



RESOLUTION

REQUESTING THE HONOLULU POLICE DEPARTMENT AND THE DEPARTMENT OF THE PROSECUTING ATTORNEY TO JOINTLY REVIEW AND MAKE ANY NECESSARY IMPROVEMENTS TO THEIR ARREST AND PROSECUTION PROCEDURES IN "DRIVING UNDER THE INFLUENCE" CASES.

WHEREAS, driving while intoxicated continues to be a serious problem in Hawaii as evidenced by the 4,680 arrests reported by the Honolulu Police Department (HPD) for operating a vehicle under the influence of an intoxicant, more commonly known as "DUI," made in 2014; and

WHEREAS, according to the National Highway Traffic Safety Administration, in 2013, 33 percent of traffic fatalities in Hawaii involved drivers with a blood alcohol content above the legal limit; and

WHEREAS, according to a recent investigation by KHON2, the HPD made over 8,200 arrests for driving under the influence (DUI) over the past two years, but more than 2,200 of the cases, or more than 27 percent, with charges were dismissed; and

WHEREAS, the KHON2 investigation indicated that a lack of coordination between the HPD and the Department of the Prosecuting Attorney (PAT), as shown by incidents such as the nonappearance by police officers at scheduled DUI court hearings and delays in prosecution, may be responsible for repeated continuances that eventually resulted in dismissals of the cases; and

WHEREAS, on November 25, 2015, the Supreme Court of the State of Hawaii issued its decision in the case of State v. Won, holding that the defendant's consent to a breath test for blood alcohol was not voluntary, having been given under threat of imprisonment under a State statute making it a crime to refuse to take the test, and evidence obtained thereby could not be used against the defendant; and

WHEREAS, Honolulu Prosecuting Attorney Keith Kaneshiro has stated that the Supreme Court's ruling in State v. Won will probably make it harder to prosecute DUI cases; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the HPD and the PAT are requested to jointly conduct a thorough and expeditious review of the arrest and prosecution procedures in DUI cases and make any changes necessary to ensure timely and effective prosecution of the cases; and



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BE IT FURTHER RESOLVED that the HPD and the PAT are requested to submit to the Council, no later than six months after the adoption of this resolution, a joint report on the findings of the review and any changes made to the procedures; and

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Chief of Police and the Prosecuting Attorney of the City and County of Honolulu.

INTRODUCED BY:

Kyulief Poni (BR)

DATE OF INTRODUCTION:

MAR - 3 2016

Honolulu, Hawaii

Councilmembers

201603-0 11:49 AM
COUNCIL CLERK

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 16-60

Introduced: 03/03/16

By: KYMBERLY PINE – BY REQUEST

Committee: EXECUTIVE MATTERS AND
LEGAL AFFAIRS

Title: RESOLUTION REQUESTING THE HONOLULU POLICE DEPARTMENT AND THE DEPARTMENT OF THE PROSECUTING ATTORNEY TO JOINTLY REVIEW AND MAKE ANY NECESSARY IMPROVEMENTS TO THEIR ARREST AND PROSECUTION PROCEDURES IN "DRIVING UNDER THE INFLUENCE" CASES.

Voting Legend: * = Aye w/Reservations

CC-51 MENOR – Re-referral from Committee on Public Health, Safety & Welfare to the Committee on Executive Matters & Legal Affairs Committee.

04/26/16 EXECUTIVE
MATTERS AND
LEGAL AFFAIRS

CR-133 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.

05/04/16 COUNCIL

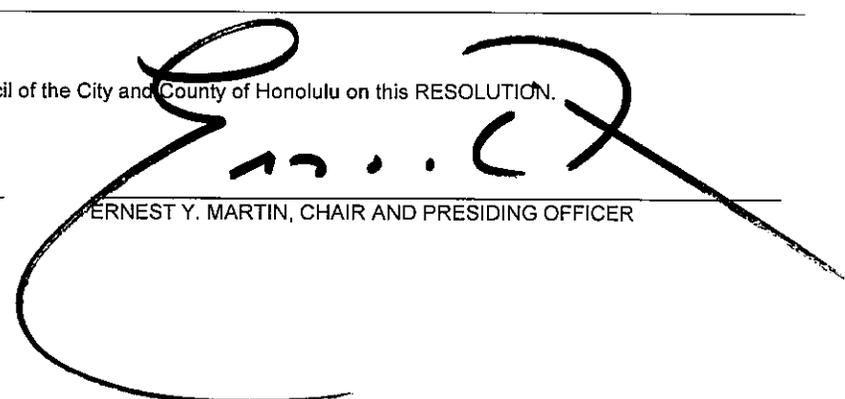
CR-133 AND RESOLUTION 16-60 WERE ADOPTED.

9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN,
MENOR, OZAWA, PINE.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.



GLEN I. TAKAHASHI, CITY CLERK



ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER