

**LAW ENFORCEMENT STANDARDS BOARD
THURSDAY, DECEMBER 2, 2022, 8:00 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.

A. Roll Call.

Roll call taken at approximately 8:20 a.m. Present were Board Members: Holly Shikada; David Rodriguez (representative designated by Director Jade Butay); Chairperson Chief Todd Raybuck; Chief John Pelletier; Kenneth Bugado (representative designated by Chief Paul Ferreria); Sherry Bird; Nicholas Courson; Craig Tanaka; and Director Jordan Lowe; Director Tommy Johnson; and Adrian Dhakhwa. 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. Also present were Deputy Attorney General (DAG) Lance Goto, DAG Lauren Nakamura.

B. Quorum Determination.

The 11 Board Members present at the time of roll call constituted a quorum.

II. PUBLIC TESTIMONY.

A. Oral Testimony.

No public members in attendance.

B. Previously submitted Written Testimony.

No public testimony was submitted prior to the meeting.

III. APPROVAL OF BOARD MINUTES FOR THE AUGUST 30, 2022 MEETING.*

**Matters which require consultation with the Board's attorneys on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities, will be discussed in Executive Session pursuant to §92-5(a)(4), HRS.*

A. August 30, 2022 Board Open Session Meeting Minutes.

Motion made by Nicholas Courson to defer August 30, 2022 Board Open Session Meeting Minutes to the next LESB meeting to allow Board Members and public further time to review draft minutes. Motion seconded by John Pelletier. Solicitation of

objections or abstentions. No objections or abstentions. Motion approved.

B. August 30, 2022 Board Executive Session Meeting Minutes.*

Motion made by Nicholas Courson to defer this agenda item to the next LESB meeting to allow Board Members and public further time to review draft minutes. Motion seconded by John Pelletier. Solicitation of objections or abstentions. No objections or abstentions. Motion approved.

IV. REPORT FROM PERMITTED ACTION GROUP REGARDING PROPOSED BY-LAWS AND GOVERNANCE OF THE LAW ENFORCEMENT STANDARDS BOARD.*

**Matters which require consultation with the Board's attorneys on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities, will be discussed in Executive Session pursuant to §92-5(a)(4), HRS.*

Motion made by Adrian Dhakhwa to defer this agenda item to the next LESB meeting to allow Board Permitted Interaction Group to finalize their report for the Board. Motion seconded by Sherry Bird. Solicitation of objections or abstentions. No objections or abstentions. Motion approved.

V. PROPOSED BOARD LEGISLATION.*

** Matters which require consultation with the Board's attorneys on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities, will be discussed in Executive Session pursuant to §92-5(a)(4), HRS.*

Motion made by Holly Shikada to take matter out of order in order to enter Executive Session for discussion pursuant to HRS §92-5(a)(4) as this item may require consultation with the Board's attorney. Motion seconded by Nicholas Courson. Solicitation of objections or abstentions. No objections or abstentions. Motion approved.

Motion made by Adrian Dhakhwa for discussion of Agenda Items 5 and 8 pursuant to HRS §92-5(a)(4), which includes the following:

- A. Matters raised in the Board legislation that are unaddressed including:
1. Deadlines for completing Board responsibilities.
 2. Other Board costs such as workspace, a contract researcher, travel for board members, and operational costs such as copying and supplies.
 3. Board Administrator is not exempt from civil service requirements under Chapter 76, Hawaii Revised Statutes.
 4. Five, instead of two, law enforcement officer members.
 5. Designees for all ex officio members.
 6. Extend the terms of the members from three to four years.
 7. Excepting 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; and

B. Review of proposed legislation.

Motion seconded by Nicholas Courson. Solicitation of objections or abstentions. No objections or abstentions. Motion approved, and the Board entered Executive Session at 8:39 a.m.

C. **Discussion and decision-making regarding proposed legislation**

Board returned from Executive Session at 10:06 a.m.

Roll call taken at approximately 10:06 a.m. Present were Board Members: Holly Shikada; David Rodriguez (representative designated by Director Jade Butay); Jason Redulla; Chairperson Chief Todd Raybuck; Chief John Pelletier; Kenneth Bugado (representative designated by Chief Paul Ferreria); Sherry Bird; Jared Redulla; Nicholas Courson; Adrian Dhakhwa, and Craig Tanaka. 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. Also present were Deputy Attorney General (DAG) Lance Goto, DAG Lauren Nakamura.

Motion to approve the Board proposed legislation as revised in Executive Session for the next legislative session made by Nicholas Courson. Motion seconded by Craig Tanaka. Solicitation of objections or abstentions. No objections or abstentions. Motion approved.

VI. **UPDATE ON BOARD BUDGET REQUEST.**

A. **LESB Board budget inclusion in Attorney General Budget proposals**

DAG Lauren Nakamura reported that the Board budget request was included in the Attorney General's budget proposal for a total of \$278,000 with the following line items:

- Administrator: \$60,000
- Office Assistant: \$22,000
- Special Projects and Consultation: \$81,000
- Lease Payment: \$54,000 (5) Copier: \$14,000
- Supplies: \$6,000
- Telephone: \$6,000
- Licenses, memberships, dues: \$5,000
- Postage: \$12,000
- Travel: \$18,000

Chair Raybuck reported that previous funding requests by the Board to the legislature sought funds to hire and support the aforementioned listed items.

Chair Raybuck noted the presence of a member of the public in the Open Session, and instructions given by DAG Nakamura regarding public testimony. Chair Raybuck asked if there was currently any public testimony on this agenda item. There was none.

B. Discussion and decision-making regarding Budget Request

Nicholas Courson asked if the Administrator salary budget request (\$60,000) was the total salary or reflects a supplement. Adrian Dhakhwa confirmed that the \$60,000 was half of the requested salary as this request is for the second half of the fiscal year. Chair Raybuck thanked the Attorney General's office for including the Board budget request as a part of the AG Budget request.

Motion made by John Pelletier to approve the Board's proposed budget request as a part of the Attorney General's budget request. Motion seconded by Adrian Dhakhwa. Solicitation of objections or abstentions. No objections or abstentions. Motion approved.

After returning from Executive Session and pursuant to Board approval of a revisit Agenda Item 6, Holly Shikada made a motion to amend the Board Budget Request for Special Projects and Consultation be amended from \$81,000 to \$120,000. Motion seconded by Jared Redulla. Solicitation of objections or abstentions. No objections or abstentions. Motion approved.

VII. REPORT FROM PERMITTED INTERACTION GROUP REGARDING BOARD STAFFING.* (Courson, Raybuck, Dhakhwa, Bird, Jason Redulla)

** Matters which require consultation with the Board's attorneys on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities, will be discussed in Executive Session pursuant to §92-5(a)(4), HRS.*

A. Permitted Interaction Group Report regarding:

1. *Position Descriptions for Board Administrator and Office Assistant, HRS 26-35(a)(4)*
 - a. *LESB Administrator – budgeted salary of \$120,000*
 - b. *LESB Office Assistant – budgeted salary of \$44,000*

Adrian Dhakhwa reported that the Board Permitted Interaction Group had finalized the position descriptions but needed further time to accomplish the remaining tasks stated in Agenda item 7(A). Adrian Dhakhwa made a motion to defer the following agenda items to a subsequent meeting:

2. *Consultations with Human Resources regarding employment options*
3. *Advertisement of Board positions*
4. *Candidate List for Board positions*
5. *Review of candidate resumes and conducting interviews of candidates*

Motion seconded by Nicholas Courson. Solicitation of objections or abstentions. No objections or abstentions. Motion approved.

VIII. ANNUAL REPORT ON THE LAW ENFORCEMENT STANDARDS BOARD.*

** Matters which require consultation with the Board's attorneys on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities, will be discussed in Executive Session pursuant to §92-5(a)(4), HRS.*

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

A. Report from Attorney General's Office regarding proposed Report on Law Enforcement Standards Board pursuant to Section 139-9, Hawaii Revised Statutes submitted to the Thirty Second State Legislature Regular Session of 2023.

DAG Nakamura shared a draft of the Board Annual Report prepared by the Department of the Attorney General. Section One provides information regarding the Board including its purpose and enumerated duties of the Board as stated in HRS 139-3. Section Two summarized the activities of the Board during 2022 during meetings held January 26, 2022, August 30, 2022, and December 2, 2022.

B. Discussion and decision-making regarding Report on Law Enforcement Standards Board pursuant to Section 139-9, Hawaii Revised Statutes submitted to the Thirty Second State Legislature Regular Session of 2023.

Motion made by Nicholas Courson to take matter out of order in order to enter Executive Session for discussion pursuant to HRS §92-5(a)(4) as this item may require consultation with the Board's attorney, and revisions to the Board annual report may be necessary after discussion is held on Board proposed legislation held in Executive Session. Motion seconded by Adrian Dhakhwa. Solicitation of objections or abstentions. No objections or abstentions. Motion approved.

After returning from Executive Session, revisions made during Executive Session to the proposed draft of the Board Annual Report were reviewed. Revisions made to the proposed draft were for the purpose of notation for the December 2, 2022 meeting. Holly Shikada recommended that the Board increase the budget request for Special Projects and Consultation be increased to provide some cushion if the Board should determine a need for further projects beyond the matters currently being pursued by the Board. Chairperson Raybuck agreed with Holly Shikada and noted that further review and information provided by analysts determined that the current proposed budget request is too low. Adrian Dhakhwa inquired if the Special Projects and Consultation budget request was for half of a fiscal year; Holly Shikada stated that doubling the budget request in this area may not be necessary, recommended that the Board request \$120,000, and this increase would also be reflected in the AG Budget request as well. No objections to the increase recommendation and amount of request.

Motion to amend the Board Budget Request (Agenda Item 6) made by Adrian Dhakhwa. Chief Raybuck recommended deferring the motion to when the Board revisits Agenda Item 6. Motion to move to Agenda Item 6 made by Jared Redulla and seconded by Adrian Dhakhwa. Solicitation of objections or abstentions. No objections or abstentions. Motion approved.

Motion to approve Board Annual Report as drafted made by Jared Redulla. Motion seconded by Craig Tanaka. Solicitation of objections or abstentions. No objections or abstentions. Motion approved.

IX. ADJOURNMENT.

Chairperson Raybuck acknowledged and thanked Attorney General Holly Shikada for her leadership, assistance, and guidance as a Board member and as the Attorney General. The Board would not be able to achieve its goals without the full support of the Department of the Attorney General. Holly Shikada thanked the Board members for their participation as Board members, and for their service to the public.

Motion to adjourn made by Jared Redulla. Meeting adjourned.