

# Approved

## OPEN SESSION MEETING MINUTES

Board/Commission		<b>Kauai Police Commission</b>	Meeting Date	<b>August 23, 2024</b>
Location	Moikeha Meeting Room 2A/2B 4444 Rice Street, Lihue, Hawaii 96766		Start of Meeting: 9:00 a.m.	End of Meeting: 1:19 p.m.
Present	<p>Chair Laurie Yoshida, Vice Chair Howard Leslie; Commissioners John Calma; Mary K. Hertog and Walton Hong.</p> <p>Also present: Boards and Commissions Support Staff Administrator Ellen Ching, Support Clerk Mercedes Omo; Deputy County Attorney Cameron Takamura. Kauai Police Department: Assistant Police Chief Mark Ozaki, Office of Professional Standards Kevin Gras, Captain Roderick Green, members of SHOPO, and Officers in the Kauai Police Department.</p> <p>Testifiers: Bruce Hart, Roy Asher Ms. Gina Kaulukukui, Bobby Thompson, Brian Silva, Ms. Christina Chong-Tim, Ms. Johnanna Malama-Gome Dumapit, Prosecuting Attorney Rebecca Like. Kauai Police Department Employees of the Month, Officers Roldan Agbayani and Maria Himongala.</p>			
Excused	Commissioner Lisa Knutson			
Absent				

SUBJECT	DISCUSSION	ACTION
<b>Meeting Called to Order/Roll Call to ascertain quorum</b>	Chair Yoshida called the meeting to order at 9:00 a.m., and immediately called for a roll call to ascertain a quorum. Commissioners Calma, Hertog, Hong, Vice Chair Leslie and Chair Yoshida were present.	
<b>Approval of Agenda</b>	The following amendments were made to the agenda: the cancellation of Open Session agenda item KPC 2024-1 and corresponding item ES KPC 2024-4, regarding Rule 11. An addition was made to the agenda to recognize Assistant Chief Mark Ozaki as the Kauai Police Department's new Deputy Police Chief effective October 1, 2024.	A motion was made by Commissioner Hertog to approve the agenda as amended. Commissioner Hong seconded the motion. Hearing no objections, the agenda was approved as amended.
<b>Chair's</b>	The next Regular Monthly Meeting will be on Friday, September 27, 2024, at	

SUBJECT	DISCUSSION	ACTION
<b>Announcements</b>	9:00 a.m., at the Lihue Civic Center, in Moikeha Meeting Room 2A/2B. Executive Session to follow. Subject to change.	
<b>Public Testimony</b>	Chair Yoshida called for public testimony, but none was offered at this time.	
<b>Recognition of AC Mark Ozaki as the new Deputy Police Chief effective October 1, 2024.</b>	<p>Commissioner Hertog commented that emailed AC (Assistant Chief) Mark Ozaki to congratulate him on being selected to be the new Deputy Police Chief for the Kauai Police Department.</p> <p>Commissioners Calma and Hong, both congratulated and expressed their support for AC Ozaki on being newly appointed to the Deputy Police Chief position.</p> <p>VC Leslie made a comment that he couldn't be happier as it was a huge issue for him that the deputy police chief's position was open for so long.</p> <p>Chair Yoshida congratulated AC Ozaki, hoping that his appointment will help to move the Department in the right direction. She then invited AC Ozaki to say a few words on being selected to the Deputy Police Chief position.</p> <p>Assistant Chief Ozaki stated that he didn't expect to be recognized by the Commission but appreciates it and is humbled by their kind words. He thanked his brothers and sisters in blue sworn, all non-sworn personnel, as well as KPD's partners sitting in the audience. He explained that the reason he accepted the Deputy Chief's position was because for the past couple of years, he was asked if he would be interested in filling the position, and each time his reply was no.</p> <p>AC Ozaki stated that originally, he planned on retiring next month, but then he decided to accept the position because he wanted to be part of the solution,</p>	

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	<p>not part of the problem and with the Gallup survey results it confirmed things that they had already been thinking about.</p> <p>He stated that when you give your blood, sweat, and tears to an organization and have relationships with people you care about and their families and then hear your department was ranked the lowest out of hundreds of other police departments Gallup surveyed it blew him away.</p> <p>He can attest without any reservation that the men and women in the Kauai Police Department (KPD) are hardworking people , and that KPD is not the worst police department in the country. Having 25 years of service with KPD he has been to many trainings and attended many conferences here in Hawaii and on the mainland. He does not want to judge anyone, but after spending a week with the trainers, in his mind, they could never be part of KPD's training staff and would never be promoted in KPD.</p> <p>The bottom line is the people in KPD are top-notch and have so much potential and he didn't want to turn his back on them and choose the easy option of retiring. Although he felt that his tank was empty before, he now feels reenergized and wants to contribute more so that when he eventually retires the Department his colleagues will not be known as being at the bottom of the list.</p> <p>They will do significantly better because they already are, and although the community and Gallup may not know it, he knows it. He loves his fellow colleagues and wants to be there for them to take to the Department to the next level. He's a person who doesn't want to quit but he cannot to the work by himself, he needs all of them, he needs the community, the union's membership, and KPD's command staff to work together so when the next Gallup survey comes up it will show that the Kauai Police Department is the best</p>	

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	<p>department in the nation with the most gains. He doesn't want to have any regrets when he leaves the Department unlike some of his friends who left the Department who wish that they could have done more.</p> <p>Chair Yoshida made a comment that the Commission knows that the Kauai Police Department is an excellent Department with good sworn and non-sworn people and is not at the bottom of the list. She then called for testimony.</p> <p><b><u>Public Testimony</u></b></p> <p>Bobby Thompson, SHOPO Kauai Chapter Chair, testified on behalf of SHOPO. He thanked Chief Ozaki for stepping up and said he had known AC Ozaki before they worked in the Department and that they've always had a good relationship, like a marriage, because although they would get into it, they would always come back to shake hands. Chief Ozaki is a man of his word, and they will hold him to it because he asked for it. SHOPO looks forward to his leadership because they know he will do everything in his power to get the Department to where it needs to be.</p> <p><b>Mr. Roy Asher</b> stated that he's testifying as a former assistant chief, not a SHOPO representative. On behalf of KPD retirees, he congratulated AC Ozaki on his newly appointed position as the new Deputy Police Chief in the Kauai Police Department. He mentioned that he had the pleasure of working with Ozaki and described him as a great guy who is qualified, capable, and deserving of the position. He shared that on the first Wednesday of each month, KPD retirees would gather to share stories. When it was announced that AC Ozaki was the new deputy chief, his phone was inundated with calls and messages. This overwhelming response was seen as a clear sign that the Department was moving in the right direction and wanted to thank AC Ozaki in-person for his willingness to step up.</p>	

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	<p>There being no further testimony, Chair Yoshida moved on to the Employee of the Month recognition.</p>	
<p><b>Employees of the Month August 2024</b></p>	<p>AC Ozaki called on Hanalei/Kawaihau District Commander Lieutenant Stacy Perreira to address the Employees of the Month for August 2024.</p> <p>Kawaihau/Hanalei District Commander, Lieutenant Stacy Perreira introduced Employees of the Month Officers Roldan Agbayani and Maria Himongala to the Commission. She noted that the nomination was submitted by OIC Eric Higa, who was on duty and could not attend the meeting. OIC Higa wanted to commend the exceptional work of Officers Agbayani and Himongala for their quick thinking and life-saving techniques, which were instrumental in preventing a victim from bleeding out. Their actions exemplify their dedication to public service, public safety, and exceptional skills in emergency medical care.</p> <p>On July 9, 2024, officers were dispatched to Anahola Beach following reports of a 30-year-old male who was stabbed. Upon arrival, Officers Agbayani and Himongala immediately assessed the situation and were able to administer first aid, which played a critical role in stabilizing the victim before emergency medical personnel could arrive. Their ability to remain calm under stress while providing care is a testament to their training, dedication, and commitment to public safety. It is with great admiration to recognize Officers Agbayani and Himongala as the Kauai Police Department’s Employees of the Month for August 2024.</p>	

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	<p>Lt. Perreira added that she was also at the scene, and everyone who responded played an intricate role in providing care for the victim and the apprehension of the suspect. In words of Officer Agbayani, he told her that the incident was a high-profile case for him but the easiest. From Officer Himongala's viewpoint, she recognized that KPD's first aid kits needed improvement so that officers can provide care faster.</p> <p>The Commissioners took part of the recognition to congratulate Officers Agbayani and Himongala. Their actions are a testament to their training, including their ability to apprehend the perpetrator. Too often, people think that police work is to arrest people and give out tickets; it is these types of actions that bring the community's focus back to what police work is all about. A year from now, they are not going to remember the bad days they are going to remember the relationships and the lives they saved.</p> <p>AC Ozaki also took the opportunity to express his gratitude to Officers Agbayani and Himongala for a job well done. He noted that it's such an honor to be able to recognize them for their outstanding work and professionalism. He thanked Officer Agbayani, a military veteran, for his service and Officer Himongala, a mother of a young child who came to work while on maternity leave to help in the records division and in the evidence section, her unwavering dedication to her work as a police officer and her willingness to help goes unnoticed.</p>	

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	<p>Chair Yoshida called on Officers Agbayani and Himongala to say a few words.</p> <p>Officer Agbayani expressed his gratitude to everyone for honoring him. He humbly questioned why he was chosen as the officer of the month when eleven other officers responded to the call and performed extraordinary actions. He mentioned that it was one of the highest-profile cases he was involved in and commended everyone for working seamlessly together. He is deeply honored and shares the honor with the other eleven officers who responded to the call.</p> <p>Officer Himongala thanked everyone for the recognition, especially her beat partner, Officer Agbayani. She mentioned that she worked with almost everyone in the audience at some point in her four years with KPD. She gave a special shout-out to her husband, Officer Russell Himongala, for supporting her career choice.</p> <p>Chair Yoshida called for public testimony.</p> <p><b><u>Public Testimony</u></b></p> <p>Mr. Bruce Hart expressed his gratitude for being able to experience a joyous moment. He shared that he met Officer Himongala for the first time when she was pregnant and working in the records section and is happy to learn that she and her husband, Officer Russell Himongala, had a healthy baby boy. In response to an incident call, in which he, the victim, Officer Himongala, was the responding officer, and from his encounter with her, he can honestly say that she is a person of good character. As a member of the public, the public needs to realize that although the situation is stressful, they behave in a manner that is respectful to the officers who arrive on the scene and not take offense at their questions because they have a job to do and want to help. Whenever he encounters officers of exemplary character, he feels much more comfortable</p>	

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	<p>about the situation and how officers handled it. He ended by thanking Officers Agbayani and Himongala.</p> <p><b>Ms. Gina Kaulukukui</b> testified that her presence today was on behalf of Life Bridges on what happened on that day to the victim's family. What those officers and people may not know was that the victim's mother died only a few weeks earlier which made it even harder for family by what had happened. What Officers Agbayani and Himongala did, along with all the other responding officers and the people who responded, was it gave the family hope, hope that there would be accountability, and hope that he would survive. Not only did he survive, he thrived and can now come back and be part of the solution which speaks volumes of what KPD officers do day in and day out, not just in life-threatening situations but every single day, whether it's responding to a domestic violence call, a call for an argument or a civil call what all KPD officers like Officers Agbayani and Himongala do is give hope. Thank you.</p> <p><b>Bobby Thompson</b>, SHOPO Chair Kauai Chapter, stated that he knows the victim; he coached and mentored him most of his life. The victim is known to KPD as a problem and has been at the bottom of his barrel for a while. To give a better understand what those officers did, it's much easier for humans to say whatever. However, Officers Agbayani and Himongala made the extra effort to know who the victim was. They did what was needed to ensure he received the best and most professional care. Whether you know the person or not, any officer in KPD will do what is necessary to save a person's life. He ended by expressing his appreciation for Officer Agbayani for his exceptional work and Officer Himongala for always looking for ways to improve procedures and bringing it to the attention of her supervisors for handling.</p> <p>He gave a shout to Officer Russell Himongala for guiding Officers Agbayani and Himongala when they became were new police officers. Officer Russell</p>	

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	<p>Himongala was their FTO (Field Training Officer) responsible for providing training for newly hired police officers.</p> <p>Chair Yoshida called for more public testimony, but none was offered.</p> <p>VC Leslie commented that if there is anyone out there who knew someone in the media to contact them because this was the type of story that needs to be in the newspaper because it hits on so many different levels in terms of partnerships with other agencies, especially after the Gallup survey it's a step in the right direction.</p>	
<b>Recess</b>	<p>At 9:33 a.m., Chair Yoshida called for a five-minute recess.</p> <p>At 9:38 a.m., Chair Yoshida called the meeting back to order.</p>	
<b>Approval of Minutes of July 26, 2024, meeting.</b>	<p>Chair Yoshida called for a motion to approve or amend the minutes of the July 26, 2024, meeting.</p>	<p>A motion was made by Commissioner Hong to approve the open session minutes of July 26, 2024, meeting as circulated. Commissioner Calma seconded the motion. Hearing no objections, the minutes were approved.</p>
<b>Communication</b>	<p><u>Communication dated August 1, 2024, from SHOPO President Robert Cavaco to Police Commission Chair Laurie Yoshida thanking the Chair for providing SHOPO with the Gallup Presentation and an inquiry into learning the Police Commission's next steps.</u></p> <p>Chair Yoshida called for public testimony.</p> <p><u>Testifiers</u></p>	

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	<p><b>Brian Silva</b>, SHOPO Kauai Chapter Vice Chair/Detective, testified that he's been with the Department for 23 and half years. His testimony is on trust. According to the results of Gallup's survey, trust doesn't exist in KPD, and that the employees do not trust that their input will make a difference. Two years ago, SHOPO presented the results of their survey to the Police Commission, and the Commission talked about trust because their opinions were important.</p> <p>A year later, the Commission asked SHOPO to present their results again, which they did. The Commission (again) talked about trust and that their opinions matter. SHOPO wants a broader perspective on the Gallup's survey.</p> <p>He continued to say that the Commission asked SHOPO if they could put their second survey on hold (trust), two years later; faced with the results of the employees' opinions, SHOPO is waiting to hear what comes next. The (inaudible) is not building trust they're asking the Commission to trust the feedback contained in the Gallup's survey came from every corner of the Department and is professional, honest, and in the best interest of KPD.</p> <p>Mr. Silva referred to a complaint the Commission received against a department head alleging severe policy violations and potentially the law, which was admitted to. They (SHOPO) trust that the Commission will treat the employee like others. In the face of overwhelming data that shows KPD has a harmful working environment the employees all agree on the core cause and trust that the Commission will take action that will make a difference. He guarantees that every single KPD employee is looking that the Commission to see if the Commission's actions would dictate whether SHOPO's trust in the Commission was misplaced or not.</p> <p>Mr. Silva stated that as soon as the Gallup's survey was released Chief's Raybuck's did a press release expressing his commit to change and they were</p>	

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	<p>later told that Chief Raybuck's intent was to change the work schedule for sworn personnel to 12-hour shifts come October. The Commission needs to know that the change will affect the officers' families because schedules need to be changed in terms of getting their kids to school, securing childcare or other care. Yet they were told they had 2 months to modify their schedules.</p> <p>Mr. Silva stated that their not opposing the schedule their rejecting management's approach because they did not take consider the workings of family life and how change would cause distress in trying to figure out what they were going to do on a whim. When asked why so soon, why not give the officers time to plan, the response was because the Gallup poll showed that KPD employees wanted change quickly, without the Commission's direction.</p> <p>The Gallup survey was to prevent bad practices that earned the Department and management dismal results. Mr. Silva stated that this is the fourth Police Commission meeting, in eight months, that Chief Raybuck has missed, that is very telling. When Chief Raybuck made the decision his command staff were not on board, but they later learned what had occurred and he credits AC Ozaki for that.</p> <p>At this point, Chair Yoshida advised Mr. Silva that his three-minute limit was up and asked him if he could wrap.</p> <p>Mr. Silva stated that that they met with AC Ozaki and credits him for his willingness to try to fix the problem. Everyone knows it's about leadership, so a decision needs to be made. Thank you.</p>	

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	<p>VC Chair Leslie asked if could ask Mr. Silva a few questions.</p> <p>Commissioner Hertog stated that she appreciates his comments, noting that the Commission deserves to be scrutinized, and that they are not going to let him and the officers down. She would like to know, in his own opinion, how much time the officers need to prepare their families for the transition into the new work schedule.</p> <p>At this point, the Deputy County Attorney, Mr. Takamura, interjected and advise Commissioner Hertog that to stick to the agenda item.</p> <p>Chair Yoshida pointed out that the agenda item pertains to contents in the letter from SHOPO regarding the Gallup survey.</p> <p>Commissioner Hertog requested that the item be placed on the next agenda so that she can get a response to her question.</p> <p>VC Leslie said that he wholeheartedly agrees with Mr. Silva on many different aspects but systemically, it is difficult for the Commission because it only meets once a month, and last month is when the Commission was officially given the information as a group, from Gallup. So, up until today, the Commission cannot do anything because it only meets once a month, but they will be discussing it in some aspects of the agenda today. What he's interested in, he cannot ask those questions, so he'll just say, he hears him and are going to act on his words. Commissioner Hong commented the last month's meeting was a wake-up call for him. He been a member of the Police Commission about a year now, didn't realize the shape KPD was in. He senses a shifting of the tide, and he hopes it's within the Commission's purview to continue ride this wave to make a change</p>	

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	<p>because being at the bottom of the list, the only way to go is up.</p> <p>Before calling for more testimony, Chair Yoshida took time to remind everyone, including the Commissioners about the Sunshine Law and that all discussions, comments and testimonies must adhere to the agenda item.</p> <p><b>AC Ozaki</b> confidently expressed his intention to briefly address the 12-hour schedule. He openly stated his awareness of the October date and emphasized that the decision was made collectively with positive intentions without any ill will.</p> <p>He explained that the decision was influenced by the Gallup survey which indicated KPD officers' eagerness for change. He clarified again that there was no intent to harm the officers, in anyway but rather a lack of communication led to the issue.</p> <p>AC Ozaki confidently highlighted that a meeting was promptly called once the matter was brought to their attention. He encouraged Mr. Silva to continue to be the advocate for the non-sworn employees' and police officers.</p> <p>AC Ozaki stated that they are going address the issue and if it something that shouldn't happen in October, then the command staff can make a recommendation to change the start month all he asks is for them to bring forth any issues sooner rather later so that they can address timely and appropriately. AC Ozaki sincerely apologized and emphatically declared that he takes full responsibility because failing to do so would make him appear cowardly, and he solemnly gave them his word.</p> <p><b>Bobby Thompson</b>, SHOPO Kauai Chapter Chair asked the Commission to</p>	

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	<p>understand their frustration and what Mr. Silva said earlier needed to be said and all of it was true. They know that the Commission meets once a month and can only do with the time it has. However, their frustration sat for two years, with few or no results since the first survey, then the second survey, which came out the same, if not worse. Every day the police officers put their lives and the lives of their friends at risk. Like Chief Ozaki, he too has a family, and his kids must go to school, and his wife must go to work; coming to work without knowing what will happen next and not getting the results to improve the Department is frustrating.</p> <p>He commended AC Mark Ozaki for reaching out to him when he found out. He doesn't blame AC Ozaki but commends him for taking the blame. Although he was part of the decision, it wasn't him, he's trying to fix the problem and he's trying to help them which is why he took the Deputy Chief's position.</p> <p>Mr. Thompson stated that they look forward to working with him because something needs to be done. They're not trying to pick on anyone or blame anyone, but it's obvious what is happening. The lines of communication are broken, and they haven't sat down for a while but thanks to AC Ozaki they can talk to him and wants to keep his relationship with AC Ozaki.</p> <p>Mr. Thompson shared that SHOPO held their chapter met last night, and much was said about the 12-hour work shift. The discussion wasn't negative; they talked about what they can do, how they can address the different 12-hour schedules, etc. They understand that a date needs to be set, but it will not happen in October; they need to sit down and discuss it.</p> <p>Mr. Thompson stated that everything the membership asks for and receives</p>	

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	<p>need to be reflected in a memo of understanding because he wants to make sure everything that was agreed upon is followed. He ended by thanking the Commissioners for their time, noting that he understands the Commission is under scrutiny, but so are they.</p> <p><b>Ms. Gina Kaulukukui</b>, KPD's Domestic Violence Intervention Coordinator, testified that she is here as an advocate not for domestic violence victims but for civilians. She's come to these meetings before and always talked about the men and women in blue. She doesn't wear blue but is the backbone of the officers' work; she works in partnership because they are her peers. When the Gallup poll came out, those were voices that needed to be heard because, within KPD, they had no voice in leadership. When they asked for a quick response, they didn't for ask the officers to work 12-hour shifts; they would no longer have a balance between family life and police life.</p> <p>What they asked for was a quick response in the change of leadership which is the demise of the Department. According to the Gallup poll 49% are actively disengaged and 46% are not engaged.</p> <p>She questioned the Commissioners knowledge if they knew the dispatchers are working at a 50% capacity; who's filling in, their supervisors so those dispatchers can get a break after working continuously. Who's asking how they are doing, how their families are doing, nobody. What about after going through a big trauma is anyone offering peer support to those dispatchers and the officers. Were those two officers who were just recognized offered peer support after what they provided; the answer is no. Because peer support is not important to KPD's leadership. Mental health is not important to KPD's leadership. They're seeing new civilian employees in KPD who are making more money than the employees who have been there for 16 years. The Commission needs to</p>	

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	<p>know that civilians work because they love their job, and they want change; they want the leadership to be changed because they want to feel valued and appreciated by their leader.</p> <p>She doesn't think that the Commission knows her as a domestic violence advocate, when she goes to court that she's been called the c word on multiple occasions, she been sworn at, had her life threatened, her family has been threatened and yet, day after day, like her counterparts the admin assistance, the people in records, the dispatchers who are abused by the public continue to show up for work because they love what they do.</p> <p>She's been with KPD for 16 years and today was the first day because after today, the words she used, if she gets fired, she doesn't care because her chief doesn't care, the leadership in those positions doesn't care. She apologized to everyone for the words she used. Her point being they are not asking the Commission, they're begging the Commission to uphold the standards of conduct that leadership must abide by, that civilians are held accountable to but don't get paid. She asked the Commission to acknowledge the work the civilians in KPD do because they're not just civilians ( she was referred to by an officer just last week) she is a peer, and proudly stands alongside the men and women in blue. Thank you.</p> <p>Chair Yoshida reminded everyone again, that testimony is limited to three minutes.</p> <p><b>Mr. Bruce Hart</b>, testified since the Gallup survey was released, he had hoped for an opportunity to be able to speak publicly to the Commission on the subject. And he knew that if the opportunity came KPD's command officers would be in the room. He shared with the Commission after the Gallup's presentation to the council, he was outside of council's chambers and got to</p>	

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	<p>He spoke to the woman who gave the presentation. He asked her on a scale from 1 to 10, where KPD is at and her response was its not 1 to 10, its 1 to 100 and KPD is currently at one.</p> <p>He stated that everyone on the Commission is familiar with him, they know he has come before the Commission going on two years now, and one of his primary complaints was, KPD's performance in his case.</p> <p>He complained in writing and by testimony as to KPD's command. He wants to tell the Commission that he also just gotten up and praise the work of rank and file, he realizes that there are problems with KPD command, it is not about condemnation it's about recognizing the problem.</p> <p>He is not scraping KPD when Chief Raybuck came on board one of the first things he said to him was he that he has a heart for all the officers in KPD. If the Commission remembers when he gave testimony for the first before the Commission, he said basically the same that he has respect for the officers and that he knows many of the officers and some of them have become his friends and they are still his friends, but it has been a difficult struggle to maintain those friendships while at the same time criticizing, constructive criticism especially as a member of the public as a personal issue trying to set aside the personal side and focus on bettering KPD. He said it to Chief Raybuck that he wants to see KPD be the best police department of its size in the nation. He still has the heart, and as a member of public he would like to offer his help as he's always had. Thank you.</p> <p><b>Emergency Services Dispatcher Christina Chong-Tim</b> said that she's been with KPD for eighteen years and wanted to share their perspective on what they've been going through for the past couple of years. She mentioned that KPD</p>	

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	<p>recently celebrated National Dispatchers Week, and it was revealed then that they were short-staffed. Ideally, there should be 21 dispatchers, but they have only 9 which leads to many 12-hour shifts. Most dispatchers are mothers who must sacrifice their time with their families to be at work. Despite of that, they are dedicated to their job and the community.</p> <p>Ms. Chong-Tim mentioned that the administrative staff checks on them, but Chief's visits have been rare in the past few years with the most recent one occurring after the release of the Gallup poll and offered to buy them coffee. This raised questions about the Chief's appreciation for the dispatchers and how much they are valued in the organization.</p> <p><b>Dispatcher Johanna Malama-Gomes Dumapit</b> has been in dispatch for four years. As far as the Gallup survey, she wanted to speak up as a co-worker who has been working with KPD officers during this time. It's been sad to see the morale go down, not in just dispatch but for the officers as well. The officers feel that they are not listened to and not being treated as they should be. She has friends who are officers who love their job but are finding it difficult to come to work which is sad; dispatchers come to work because they love their job and as Ms. Kaulukukui said earlier, they show up because they love their job.</p> <p>It's sad when you go to dispatch and see some of the dispatchers completely drained which comes down to them not being listened to. If they bring up issues it would go to the higher ups , then goes nowhere. Most of them feel that when they bring something up, they don't get taken seriously – their just complaining again, so they don't speak up because they don't want people looking down at them.</p> <p>A lot them spoke up during the survey because the job they do is draining and most of them are moms, and if not a mom, they have families at home that they</p>	

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	<p>must take care of and attend to but cannot because they're at work all the time. They gave suggestions on hiring more staff or raising their pay, again, it feels like they are not being listened to, so they are struggling along. When someone is out sick or on vacation dispatch is down to seven dispatchers. She has a 9-year-old daughter at home, who is active in sports and in school events and it's frustrating for her to not be able to be there in her prime years. She loves her job and loves her co-workers, and she hopes that action will be taken for the officers, dispatchers and civilian workers regarding the survey results for change to come. Thank you.</p> <p>Ms. Chong-Tim added that with everything going on to address change where it's needed, people should focus on dispatchers' mental health because they work 12-hour shifts. Twelve hours of hearing someone complain and still having to deal with their own problems at home is beginning to affect dispatchers mentally at home and at work.</p> <p>Commissioner Hertog stated that she didn't know where to begin. She doesn't want any of the civilian workers who are peers to the officers to feel unappreciated and that goes for Ms. Kaulukukui, in her capacity. The Commission knows that there is a lack of dispatchers and wishes that they could get them a pay raise and clone a couple of the dispatchers because it's such a difficult job to do and recruiting is just as difficult.</p> <p>If they've been neglectful in getting the dispatchers the mental health resources that they need, then something needs to be done. Working 12-hour shifts and having to hear someone who is at their worst or suicidal can get overwhelming. Dispatchers are the first line of defense for officers and for the public members, so following up with the dispatchers and everyone else in the Department, to see what type of mental health resources they need is essential. Dispatchers</p>	

SUBJECT	DISCUSSION	ACTION
	<p>may need to talk to a chaplain or mental health professional, which is not much, but she wants them to know that the Commission hears them and appreciates what they do daily. Dispatchers are the Department's unsung heroes, and to only recognize them once a year is wrong because they should be recognized daily, including all civilian employees, because they are the backbone of KPD.</p> <p>VC Leslie stated that he could never have gone on with his career without non-sworn personnel in records and in dispatch and he cannot say how often he would he sit in dispatch watch the screen and was amazed by all the multi-tasking of what was going on. He could never do it. He will ask at the next Police Commission meeting to have Chief Raybuck come back and give the Commission an action plan on how he plans to solve the issue. Additionally, he like the Department and the Chief's input to help the Chief to develop a plan; he wants answers that go beyond we plan on recruiting, he needs to know what it all means.</p> <p>AC Ozaki said he wants all the dispatchers and all non-sworn to know they are genuinely appreciated and apologizes for making them feel they are not recognized and appreciated.</p> <p>Being a dispatcher is a 24/7 job and when he became an officer, he didn't appreciation for non-sworn until he worked in the Administrative and Technical bureau where most of the staff are non-sworn. Making half of what police officers make and still be committed to their work is very telling of their dedication to their jobs and that management needs to show more appreciation for all the non-sworn in the Kauai Police Department every day.</p> <p>AC Ozaki encouraged the dispatchers to continue making suggestions, emphasizing that he would commit to listening to them.</p> <p>Chair Yoshida commented that she agrees with everyone's sentiments that the</p>	

SUBJECT	DISCUSSION	ACTION
	<p>dispatchers and all non-sworn personnel are an integral part of the Department and are deeply appreciated. She shared that during the recognition of the dispatchers at a previous commission meeting some of the dispatchers could not attend the recognition because they had to work so she visited dispatchers at the Department to express her appreciation on behalf of the Commission. Chair Yoshida also stated that because not all their suggestions can be considered getting a response back from the Chief and his assistant chiefs on what suggestion they can or cannot consider will a great step in the right direction because communication is the key.</p> <p><b>Mr. Roy Asher</b> testified that he was police officer in the Kauai Police Department for 46 years and for the last few years as SHOPO's business agent. The Kauai Police Department in its history only had eight chiefs and he worked for five of the chiefs. He doesn't need a survey to tell him that the Department is broken, he's witnessed it and seen its demise. It all starts with the leadership, and it needs to change. He is here to tell the Commission that it is within the Commission's power. Out of the five chiefs he had worked for, two were removed. No one in sitting in the room was there when their removal occurred, but two of the chiefs were removed, and again the Police Commission have the ability as it sees fit. The average tenure of a police chief is three years, and he (Chief Raybuck) is well past that. It's not fair to the men and women sworn or non-sworn to work in those conditions. Currently, this is the worst conditions he is witnessing.</p> <p>VC Leslie asked Mr. Asher if the three years he was referring to be the national average to which Mr. Asher replied yes.</p> <p><b>Prosecuting Attorney Rebecca Like</b> testified that she wanted to weigh in and was glad she attended last month's meeting. What was apparent to her or really</p>	

SUBJECT	DISCUSSION	ACTION
	<p>stood out was that there seemed to be a lot of fear among the sworn and non-sworn to come forward and say things because there seemed to be a legitimate culture of retaliation in the Police Department coming from the top. So, she's committed to come to the Police Commission meetings because she thinks she has valuable insight to provide as to what is going on within the Department. She was moved by what Detective Silva said about trust, it's hard to move forward when there is not a culture of trust in the Department; we don't have time to wait for things to improve. She looked through their reports that they get, and they are unable to pursue cases because of the mass exodus of officers occurring. Public safety is compromised because they are losing good officers because of a failure in leadership within the Department.</p> <p>She doesn't understand all the issues regarding increasing pay scale for dispatch, an issue she has complaint about for years. She calls dispatch all the time, she drives in her car a lot and if she sees a crash or sees something that needs to be called in, often but on multiple occasions that had to be put on hold for 5 to 7 minutes. She's not saying it's the fault of the dispatcher, it's the fault of the police department failure to prioritize the first responders. She is grateful that Gallup came in and gave them information. She's just going to say it, and maybe she shouldn't but, the Chief has a very prominent parking spot and when she comes in the morning she is surprised when his vehicle is there. She's not surprised that the Chief is not present today. She commended Mark for stepping up, it's like night and day working with Mark and working with the Chief. Mark is responsive, kind, has the emotional intelligence and cultural competency.</p> <p>She gets fiery and Mark would be like Rebecca, let's sit down and talk about it, that contrasts with just no response until it becomes a huge conflict at some point because there is no follow-up done. She just wanted to express that she</p>	

SUBJECT	DISCUSSION	ACTION
	<p>is committed to coming to the meetings and weigh in on what's going on. She's glad that officers felt comfortable to come forward to say something because she thinks that they were nervous to do so.</p> <p>At this point, Chair Yoshida informed Ms. Like that her 3-minute time limit was up.</p> <p>VC Leslie stated that Ms. Like said something extremely important, she said many things that were extremely important but what resonated with him was ( he is going to ask her a question but by no means she must answer his question) he is going ask her a question because he respect her, did she observe or experience retaliation from the KPD organization, from the top of the organization.</p> <p>Chair Yoshida interjected and stated that his question has nothing to do with SHOPO's letter and it's really stretching the envelope in terms of the Sunshine Law. VC Leslie apologized.</p> <p>AC Ozaki thanked Ms. Like for coming to the meetings and for having the courage to bring up her concerns. He stated that the Office of the Prosecuting Attorney are partners and looks forward to making that partnership better because they're both on the same page.</p> <p>There being no further testimony, Chair Yoshida called for a motion to receive the communication dated August 1, 2024, from SHOPO President Robert Cavaco.</p>	

SUBJECT	DISCUSSION	ACTION
		<p>A motion was made by Commissioner Hertog to receive the communication dated August 1, 2024, from SHOPO President Robert Cavaco to Police Commission Chair Laurie Yoshida. Commissioner Hong seconded the motion. Hearing no objections, the motion carried 5:0.</p>
<p><b>Chief's Monthly Report June 2024</b></p>	<ul style="list-style-type: none"> <li>♦ <b>Support Services Bureau</b> – 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.</li> <li>♦ <b>Field Operations Division</b> – Death Reports, Assault 2<sup>nd</sup>, felony abuse, missing person, unattended death, cruelty to animals, terrorist threatening, escape/traffic collision, robbery, community activities and involvement, pieces of training, traffic grant enforcement, patrol services traffic enforcement summary, arrest summary, and calls for services and incident summary.</li> <li>♦ <b>Criminal Investigation Division</b> - Major incidents/notable highlights, assault in the 2<sup>nd</sup> degree, other assault cases, unattended deaths, death within 24 hours, escape in the 2<sup>nd</sup> degree, missing person, robbery, runaway juvenile, sexual assault, terroristic threatening, year to date death statistics, natural deaths involving autopsy results,</li> </ul>	

SUBJECT	DISCUSSION	ACTION
	<p>accidental deaths, undetermined pending toxicology results, drug overdoses, suicide, murder, projects/enforcement, special focus section- criminal property damage, UEMV, UCPV, burglary, theft, enforcement projects, community activities involvement, vice section – seizures, asset forfeiture, notable highlights.</p> <ul style="list-style-type: none"> <li>♦ <b>Chief's Office</b> - None.</li> </ul> <p>Chair Yoshida called on AC Ozaki to address the Monthly Bureau Reports for June 2024. AC Ozaki called on Police Captain Rod Green to address the Field Operations Division Report.</p> <p>Field Operations Division Report. Captain Rod Green reported on four major incidents that occurred in the month of July 2024.</p> <p>On July 11, 2024, an aviation accident involving a helicopter occurred when the helicopter broke apart while in the air and the helicopter fell into the ocean approximately 1-2 miles offshore near Hanakoa Falls. The investigation revealed that three people were involved in the crash. One of the passengers (decedent) was recovered by fire and rescue personnel and brought to Hanalei Pier, then turned over to the Kauai Police Department personnel and subsequently transported to Wilcox Hospital. The other two passengers were not found. CID detectives responded to the scene and took over the investigation.</p> <p>On July 9, 2024, officers responded to Anahola Beach for a report of a 30-year male who was stabbed in the chest. A female suspect was identified and apprehended. The make victim sustained life threatening injuries and was transported to Wilcox Hospital for medical treatment and was admitted for a tracheal deviation and two collapsed lungs. CID detectives are investigating.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>On July 15, 2024, officers responded to Moi Road in Hanapepe for a brush fire that initiated behind Hawaiian Homes on the Gay and Robinson land. The fire consumed approximately 30 acres, and it appeared that firefighters may have had fire under control. At approximately 1423 hours, officers were called back to the scene as the fire escalated and started to spread to due increased wind and moving in a southwest direction towards Kaumakani camp where officers expeditiously began to evacuate residents living in the Kaumakani village and closed down Kaumuallii Highway. Overall, the fire consumed over 1,000 acres and disrupted telecommunications and power for an extended period. No injuries or fatalities were reported.</p> <p>On July 18, 2024, officers responded to a brushfire near Kokee Road which was later classified as arson. The fire affected a large area of state land and spread northeast towards Waimea Canyon Drive. Multiple fire units were deployed, including Crash Fire personnel and Air 1 and worked to contain the fire for four days. The case remains under investigation.</p> <p>Additionally, Captain Green reported that a brush fire was currently occurring and by the last report the fire was 20% contained. Fortunetlay no residences are being threatened currently. KEMA has been partially activated. Also, a statewide VTC meeting was held this morning to discuss Hurricane’s Hone and Gilma. It was predicted that Hone will pass the island chain but will still bring in wind, heavy rain and high surf. Officials are monitoring the storms.</p> <p>After his report, Captain Green opened the floor for questions from the Commissioners.</p>	

SUBJECT	DISCUSSION	ACTION
	<p><u>Questions from the Commissioners</u></p> <p>VC Leslie inquired about community activities and involvement. The report indicated that Kawaihau patrol officers were present along the Kapa'a bike path in July. He questioned the purpose, frequency, and effectiveness of the officer's presence.</p> <p>Captain Green responded that it happens monthly, but he cannot provide a concrete number on how often it occurs within the month. The purpose of having the officers present on the path is to address complaints made by the public concerning the homeless population and the problems occurring.</p> <p>VC Leslie asked as a suggestion, in the future (he doesn't have to provide the information) it would be nice for him to know how often it happens and whether the purpose had to do with the houseless community to reduce the complaints and is the Department getting less complaints.</p> <p>Additionally, VC Leslie wanted to know what the car seat checks involve. Captain Green responded that every year, the Department's Traffic Safety Section and sponsors offer free car seat inspections by trained child passenger safety technicians. Those technicians will check to make sure the car seats are installed correctly and show parents how to install and use them correctly. VC Leslie suggested that KPD keep track of how many events are done because it's an outstanding community engagement strategy that can be calculated and seen as an achievement at the end of the year. VC Leslie noted that he personally found the presentation of the bike path report below his expectations.</p> <p>AC Ozaki reported that regarding the Criminal Investigation Division Monthly Report, Captain Darren Rose was on vacation. Lt. Kennison Nagahisa is filling in for Captain Rose, but he is currently on assignment investigating multiple cases</p>	

SUBJECT	DISCUSSION	ACTION
	<p>can be present to address the report.</p> <p>Commissioner Hong asked if the officials suspect the same persons are responsible for the brush fires across the island, especially since it's been a year since the Maui Fire. He would hate to see the same thing happen here on Kauai. AC Ozaki responded that their investigation came back as similar suspect per say and that the Fire Department is investigating as well.</p> <p>Chair Yoshida shared that she attended a luncheon after the Kaumakani fire. Fire Chief Michael Gibson was also present, and when he was introduced, the response from the attendees was overwhelming. She also expressed her appreciation Assistant Chief Ke and for the officers who responded, going door to door to evacuate the residents to another area where they would be safe.</p> <p>VC Leslie inquired about the hiring of an ISB administrative assistant , an accountant trainee and an emergency services dispatcher I. He asked if all three were hired to which AC Ozaki responded all three positions were filled.</p> <p>AC Ozaki mentioned that drone footage of the Kaumakani fire was captured. He also praised the firefighters for doing an outstanding job in saving Kaumakani. He referred to the officers who went door-to-door as superheroes. The body-worn camera footage captured will attest to those officers' actions. On a serious note, concerns were raised about officers' safety, and as a result, equipment will be ordered and made available to KPD officers.</p> <p>Commissioner Hertog asked if they read the After-Action Report from the Maui Fire Department concerning the Maui Police Department because that one of the issues their officers were faced with. AC Ozaki responded that Chief</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Raybuck did share the Report with command staff, and they are working on securing the necessary equipment for KPD officers.</p> <p>Additionally, Commissioner Hertog asked if KPD still has active drones. AC Ozaki responded yes, and that KPD plans to increase its usage with permission and when possible, noting that the Fire Department also has drones.</p> <p>Boards and Commissions Administrator Ellen Ching shared that at a recent Fire Commission meeting, Fire Chief Michael Gibson made a statement that resonated with her. He acknowledged KFD’s partnerships with the Kauai Police Department, private landowners, local businesses, public works, and the county. Without them, the outcome may have been different, but because of the partnerships, Kaumakani was saved.</p> <p>Lastly, AC Ozaki reported that the 68<sup>th</sup> Annual Hawaii State Law Enforcement Officials Association Conference will be held on September 4 – 6, 2024, at the Grand Hyatt Kauai Resort and Spa, in Poipu. The Kauai Police Department is hosting the conference. He acknowledged Captain Makana Rivera and Public Information Officer Crystiana Victorino and all the supporting staff who are working so hard to make the conference a success.</p> <p>VC Leslie asked relative to the last year’s extensive 9-day manhunt that involved multiple law enforcement agencies who was the lead detective on the case.</p> <p>AC Ozaki responded that two detectives were assigned to the case, Officers Brian Silva and Anthony Abalos. VC Leslie stated that he was told one of the detectives received a federal award and would like to know who it was to which</p>	

SUBJECT	DISCUSSION	ACTION
	<p>AC Ozaki responded that he doesn't know anything about it, and he too would like to know who it was that was received the award.</p> <p>Chair Yoshida noted that if anyone knows to email Ms. Ching so she could let the Commission know, she then called for testimony on the data reflected in the Chief's Monthly Reports.</p> <p>Prosecuting Attorney Rebecca Like testified that because CID was not present, she would like to say that CID and the prosecutor's office met with all the fire captains to brief them on arson investigations so that everyone could work together and respond together should it be necessary.</p> <p>There being no further comments or public testimony, Chair Yoshida moved on to item KPC 2024-14.</p>	
<p><b>Business</b>  <b>KPC 2024-1</b></p>	<p><u>Discussion and decision-making on the Permitted Interaction Group recommendations on the proposed draft of Rule 11 of the Kauai Police Commission Rules and Administrative Practice.</u></p>	<p>This item was cancelled.</p>
<p><b>KPC 2024-14</b></p>	<p><u>Discussion and possible action on the Kauai Police Department's 2025 Goals.</u></p> <p>Chair Yoshida called for public testimony on item KPC 2024-14, but none was offered.</p> <p>Chair Yoshida called for a motion to receive Chief Raybuck's Goals dated June 24, 2024, for the record.</p>	<p>A motion was made by Commissioner Hertog to received Chief Raybuck's 2025</p>

SUBJECT	DISCUSSION	ACTION
	<p><u>Discussion</u></p> <p>Commissioner Hertog stated that she would like to send back the 2025 Goals to the Department for amendments if possible. She explained that because the 2025 Goals were developed before Gallup’s survey results were available, she would like to see linkage to Gallup’s survey recommended actions. Some of the goals pertained to getting additional equipment for KPD’s officers being that it was one the complaints that was brought up, but not all the goals were mirrored to what was in Gallup’s survey.</p> <p>VC Leslie stated that the goals listed can be used for any company in America, he would like to see specific goals for the Police Department and because the Commission knows about the Gallup survey the goals should be on improving the results in the Gallup survey then the Chief can list all the strategics.</p> <p>Additionally, in the development of those goals, was the mayor’s office, office of the prosecuting attorney contacted, life bridges and SHOPO for their input. The mayor’s office has vision zero which is a perfect opportunity for partnership with police enforcement. Also, he’s sure that the Commission will agree with him the purpose of a police department is to reduce crime, to his point there isn’t one goal to reduce crime, and he doesn’t understand it.</p> <p>Therefore, he would suggest some type of strategy that measurable for crime reduction., and some type of strategy that has to do with the Gallup survey to get better results. There are thousands of different ideas on strategies that are measurable to help the Department achieve those goals. He would also ask for updates every 8 weeks; every quarter on how the Department is doing on those strategics, it doesn’t work getting it once a year to realize if their failing or not.</p>	<p>Goals dated June 24, 2024, for the record.                      Commissioner Hong seconded the motion.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Deputy County Attorney recommended that if the Commission is going to request or provide an advisory opinion or comments to Chief Raybuck regarding the goals the Commission should do so in the form of a motion of the body.</p> <p>Chair Yoshida asked if the motion on the floor to receive the goals must be rescinded to which DAC Takamura replied no and explained that because the Commission received the goals it should include an advisory to make recommendations to the Chief.</p> <p>Chair Yoshida asked for clarification if she should call for the vote to receive the Department FY goals that was submitted by Chief Raybuck for the record to which DCA Takamura replied that she should call for the vote to receive the goals first, then the Commission can discuss its next step.</p> <p>Chair Yoshida called for the vote to receive the FY 2025 Police Department Goals for the record.</p> <p>After the motion passed, DCA Takamura explained to the Commissioners that because KPC sets the overarching policy for determining goals under KPC's rules Annex 4, Chief Raybuck is tasked with setting the goals as an administrative function of his position. Still, it doesn't prevent the Commission from providing an advisory opinion or comments on those goals.</p> <p>Ms. Ching suggested that the Commission may want to consider a motion to make the following recommendations: progress be made on Gallup's strategic plan.</p> <p>VC Leslie suggested a crime reduction goal and a goal that shows improvements</p>	<p><u>The Vote</u>                      Hearing no objections, the motion to receive the FY 2025 Police Department Goals for the record carried 5:0.</p>

SUBJECT	DISCUSSION	ACTION
	<p>relative to the Gallup survey.</p> <p>Commissioner Hertog said the goals need to be more specific and show direct linkage to the recommendations made by Gallup’s survey. She suggested that the Commission provide recommendations in writing to Chief Raybuck. VC Leslie agreed and stated that in addition to the recommendations, he would like to ask Chief Raybuck to include the measurable strategic plans that they plan on implementing.</p> <p>Chair Yoshida clarified that the Commission should send the 2025 Goals back to the Chief and have him redo them to show how the goals are aligned with Gallup’s strategies and how they link to Gallup’s survey strategies.</p> <p>Commissioner Hertog added that as VC Leslie pointed out earlier you need input from the stakeholders. VC Leslie noted that the strategies are out there the Commission, and the Department needs to know how it is going to be done.</p> <p>AC Ozaki commented that they have broad overall goals for the Department, specific bureau goals that are more itemized, and those goals are internal. Whatever recommendations or suggestions the Commission has, he asks that it be in writing so they can address it. He also asks the Commission if they have any measurable strategies to put it in writing.</p> <p>VC Leslie talked about the mayor's vision zero, asking if the Department is up in vehicular homicides year-to-year comparison. Look at the crimes, where they are occurring, why they are occurring, and if it's drinking, then the strategy is to hold DUI checkpoints once a month for the next 12 months, then check every eight weeks to see if the numbers are going down or not; that's just one example of many things. Commissioner Hertog noted that it's okay if he keeps</p>	

SUBJECT	DISCUSSION	ACTION
	<p>it as a recommendation. AC Ozaki said he doesn't have to provide measurable strategies for every recommendation.</p> <p>Ms. Ching suggested that the Commission move ahead with a motion. If anyone has any specifics, they should email her. She will forward them to the Chief and include AC Ozaki since he will be the new Deputy Chief come October 1st, or Dave Carmichael if it has to do with Gallup.</p> <p>Chair Yoshida pointed out two changes to the goals and a follow-up. The first is a goal on crime reduction, and the second change is that the goals show linkage to the Gallup strategies and ask the Chief to provide updates every eight weeks at the Commission meetings. Commissioner Hertog stated that she would prefer getting updates every month rather than every 8 weeks.</p> <p>Chair Yoshida called for a motion.</p>	<p><b>Motion</b>                      A motion was made by Commissioner Hertog to include a goal in FY 2025 on crime reduction, and that the goals show a linkage to the Gallup strategies, and for Chief Raybuck to provide an update every month at each Commission meeting. VC Leslie seconded the motion. Hearing no objections, the motion carried 5:0.</p>
<p><b>KPC 2024-15</b></p>	<p><u>Public announcement on the Police Commission’s disposition for formal notarized citizens’ complaints KPC 2023-010 and KPC 2024-001 that were filed against officers in the Kauai Police Department.</u></p> <p>Chair Yoshida read the following public announcements:</p> <p style="text-align: center;">PUBLIC ANNOUNCEMENT ON THE POLICE COMMISSION                      DISPOSITION FOR FORMAL NOTARIZED CITIZEN COMPLAINT KPC 2024-002</p>	

SUBJECT	DISCUSSION	ACTION
	<p>On March 22, 2024, the Kauai Police Commission examined Formal Notarized Citizen Complaint 2024-002. The Commission exonerated the officer because it was unable to discover any proof of police misconduct after reviewing the body-worn camera footage.</p> <p>The Police Commission's official review of Formal Notarized Citizen Complaint KPC 2024-002 is completed.</p> <p style="text-align: center;">PUBLIC ANNOUNCEMENT ON THE POLICE COMMISSION                  DISPOSITION FOR FORMAL NOTARIZED CITIZEN COMPLAINT KPC 2024-003</p> <p>On March 22, 2024, the Kauai Police Commission examined Formal Notarized Citizen Complaint 2024-003. The Commission did not sustain the complaint because it was unable to discover any proof of targeting, a false allegation of not stopping at the stop sign, and bullying tactics after reviewing the body-worn camera footage. The Police Commission's official review of Formal Notarized Citizen Complaint KPC 2024-003 is completed.</p> <p>Chair Yoshida called for testimony on any of the items listed in Executive Session.</p> <p><u>Testimony</u>                  Mr. Bruce Hart stated that his testimony is item ES KPC 2024-24. He requested that the Commission look at it, not only from whatever is normal or procedural but also from the Gallup poll. Thank you.</p> <p>VC Leslie commented that he appreciates all the people for coming up to give</p>	

SUBJECT	DISCUSSION	ACTION
	<p>their comments because the Commission wouldn't know unless someone tells the Commission. Thank you.</p> <p>There being no further testimony, at 10:58 a.m., Chair Yoshida called on Deputy County Attorney Cameron Takamura to read the Hawai'i Revised Statutes to take the meeting into Executive Session.</p>	
<b>Executive Session, Closed to the Public</b>	<p><u>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 these items:</u></p>	
<b>ES KPC 2024-1</b>	<p><u>Regular Monthly updates by Police Chief Todd Raybuck or his designated Representative related to the Office of Professional Standards Monthly Report on the status 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.</u></p>	
<b>ES KPC 2024-3</b>	<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>	
<b>ES KPC 2024-16</b>	<p><u>Discussion and decision-making on Formal Notarized Citizen Complaint KPC 2024-007, alleging that two officers in the Kauai Police Department were discourteous, provoking, hostile and showed no regard for the complainant's state and safety. (Referred on June28, 2024, to the Police Department Office</u></p>	

SUBJECT	DISCUSSION	ACTION
	<u>of Professional Standards to investigate and report findings to the Commission for disposition)</u>	
<b>ES KPC 2024-17</b>	<u>Discussion and decision-making on Formal Notarized Citizen Complaint KPC 2024-008, alleging that two Officers in the Kauai Police Department were discourteous, provoking, hostile and showed no regard for the complainant's state and safety. (Referred on June28, 2024, to the Police Department Office of Professional Standards to investigate and report findings to the Commission for disposition)</u>	
<b>ES KPC 2024-22</b>	<u>Discussion and decision-making on an Unnotarized Citizen Complaint KPC 2024-010. The complainant alleges that her car was stolen on January 12, 2024, while parked on the north side of the road in Kilauea and named two officers in her complaint.</u>	
<b>ES KPC 2024-4</b>	<u>Under Hawai'i Revised Statutes §§ 92-4 and 92-5(a)(4), the purpose of this executive session is for the Commission to consult with its Attorney concerning the Commission's powers, duties, immunities, privileges, and liabilities as they may relate to the Kauai County Police Commission Administrative Rules of Practice and Procedure proposed draft on Rule 11.</u>	
<b>ES KPC 2024-23</b>	<u>Under Hawai'i Revised Statutes §§ 92-4 and 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 a legal opinion dated July 17, 2024, from the Office of the County Attorney relating to the County of Kauai's Budget Process and the Requirements of the Charter of the County of Kauai § 11.03(B).</u>	

SUBJECT	DISCUSSION	ACTION
<b>ES KPC 2024-24</b>	<p><u>Discussion and possible action regarding Police Chief Todd Raybuck's Performance Evaluation for Fiscal Year for period July 1, 2023 – June 30, 2024. Under Hawaii Revised Statutes §§ 92-4, 92-5 (a)(2), and 92-5(a)(4), this executive session is for the Commission to consider the evaluation of an officer or employee, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held; and to consult with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.</u></p>	
<b>ES KPC 2024-25</b>	<p>Under Hawai'i Revised Statutes §§ 92-4, 92-5 (a)(2), (a)(4), and 92-9(b), the purpose of this executive session is for the Commission to approve or amend the regular executive session minutes of the July 26, 2024 meeting, as publication of the executive meeting minutes would defeat the lawful purpose of the executive meetings they reflect, including the purposes in HRS §§ 92-5(a)(2) and (a)(4).</p>	<p>Chair Yoshida called for a motion to enter Executive Session. A motion was made by Commissioner Hong to enter Executive Session. Commissioner Calma seconded the motion. Hearing no objections, at 11:03 a.m., the Commissioners entered Executive Session.</p>
<b>Return to Open Session/Ratify the actions taken in Executive Session</b>	<p>At 1:14 p.m., the Commission returned to Open Session. It was noted that Commissioner John Calma left the meeting at conclusion of the Executive Session. The following members were present, to-wit: Chair Yoshida, and Commissioners Hertog, Leslie and Hong.</p> <p>DCA Takamura read the actions taken in Executive Session under HRS § 92-4 (b).</p> <p><b><u>ES KPC 2024-1:</u></b> The Commission received a briefing from the Office of Professional Standards. The discussion was not subject to disclosure as disclosure would tend to defeat the purpose of the executive session under HRS 92-4, 92-5 (a) (2).</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Disclosure would defeat the purpose of the executive session. There was no action on the item.</p> <p><b><u>ES KPC 2024-3:</u></b>            No discussion or action taken.</p> <p><b><u>ES KPC 2024-16:</u></b>            The Commission voted to defer the item to its next meeting. Discussions are not subject to disclosure as disclosure would defeat the purpose of the executive session.</p> <p><b><u>ES KPC 2024-17:</u></b>            The Commission voted to defer the item to its next meeting. Discussions are not subject to disclosure as disclosure would defeat the purpose of the executive session.</p> <p><b><u>ES KPC 2024-22:</u></b>            The Commission voted to not receive the complaint on the bases that the complaint was filed untimely and was not notarized under KPC Rule 3-1 (g) (2). The discussion is not subject to disclosure as disclosure would defeat the purpose of the executive session.</p> <p><b><u>ES KPC 2024-4:</u></b>            The agenda item was cancelled.</p> <p><b><u>ES KPC 2024-23:</u></b>            The Commission voted to receive the legal opinion dated July 17, 2024, from the Office of the County Attorney relating to the County's budget process and the requirements of the Charter of the County of Kauai. The discussion is not</p>	

SUBJECT	DISCUSSION	ACTION
	<p>subject to disclosure as disclosure would defeat the purpose of the executive session.</p> <p><b><u>ES KPC 2024-24:</u></b> The item included a discussion with an HR Manager as well as the Commission’s attorney. The discussion is not subject to disclosure as disclosure would defeat the purpose of the executive session. The Commission voted to direct the Boards and Commissions Administrator to amend the draft evaluation pursuant to the Commission’s comments and aligned with the HR Manager’s comments.</p> <p><b><u>ES KPC 2024-25:</u></b> The Commission discussed an amendment and voted to approve the executive session minutes of the Commission’s July 26, 2024; meeting as amended. The discussion is not subject to disclosure as disclosure would defeat the purpose of the executive session.</p>	<p>Chair Yoshida called for a motion to ratify the actions taken in Executive Session. A motion was made by Commissioner Hertog to ratify the actions taken in Executive Session. Commissioner Hong seconded the motion. Hearing no objections, the motion carried.</p>
<b>Adjournment</b>	<p>There being no further business, Chair Yoshida called for a motion to adjourn the meeting.</p>	<p>A motion was made by Commissioner Hong to adjourn the meeting. Vice Chair Leslie seconded the motion. Hearing no objections, the meeting was adjourned at 1:19 p.m.</p>

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

Reviewed and Approved by: \_\_\_\_\_  
Laurie Yoshida, Chair

**(X) Approved as circulated on September 27, 2024**

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