

**LAW ENFORCEMENT STANDARDS BOARD THURSDAY,
AUGUST 30, 2022, 10:00 AM**

THIS MEETING WAS HELD AS A VIDEO CONFERENCE
MEMBERS OF THE PUBLIC JOINED IN
THE ZOOM WEBINAR MEETING.

OPEN SESSION MEETING MINUTES

I. Call to Order; Public Notice; Roll Call and Quorum Determination.

The meeting was called to order by Board Chair Todd Raybuck at approximately 10:10 a.m.

A. Call to Order; Public Notice; Roll Call and Quorum Determination.

Present were Board Members: Sherry Bird; Craig Tanaka; Harry Kubojiri (present with Board Member Acting Chief Kenneth Bugado); Acting Chief Kenneth Bugado, representative designated by Chief Paul Ferreria; AG Holly Shikada; Nicholas Courson; Adrian Dhakhwa; Director Max Otani (present with Deputy Director Jordan Lowe); Jason Redulla; Chair Todd Raybuck; David Rodriguez, representative designated by Director Jade Butay; Director Isaac Choy; Chief John Pelletier; and Chief Arthur Logan (present with Deputy Chief Rade Vanic).

All members confirmed they were in a non-public location and not in the presence of persons who had a personal business, property, or financial interest on any issue before the Board at the meeting. The 14 Board Members present constituted a quorum.

Also present were Deputy Attorney General (DAG) Lance Goto, DAG Candace Park, and DAG Lauren Nakamura.

B. Board membership changes:

1. Chief Arthur Logan, Honolulu Police Department
2. Jared Redulla, Narcotics Enforcement Division, Department of Public Safety
3. Chief Paul Ferreria, Hawaii County Police Department is retiring as of August 30, 2022, and will be replaced by Acting Chief Kenneth Bugado.

II. Public Testimony.

Instructions given by Chair Raybuck and DAG Nakamura regarding public testimony. DAG Nakamura confirmed that no testimony had been submitted prior to the meeting. Chair Raybuck asked if there was currently any public testimony on any of the Agenda items. There was none.

III. Approval of Board Minutes for the January 26, 2022 Meeting.

Minutes amended on page 2, Section 5 to reflect AG Shikada's presence and deleted reference to AG Clare Connors. Mr. Dhakhwa made a motion to approve amended minutes of the meeting on January 26, 2022. Motion seconded by Mr. Courson. Solicitation of objections or abstentions. No objections. Minutes approved.

Chair Raybuck made a motion to take agenda items IV and V out of order as these agenda items must be discussed in Executive Session and move to agenda item VII. Chair Raybuck inquired if there was any public testimony regarding agenda items IV and V. Director Choy sought clarification of authority to move discussion of agenda item V(C) into Executive Session pursuant to HRS §92-5(a)(2) in addition to HRS §92-5(a)(4).

Director Choy made a motion take agenda item VII out of order and to discuss agenda items IV and V in Executive Session pursuant to HRS §§92-5(a)(2) and 92-5(a)(4). Motion seconded by Mr. Tanaka. Solicitation of objections or abstentions. No objections.

IV. Proposed Administrative Rules of the Board.

Discussion held in Executive Session pursuant to HRS § 92-5(a)(4).

After returning from Executive Session, Mr. Courson made a motion for to create a Permitted Interaction Group (PIG II) to eliminate any language from the proposed Administrative Rules already addressed in HRS and Roberts Rules, and draft Board By-laws for consideration of the Board, a recommendation whether or not to include Standing Committees within the By-laws; At this time, PIG II is not addressing drafting of Board Administrative Rules. PIG II Board Members to include: Nicholas Courson, Sherry Bird, and Adrian Dhakhwa. Motion seconded by Adrian Dhakhwa. Solicitation of objections or abstentions. No objections. Motion approved.

V. Report on the Board legislation, 2022 Legislative Session (L. Goto).

A. SB 1046 and HB 892 were not passed by the Legislature.

DAG Goto informed the Board that the Legislature did not pass SB 1046 and HB 892 but provided the Board with funding for two positions: (a) Board Administrator (budgeted salary of \$120,000) and (b) Board Office Assistant (budgeted salary of \$44,000). The funding was placed in the Department of the Attorney General's budget for the fiscal year 2022-2023. The positions are funded for half a year, to allow for time to establish, recruit, and fill as early as December 2022.

B. The Legislature included funding for the Board Administrator and Office Assistant in the budget for the Department of the Attorney General. For this first year (2022-2023), the positions are funded for half of the year, to allow for time to establish, recruit, and fill.

The budgeted salaries are:

Administrator	\$120,000
Office Assistant	\$ 44,000

C. Matters raised in the Board legislation that are unaddressed:

Chair Raybuck asked if there was any public testimony on the agenda item. There was none.

DAG Goto informed the Board that as a result of SB 1046 and HB 892 not being passed by the Legislature, the following items sought by the bills remain unaddressed:

1. Deadlines for completing Board duties and responsibilities has passed without extensions being provided.
2. The Board budget does not include funding additional Board costs (e.g. workspace, a contract researcher, travel for board members, and operational costs such as copying and supplies.)
3. The Board Administrator position is not exempt from civil service requirements under Chapter 76, Hawaii Revised Statutes.
4. Law enforcement officer Board members were not increased from two to five law enforcement officers.
5. Only some, rather than all, ex officio members may have designees.
6. Board member terms were not increased from three to four years.
7. Board request to exempt from the certification requirement, those law enforcement officers who were employed before July 1, 2023, and termination of the employment would violate any collective bargaining agreement was denied.

AG Shikada noted that the Department of the Attorney General was attempting to establish the Board Administrator and Office Assistant positions as quickly as possible. Director Choy suggested that the Board work to create a legislative committee to address these issues. AG Shikada advised that the Board attempt to add future Board legislation to the Administration Package, however, the Board should be prepared to also provide any legislation to a legislator who is supportive of the Board and could introduce the legislation on behalf of the Board. Chair Raybuck requested that since the suggestions of Director Choy and AG Shikada are not listed on today's Board agenda, that it be included and further discussed in the next Board meeting. DAG Park agreed that the discussion be included in the next Board meeting agenda and advised that no decision making may be made at this meeting regarding the legislation.

Further discussion on Agenda Item V(C) held in Executive Session pursuant to HRS § 92-5(a)(4) and §92-5(a)(2).

D. Board discussion on the proposed administrative rules

Chair Raybuck asked if there was any public testimony on the agenda item. There was none. The Board discussed this Agenda Item in Executive Session pursuant to HRS § 92-5(a)(4).

E. Establish Permitted Interaction Group to address proposed administrative rules of the Board

After returning from Executive Session, Mr. Courson made a motion for to create a Permitted Interaction Group (PIG II) to eliminate any language from the proposed Administrative

Rules already addressed in HRS and Roberts Rules, and draft Board By-laws for consideration of the Board, a recommendation whether or not to include Standing Committees within the By-laws; At this time, PIG II is not addressing drafting of Board Administrative Rules. PIG II Board Members to include: Nicholas Courson, Sherry Bird, and Adrian Dhakhwa. Motion seconded by Adrian Dhakhwa. Solicitation of objections or abstentions. No objections. Motion approved.

VI. Addressing Board expenses, beyond the salaries of the Administrator and Office Assistant. HRS 26-35(a)(5) and (6).

Chair Raybuck asked if there was any public testimony on the agenda item. There was none.

Lance Goto reported that the Department of the Attorney General was seeking office space to house the two Board personnel, and that the Board may request that the additional Board costs be included within the Department of the Attorney General's budget request. Director Choy asked if hiring process for the two Board personnel would be concluded prior to January 1, 2023. AG Shikada informed that key hiring steps remain outstanding including drafting of position descriptions, approvals from the Department of Human Resources as well as Department of Budget and Finance, or if there are enough qualified applicants.

VII. Employment of the Administrator and Office Assistant HRS 26-35(a)(4).

Chair Raybuck asked if there was any public testimony on the agenda item. There was none.

A. Process for hiring the two employees (AG is currently going through the process of establishing the positions.)

Lance Goto noted that the process was largely covered by the information provided by AG Shikada on Agenda item VI. DAG Goto noted that the Board's civil service employees with be employees of the Board, and not of the Department of the Attorney General even though statutorily, under Section 26-35(a)(4), because the Board is administratively attached to the Department of the Attorney General, while the Board will control employment and hiring, it is subject to the approval of the head of the department and applicable to all personnel laws. Board needs to discuss hiring process, including recruitment and selection of applicants. DAG Goto advised that the Board should consider forming another Permitted Interaction Group (PIG II) who can make recommendations to the Board on hiring procedures. DAG Park advised that the PIG may have up to 7 members, the Board may solicit input from the public and include members that are not on the Board.

Mr. Courson noted that if PIG II is formed, the Board must outline the major goals of the PIG (recommended hiring procedures, recruitment methods, advertising of positions, drafting position descriptions, reviewing applications, conducting interviews, background checks, etc.) as well as the outlining the authority of PIG II (to recommend a hiring process to report back to the Board, conduct preliminary interviews and recommend to the Board top applicants). Mr. Tanaka suggested that the Board create a timeline for hiring given the approaching deadlines previously discussed. AG Shikada noted that the Department of Human Resources has some authority and control over the Office Assistant position (civil service), and will conduct initial screening of

applicants to provide the Board with an Eligibility List, and ensures that the position descriptions not only meet Board needs, but also complies with Human Resources requirements. Director Choy recommended that PIG II be instructed to address the employment process and other matters as directed by the Board. AG Shikada advised that the Department of the Attorney General is available to assist, and that further discussions on details for this agenda item should be held in Executive Session.

AG Shikada made a motion for the Board to form a Permitted Interaction Group (PIG III) to sift through applications, conduct interviews, and/or make preliminary recommendations for hire as a smaller group would be more practicable and efficient than having the full Board participate. Motion seconded by Director Choy. PIG III to include the following Board Members: Nicholas Courson, Adrian Dhakhwa, Chair Raybuck, Chief Pelletier, Jason Redulla, Chief Logan, and Sherry Bird.

B. Oversight of the employees

See supra VII (A).

C. Discussion and decision making regarding Permitted Interaction Group to address employment of Board Administrator and Office Assistant

The Board entered Executive Session pursuant to HRS § 92-5(a)(4) and §92-5(a)(2).

After returning from Executive Session, Mr. Courson made a motion to form a Permitted Interaction Group (PIG III) to coordinate with Department of Human Resources and Department of Attorney General to finalize position descriptions, determine options for hiring, determine what other civil service options are available, to advertise as appropriate, create candidate lists, determine if interviews would be conducted simultaneously for both positions, conduct interviews of lists generated by Department of Human Resources and make recommendations to the Board. Motion seconded by Adrian Dhakhwa. Solicitation of objections or abstentions. No objections. Motion approved. PIG III to include the following Board Members: Nicholas Courson, Adrian Dhakhwa, Chair Raybuck, Jason Redulla, and Sherry Bird.

VIII. Adjournment.

Motion to adjourn the meeting made by Director Choy. Motion seconded by Chair Raybuck.