

Ernest Kanekoa, Jr.
Chair

James O'Connor
Vice-Chair

Members:
Charles Iona
Alfredo Nebre, Jr.
Bradley Chiba
Randall Francisco
Donald Okami, Sr.

COUNTY OF KAUAI POLICE COMMISSION
NOTICE OF MEETING AND AGENDA

Friday, December 28, 2012
9:00 a.m. or shortly thereafter
Mo'ikeha Building, Meeting Room 2A/2B
Lihue, Hawaii 96766

CALL TO ORDER

APPROVAL OF MINUTES

- Special Open Session Minutes of November 14, 2012
- Regular Open Session Minutes of November 30, 2012

EMPLOYEE RECOGNITION/COMMENDATION REPORT

- Employees of the month for November: Lieutenant Paul Applegate & Sergeant Elliott Ke (Deferred on 11/30/12)
- Employees of the month for December: Acting Assistant Chief Sherwin "Kaleo" Perez; Acting Captain Dan Miyamoto; Lieutenant Robert Gausepohl; Sergeants Darla Abbatiello, Christopher Calio, and Roderick Green; Officer Alan Santella; Background Investigators Howell Kalehano, Paul Baumung, Eric Arroyo, Karen Padilla; Background Clerk Sheri Nakashima; Department Personnel Assistant Vivian Akina; and Fiscal Officer Daurice Arruda
- Certificates of Appreciation: Dr. David Corey; Polygraphist Brian Fujiuchi; Department of Personnel Staff Members: Malcolm Fernandez, Thomas Takatsuki; Joyce Schuierer, Erin Takekuma; Kathy Tanita, Crystal Fujikawa, and Telissa Agbulos

INTRODUCTION OF NEWLY ELECTED PROSECUTING ATTORNEY JUSTIN KOLLAR

CHIEF'S MONTHLY & QUARTERLY REPORTS

1. Administrative, Technical Services & Training Reports/Orders
2. Fiscal Report
3. Investigative Services Bureau
4. Patrol Services Bureau & Traffic Reports
5. Community Oriented Policing Report Traffic Safety Unit

6. Community Oriented Policing District Reports
7. Chief's Announcements and Pertinent Updates

COMMUNICATIONS

- KPC 2012-48 Communication dated 11/27/12 from James and Susan Fain to Chief Darryl Perry, thanking Sergeant Christian Jenkins, Officers Aaron Bandmann and Clayton Okamoto for helping them with an on-going dispute with their neighbor
- KPC 2012-49 Copy of a news release dated 12/11/12 regarding the names of the newly elected Officers of the Honolulu Police Commission

BUSINESS

- KPC 2012-50 Approval of the 2013 Kauai Police Commission Meeting Schedule
- KPC 2012-51 Election of Chair and Vice-Chair for 2013
- KPC 2012-52 Discussion on the logistics of the State of Hawaii Police Commissioners Conference hosted by the Kauai Police Commission in May 2013
- KPC 2012-53 Public announcement for a Police Commission notarized complaint that was filed against an officer of the County

- ES-56: KPC 2012-27

ANNOUNCEMENTS

Next meeting scheduled for Friday, January 25, 2013 at 9:00 a.m. or shortly thereafter at the Mo`ikeha Building, in Meeting Room 2A/2B – Executive Session to follow.

EXECUTIVE SESSION

ES-33:

Pursuant to the Hawaii Revised Statutes §92-4 and §92-5 (a) (4), the purpose of this Executive Session is for the Commission to consult with its attorney as to the powers, duties, privileges, immunities, and liabilities as they may relate to a Declaratory Action to determine the powers of the Mayor and the powers of the Police Commission. (On-going)

ES-46:

Pursuant to the Hawaii Revised Statutes §92-4 and §92-5 (a) (2) and (4), the purpose of this Executive Session is for the Commission to consult with its attorney as they relate to the hire, evaluation, dismissal, or discipline of an officer or employee of charges brought against the 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 its attorney on matters relating to a hearing procedure for Report of Investigation on Issues in the Kauai Police Department for the County dated June 28, 2012, where it involves consideration of powers, duties, privileges, immunities, and/or liabilities (On-going)

Pursuant to Hawai'i Revised Statute §§92-4, 92-5 (a) (4), 92-9 (a) (1-4) and (b), the purpose of this Executive Session is to receive and approve the following Executive Session minutes and to consult with the Commission's legal counsel on issues pertaining to the Commission's and the County's powers, duties, privileges, immunities, and/or liabilities as they may relate to these items, and to deliberate and take such actions deemed appropriate:

ES-60:

- Special Executive Session Minutes of November 14, 2012
- Regular Executive Session Minutes of November 30, 2012

Pursuant to Hawai'i Revised Statutes §§92-4, 92-5 (a) (2) and (4), the purpose of this Executive Session is to consider the evaluation, dismissal or discipline of an employee or an officer or of charges brought against the 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 legal counsel on issues pertaining to the Commission's and the County's powers, duties, privileges, immunities, and/or liabilities as they may relate to these items, and to deliberate and take such actions deemed appropriate:

ES-59: KPC 2012-28

Notarized complaint filed on 10/19/12 alleging that an officer of the County was unprofessional by using intimidation tactics, abused authority, and made threatening remarks.
(Deferred on 11/30/12)

ES-61: KPC 2012-29

Notarized complaint filed on 12/3/12 alleging that an officer of the County was unprofessional by the way he directed his remarks to the complainant in denying that he had never seen the complainant's car insurance papers.

ES-62: KPC 2012-30

Notarized complaint filed on 12/10/12 alleging that officers of the County stood by while a violation was occurring.

RETURN TO OPEN SESSION

Ratify Police Commission's actions taken in Executive Session for items:
ES-33, ES-46, and ES-59 through ES-62

ADJOURNMENT

EXECUTIVE SESSION

Pursuant to Hawai'i Revised Statutes, ("H.R.S.") §92-7 (a), the Commission may, when deemed necessary, hold an Executive Session on any agenda item without the written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to H.R.S. §92-4 and shall be limited to those items described in H.R.S. §92-5(a). Discussions held in Executive Session are closed to the public.

cc: Deputy County Attorney Jennifer Winn

PUBLIC COMMENTS and TESTIMONY

Persons wishing to offer comments are encouraged to submit written testimony at least 24-hours prior to the meeting indicating:

1. Your name and if applicable, your position/title and organization you are representing
2. The agenda item that you are providing comments on; and
3. Whether you will be testifying in person or submitting written comment only.
4. If you are unable to submit your testimony at least 24 hours prior to the meeting, please provide 10 copies of your written testimony at the meeting.

While every effort will be made to copy, organize and collate all testimony received, materials received on the day of the meeting or improperly identified may be distributed to the members after the meeting is concluded. The length of time allocated to person(s) wishing to present verbal testimony may be limited at the discretion of the chairperson or presiding member.

Send written testimony to:

Kaua'i Police Commission

Attn: Mercedes Omo-Youn

Office Boards and Commissions

4444 Rice Street, Suite 150

Lihue, HI 96766

E-Mail: myoun@kauai.gov

Phone: (808) 241-4920 Fax: (808) 241-5127

SPECIAL ASSISTANCE

If you need an alternate format or an auxiliary aid to participate, please contact the Boards and Commissions Support Clerk at (808) 241-4920 at least five (5) working days prior to the meeting.