District of Hawaii and on the court's website: <http://www.hid.uscourts.gov>.

# UNITED STATES DISTRICT COURT

for the

District of \_\_\_\_\_

Noa Kanealii Io Pono I Kelli Ua Mau, an Kanaka-Maoli, Ko Hawaii Pae Aina

*Plaintiff*

KALALEA TRUST, Carl Langschmidt; KALALEA PLANTATION LLC,  
Benjamin F. Garfinkle; MOLOAA FARMS LLC, Jeffery Linder; et al.

*Defendant*

Civil Action No. 1:23-cv-00276-DKW-KJM

## NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: Hiro Shlmada

*(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)*

### Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within **60** days *(give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States)* from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

### What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date:

11 / 12 / 2023  
1 / 12 / 2024

*s/ Noa Kanealii Io Pono I Kelli Ua Mau*

*Signature of the attorney or unrepresented party*

Noa Kanealii Io Pono I Kelli Ua Mau

*Printed name*

REFER TO FIRST AMENDED COMPLAINT (ATTACHED)

*Address*

kanaka-maoli-2020@outlook.com

*E-mail address*

808-670-0842

*Telephone number*



# UNITED STATES DISTRICT COURT

for the

District of Hawaii

Noa Kanealli lo Pono i Kelli Ua Mau, an Kanaka-Maoli, Ko Hawaii Pae Aina

Plaintiff

KALALEA TRUST, Carl Langschmidt; KALALEA PLANTATION LLC, Civil Action No. 1:23-cv-00276-DKW-KJM  
Benjamin F. Garfinkle; MOLOAA FARMS LLC, Jeffery Linder; et al.

Defendant

## Waiver of the Service of Summons

To: Noa Kanealli lo Pono i Kelli Ua Mau

(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 1/12/24, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date \_\_\_\_\_

Signature of the attorney or unrepresented party

Printed name

Address

E-mail address

Telephone number

### Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.



FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII  
11 Oct. 2023 2:14 PM ls  
Lucy H. Camilla, Clerk of Court

Noa Kanealii Io Pono I Kelii Ua Mau  
Aliomanu, Koolau  
Mokupuni Kauai  
Ko Hawaii Pae Aina. H. I.

CC: DKW/KJM/FILER (by email)

CIVIL NO. 1:23-CV-00276-DKW-KJM

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

Noa Kanealii Io Pono I Kelii Ua Mau, an Kanaka-Maoli, Ko Hawaii Pae Aina

*Plaintiff,*

vs.

KALALEA TRUST, Carl Langschmidt; KALALEA PLANTATION LLC,  
Benjamin F. Garfinkle; MOLOAA FARMS LLC, Jeffrey Linder; STATE OF  
HAWAII, Gov. Josh Green, Attorney General, Anne E. Lopez, Secretary of State,  
Sylvia Luke; Mark Recktenwald, Tyler C. Saito; Michael Soong, Hiro Shimada,  
Todd G. Raybuck and Mathew Bracken; US FEDERAL GOVERNMENT; US  
CONGRESS, Kevin McCarthy, Charles E. Shumer; US PRESIDENT, Joseph  
Robinette Biden Jr.; US DEPARTMENT OF JUSTICE, Attorney General, Merrick  
Garland, US DEPARTMENT OF STATE, Secretary of State: Antony Blinken; US  
FEDERAL BUREAU OF INVESTIGATION, Director, Christopher A. Wray,  
Special Agent, Robert M. King; UNITED STATES OF AMERICA; KO HAWAII  
PAE AINA, Prime Minister, Keliuhuluhulu: Alfred Spinney; Attorney General,  
Thomas Anthony and Deputy Foreign Minister, Hawe Keliikoa, Et Alii.

*Defendants,*

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NOTE VERBALE  
CONTINUING NOTICE OF GENOCIDE  
PLAINTIFF'S FIRST AMENDED COMPLAINT  
CERTIFICATE OF SERVICE

NOTE VERBALE  
CONCERNING THE EXPROPRIATION OF PRIVATE KULEANA  
PROPERTIES DURING THE CONTINUING CAMPAIGN AND CRIME OF  
GENOCIDE OF THE KANAKA MAOLI OF THE KO HAWAII PAE AINA

.....  
*"Generally speaking, **genocide** does not necessarily mean destruction of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves."*

*"The objectives of such a plan would be the disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups. **Genocide** is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity but as members of a national group."*

*(Rafael Lemkin, Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposal for Redress, Washington: Carnegie for Endowment for World Peace);*

***Genocide** has two phases: one, destruction of the national pattern of the oppressed group; the other, the imposition of the national pattern of the oppressor. This imposition, in turn, may be made upon the oppressed population, which is allowed to remain, or upon the territory alone, after removal of the population and the colonization by the oppressor's own nationals.*

*By **genocide** we mean the destruction of and the annihilation and extermination of the individuals belonging to an ethnic and or national group.*

*Here the **genocide** is aimed at the persecuted and oppressed people, kanaka-maoli, kanaka-hawaii of the Ko Hawaii Pae Aina, national group known as "Hawaiian".*

*The crime and campaign of this **genocide** for the expropriation, pillaging and plundering of the private (kuleana) properties (rights) belonging to the people kanaka-maoli, kanaka-hawaii of the Ko Hawaii Pae Aina is continuing.*

*I, Noa Kanealii Io Pono I Kelii Ua Mau, an kanaka-maoli of the Ko Hawaii Pae Aina, a member of this persecuted and oppressed national group Hawaiian for the continuing crime and campaign of genocide carried-out by the Defendants.*

## **PLAINTIFFS FIRST AMENDED COMPLAINT**

### **I. INTRODUCTION**

I am the Plaintiff, Noa Kanealii Io Pono I Kelii Ua Mau. I am Kanaka-Maoli an (“Noa”) Hawaiian, subject of the Hawaiian King. I am alien to the United States of America, I am not an American. Upon receiving additional info and names of the people with direct and proximate cause of my injuries and harm, I humbly file my First Amended Complaint reserving all of my rights to join and supplement any necessary entities or people into this matter as the unknown names become known.

### **II. JURISDICTION AND VENUE**

1. This Court has subject matter jurisdiction over this action pursuant to 28 USC. § 1331, as this case involves a federal question arising under the Constitution United States of America, Art. VI, Paragraph 2, 1849-1850 Hawaiian Treaty with the United States of America; US Code Title 28 Section 1350, and Section 1091 Chapter 50(a), the Proxmire Act, the UN Convention on the Prevention and Punishment of the Crime of Genocide, and the UN Convention on the Law of the Sea.
2. Venue is also proper in this district pursuant to 28 USC. § 1391(b)(2) as the Defendants, are entities and people subject to the jurisdiction while within the district of the court within the physical maritime and territorial boundaries of the Hawaiian Islands which Aupuni o Ko Hawaii Pae Aina operates.

### III. PARTIES

1. Me and my family live upon our family private kuleana property at Aliomanu, Moku Koolau, Mokupuni Kauai, whose conduct at all relevant times is and are wholly within the physical maritime and jurisdictional territorial boundaries of the Hawaiian Islands (translated) Ko Hawaii Pae Aina.
2. Defendant, THE KALALEA TRUST REVOCABLE LIVING TRUST is to the best of my belief and knowledge an entity “TKT” organized with and by the Defendant STATE OF HAWAII, an corporation, “SOH” a construct created by Defendant US CONGRESS “US CON” and for the Defendant US FEDERAL GOVERNMENT “US GOV” whose last known address is wholly within the Ko Hawaii Pae Aina at: 4470 Wailapa Road, Kilauea, Island of Kauai, Hawaiian Islands, and whose actions and conduct at all relevant times is and are wholly within the physical maritime and jurisdictional territorial boundaries of the Ko Hawaii Pae Aina (translation) Hawaiian Islands.
3. Defendant, Carl Langschmidt is to the best of my belief and knowledge an illegal immigrant foreign national a Canadian citizen, liable and responsible for his own actions and the conduct of TKT at all relevant times is and are wholly within the physical maritime and territorial boundaries of the Hawaiian Islands and whose last known address is within the Ko Hawaii Pae Aina at: 4470 Wailapa Road, Kilauea, Mokupuni Kauai, Ko Hawaii Pae Aina, H. I.

4. Defendant, Christine Cherith Langschmidt is to the best of my belief and knowledge an illegal immigrant foreign national a Canadian citizen, liable and responsible for her actions and the conduct of TKT at all relevant times is and are wholly within the physical maritime and territorial boundaries of the Ko Hawaii Pae Aina and whose last known address is within the Hawaiian Islands at: 4470 Wailapa Road, Kilauea, Mokupuni Kauai, Ko Hawaii Pae Aina. H. I.
5. Defendant, KALALEA PLANTATION LLC is to the best of my belief and knowledge an entity “KPL” organized with and by the Defendant STATE OF HAWAII, an corporation, “SOH” a construct created by the Defendant US CONGRESS “US CON” for the Defendant US FEDERAL GOVERNMENT “US GOV” whose last known address is wholly within the USA at: 6623 LAS VEGAS BLVD. SOUTH SUITE 340, LAS VEGAS, Nevada 89119, and whose actions and conduct at all relevant times is and are wholly within the physical maritime and jurisdictional territorial boundaries of the Hawaiian Islands.
6. Defendant, Benjamin F. Garfinkle is to the best of my belief and knowledge an illegal immigrant foreign national, an US citizen, liable and responsible for his actions and the conduct of TKT at all relevant times is and are wholly within the physical maritime and territorial boundaries of the Hawaiian Islands and whose last known address is within the Ko Hawaii Pae Aina at: 64-991 Mamalahoa Highway, Kamuela, Mokupuni Hawaii, Ko Hawaii Pae Aina. H. I.

7. Defendant, STATE OF HAWAII is “SOH” a corporation, an construct created by Defendant US CON for the Defendant US GOV, whose coordinated actions at all relevant times is wholly within the physical maritime and jurisdictional territorial boundaries of the Ko Hawaii Pae Aina and whose last known address is within the Hawaiian Islands at: 235 South Beretania St., Honolulu, Mokupuni Oahu, Ko Hawaii Pae Aina. H. I.
8. Defendants, Josh Greene, is to the best of my belief and knowledge an illegal immigrant foreign national a US citizen, liable and responsible for his actions and the conduct of SOH at all relevant times is and are wholly within the physical maritime and jurisdictional territorial boundaries of the Ko Hawaii Pae Aina and whose last known address is within the Hawaiian Islands at: 235 South Beretania St., Honolulu, Mokupuni Oahu, Ko Hawaii Pae Aina. H. I.
9. Defendant, Annie E. Lopez, is to the best of my belief and knowledge an illegal immigrant foreign national an US citizen liable and responsible for his actions and the conduct of SOH at all relevant times is and are wholly within the physical maritime and territorial boundaries of the Hawaiian Islands whose last known address is within the Ko Hawaii Pae Aina at: 425 Queen Street, Honolulu, Mokupuni Oahu, Ko Hawaii Pae Aina. H. I.
10. Defendant, Sylvia Luke, is to the best of my belief and knowledge an illegal immigrant foreign national and a US citizen liable and responsible for her

actions and the conduct of SOH at all relevant times is and are wholly within the physical maritime and territorial boundaries of the Hawaiian Islands whose last known address is within the Ko Hawaii Pae Aina at: 415 South Beretania Street Ste 5, Honolulu, Mokupuni Oahu, Ko Hawaii Pae Aina, H. I.

11. Defendant, Mark Recktenwald, is to the best of my belief and knowledge an illegal immigrant foreign national an US citizen liable and responsible for his actions and the conduct of SOH at all relevant times is and are wholly within the physical maritime and territorial boundaries of the Hawaiian Islands whose last known address is within the Ko Hawaii Pae Aina at: 426 Queen Street, Honolulu, Mokupuni Oahu, Ko Hawaii Pae Aina, H. I.

12. Defendant, Tyler C. Saito, is to the best of my belief and knowledge an illegal immigrant foreign national a US citizen liable and responsible for his actions and the conduct of SOH at all relevant times is and are wholly within the physical maritime and territorial boundaries of the Hawaiian Islands whose last known address is within the Ko Hawaii Pae Aina at: 4353 Waialo Rd, Eleele, Mokupuni Kauai, Ko Hawaii Pae Aina, H. I.

13. Defendant, Michael Soong, is to the best of my belief and knowledge an illegal immigrant foreign national a US citizen liable and responsible for his actions and the conduct of SOH at all relevant times is and are wholly within the physical maritime and territorial boundaries of the Hawaiian Islands whose last

known address is within the Ko Hawaii Pae Aina at: 4442 Hardy St Ste 201, Lihue Mokupuni Kauai, Ko Hawaii Pae Aina. H. I.

14. Defendant, Hiro Shimada, is to the best of my belief and knowledge an illegal immigrant foreign national and a US citizen liable and responsible for his actions and the conduct of SOH at all relevant times is and are wholly within the physical maritime and territorial boundaries of the Hawaiian Islands whose last known address is within the Ko Hawaii Pae Aina at: 3990 Kaana St Ste 200, Lihue Mokupuni Kauai, Ko Hawaii Pae Aina. H. I.

15. Defendant, Todd G. Raybuck is to the best of my belief and knowledge an illegal immigrant foreign national an US citizen liable and responsible for his actions and the conduct of SOH at all relevant times is and are wholly within the physical maritime and territorial boundaries of the Hawaiian Islands whose last known address is within the Ko Hawaii Pae Aina at: 3990 Kaana St Ste 200, Lihue Mokupuni Kauai, Ko Hawaii Pae Aina. H. I.

16. Defendant, Mathew Bracken, is to the best of my belief and knowledge an illegal immigrant foreign national an US citizen liable and responsible for his actions and the conduct of SOH at all relevant times is and are wholly within the physical maritime and territorial boundaries of the Hawaiian Islands whose last known address is within the Ko Hawaii Pae Aina at: 4444 Rice Street Ste 220, Lihue Mokupuni Kauai, Ko Hawaii Pae Aina. H. I.



17. Defendant, US FEDERAL GOVERNMENT “US GOV” is to the best of my belief and knowledge a foreign corporation created outside of the Hawaiian Islands, within a 10 square mile radius known as District of Columbia, Washington and whose address is at: 1600 Pennsylvania Avenue NW, Washington DC 20500 whose actions and conduct at all relevant times is and are wholly within the physical maritime and jurisdictional territorial boundaries of the Ko Hawaii Pae Aina.

18. Defendant, UNITED STATES OF AMERICA is (“USA”) to the best of my belief and knowledge, a foreign Nation created outside of the Hawaiian Islands, whose address is at: 1600 Pennsylvania Avenue NW, Washington DC 20500 and is historically known by “The unanimous Declaration of the thirteen united States of America” of July 4, 1776 as a Republic government created by the states, for the states, by the people, for the people, and on the date of September 9, 1776, the Continental Congress formally declaring the name of the new Nation to be the United States of America. Today the lower 48 States, State of Alaska and the Defendant STATE OF HAWAII all make up the States of the Union of the United States of America. I reserve my rights to join any necessary State of the Union into this matter for actions and conduct at all relevant times is and are wholly within the Ko Hawaii Pae Aina.

19. Defendant, US PRESIDENT Joseph Robinette Biden Jr. is (“JRB”) to the best of my belief and knowledge, a US citizen elected as the Chief in Command for Defendant US GOV whose duty is to the Executive office, representing the Defendant USA and whose address is at: 1600 Pennsylvania Avenue NW, Washington DC 20500 whose actions and conduct at all relevant times is and are wholly within the physical maritime and jurisdictional territorial boundaries of the Ko Hawaii Pae Aina.

20. Defendant, US DEPARTMENT OF STATE Antony J. Blinken, Secretary of State is (“SOS”) to the best of my belief and knowledge a US citizen, appointed by Defendant JRB for Defendant US GOV whose duty to the Executive office representing the Defendant UNITED STATES OF AMERICA, whose address is at: 2201 C Street, NW, Washington DC District of Columbia 20522-0099 and whose actions and conduct at all relevant times is and are wholly within the Ko Hawaii Pae Aina (translated) Hawaiian Islands.

21. Defendant, US DEPARTMENT OF JUSTICE, “USDJ” Attorney General, Merrick Garland is “MG” to the best of my belief and knowledge a US citizen who is appointed by Defendant JRB whose duty to the Executive office representing the Defendant USA, and whose address is at: 950 Pennsylvania Avenue, NW, Washington DC, 20530, and whose actions and conduct at all

relevant times is and are wholly within the physical maritime jurisdictional territorial boundaries of the Ko Hawaii Pae Aina (translated) Hawaiian Islands.

22. Defendant, FEDER BUREAU OF INVESTIGATION, (“FBI”) Director, Christopher A. Wray is (“CAW”) to the best of my belief and knowledge a US citizen appointed by Defendant JRB for Defendant US GOV whose duty to the Executive office representing the Defendant USA, whose address is at: 935 Pennsylvania Avenue, NW, Washington DC, 20530, and whose actions and conduct at all relevant times is and are wholly within the physical maritime jurisdictional territorial boundaries of Ko Hawaii Pae Aina.

23. Defendant, Special Agent, Robert M. King is (“KING”) to the best of my belief and knowledge a US citizen employed by Defendant FBI for the Defendant US GOV whose duty to the Executive office represents the Defendant USA, whose address is at: 935 Pennsylvania Avenue, NW, Washington DC, 20530, and whose [in]actions and conduct at all relevant times is and are wholly within the physical maritime and jurisdictional territorial boundaries of the Ko Hawaii Pae Aina (translated) Hawaiian Islands.

24. Defendant, AUPUNI O KO HAWAII PAE AINA, is, known by the published facts and recorded history, a Christian Constitutional Monachal government for the people, chiefs and kingdom of the Hawaiian Islands. Formally known by the publications of the 1839 Ka Palapala Hemolele by the American Bible Society.

Ka Palapala Hemolele, first translation of the Hebrew Bible i.e. The Holy Bible, into the oleo (ancient Hawaiian tongue) ihi ihi. Establishing then, what is to this day, the essential foundation of all the laws for the government, people, chiefs and kingdom of the Hawaiian Islands. With a physical maritime, a geographical jurisdictional territorial boundary (lands and sea), a natural free-born people, a Christian government “Govt” and kingdom of the Hawaiian Islands, declared and published by following: 1839 Declaration of Rights of Both the People and Chiefs of the Hawaiian Islands; 1840 Constitution of the Hawaiian Islands; the 1841, 1842 Translation of Laws of the Hawaiian Islands; the Christian claims over the Hawaiian (Archipelago) Islands by the 1843 Treaty’s between France, England and Great Britian and the King of the Hawaiian Islands. The Statute Laws of His Majesty Kamehameha III King of the Hawaiian Islands 1845 and 1846 Vol I and 1847 Vol II.; 1848 Book of Division known as “Mahele Book”, 1849-1850 Treaty between USA and the King of the Hawaiian Islands, 1850 Kuleana Act, 1851 Laws, 1852 Constitution, 1859 Civil Code of the Hawaiian Islands and the governance of the Executive, Legislative and Judiciary branches of Aupuni o Ko Hawaii Pae Aina (translated) Govt of the Hawaiian Islands.

25. Defendant, Keliuhuluhulu: Alfred Spinney, an kanaka-maoli “KS” and living upon the aina of Palapala Sila Nui 2791, situate at the ahupuaa o Kahuku, Moku Kau, Mokupuni Hawaii. KS is the Kuhina Nui (Prime Minister) and the Kuhina

Kalaiaina (Minister of Interior) for Defendant AUPUNI O KO HAWAII PAE AINA. Kuhina Nui KS owes a duty under the laws of the Hawaiian Islands to protect the private kuleana property and rights belonging to me and my family situated wholly within the Ko Hawaii Pae Aina from the named Defendants.

26. Defendant, Thomas Anthony, an kanaka-Hawaii “TA” and is living upon the ahupuaa of Olaa, Moku Puna, Mokupuni Hawaii. TA is the Kuhina Loio (Attorney General) for the Defendant AUPUNI O KO HAWAII PAE AINA and owes a duty under the laws of the Hawaiian Islands to protect the private kuleana property and rights belonging to me and my family situated wholly within the Ko Hawaii Pae Aina from the named Defendants.

27. Defendants, Hawe Keliikoa an kanaka-maoli “HK” is living upon the ahupuaa Panaewa, Moku Hilo, Mokupuni Hawaii. HK is Kuhina Hope o ko na Aina E (Minister of Foreign Affairs) for the Defendant AUPUNI O KO HAWAII PAE AINA owes a duty under the laws of the Hawaiian Islands to protect the private kuleana property and rights belonging to me and my family situated wholly within the Ko Hawaii Pae Aina from the named Defendants.

#### IV. FACTUAL ALLEGATIONS

28. I am the Plaintiff, Noa Kanealii Io Pono I Keli Ua Mau. On the 25<sup>th</sup> day of August while I am upon my families private kuleana properties at Aliomanu, Koolau, Mokupuni Kauai, attending to my kuleana lands, I am approached by a

man, Defendant Hiro Shimada with a deadly weapon (gun) I'm threatened with violence, unlawfully detained and forcefully removed from my private kuleana property. I am told if I return Defendant Hiro Shimada and others just like him will carry-out their threat of violence under a systemic command responsibility of Defendant Todd G. Raybuck, as a part of a continuing coordinated plan of different actions of the named Defendants Carl Langschmidt, Christine Cherith Langschmidt, Benjiman F. Garfinkle, Jeffrey Linder, Josh Green, Anne E. Lopez, Sylvia Luke, Mark Recktenwald, Tyler C. Saito, Michael Soong, Hiro Shimada, Mathew Bracken, Kevin McCarthy, Charles E. Shumer, Joseph Robinette Biden Jr., Merrick Garland, Antony Blinken, Christopher A. Wray and Robert M. King (collectively "Genocidaires") are hired, employed or contracted by Defendants TKT, KP, US GOV, USA, US CON, FBI, SOS, USDJ and SOH to aid, abet and complicit in carrying-out the expropriation of private kuleana properties, during the continuing crime and campaign of Genocide aimed at the destruction of the essential foundations of life belonging to us, kanaka-maoli, kanaka-Hawaii people, for belonging to the ethnic national group "Hawaiian". Me and my family is at all relevant times in our conduct while domiciling within the physical maritime and jurisdictional territorial boundaries of the Hawaiian Islands, living in obedience of God peacefully.

29. The Genocidaires for the “named Defendants” TKT, KP, SOH, US GOV, US CON, FBI, SOS, US DJ and USA have for many many years tortiously and unlawfully expropriated the private kuleana properties belonging to me and my family situate within the Ko Hawaii Pae Aina. This ongoing expropriation is the likes of under color of law, color of office and color of authority, the continuing crime and campaign of genocide aimed at me, my family and all the people and chiefs living within the Ko Hawaii Pae Aina is a heinous evil against us.
30. The Genocidaires and named Defendants' actions violates US Code 28 Section 1350, which provides protect of alien individuals just like me and my ohana from the tortuous unlawful removal and deprivation of our property, rights, Christian liberty and freedoms, the continuing Notice of the continuing crime and campaign of genocide under the Proxmire Act, US Code 28 Section 1091 Chapter 50(a), and the UN Convention on the Prevention and Punishment of the Crime of Genocide, and the UN Convention on the Law of the Sea, including breaches of the 1849-1850 Hawaiian Treaty with the United States of America.
31. The Genocidaires and the named Defendants is committing and continuing to carry-out tortious acts and an unlawful removing of me and my family from our inheritance and homelands, the private kuleana properties and depriving us of our rights while upon our kuleana situate within the Ko Hawaii Pae Aina. This deprivation and forceful removal from our land for the expropriation of private

kuleana property belong to me and my family, is part of the continuing crime and campaign of the genocide targeting me, my family and all kanaka-Maoli, kanaka-Hawaii and haole people living within the Ko Hawaii Pae Aina just like me and my ohana.

32. The Genocidaires and named Defendants' actions violates the US Code 28 Section 1350, US Code 28 Section 1091 Chapter 50(a), the Proxmire Act, the UN Convention on the Prevention and Punishment for the Crime of Genocide, and the UN Convention on the Law of the Sea and breaches the 1849-1850 Hawaiian Treaty with the United States of America.
33. Defendants Kuhina Nui Keliuhuluhulu: Alfred Spinney, Attorney General, Thomas Anthony and Deputy Foreign Minister Hawe Keliikoa are government officials for AUPUNI O KO HAWAII PAE AINA and are obligate and owe a duty under the laws of the Hawaiian Islands to Protect me and my family from the Genocidaires and the named Defendants, pursuant to the following: 1839 Declaration of Rights of both the People and Chiefs of the Hawaiian Islands, declared by Kamehameha III His Majesty the King of the Hawaiian Islands, 1840 and 1852 Constitution of the Hawaiian Islands, Statute Laws of His Majesty Kamehameha III King of the Hawaiian Islands 1845 and 1846 Vol I and 1847 Vol II, 1848 Mahele Book, 1849-1850 Kuleana Act passed by the Legislative Houses of Representatives and Nobles and the 1859 Civil Code of



the Hawaiian Islands and under all the Hawaiian judicial precedence protecting me and my from the Genocidaires and named Defendants criminal and civil injuries aimed at me and my family. Since at least the filing of this Notice and complaint none have come to the aid of the trespass and expropriation of our private kuleana lands and property rights during the continuing crimes and campaign of genocide directed against kanaka-maoli of the ko Hawaii pae aina just like me and my family.

V. CLAIMS FOR RELIEF

Count I: Tortious Expropriation and Unlawful Removal

1. The Genocidaires and named Defendants' tortious actions and expropriation of private kuleana properties carried-out against me and my family by unlawfully removing us from our lands within the Ko Hawaii Pae Aina, encompassing the physical maritime and jurisdictional territorial boundaries of the Hawaiian Islands during the continuing crime and campaign of genocide constitutes a tort and deprivation in violation of our rights under US Code 28 Section 1350, US Code 28 Section 1091 Chapter 50(a), the Proxmire Act, violations of the UN Convention on the Prevention and Punishment for the Crime of Genocide, and the UN Convention on the Law of the Sea and in direct breach of the 1849-1850 Hawaiian Treaty with the United States of America,.

2. The Plaintiff seeks compensatory damages for the expropriation of his private kuleana property, including but not limited to the fair market value of the unlawfully seized lands, loss of the use, emotional distress, and any other damages suffered as a result of the Defendants' direct, proximate continuing and tortious actions.
3. The Plaintiff also seeks injunctive relief, requiring the Defendants to immediately cease all further coordinated plans of different actions for the expropriations and removal activities targeting kanaka-maoli, me and my family within the Ko Hawaii Pae Aina and to restore my possession and ownership of my private kuleana property rights over the Genocidaires and named Defendants unlawful expropriation of kuleana lands belonging to me.
4. The Plaintiff further requests the Court to impose punitive damages on the Genocidaires and named Defendants for their willful and malicious conduct in carrying out a campaign of genocide against Me, my family and all the kanaka-maoli kanaka-Hawaii and haole people living within the Ko Hawaii Pae Aina just like us.

#### VI. PRAYER FOR RELIEF

- a. The Plaintiff respectfully requests that this Honorable Court:
- b. Declares the Defendants' Tyler C. Saito, Michael Soong and Governor Josh Greene of State of Hawaii's actions to be in violation of US Code 28 Section

1350, USC 28 Section 1091 Chapter 50(a), the Proxmire Act, the UN Convention on the Prevention and Punishment for the Crime of Genocide, the UN Convention on the Law of the Sea, and the 1849-1850 Hawaiian Treaty with the United States of America.

- c. Declares the Defendants' Kuhina Nui: Keliuhuluhulu: Alfred Spinney Attorney General: Thomas Anthony and Deputy Foreign Minister: Hawe Keliikoa's actions to be in violation of 1839 Declaration of Rights by Kamehameha III His Majesty the King of the Hawaiian Islands, 1840 and 1852 Constitution, Book I of the 1845 and 1846 and Book II of the 1847 Statute Laws of His Majesty Kamehameha III King of the Hawaiian Islands, 1848 Mahele, 1850 Kuleana Act passed by the Legislative Houses of Representatives and Nobles and the 1859 Civil Code of the Hawaiian Islands.
- d. Orders the Defendants to immediately cease all further campaigns of genocide and expropriation and removal activities targeting Noa, his ohana and all kanaka-maoli, kanaka-Hawaii and haole people living within the Ko Hawaii Pae Aina.
- e. Requires the Defendants to restore Noa's possession and ownership rights over the unlawfully expropriated lands and to compensate him for the damages incurred, including fair market value, loss of use, emotional distress, and punitive damages.

f. Awards the Plaintiff his reasonable attorney's fees, costs, and expenses incurred in pursuing this action.

g. Grants any further relief as the Court deems just and proper.

VII. JURY DEMAND

The Plaintiff further demands a trial by jury for all issues triable by jury.

VERIFICATION NOTICE OF COMPLAINT

The undersigned Noa Kanealii Io Pono I Kelii Ua Mau declares under penalty of perjury that I am the plaintiff in the above action, that I have read the above complaint and that the information contained therein is true and correct.

s/ Noa Kanealii Io Pono I Kelii Ua Mau

CERTIFICATE OF SERVICE

I, the Plaintiff Noa hereby certify that I will give a true and correct filed copy of my Plaintiffs First Amended Complaint to the US Marshals to serve upon all the named Defendants.

s/ Noa Kanealii Io Pono I Kelii Ua Mau

Dated: October 11, 2023

Respectfully submitted,

s/ Noa Kanealii Io Pono I Kelii Ua Mau