

BERNARD P. CARVALHO, JR.
Mayor



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Managing Director

COUNTY OF KAUA'I

OFFICE OF THE MAYOR

News Release

For Immediate Release: February 22, 2012

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**STATEMENT BY MAYOR BERNARD CARVALHO JR. REGARDING
THE KAUA'I POLICE DEPARTMENT**

"The actions of Chief Darryl Perry over the past 24 hours require that I make a statement about the current affairs of the Kaua'i Police Department.

"First of all, I would like to state that it is still my belief, based on advice from legal counsel, that I have the authority to supervise the daily activities of the Chief and that I have acted within my authority for all actions taken regarding this matter. The members of the Police Commission have been advised of this as well.

"As you know, on February 2, I made an announcement that the Chief of Police had been placed on leave pending the outcome of the investigation of the complaint in question. I want to make it absolutely clear that this action was taken upon the request of the Chief. Initially, when the Chief made this request on January 30, I felt that there was no need to place him on leave and that he could continue to lead the department under certain conditions that would preserve the integrity of the compliant investigation. After I advised the Chief that I would not be placing him on leave, he sent an email to the Police Commission on that same day – January 30 - asking them to pressure me into placing him on leave. I am providing you with a copy of that email so that you can see how emphatically he felt about being placed on leave.

(more)

“After further discussions on January 31 and February 1, it was determined that the Chief’s concerns had merit, and that an appropriate course of action would be to place him on leave until the complaint was properly addressed. There has been public speculation and statements regarding the type of leave the Chief was placed on. Because this is a personnel matter, I will release no details on that aspect of this matter.

“On Sunday, February 19, I was informed by Police Commission Chair Ernie Kanekoa that the Commission wanted the Chief to return to the job as soon as possible. I listened to his reasons and, although the Chief had previously made a strong case for why he should be placed on leave in the best interests of all involved, I was willing to talk to the Chief and better understand the reasons for his change of heart. I asked that Ernie and the Chief be available to discuss this with me on Tuesday, February 21, at 3:00 pm. My intent was to determine if conditions could be agreed upon that would protect the interests of all involved in the complaint so that Chief Perry could return to work.

“It is important to remember - above all else - that I have been served with a complaint that involves Chief Perry and other high-ranking officials in the department. It is my legal responsibility - which I take very seriously - to ensure that complaint is handled properly.

“Unfortunately, yesterday afternoon Ernie advised us that the Chief, on advice of his attorney, would not meet with us. This meeting was very important before we could even consider bringing the Chief back to work. In earlier discussions I've had with the Chief on this matter, he expressed deep concerns about protecting the integrity of the investigation, the department, County of Kaua’i, and his personal interest with respect to further risk and exposure to himself and his family if he were to continue working while the complaint was being investigated. I had my own concerns for protecting the interests of all involved in the complaint. For those reasons, I feel it is very important to have a shared understanding of the terms under which the Chief could return to work while the complaint is being investigated. Unfortunately for all concerned, the Chief refused to meet and chose instead to communicate through the media.

(more)

“I have been open and willing to talk to the Chief and the Commission Chair, and I am disappointed in the way this has been handled over the past 24 hours. It is still my strong belief that I have the authority - and the responsibility - to take the actions that I have taken. It is also my strong belief that we should not rush into decisions in the middle of such a highly sensitive set of circumstances - where there are more than just the interests of Chief Perry involved. The health and safety of the people of Kaua'i has never been in question. The department is in capable hands under the leadership of Acting Chief Michael Contrades and Acting Deputy Chief Mark Begley, and there was no need to rush into this decision before proper discussion had taken place. The Chief will remain on leave until we have discussed and agreed upon terms of his return.

“Finally, I wish to acknowledge that there has been much said about my authority to place the Chief on leave. As I have stated before, I believe the Charter gives me that authority and have been advised as such by the County Attorney. The Chief even acknowledges this in his email of January 30. We are comfortable defending that position in front of an appropriate judicial authority, should it come to that. Mahalo.”

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(Chief Perry's email of January 30, 2012 follows)

Mayors statement on Kauai Police Department

February 22, 2012

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From: Darryl Perry <dperry@kauai.gov>

Date: January 30, 2012 5:34:06 PM HST

To: "Alfredo Nebre ([REDACTED])" <[REDACTED]>, "Bradley Ichiro Chiba ([REDACTED])" <[REDACTED]>, "Charlie Iona ([REDACTED])" <Charlie.Iona@kauai.gov>, "Donald K. Okami Sr." <[REDACTED]>, Ernie Kanekoa Jr. <[REDACTED]>, "Jim O'Connor ([REDACTED])" <[REDACTED]>, Randall Francisco <[REDACTED]>

Cc: Gary Heu <GHeu@kauai.gov>, Alejandre Quibilan <aquibilan@kauai.gov>, Henry Barriga <HBarriga@kauai.gov>, Justin Kollar <jkollar@kauai.gov>, Mark Begley <MBegley@kauai.gov>, Michael Contrades <mcontrades@kauai.gov>, Roy Asher <rasher@kauai.gov>, Sherwin Perez <sperez@kauai.gov>

Subject: Administrative Leave With Pay

Aloha Chair Kanekoa, Vice Chair O'Connor, and Commissioners,

As you know, AC Quibilan and AC Asher were placed on administrative leave with pay at the closing of this business day pending the outcome of the investigations relating to hostile working environment complaints initiated by an officer.

Additionally, at this morning's meeting I too was placed on notice by the Mayor for my involvement relating to the most recent complaint against AC Quibilan.

In order to protect the integrity of the investigation, the department, County of Kauai, and personal interest with respect to further risk and exposure to myself and family, I too was about to put myself on administrative leave with pay at the close of this business day. However, I was informed by KPD's legal advisor, Justin Kollar, that I do not have the authority to do that.

Therefore, I am requesting that this body contact the Mayor's Office as soon as is practical to have my request approved without delay.

In the interim, Deputy Chief Michael Contrades shall be the Acting Chief of Police and Assistant Chief Mark Begley will be the Acting Deputy Chief until further notice and/or modifications are made.

I will send a notification to All KPD at the end of the day and will be turning in my equipment immediately in accordance with policy and procedure.

Because I will not have access to departmental communications systems, you may contact me directly via my cell phone [REDACTED], or by email [REDACTED].

Mahalo. Chief Perry

Darryl D. Perry

Chief of Police

Kauai Police Department

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